

Agenda

Planning Committee Meeting

Date: Thursday, 15 January 2026

Time 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT

Membership:

Councillors Monique Bonney, Andy Booth (Chair), Hayden Brawn, Ann Cavanagh, Lloyd Chapman, Simon Clark (Vice-Chair), Kieran Golding, James Hunt, Elliott Jayes, Peter MacDonald, Peter Marchington, Claire Martin, Ben J Martin, Julien Speed, Paul Stephen, Terry Thompson and Tony Winckless.

Quorum = 6

Pages

Recording and Privacy Notice

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1. Emergency Evacuation Procedure

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- (a) The fire alarm is a continuous loud ringing. In the event that a fire drill is planned during the meeting, the Chair will advise of this.
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- (d) Anyone unable to use the stairs should make themselves known during this agenda item.

2. Apologies for Absence

3. Minutes

To approve the Minutes of the Extraordinary Meeting held on 25 November 2025 (Minute Nos. to-follow) and the Meeting held on 4 December 2025 (Minute Nos. to-follow) as correct records.

4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves, their families or friends.

The Chair will ask Members if they have any disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPIs) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interests, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.

Part B reports for the Planning Committee to decide

5 - 8

The Council operates a scheme of public speaking at meetings of the Planning Committee. All applications on which the public has registered to speak will be taken first. Requests to speak at the meeting must be registered with Democratic Services (democraticservices@swale.gov.uk or call 01795 417328) by noon on Wednesday 14 January 2026.

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|----|---|----------|
| 5. | Deferred Item 1 - 25/500115/FULL - The Abbey School, Faversham
ME13 8RZ | 9 - 46 |
| 6. | 2.1 - 24/503414/FULL - Abbey Works, Abbeyfields, Faversham, Kent,
ME13 8HX | 47 - 58 |
| 7. | 2.2 - 25/502450/FULL - The Leas, Minster-on-Sea, Kent, ME12 2NL | 59 - 72 |
| 8. | Part 5 applications | 73 - 138 |

Decisions by County Council and Secretary of State, reported for information.

Issued on Tuesday, 6 January 2026

The reports included in Part I of this agenda can be made available in alternative formats. For further information about this service, or to arrange for special facilities to be provided at the meeting, please contact democraticservices@swale.gov.uk. To find out more about the work of this meeting, please visit www.swale.gov.uk.

**Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

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SWALE BOROUGH COUNCIL

PLANNING SERVICES

Planning Items to be submitted to the Planning Committee

15th January 2026

Standard Index to Contents

DEFERRED ITEMS Items shown in previous Minutes as being deferred from that meeting may be considered at this meeting

PART 1 Reports to be considered in public session not included elsewhere on this Agenda

PART 2 Applications for which permission is recommended

PART 3 Applications for which refusal is recommended

PART 4 Swale Borough Council's own development; observation on County Council's development; observations on development in other districts or by Statutory Undertakers and by Government Departments; and recommendations to the County Council on 'County Matter' applications.

PART 5 Decisions by County Council and the Secretary of State on appeal, reported for information

PART 6 Reports containing "Exempt Information" during the consideration of which it is anticipated that the press and public will be excluded

ABBREVIATIONS: commonly used in this Agenda

CDA Crime and Disorder Act 1998

GPDO The Town and Country Planning (General Permitted Development) (England) Order 2015

HRA Human Rights Act 1998

SBLP Swale Borough Local Plan 2017

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INDEX OF ITEMS FOR PLANNING COMMITTEE – 15th January 2026

- Minutes of last Planning Committee Meeting
- Deferred Items
- Minutes of any Working Party Meetings

DEFERRED ITEMS

D.1	25/500115/FULL	FAVERSHAM	The Abbey School ME13 8RZ
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PART 2

2.1	24/503414/FULL	FAVERSHAM	Abbey Works, Abbeyfields
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2.2	25/502450/FULL	MINSTER-ON-SEA	The Leas, Minster-on-sea
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PART 5

5.1	19/500035/OPDEV	MINSTER-ON-SEA	Cripps Farm, Plough Road
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5.2	25/500235/FULL	EASTCHURCH	10 Hustlings Drive, ME12 4JX
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5.3	19/500899/OPDEV	MILSTEAD	Broad oak Farm, ME9 0RS
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5.4	25/500375/FULL & 25/500376/LBC	FAVERSHAM	Stonebridge Lodge, ME13 7RU
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5.5	25/501334/FULL	HARTLIP	Land Adjacent Matts Hill Farm Industrial Estate, ME9 7UY
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5.6	25/500647/FULL	SITTINGBOURNE	Land rear of 67 High Street, ME10 2AR
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5.7	23/504264/OUT	GRAVENEY	Land At Sandbanks Lane And Seasalter Road
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5.8	25/500838/OUT	LOWER HALSTOW	Callum Park Basser Hill
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5.9	23/504263/OUT	GRAVENEY	Land West Of Head Hill Road
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PLANNING COMMITTEE – 15th January 2026

DEFERRED ITEM

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

DEF 1 REFERENCE NO – 25/500115/FULL		
PROPOSAL Construction of a synthetic turf pitch including spectator area, goal storage, storage container for maintenance equipment, and associated fencing, installation of LED floodlighting, and extension of the existing car park to create 89no. new spaces.		
SITE LOCATION The Abbey School, London Road, Faversham, Kent ME13 8RZ		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions and securing or payment of the BNG monitoring fee.		
APPLICATION TYPE Full Planning Application		
REASON FOR REFERRAL TO COMMITTEE Cllr Ben Martin has requested that the application be determined by the Planning Committee due to the high level of public interest and number of comments both supporting and objecting to the proposal.		
CASE OFFICER – Ben Oates		
WARD Watling	PARISH / TOWN COUNCIL Faversham Town Council	APPLICANT Mr Kyle Taylor AGENT Labosport Ltd
DATE REGISTERED 10/02/2025		TARGET DATE 31/07/2025
BACKGROUND PAPERS AND INFORMATION: The full suite of documents submitted and representations received pursuant to the above application are available via the link below: - https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SPTW8KTYFFQ00		

1. INTRODUCTION

- 1.1 This application was initially reported to Planning Committee on 4th December 2025, with a recommendation that permission be granted. The original Committee report is attached at Appendix A.
- 1.2 The Planning Committee resolved to defer the determination of the application. The minutes from the 4th December 2025 Committee meeting will be available elsewhere on the agenda for this Planning Committee meeting. The application was deferred to allow officers to liaise with the applicants to seek further details of the proposed acoustic fence, which is proposed to mitigate noise impacts on the neighbouring property. Members of the Planning Committee requested to have more detail before them about the quality of the proposed acoustic fencing and its construction.

2. RESPONSE TO THE REASONS FOR DEFFERAL

- 2.1 The applicant has submitted further details of the proposed acoustic fencing, including plans, elevations, sections, a brochure and a planning statement addendum. A supporting letter from the applicant's acoustic consultant has also been provided confirming that the proposed acoustic fence would effectively mitigate noise impacts. The proposed barrier would include an absorbent layer on the side facing the sports pitch to mitigate noise bouncing off the fence and effecting other properties.
- 2.2 Minor amendments are also proposed, which includes extending the pitch fencing to attach to the acoustic barrier to prevent vandalism and a gate is included for maintenance access. Soft landscaping is also now proposed to the southern side of the acoustic fence to soften its appearance. The details, implementation and retention of this soft landscaping along with the proposed landscaping throughout the rest of the site, are secured by conditions 19 and 20.

3. UPDATE FROM PREVIOUS COMMITTEE MEETING

- 3.1 The Council's Environmental Health Officer has reviewed the materials submitted for the proposed acoustic fence. They have advised that the information provided demonstrates that this will exceed the 10 kg/m² guideline of ISO 9613-2:1996 nearly threefold, achieving a 32dB reduction provided that it is installed correctly and maintained afterwards. To fully demonstrate the effect of the proposed acoustic fence the Environmental Health officer recommends a mitigation verification condition for this to be assessed following installation, which is set out below (Condition 25) and included accordingly.
- 3.2 Condition 21 was recommended to secure the installation of the proposed acoustic fence. This condition has been updated to secure this installation in accordance with the details submitted since the previous committee meeting. Condition 2, which secures the approved drawings, is also updated to reflect the updated drawings.
- 3.3 At the previous meeting, an inconsistency between the proposed hours of use stated in the report and conditions was identified. The hours of use that were set out at

paragraphs 7.6.4 of the original Committee Report were the hours that were set out within the application form. Those stated within the condition reflect the restriction that applies to the existing pitch at the wider site. The committee sought to ensure that condition (24) limited the hours of use of the proposed pitch in a manner that matches the hours of use of the existing pitch. The condition wording is retained as previously recommended as this matches the existing hours of use. The condition wording is set out again below for clarity. The applicant has also confirmed that they accept the restricted hours of use as per the recommended condition.

3.4 There have been no further representations formally received by the Local Planning Authority.

3.5 Conditions:

2. Drawings

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below.

- | | |
|---------------------------------|------------------------------------|
| • 24-0316 (G-224120) 02 Rev 08 | Site Plan |
| • 24-0316 (G-224120) 03 Rev 06 | Pitch Layout |
| • 24-0316 (G-224120) 07 Rev 04 | Car Park Development Layout |
| • 24-0316 (G-224120) 05A Rev 01 | Elevations A |
| • 24-0316 (G-224120) 05B Rev 01 | Elevations C |
| • 24-0316 (G-224120) 10 Rev 01 | Proposed Site Levels Cross Section |
| • 24-0316 (G-224120) 11 Rev 04 | Cut and Fill Calculations |
| • 24-0316(G-224120) 12 Rev 01 | Cross Section Acoustic Barrier |

Reason: For the avoidance of doubt and in the interests of proper planning.

21. Acoustic Fence

Prior to the first use of the development hereby approved, the 3m high acoustic fence shall be constructed and retained thereafter for the lifetime of the development in full accordance with the details shown in drawings: 24-0316 (G-224120) 03 Rev 06 - Pitch Layout, 24-0316(G-224120) 12 Rev 01 - Cross Section Acoustic Barrier, J7/01043 - Jakoustic Fencing System.

Reason: In the interests of residential amenity.

24. Hours of Use

The use of the development hereby permitted shall be limited to between the hours of 07.00 to 21.30 on Mondays to Fridays, between 09.00 and 18.00 on Saturdays, and between 10.00 and 18.00 Sundays and Bank Holidays.

All floodlighting on site must be extinguished by 21.30 Monday to Friday and by 18.00 on Saturdays, Sundays and Bank Holidays, or within 15 minutes after last use of the facility, whichever is the sooner.

The floodlighting hereby permitted shall be completely extinguished when the facilities are not in use, and/or within 15 minutes of its last use.

Reason: In the interests of the amenities of the locality.

25. Acoustic Verification Report

Within 3 months of commencement of the use of the Synthetic Turf Pitch hereby approved, a final acoustic assessment and verification report completed by a suitably qualified and competent person shall be submitted to and approved by the Local Planning Authority. The assessment and report shall verify that all required mitigation has been implemented and that it provides the mitigation as stated in the acoustic report provided (Noise Impact Assessment – ref: 10964 Rev B, dated: 17/12/2024).

Reason: In the interests of residential amenity.

4. CONCLUSION

- 4.1 The additional information provided is considered to address the matters raised that led to the deferral of the application. The additional and amended conditions will sufficiently secure the provision of the proposed mitigation. The application therefore remains recommended for approval as set out in the previous committee report and subject to the updated conditions above.



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2.3 REFERENCE NO – 25/500115/FULL		
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1. SITE LOCATION AND DESCRIPTION

- 1.1 The application site forms part of The Abbey School, which is located on the southern side of London Road within the settlement boundaries of Faversham. The site includes playing fields and open space areas adjoining the existing synthetic sports pitch and one of the sports centre buildings. The site boundary also includes the existing vehicular access off London Road and parking areas associated with the school.
- 1.2 The site is bound by Brogdale Road to the west and areas and areas of open space, playing fields and facilities associated with The Abbey School to the south and east. A single 2-storey dwelling is located nearby the site to the south. Adjoining the site to the

west on the opposite side of Brogdale Road and to the north on the opposite side of London Road are 2-storey dwellings.

- 1.3 The vehicular access is also a designated Public Right of Way (PROW) whilst the trees lining the field and adjoining Brogdale Road to the west are subject to Tree Protection Orders (TPOs). The site is not within a conservation area and does not contain any listed buildings, however part of the Faversham Town Conservation Area is located nearby on the opposite side of Brogdale Road, which includes the grade II listed Chapel House. The grade II listed Malthouse and Oasthouse at Perry Court Farm is also located nearby to the south of the site.

2. PLANNING HISTORY

- 2.1 The Abbey School has an extensive planning history of applications primarily associated with the school buildings and facilities, which are outside of the subject site boundary. The applications considered relevant to this application are provided below:
- 2.2 SW/10/0545 – Construction of a 3G synthetic training pitch with fencing and floodlights, dimensions 106 x 70m and goal storage recesses. Extension to the car park to the front of the sports centre.
Approved (KCC) – 13/12/2010
- 2.3 SW/04/0215 – Provision of a four-court sports hall, complete with changing facilities stores etc. Rationalisation and extension of existing parking facility to accommodate 33 car spaces.
Approved (KCC) – 05/04/2004

3. PROPOSED DEVELOPMENT

- 3.1 Planning permission is sought for the construction of a Synthetic Turf Pitch (STP) including a storage container for maintenance equipment, associated fencing, installation of LED floodlighting. The proposal also includes an extension to the existing car park and landscaping to supplement the existing vegetated area to the northern part of the site.
- 3.2 The proposed STP would cover a total area of 106m x 70m (7,420sqm), which includes a full-size football pitch with additional FA recommended 3m safety run off to achieve FA Guidelines for 11-per-side play, with additional cross play line markings for smaller games. The STP is surrounded by 4.5m high dark green fencing, which extends out to the eastern side to accommodate a spectator area and is separated from the pitch by a 1.2m fence. The main fence also extends out slightly at the northern and southern ends to accommodate goal storage areas.
- 3.3 A storage container is also proposed within the spectator area to accommodate maintenance equipment, which is 2.5m wide, 2.6m tall and 6.2m long. Six new 15m tall columns are proposed surrounding the STP to accommodate an LED floodlighting system. A 3m tall acoustic fence is also proposed along the southern side of the STP.

- 3.4 The proposed extension of the existing car park to the south of the existing sports centre would create 89no. new parking spaces and includes associated landscaping and four 8m tall lighting columns. It is also proposed to install four lighting columns to light the existing car park.
- 3.5 The proposal was revised during the course of the application to provide additional planting to the car park extension and along the northern boundary of the site, addressing comments from KCC Ecology and the SBC Urban Design officer. Additional cycle parking spaces were also provided to address comments from the SBC Climate Change officer. Clarification was also provided to address comments made by KCC Highways.

4. REPRESENTATIONS

4.1 Public Consultation

- 4.1.1 One round of public consultation has been undertaken, during which letters were sent to neighbouring occupiers. A notice was displayed at the application site and the application was advertised in the local newspaper. Full details of representations are available online.
- 4.1.2 During the consultation 70 letters of representation were received, including 18 objections, 52 letters in support of the proposal.
- 4.1.3 The letters of objection raised the following:

Comments	Report Reference
Existing pitch already causes excessive noise (whistles, shouting, ball strikes) and impacts adjoining residential properties.	Noise impacts are discussed in section 7.6 of this report.
Noise report deemed inaccurate and not representative of actual usage.	Noise impacts are discussed in section 7.6 of this report.
Concerns about late-night use (until 10pm) impacting sleep and enjoyment of gardens.	Noise impacts are discussed in section 7.6 of this report.
Floodlights cause glare into homes and disrupt wildlife (e.g., bats).	Light impacts are discussed in section 7.6 of this report.
Extended hours of use intensify light disturbance.	Light impacts are discussed in section 7.6 of this report.
Loss of green space and natural habitat (birds, foxes, badgers, etc.).	Ecology impacts are discussed in section 7.7 of this report.
Concerns about microplastics and chemical leaching from synthetic turf.	Contamination is discussed in section 7.9 of this report.
Increased surface water runoff and drainage issues.	Drainage is discussed in section 7.10 of this report.

Increased congestion at A2 junction and surrounding roads.	Highways impacts are discussed in section 7.8 of this report.
Overflow parking in residential streets causing safety hazards.	Highways impacts are discussed in section 7.8 of this report.
Lack of safe pedestrian crossings for mobility-impaired users.	Highways impacts are discussed in section 7.8 of this report.
Other pitches already approved or planned (Salters Lane, Duchy development).	The principle of development is discussed in section 7.1 of this report.
Suggestion that the Abbey School is not the right location for another pitch.	The principle of development is discussed in section 7.1 of this report.

4.1.4 CPRE Kent (The Countryside Charity) also object to the application on the following grounds:

Comments	Report Reference
Artificial lighting disrupts nocturnal animals, birds, and insects.	Ecology impacts are discussed in section 7.7 of this report.
The area is sensitive to increased light pollution; 15m floodlights would worsen sky glow and result in further loss of dark skies.	Light impacts are discussed in section 7.6 and 7.7 of this report.
Nearby residents already experience disruption from existing floodlighting.	Light impacts are discussed in section 7.6 of this report.
The development would increase traffic near the A2 and surrounding roads, worsening existing congestion.	Highways impacts are discussed in section 7.8 of this report.
Risks to motorists and pedestrians would rise.	Highways impacts are discussed in section 7.8 of this report.
Lack of clarity on transport mitigation measures and promotion of sustainable modes of transport.	Highways impacts are discussed in section 7.8 of this report.
The development would erode the visual and functional link between Faversham and its rural surroundings.	Visual impacts are discussed in section 7.3 of this report.
Floodlights, fencing, and hardstanding would alter the character of open playing fields.	Visual impacts are discussed in section 7.3 of this report.
Existing facilities already cause noise disruption to nearby residents; the new pitch would intensify this impact.	Noise impacts are discussed in section 7.6 of this report.

The submitted noise report does not reflect actual impacts.	Noise impacts are discussed in section 7.6 of this report.
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4.1.5 The letters received in support of the application are summarised below:

Comments in support
Over 250 children on sport waiting lists; new pitch would alleviate pressure.
Supports inclusive football: SEND teams, Kent Disability League, women & girls' football.
Promotes physical activity, teamwork, discipline, and mental health.
Provides year-round access due to all-weather surface.
Enhances opportunities for youth development and social inclusion.
Current facilities are at full capacity; expansion is essential for continued growth.
Rugby club also supports the development due to limited training space.
Aligns with Local Football Facility Plan and Draft Playing Pitch Strategy.
LED floodlighting designed to reduce light pollution.
Biodiversity Net Gain and EV charging points included.
Other suggested sites (Perry Court, Love Lane, QE School) are unsuitable or years away.
Reduces antisocial behaviour by engaging youth in positive activities.
Builds community cohesion and pride.
Offers safe space for vulnerable groups, including neurodivergent children.

4.2 Faversham Town Council Response

4.2.1 The Faversham Town Council support the application on the following grounds:

Comments	Response / Report Reference
1) There is a clear need for the facility for both the school and community use in Faversham providing inclusive sport provision	Duly noted.
2) NPPF December 2024 (187(d)) refers to the protection and preservation of bats. The council believes there are bats on the edge of the pitch on the Brogdale Road. Has this been assessed?	Ecology impacts are discussed in section 7.7 of this report.
3) The Town Council would like to see modelling of the flood light impact on	Ecology, neighbouring amenity and highways impacts are discussed in

local residents, traffic on the M2 and the bat colony	sections 7.7, 7.6 and 7.8 (respectively) of this report.
4) The Town Council notes that the Acoustic Barrier is only on one side. Will all neighbours be protected?	Noise impacts are discussed in section 7.6 of this report.
5) The Town Council noted the request from Kent Police that the Designing Out Crime Officers should be consulted and supported this request.	Designing out crime matters are discussed in section 7.13 of this report.
6) Active Travel to the school should be encouraged whenever possible. The Town Council would like to see more cycle racks provided and improved access over the A2.	Cycle parking is discussed in section 7.8 of this report.

5. **CONSULTATIONS**

- 5.1 **Environment Agency** – No objections subject to conditions regarding contamination.
- 5.2 **Sport England** – No objection subject to conditions securing a Community Use Agreement and Management and Maintenance Scheme. The proposals are considered to accord with exceptions 3, 4 and 5 of the Sport England Playing Fields Policy and paragraph 104 of the NPPF.
- 5.3 **Active Travel England** – No comment.
- 5.4 **KCC Flood and Water Management** – No objection in principle. Set out requirements for more detailed surface water drainage details and a verification report, which can be secured by conditions.
- 5.5 **UK Power Network** – No objections raised but note there are LV underground cables on the site running within close proximity to the proposed development. Advise the developer to contact UK Power for accurate records prior to commencement of work, which should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 (Avoiding Danger from Underground services).
- 5.6 **KCC Highways** – Three rounds of consultation have been carried out. Initially requested further information regarding hours of operation to establish if it will be used during peak hours to determine effects of traffic and parking. Following the provision of minor revisions and further information, KCC Highways confirmed that the amended site layout / car parking arrangements are acceptable and raise no further objections subject to conditions securing a construction management plan, parking provision, electric vehicle charging and cycle parking. Further minor amendments to the parking layout to address design comments were also confirmed to be acceptable subject to the same conditions.
- 5.7 **KCC Minerals and Waste** – No comments to make on this matter.

- 5.8 **KCC Ecological Advice Service** – Two rounds of consultation have been carried out. Initially raised concerns with the proposal's ability to achieve the proposed biodiversity net gain (BNG). Further discussions were held directly between the applicant and KCC Ecology to arrive at an agreed solution. A revised site plan and BNG information was submitted by the applicant along with clarification of the site area.
- KCC Ecology confirm that the revised information is sufficient for the assessment of the application, but that the on-site BNG would fall below the 10% requirement and as such off-site gains will need to be secured. The applicant is directed towards the Kent BNG Site Register to secure this through the statutory BNG condition. Another condition is also included to ensure the BNG Plan is prepared in accordance with the BNG details submitted in this application. The on-site gains are also categorised as 'significant' and therefore a BNG monitoring fee will need to be secured prior to permission being granted. Conditions are also recommended to secure a habitat management and monitoring plan and details of ecological enhancement measures.
- No concerns were raised in regard to impacts on protected species, including bats, subject to the recommended conditions to control external lighting. A condition is also recommended for a Construction Environmental Management Plan (CEMP).
- 5.9 **KCC Archaeology** – Disagrees with the submitted desk-based assessment, concluding that the site has a high potential for significant archaeological remains, including possible Roman road features, roadside activity, settlement, and burials. Previous investigations nearby have revealed rich archaeological landscapes, and the projected alignment of an Iron Age/Roman trackway may cross the site. The proposed development involves groundworks that could disturb these remains. However, the impacts can be managed through a condition requiring a staged programme of archaeological assessment, evaluation, and mitigation, with further measures if high-significance remains are encountered. On this basis, KCC Archaeology are satisfied that the potential impacts of the scheme on archaeology can be appropriately addressed through further assessment secured through the recommended conditions.
- 5.10 **KCC Public Rights of Way (PROW)** – No comments to make.
- 5.11 **SBC Urban Design** – Two rounds of consultation have been carried out. Initially raised no objections but advised that further landscaping treatment should be provided to the car parking area and suggested additional landscaping to the northern boundary of the site as screening and to improve air quality within the site.
- Revisions were provided and confirmed to be acceptable, noting that the additional and soft landscaping along the A2 frontage and to the car parking area are welcomed to help soften and screen the proposals and enhance biodiversity.
- 5.12 **SBC Greenspaces** – No objections.
- 5.13 **SBC Tree Officer** – No objections - the significant line of mature Beech trees that flank the western boundary of the playing field adjacent Brogdale Road are all subject to TPO No 1 of 2020. Looking at the position of the new sports pitch, it will be located some distance from these trees, so will have no direct impact. Further more detailed planting (such as species, sizes and numbers) are to be secured by condition.

- 5.14 **SBC Climate Change** – Two rounds of consultation have been carried out. Initially requested that secure cycle parking be provided to encourage sustainable modes of transport. Revisions were provided and confirmed to address the concern raised. The provision of electric vehicle charging points in the parking area is also welcomed.
- 5.15 **Mid-Kent Environmental Protection** – No objections subject to conditions to secure a construction management plan, contaminated land watching brief and noise management plan.
- 5.16 **Lower Medway Internal Drainage Board (LMIDB)** – No comment.
- 5.17 **Kent Police** – No objection raised, the applicant is encouraged to contact Kent Police for further advice to incorporate Secure By Design measures.
6. DEVELOPMENT PLAN POLICIES

Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 (the ‘Local Plan’):

ST 1	Delivering sustainable development in Swale
ST 3	The Swale settlement strategy
ST 7	The Faversham area and Kent Downs strategy
CP 2	Promoting sustainable transport
CP 4	Requiring good design
CP 5	Health and wellbeing
CP 6	Community facilities and services to meet local needs
CP 7	Conserving and enhancing the natural environment - providing for green infrastructure
CP 8	Conserving and enhancing the historic environment
DM 6	Managing transport demand and impact
DM 7	Vehicle parking
DM 14	General development criteria
DM 17	Open space, sports and recreation provision
DM 18	Local green spaces
DM 19	Sustainable design and construction
DM 20	Renewable and low carbon energy
DM 21	Water, flooding and drainage
DM 28	Biodiversity and geological conservation
DM 29	Woodlands, trees and hedges

DM 32	Development involving listed buildings
DM 33	Development affecting a conservation area
DM 34	Scheduled Monuments and archaeological sites
IMP 1	Implementation and Delivery Plan

Neighbourhood Plans

Faversham Neighbourhood Plan

FAV4	Mobility and Sustainable Transport
FAV6	Public Rights of Way, National Trails, Promoted Routes and Cycleways
FAV7	Natural Environment and Landscape
FAV8	Flooding and Surface Water
FAV9	Air Quality
FAV10	Sustainable Design and Character
FAV11	Heritage
FAV12	Community Facilities

Supplementary Planning Guidance / Documents (SPG / SPD)

Parking Standards SPD (2020)

Faversham Conservation Area Character Appraisal & Management Plan Public Consultation Draft August 2023 (V3.1)

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Kent Minerals and Waste Local Plan 2024-39 (2025)

7. ASSESSMENT

7.1.1 The main considerations involved in the assessment of the application are:

- Principle
- Character and appearance
- Heritage
- Archaeology
- Living conditions
- Ecology & Trees
- Transport and highways
- Public Rights of Way
- Contamination
- Flood risk and drainage
- Sustainability / Energy

- Secure by design
- Community infrastructure
- Other matters

7.2 Principle

- 7.2.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.
- 7.2.2 The NPPF provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.
- 7.2.3 NPPF paragraph 103 acknowledges that access to opportunities for sport and physical activity is important for the health and well-being of communities. This is reflected in policy CP5 of the Local Plan, which supports the provision of sport and recreation facilities in accordance with policy DM17.
- 7.2.4 Policy FAV12 of the Faversham Neighbourhood Plan supports improved community facilities where there are existing clusters of community facilities and are in easy walking distance of existing housing.
- 7.2.5 The site forms part of the Abbey School playing fields and adjoins existing sports facilities, including a Synthetic Turf Pitch (STP), that are operated and managed by the school. The wider school site benefits from other playing fields to the south and east and is generally within close proximity to existing residential areas and the town centre and therefore complies with policy FAV12.
- 7.2.6 The proposed additional STP would provide enhanced opportunities for year-round sports and recreation at the site and would complement their current sports offering with a high-quality, multifunctional sports pitch. Whilst the proposal would occupy existing playing fields, it would enhance the overall sports offering at the site whilst retaining a generous amount of playing fields within the wider school site.
- 7.2.7 Sport England have reviewed the application and raise no objection subject to conditions for a community use agreement to secure well managed safe community access to the sports facility and a Management and Maintenance Scheme to ensure the facility remains fit for purpose. These conditions are included below.
- 7.2.8 In order to support the wider community usage of the additional STP, an extension to the existing car park is proposed. The proposed car park would occupy a small area of managed grassland adjoining the existing car park. This area is contained by the existing sports hall and STP and only offers limited recreation opportunity compared to the surrounding playing fields and facilities. As such, the loss of this space would be more than compensated for by the proposed facilities and would not have any

adverse impact on the overall sport and recreation provision within the wider Abbey School site.

- 7.2.9 The principle of the proposed development is therefore acceptable subject to the recommended conditions in accordance with Local Plan policies CP5 and DM17, FAV12 of the Faversham Neighbourhood Plan and the NPPF.

7.3 Character and appearance

- 7.3.1 Local Plan Policies CP4 and DM14 and the NPPF attach great importance to the design of the built environment and that design should contribute positively to making places better for people. The Faversham Neighbourhood Plan sets out that development must complement the existing townscape character of the surrounding area in terms of scale, massing and height.
- 7.3.2 NPPF paragraph 105 seeks to protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails. This is reinforced through the Local Plan under Policies CP4 and CP7.
- 7.3.3 The site forms part of the playing fields within the grounds of The Abbey School and adjoins their existing sports facilities, including an existing STP. This part of the school grounds is well established for its sports and recreation offering at the school. It is also well contained and screened from both London Road to the north and Brogdale Road to the west by the existing mature trees that line these boundaries. Vegetation, school buildings and other playing fields generally intervene the site's visibility from the south and west. However, it is acknowledged that views are gained intermittently between trees along the boundaries and from a public right of way (PROW) which runs through the school site from London Road in the north to Tettenhall Road to the south.
- 7.3.4 The school site generally adjoins established residential development on all sides and the site is within the built-up-area boundaries. As such, the visual effects of the proposal are largely contained within the site or to the immediate adjoining roads / properties.
- 7.3.5 The proposed STP would be similar in appearance to the existing facility on the site, with the surrounding fencing and lighting the elements that would be most visible from wider vantage points. Whilst the STP is utilitarian in appearance, it would not be out of place with its context given the adjoining established sports facilities and sports pitch. Furthermore, the combined visual effect of the two sports pitches together would be minimal. The proposed STP is also well contained in the site and the associated lighting would largely be screened by the existing mature trees around the site boundaries. Additional planting was included along the northern boundary of the site to further screen the proposal and soften its appearance from the public realm. The storage container proposed is modest in scale and would be seen in the context of the STP development as a whole.
- 7.3.6 The proposed car park also has a utilitarian design but has been further softened with additional landscaping at the request of officers. It is centrally located within the school site and contained by intervening structures and therefore would not be discernible

from external areas. Whilst it would be visible from the PROW, it would be visually compatible with the existing car park and would not visually detract from the character of the area. Furthermore, the PROW officer has not raised any objection to the proposal.

- 7.3.7 The proposed landscaping and planting would supplement the existing boundary treatment and would further screen the proposed and existing sports facilities from the public realm. A condition is included to secure the details of the landscaping improvements to ensure these are appropriate to the context of the site and wider area.
- 7.3.8 Officers consider that the proposal is appropriate to the context of the site given its established use for sports and recreation within a well contained part of the school site, subject to securing the delivery of the proposed supplementary landscaping. The proposal would therefore have an acceptable effect on the character and appearance of the area, subject to the recommended conditions, in accordance with Policies ST7, CP4 and DM14 of the Local Plan, policies FAV6, FAV7 and FAV10 of the Faversham Neighbourhood Plan and the NPPF, in so far as they have regard to matters of layout, design and character.

7.4 Heritage

- 7.4.1 Any planning application for development which will affect a listed building or its setting must be assessed in accordance with the requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires a local planning authority to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.
- 7.4.2 A similar duty exists where the proposed development will be within a conservation area where section 72 of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.4.3 The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan.
- 7.4.4 Local Plan Policy CP8 states that development will sustain and enhance the significance of designated and non-designated heritage assets to sustain the historic environment whilst creating for all areas a sense of place and special identity. Local Plan Policy DM32 sets out that development proposals affecting a listed building, including its setting, will be permitted provided that the building's special architectural or historic interest, and its setting and any features of special architectural or historic interest which it possesses, are preserved. Policy DM33 of the Local Plan seeks development within, affecting the setting of, or views into and out of a conservation area, to preserve or enhance all features that contribute positively to the area's special

character or appearance. The Faversham Neighbourhood Plan applies similar requirements, seeking to preserve the setting of conservation areas and preserve listed buildings and their setting.

- 7.4.5 The site is not within a conservation area and does not contain any listed buildings, however part of the Faversham Town Conservation Area is located nearby on the opposite side of Brogdale Road, which includes the Grade II listed Chapel House. The Grade II listed Malthouse and Oasthouse at Perry Court Farm is also located nearby to the south of the site.
- 7.4.6 The Faversham Town Conservation Area (FTCA) includes a concentration of listed buildings, historic townscape and other features spanning several centuries and including considerable survival of medieval Faversham. The FCA Character Appraisal (2023) states that the heritage significance of Faversham derives from its development from Saxon times to the present day, as a port settlement focussed on the Creek, with each phase of development evident in the town's plan and built form.
- 7.4.7 Only a small part of the FTCA adjoins the site where it encompasses the property on the opposite corner of London Road and Brogdale Road to the west of the site. This contains Chapel House, which is a Grade II listed building, although it is not mentioned within the 2023 FCA Character Appraisal. Its official listing states that it is an C18 house altered in the early C19 and notes its architectural detailing.
- 7.4.8 The Brogdale Road frontage of both the application site and Chapel House is densely vegetated and includes mature trees, which limits the intervisibility between these sites. Chapel House is best appreciated within the public realm from the London Road frontage where there is an opening in the trees leading to the house frontage. The tree screening along Brogdale Road prevents visibility of the property from this frontage.
- 7.4.9 The proposed STP with its associated lighting and fencing would be well screened in this direction. Furthermore, the site is already used as playing fields and adjoins an existing STP with associated lighting and fencing such that it would not result in a significant change of character as it would be perceived in this context. As such, the proposal would preserve the setting of the listed Chapel House. Given the existing context and the separation distance of the proposed STP from the Faversham Town Conservation Area, the proposals would also preserve the setting of that designated heritage asset.
- 7.4.10 The Grade II listed Malthouse and Oasthouse at Perry Court Farm is approximately 120m to the south of the site. The official listing states it is a fine building of its kind, dating from 1904 and notes its architectural detailing. The listed Malthouse and Oasthouse is best appreciated from within its own site boundary, particularly from the open space area to the south of the building, although this is private land and not readily accessible. The building can also be appreciated from the public realm in views from Winter Gem Lane to the south, particularly with its distinctive white cowls above the oast houses at each end.

- 7.4.11 This listed building is visible from the site. However, the proposed STP would be further away from the listed building than the existing STP, and there is more intervening vegetation and a dwelling between the proposals and heritage asset that would further reduce the intervisibility between the proposal and the listed building. Given the existing presence of an STP on the site and the separation from the Grade II listed Malthouse and Oasthouse, the proposals would not result in any harmful impact to the setting of that designation. Due to the positioning of the proposed car park and its scale and nature, it likewise would not be harmful to its setting.
- 7.4.12 The proposed development therefore preserves the setting of the identified listed buildings and the setting of the Faversham Town Conservation Area. As such, the proposed development complies with policies CP8, DM32 and DM33 of the Local Plan and policy FAV11 of the Faversham Neighbourhood Plan.

7.5 Archaeology

- 7.5.1 The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.
- 7.5.2 Policy DM34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ, however, where this is not justified suitable mitigation must be achieved.
- 7.5.3 An Archaeological Desk-Based Assessment was submitted with the application, which states there is low potential for any archaeological remains to be present and these would likely be of low significance. Remains of prehistoric to Romano-British date could comprise stray finds and features while remains dating to the post-medieval period would be agricultural practices. It is unlikely that there are any remains dating to the early medieval or medieval period. Any remains would have been impacted by any ploughing or levelling undertaken on the Site during the post-medieval, twentieth century and modern periods.
- 7.5.4 KCC Archaeology has reviewed the application and disagrees with the submitted desk-based assessment, concluding that the site has a high potential for significant archaeological remains, including possible Roman road features, roadside activity, settlement, and burials. Previous investigations nearby to the south have revealed rich archaeological landscapes, and the projected alignment of an Iron Age/Roman trackway may cross the site. The proposed development involves groundworks that could disturb these remains. However, KCC Archaeology confirms that impacts can be managed through a condition requiring a staged programme of archaeological assessment, evaluation, and mitigation, with further measures if high-significance remains are encountered. On this basis, the proposal is considered acceptable subject to the recommended condition in accordance with Policy DM34 of the Local Plan and the NPPF.

7.6 Living Conditions

- 7.6.1 The NPPF and Policy DM14 of the Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. The FNP policy FAV10 sets out that development should avoid any adverse impact on residential properties through intrusive, excessive or poorly designed lighting.
- 7.6.2 Given the nature of the proposal and separation to adjoining properties, it would not result in any unacceptable loss of light, outlook, or privacy impacts and would not lead to an increased sense of enclosure.
- 7.6.3 Concerns were raised in objections in regard to light pollution and noise emissions, which have been assessed by the Council's Environmental Health team.
- 7.6.4 The proposed hours of use are 08:00-22:00 Monday to Friday, and 08:00-18:00 Saturday and Sunday, which generally aligns with the current hours of use of the existing STP except for commencing 1hr earlier on weekends and bank holidays and extending weekdays by finishing 30min later. The effects of this on neighbouring properties from noise and lighting are discussed below. A 3m tall acoustic fence is proposed to the south of the proposed STP to mitigate noise impacts to the dwelling in proximity to the south (Greenways).
- 7.6.5 The Noise Impact Assessment (NIA) by Acoustic Consultants Ltd shows the noise levels generated by the development at nearby sensitive uses will be below the WHO limits for community noise. The events used for the assessment will be similar to those already taking place, and SBC has no record of noise disturbance from the sports activities held at the school. The Council's Environmental Health advisor confirms that the noise effects on neighbouring properties would be acceptable.
- 7.6.6 The NIA also mentions that a Noise Management Plan (NMP) should be drawn up to show the expected controls for noise, with details of mitigation measures. The Council's advisor agrees with the NIA conclusions and recommends a condition for further details of the NMP to be submitted for approval.
- 7.6.7 The LED Floodlighting system and the height of the floodlight masts have been designed to maximise efficiency whilst also minimising light spillage. The Lighting Report for the Floodlighting shows that the light spill will not reach the neighbouring properties and should pose minimal risk for light pollution. The Council's advisor confirmed that the proposed system is acceptable provided it is installed as presented in the proposal. A condition is included to secure details of lighting for ecological reasons as set out below, which will also cover neighbouring amenity.
- 7.6.8 Subject to the inclusion of the recommended conditions, the proposal would not give rise to any unacceptable amenity impacts to nearby residents from noise, vibration, lighting, outlook, privacy or loss of light in accordance with Policy DM14 of the Local Plan, policy FAV10 of the FNP and the NPPF.

7.7 Ecology and trees

- 7.7.1 The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly

known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by Policies CP7 and DM28 of the Local Plan.

- 7.7.2 National planning policy aims to conserve and enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments. In terms of the Local Plan Policy DM28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated. The Faversham Neighbourhood Plan seeks to ensure that development has no adverse impact on ecology.

Protected Species and Habitats

- 7.7.3 The sports field is surrounded by boundaries made of hedgerows, scattered trees and semi-improved grassland, which could provide suitable opportunities for protected species. These habitats have been assessed in the preliminary ecological appraisal (PEA) as not being affected by the construction area, which is within the amenity grassland, sports field.
- 7.7.4 Whilst there are protected mature Beech trees lining the western boundary of the site, the proposed development is well separated from these and as such would not have any direct impact on them. Ground level tree assessments have been carried out for bats and as the trees are to be unaffected no further action is required.
- 7.7.5 Great crested newts (GCN) have been considered within the PEA as there are at least three waterbodies within 250 m of the survey area, the closest of these is situated 30m east of the site. There are no GCN ponds on the application site, but foraging and shelter opportunities exist within the boundary vegetation for GCN. The PEA has stated that further surveys are required to provide a habitat suitability assessment of these ponds for GCN and therefore understand the potential impacts and proposed precautionary mitigation is provided within a construction environmental management plan (CEMP).
- 7.7.6 KCC Ecology have reviewed the information regarding the amenity grassland for the construction areas and consider that as it is within heavily modified grassland, with a high disturbance, it would provide sub optimal habitat for GCN. KCC Ecology confirm that a precautionary approach within a CEMP would be sufficient in this case for GCN and therefore do not require further surveys for GCN. A CEMP condition is recommended accordingly.

Lighting

- 7.7.7 Nocturnal animals (including bats) are likely to be using the site and surrounding area for foraging and commuting and any lighting associated with the proposal may have a negative impact, especially any light spill to hedgerow boundaries and trees on the site.
- 7.7.8 Lighting assessments have been provided which details the lux levels around the proposed sports pitch and car park extension. KCC Ecology confirm that the proposed lighting will not impact the boundary vegetation, which provides potential habitat for

bats. KCC Ecology note that the car park lighting plan shows downward facing light fittings are proposed, which is supported. However, further information is required as to whether the light fittings for the sports pitch are downfacing or have cowls on to reduce upward light spill and the cumulative effects of both areas of lighting together. KCC Ecology are satisfied that lighting impacts for the whole site, including any footpath lighting, can be managed through a condition to secure the required details.

- 7.7.9 KCC Ecology also recommend that a condition be included to secure a curfew where lighting is only used when pitches are in use and an overnight curfew period is provided.

Biodiversity Net Gain

- 7.7.10 Development is required to deliver at least a 10% biodiversity net gain (BNG) under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended). Policy FAV7 of the Faversham Neighbourhood Plan requires major development proposals to achieve 20% BNG for greenfield sites, which applies to this site. Significant gains will need to be secured for at least 30 years.
- 7.7.11 The Statutory Biodiversity Metric was revised during the application to address concerns raised by KCC Ecology, who confirm the latest version is acceptable. The baseline area habitats include developed land sealed surface, urban trees, modified grassland, bramble scrub and bare ground. The hedgerow habitats are native hedgerow and native hedgerow with trees. KCC Ecology consider the baseline is representative for the purposes of determination. Additional planting has been provided within the proposal to supplement existing vegetation and boost the on-site BNG. The table below indicates the BNG achieved by the proposal.

Baseline Habitat units	7.8	
Baseline Hedgerow units	1.68	
Proposed Habitat units	8.12	
Proposed Hedgerow units	1.86	
Net Change Habitat units	0.31	4.03%
Net Change Hedgerow units	0.17	10.31%

- 7.7.12 The proposal would fall below the 20% BNG requirement in the Faversham Neighbourhood Plan for both habitat and hedgerow units. Due to the use of the site for sports and playing fields there are limited opportunities for additional BNG and as such off-site gains will need to be secured. This unit deficit must be made up prior to commencement of any development, so a condition has been included below to ensure the Biodiversity Gain Plan is prepared in accordance with the established habitat baseline and to achieve an overall 20% net gain.

- 7.7.13 A Habitat Management and Monitoring Plan (HMMP) condition is recommended by KCC Ecology to secure the long-term management of onsite biodiversity gains and is included accordingly. These onsite gains are considered significant and will be subject to a monitoring fee, which are required for significant onsite gains as these will be subject to 30 years of monitoring reports which will need to be reviewed by the LPA, which comes at a cost. The monitoring fee is confirmed to be £7,868.71, which shall be paid prior to the decision being issued or secured by s106 legal agreement so that it is paid prior to the commencement of the development.

Ecological Enhancement

- 7.7.14 KCC Ecology advise that an enhancement plan should be secured by condition that includes the actions proposed and the ownership and responsibilities for future management. Suggested biodiversity enhancements include the provision of durable bird/bat boxes, native tree/shrub planting, sowing of an appropriate wildflower mix, the creation of artificial refugia for reptiles/amphibians, the creation of 'hedgehog highways' (13×13cm gaps in closed board fencing) and/or creation of bug hotels/bee bricks for invertebrates. The recommended condition is included below.
- 7.7.15 Subject to the conditions above being secured, the proposal would have an acceptable impact on ecology and biodiversity in accordance with Policies CP7 and DM28 of the Local Plan, policy FAV7 of the FNP and the NPPF.

7.8 Transport and Highways

- 7.8.1 Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.
- 7.8.2 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”

- 7.8.3 The site has good access to public transport with bus stops nearby along London Road and Faversham Train Station a 10min walk away. The proposal includes an extension to the existing car park, providing 89 total car parking spaces, which is a net increase of 82 due to the removal of 7 existing spaces to facilitate access.
- 7.8.4 The application is supported by a Transport Assessment, which has been reviewed by KCC Highways. The applicant has also responded to comments in relation to the anticipated use of the pitches and confirmed that this is to only be used internally by the school during school hours and will not be leased out externally during school hours. The pitch will be open for public use in evenings, weekends and bank holidays. This confirms that there will be no conflict of movements and therefore would not have an adverse impact on the local highway network.

- 7.8.5 KCC Highways confirm that the amended site layout / car parking arrangements are acceptable and recommend conditions to secure further details of construction management, and secure parking, electric vehicle charging and cycle parking.
- 7.8.6 Subject to the recommended conditions, the proposal would not result in a harmful impact on highway safety, nor would the residual cumulative impacts on the local road network would be severe. The proposal is considered acceptable in terms of the impact on the local highway and in accordance with Policies DM6 and DM26 of the Local Plan, the FNP and the NPPF.

7.9 Contamination

- 7.9.1 Policy ST1 of the Local Plan states that development proposals shall conserve and enhance the natural environment by applying national planning policy in respect of pollution, despoiled, degraded, derelict, contaminated, unstable and previously developed land. The NPPF states that local planning authorities should ensure that the site is suitable for its new use taking account of various matters, including pollution arising from previous uses.
- 7.9.2 A Contamination Site Investigation Report has been submitted with the application, which has been reviewed by Mid Kent Environmental Health (EH) who note that no significant pollutants were found. The site is not in a known area of land contamination, however EH recommend a watching brief condition in the eventuality that any evidence of localised contamination is found during works.
- 7.9.3 Concern was raised in an objection in regard to microplastics leaching from the synthetic turf pitch into the environment. In this regard it is noted that the Environment Agency and Mid-Kent Environmental Health were both consulted and have not indicated that the proposal would be unacceptable in terms of its environmental effect. In the absence of an objection from the specialist consultees, it is considered that no objection should be raised on this ground.
- 7.9.4 Subject to the imposition of the suggested condition, the proposal is in accordance with Policy ST1 of the Local Plan and the NPPF.

7.10 Flood Risk, Drainage and Surface Water

- 7.10.1 Policy DM21 of the Local Plan and the NPPF requires that Local Planning Authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. Policy FAV8 of the FNP seeks to ensure, amongst other things, that development does not lead to significant adverse impacts from flooding.
- 7.10.2 The site is located within Flood Zone 1 and therefore has a low risk of fluvial and tidal flooding. The majority of the proposed pitch is recorded to be at very low risk of surface water flooding with discrete patches of low risk in the south and adjacent to the north west. The proposed car park is located has a very low risk of surface water flooding.
- 7.10.3 The Drainage Strategy proposes that the surface water for the site is to be managed through the use of infiltration through two geocellular soakaways, one for the car parking area and one serving the pitch. The Strategy highlights that further infiltration

tests will be undertaken within the location of the proposed infiltration features with the location of the soakaway serving the car park to be confirmed subject to this further testing.

- 7.10.4 KCC Flood and Water Management have reviewed the submitted Flood Risk Assessment and Drainage Strategy and raise no objections. It is recommended that soakage tests be compliant with BRE 365, notably the requirement to fill the test pit several times. Detailed design should utilise a modified infiltrate rate and demonstrate that any soakaway will have an appropriate half drain time.
- 7.10.5 Whilst the more detailed and up-to date FEH 2022 dataset should have been utilised in the micro-drainage calculations for the site, KCC have not raised any objection subject to a condition securing a detailed Surface Water Drainage Scheme prior to commencement of the development.
- 7.10.6 The site is also located in Groundwater Source Protection Zone 2. The Environment Agency raised no objections to the proposal subject to conditions for further details to be submitted for approval to prevent contamination. The conditions are included accordingly.
- 7.10.7 Subject to the recommended conditions being attached to any forthcoming planning permission, the proposal is considered acceptable and in accordance with Policy DM21 of the Local Plan, policy FAV8 of the FNP and the NPPF.

7.11 Community Infrastructure

- 7.11.1 As with any planning application, the request for financial contributions needs to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations 2010 (which were amended in 2014). These stipulate that an obligation can only be a reason for granting planning permission if it is:

- Necessary
- Related to the development
- Reasonably related in scale and kind

- 7.11.2 The following planning obligations are necessary to mitigate the impact of the development and make it acceptable in planning terms. The obligations have been identified and assessed by Officers to comply with the Regulations (as amended).

- 7.11.3 The following financial contributions have been sought by KCC EAS to mitigate the impact of development.

Requirement	Obligation	Reason
BNG monitoring	£7,868.71 – BNG monitoring fee	Due to significant onsite biodiversity gains, which will be subject to 30 years of monitoring reports and will need to be reviewed by the LPA, which comes at a cost.

- 7.11.4 Subject to the above planning obligations being secured in a legal agreement associated with any planning permission or paid prior to the decision being issued, the proposals would mitigate impacts and make the development acceptable in planning terms and comply with Local Plan Policy DM28 and the NPPF.

7.12 Sustainability / Energy

- 7.12.1 Policy DM19 of the Local Plan requires development proposals to include measures to address climate change. The FNP seeks cycle storage and electric charging points for new development.
- 7.12.2 The proposed car park includes 9 active electric vehicle charging spaces with cabling and infrastructure linked to all spaces to allow for suitable future conversion to 100% EV charging spaces. This meets the Parking SPD requirement for 10% provision of EV charging spaces and 100% passive provision and will be secured by condition.
- 7.12.3 The proposal was revised during the application to increase the number of cycle parking spaces to now include 18 cycle parking spaces located near to the car park to promote sustainable modes of transport. The SBC Climate Change officer has confirmed this addresses their concerns, and KCC Highways have also confirmed this is acceptable. Cycle parking details will be secured by condition.
- 7.12.4 Subject to the recommended conditions the proposal would support reduced carbon emissions, in accordance with policies CP2 and DM19 of the Local Plan and the FNP.

7.13 Designing Out Crime

- 7.13.1 The NPPF aims to achieve healthy, inclusive and safe places, so that crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The Local Plan reinforces this requirement through Policy CP4.
- 7.13.2 The proposed sports pitch and car park include lighting and will operate at similar times to the existing facility. Kent Police have raised no objections to the application and set out recommendations of measures to further reduce the risk of crime. The applicant is encouraged to contact Kent Police for further advice to incorporate Secure By Design measures, which will be added as an informative to the decision notice.
- 7.13.3 The proposal does not pose an unacceptable crime risk in accordance with Policy CP4 of the Local Plan and the NPPF.

7.14 Planning Balance

- 7.14.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Under s70(2) of the Town and Country Planning Act 1990, the decision-maker needs to have regard to the provisions of the development plan and any other material considerations.
- 7.14.2 In this case the application accords with the Local Plan and Faversham Neighbourhood Plan and no other material considerations indicate that a different conclusion should be reached.

7.15 Conclusion

- 7.15.1 The proposed Synthetic Turf Pitch would provide enhanced opportunities for year-round sports and recreation at the site and would complement their current sports offering with a high-quality, multifunctional sports pitch. Whilst the proposal would occupy existing playing fields, it is considered to enhance the overall sports offering at the site whilst retaining a generous amount of playing fields within the wider school site.
- 7.15.2 Officers consider that the proposal is appropriate to the context of the site given its established use for sports and recreation within a well contained part of the school site, subject to securing the delivery of the proposed supplementary landscaping. The proposal would therefore have an acceptable effect on the character and appearance of the area and preserves the setting of the identified listed buildings and the setting of the Faversham Town Conservation Area.
- 7.15.3 Noise emissions and light pollution have been subject to detailed assessment and subject to the mitigation measures proposed and secured by conditions, the proposal would not result in unacceptable impacts on the nearby residential properties. Ecological impacts are also acceptable subject to securing the necessary mitigation measures. Furthermore, the highways assessment confirms that there will be no conflict of movements with existing school traffic and therefore the proposal would not have an unacceptable impact on the local highway network.
- 7.15.4 In considering the application, account has been taken of the information included with the application submission, the National Planning Policy Framework and the Development Plan (Local Plan and Faversham Neighbourhood Plan), and all other material considerations including representations made including the views of statutory and non-statutory consultees and members of the public.

7.16 Recommendation

- 7.16.1 Grant planning permission subject to the conditions set out below and securing or payment of the BNG monitoring fee.

CONDITIONS

1. Time Limit

The development hereby permitted shall be commenced before the expiration of three (3) years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. Drawings

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below.

- 24-0316 (G-224120) 02 Rev 07 Site Plan

- | | |
|---------------------------------|------------------------------------|
| • 24-0316 (G-224120) 03 Rev 04 | Pitch Layout |
| • 24-0316 (G-224120) 07 Rev 04 | Car Park Development Layout |
| • 24-0316 (G-224120) 05A Rev 01 | Elevations A |
| • 24-0316 (G-224120) 05B Rev 01 | Elevations C |
| • 24-0316 (G-224120) 10 Rev 01 | Proposed Site Levels Cross Section |
| • 24-0316 (G-224120) 11 Rev 04 | Cut and Fill Calculations |

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Code Of Construction Practice

Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003).

The code shall include:

- An indicative programme for carrying out the works.
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off-road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway.
- Measures to manage the production of waste and to maximise the re-use of materials.
- Measures to minimise the potential for pollution of groundwater and surface water.
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works.
- The arrangements for public consultation and liaison during the construction works.

Reason: To ensure the development does not prejudice conditions of residential amenity and local ecology through adverse levels of noise, dust and disturbance during construction.

4. Construction and Environmental Management Plan (CEMP)

Prior to the commencement of the development hereby approved (including any ground works, site or vegetation clearance), a site-wide Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- a) Highways details
 - i. Routing of construction and delivery vehicles to / from site.
 - ii. Parking and turning areas for construction and delivery vehicles and site personnel, which may require supporting vehicle tracking/swept paths.
 - iii. Timing of deliveries, avoiding network and school peaks where possible.
 - iv. Provision of wheel washing facilities.
 - v. Measures to prevent the discharge of surface water onto the highway.
 - vi. Temporary traffic management / signage.
- b) Ecology details:
 - i. Risk assessment of potentially damaging construction activities;
 - ii. Identification of 'biodiversity protection zones';
 - iii. Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction for bats, breeding birds, badgers, reptiles, hedgehog and great crested newts (may be provided as a set of species or habitat-specific method statements);
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features;
 - v. The times during prior to and during construction when specialist ecologists need to be present on site to conduct surveys or oversee works;
 - vi. Responsible persons and lines of communication;
 - vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, and;
 - viii. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period.

Reason: To ensure the development does not adversely impact on highway safety and convenience during construction and ensure the development does not harm local ecology during construction.

5. Land Contamination

If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of:

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build, then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 187 of the National Planning Policy Framework.

6. Sustainable surface water drainage scheme

Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Drainage Strategy prepared by JPP Consulting Limited dated 30.09.24. The submitted scheme shall demonstrate compliance with the required technical standards at the time of submission and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

7. SUDS Verification Report:

Prior to the use of the development commencing, a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, shall be submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 182 of the National Planning Policy Framework.

8. Infiltration:

Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 187 of the National Planning Policy Framework.

9. Noise Management Plan

Prior to the use of the development, a Noise Management Plan covering the entirety of the operation shall be submitted to and approved in writing by the local planning authority. The plan shall include but not be limited to measures to control excessive noise from external activities and details of a point of contact for noise complaints.

The development shall only be used in full accordance with the approved Noise Management Plan.

Reason: In the interests of residential amenity.

10. Community use agreement

Prior to the first use of the development hereby approved, a community use agreement shall have been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to outdoor sports facilities, changing and car parking and

include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport.

11. Management and Maintenance Scheme

Prior to the first use of the development hereby approved, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. This shall include measures to ensure the replacement of the Artificial Grass Pitch within the manufacture's specified period. It should also include the required testing to comply with FIFA Quality certification. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the 3G artificial grass pitch.

Reason: To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport.

12. Parking

Prior to the operation of the development hereby approved the vehicle parking spaces shown on approved drawing ref: 24-0316 (G-224120) 07 shall be provided and permanently retained thereafter.

Reason: In the interest of highway safety and amenity.

13. Electric Vehicle chargers

Prior to the first use of the development hereby approved, the electric vehicle charging points shown on approved plan ref: 24-0316 (G-224120) 07 shall be installed and permanently retained thereafter. The electric vehicle charging points shall be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved charge point model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Reason: In the interests of encouraging sustainable modes of transport and minimising the carbon footprint of the development.

14. Cycle Parking

Prior to the first use of the development hereby approved, the cycle parking facilities shall be installed in full accordance with the approved plan ref: 24-0316 (G-224120) 07 and thereafter permanently retained.

Reason: In the interests of encouraging sustainable modes of transport.

15. External lighting

Prior to the installation of any external lighting, and notwithstanding the lighting details shown in the approved plans, details of external lighting shall be submitted to and approved in writing by the LPA. The details shall demonstrate the following requirements:

- Plan showing location of all external lighting, light fitting type (downward facing) and light spill
- Operational hours and curfew times
- Follow the recommendations within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night

The development shall be implemented in accordance with the details as approved.

Reason: To ensure that any adverse ecological impacts of the development are suitably mitigated and in the interests of safeguarding residential amenity.

16. Biodiversity Gain Plan

The Biodiversity Gain Plan shall be prepared in accordance with the baseline information within the Biodiversity Statement and Metric Assessment report, for Abbey School Faversham, dated October 2025 and prepared by Middlemarch Environmental Ltd. The Biodiversity Gain Plan shall demonstrate how the development achieves an overall biodiversity net gain of 20%.

Reason: To ensure the proposals are in accordance with details submitted and considered as part of the planning application and to comply with Faversham Neighbourhood Plan policy FAV7.

17. Habitat Management and Monitoring Plan

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority and including:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat retention, creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the retained, created or enhanced habitat to be submitted to the local planning authority.

The retained, created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason: To enhance biodiversity in accordance with the National Planning Policy Framework.

18. Ecological Enhancement

Prior to the first use of the development hereby approved, a scheme of ecological enhancements shall be fully implemented in accordance with a scheme that shall have first been submitted to and approved in writing by the local planning authority. This shall include a detailed plan with biodiversity enhancement features with detail on ownership and responsibilities for any management measures.

Reason: To ensure that any adverse ecological impacts of the development are suitably mitigated.

19. Soft Landscaping

Prior to the first use of the development full details of soft landscape works shall be submitted to and approved by the Local Planning Authority. These details shall include existing trees, shrubs and other features, proposed planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate and an implementation programme. The works shall be carried out in accordance with the approved details and in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

20. Planting retention

Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

21. Acoustic Fence

Prior to the first use of the development hereby approved, the 3m high acoustic fence shown of the approved plans shall be constructed in full and retained thereafter for the lifetime of the development.

Reason: In the interests of residential amenity.

22. Archaeological Evaluation and Mitigation

To assess and mitigate the impacts of development on significant archaeological remains:

- A) Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.
- B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.
- C) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.
- D) Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:
 - a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development.
 - b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same.
 - c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.
- E) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure that due regard is had to the preservation in situ of important archaeological remains.

23. Archaeological Safeguarding

No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that due regard is had to the preservation in situ of important archaeological remains.

24. Hours of Use

The use of the development hereby permitted shall be limited to between the hours of 07.00 to 21.30 on Mondays to Fridays, between 09.00 and 18.00 on Saturdays, and between 10.00 and 18.00 Sundays and Bank Holidays.

All floodlighting on site must be extinguished by 21.30 Monday to Friday and by 18.00 on Saturdays, Sundays and Bank Holidays, or within 15 minutes after last use of the facility, whichever is the sooner.

The floodlighting hereby permitted shall be completely extinguished when the facilities are not in use, and/or within 15 minutes of its last use.

Reason: In the interests of the amenities of the locality.



PLANNING COMMITTEE – 15th January 2026

PART 2.1

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 24/503414/FULL		
PROPOSAL - Erection of a portacabin (retrospective)		
SITE LOCATION - Abbey Works, Abbeyfields, Faversham, Kent, ME13 8HX		
RECOMMENDATION – Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions and as may be necessary and appropriate.		
APPLICATION TYPE - Full Planning Application		
REASON FOR REFERRAL TO COMMITTEE - Faversham Town Council have requested for the application to be determined by the Planning Committee owing to the proposed development being approved on a permanent basis as opposed to a temporary permission of two years.		
Case Officer – Christian De Grussa		
WARD Abbey	PARISH/TOWN COUNCIL Faversham Town Council	APPLICANT Cardox International Limited
DATE REGISTERED 08/01/25		TARGET DATE 30/09/25
BACKGROUND PAPERS AND INFORMATION: The full suite of documents submitted and representations received pursuant to the above application are available via the link below: - https://pa.midkent.gov.uk/online-applications/applicationDetails.do?keyVal=SI9LYXTYG2T00&activeTab=summary		

1. SITE LOCATION AND DESCRIPTION

- 1.1. The application site is located outside the built-up area boundary of Faversham and is therefore within the countryside for the purposes of the Local Plan.
- 1.2. The site comprises a plethora of small buildings and industrial land utilised by the manufacturing company, Cardox International Limited.

- 1.3. The site is located at Abbey Fields, falling within the Faversham Town Conservation Area, within an area of land that is designated as being within Flood Zones 2 and 3 and part of a Coastal Change Management Area (CCMA). The Swale Ramsar, SSSI and Special Protection Area is located to the north west of the site and land to the south east of the main part of the site is designated as the Abbey Fields Local Wildlife Site. The Local Wildlife Site designation washes over the access to the main part of the site which is included within the application site. In addition, the site is within an area safeguarded due to it being likely to feature brickearth.

2. PLANNING HISTORY

- 2.1. None

3. PROPOSED DEVELOPMENT

- 3.1. Planning permission is retrospectively sought for the provision of a portacabin measuring approximately 2.95m in height, 6.9m in width, and 10.2m in length. The portacabin is used as welfare space for employees at the site.

4. REPRESENTATIONS

- 4.1. Public consultation was undertaken, during which letters were sent to neighbours. A notice was displayed at the site, and the application was advertised within the local newspaper. Full details of representations are available online.

- 4.2. During the consultation, one letter was received objecting to the proposal

- 4.3. The letter of objection raised the following:

First Round Comments	Report reference
Lack of information regarding need for portacabin	7.2
Insufficient details regarding foul sewage disposal	7.9
Potential increase in surface water flooding	7.9
Detrimental pollution of nearby watercourse	7.9

- 4.4. Faversham Town Council also objection to the application on the following grounds:

First Round Comments	Report reference
Portacabin should only be permitted temporarily for up to two years whilst a permanent building, proven against flooding and in keeping with the area is applied for	7.9

5. CONSULTATIONS

- 5.1. **Place Services (Heritage Advisors)** – No objections.
- 5.2. **KCC Archaeology** – No objections.
- 5.3. **KCC Ecology** – No objections.
- 5.4. **KCC Minerals and Waste** – No objections.

6. DEVELOPMENT PLAN POLICIES

Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 (the Local Plan)

ST1 – Delivering sustainable development in Swale
 ST3 – The Swale settlement strategy
 ST7 – The Faversham area and Kent Downs strategy.
 CP1 – Building a strong, competitive economy.
 CP2 - Promoting sustainable transport
 CP4 - Requiring Good Design
 CP7 – Conserving and enhancing the natural environment
 CP8 – Conserving and enhancing the historic environment
 DM3 – The rural economy
 DM7 - Vehicle Parking
 DM14 - General Development Criteria
 DM21 – Water, flooding and drainage
 DM23 – Coastal Change Management Area
 DM24 – Conserving and enhancing valued landscapes.
 DM28 – Biodiversity and geological conservation
 DM33 – Development involving conservation areas
 DM34 – Scheduled monument and archaeological site

Neighbourhood Plans

Faversham Neighbourhood Plan
 FAV4 – Mobility and Sustainable Transport
 FAV7 - Natural Environment and Landscape
 FAV8 - Flooding and Surface Water
 FAV10 – Sustainable Design and Character
 FAV11 – Heritage

Supplementary Planning Guidance/Documents -

Parking Standards SPD (2020)
 Medway Estuary and Swale Shoreline Management Plan

National Planning Policy Framework (the NPPF)

7. ASSESSMENT

- 7.1. The main considerations involved in the assessment of the application are:

- Principle
- Heritage Assets and the Character and Appearance of the Site and Surrounding Area.
- Living Conditions
- Highway Safety and Parking
- Ecology
- Flooding and Coastal Change Management
- Archaeology

7.2. **Principle**

- 7.2.1. The site is located in the countryside, outside the built-up area boundary of Faversham. Policy ST3 states that, in such locations, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquility and beauty of the countryside, its buildings and the vitality of rural communities. For reasons that will be set out below, the proposal can be found to accord with the NPPF when it is taken as a whole and, therefore, that aspect of the exception built into Policy ST3 can be complied with. Whilst generally having neutral or limited effect in most respects, the proposal would not protect or enhance the beauty of the countryside and, as such, would not accord with that exception. Therefore, there is a policy conflict with Policy ST3 and, in turn, that part of Policy ST1 which requires development to accord with the settlement strategy.
- 7.2.2. Policy DM3 of the Local Plan states that permission will be granted for the sustainable growth and expansion of business and enterprise in the rural area. This is consistent with Policy ST1 which sets out similar aims for the economy generally, but also the rural economy. Furthermore, Policy CP1 states that the Council will aim to help to build a strong and competitive economy by stabilising losses of jobs and/or floorspace within the manufacturing sector.
- 7.2.3. Policy ST7 states that development in the Faversham area will maintain existing land and buildings in employment use and provide appropriate employment opportunities within the rural area. This development would align with this policy by providing a facility that would support the continued use of the site for employment purposes.
- 7.2.4. The proposal is for the introduction of a portacabin to be used as welfare space for the employees of the company operating from the site. As it would support the operations of an enterprise in the rural area, the proposed development is considered to accord with the abovementioned local plan policies related to employment development. A balancing exercise will be undertaken below to weigh the conflict with some policies against the support provided by others.
- ## 7.3. **Heritage Assets and the Character and Appearance of the Site and Surrounding Area.**
- 7.3.1. Any planning application for development within a conservation area must be assessed in accordance with the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that special attention shall

be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 7.3.2. The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan, most notably Policy DM33 in this case, albeit there is ancillary support for the protection of heritage assets contained within policies ST1, ST7 and DM14.
- 7.3.3. More generally, Policies CP4 and DM14 and the NPPF attach great importance to the design of the built environment and that design should contribute positively to making places better for people. Furthermore, Policy DM24 requires that non-designated landscapes are protected and enhanced, with permission being granted subject to the minimisation of adverse landscape impacts or, where such impacts remain, the harm being outweighed by other benefits. The policy also requires that the scale, layout, build and landscape design of development is informed by the Council's evidence base.
- 7.3.4. The existing site forms an enclave of single storey structures that are used for employment purposes. The site is largely screened from the public domain as a result of the boundary hedging and, from those limited vantage points where the interior of the site can be seen, it has a low key impact comprising of a cluster of buildings of varied materials. The most recent appraisal of the Conservation Area (the Faversham Conservation Area Character Appraisal & Management Plan Public Consultation Draft 2023 v3.1) describes the content of the site as *"a series of widely spaced wooden huts, associated with the explosives industry. Traces of a narrow-gauge track linking the buildings is visible in places"*. It goes on to state that *"the site is of special importance to Faversham because it constitutes the last active link with the town's long- standing explosives industry."*
- 7.3.5. With respect to the impact on the Conservation Area, it is considered that the development has a neutral impact that preserved the character and appearance of that area, especially when it is considered as a whole. It is noted that the structure, whilst not being proposed on a temporary basis, is of a portacabin style and it therefore has a light touch and reversible impact on the site. Although of more modern appearance than the other structures at the site, the building sits subtly amongst the existing buildings on the site and is supportive of their use. It is noted that the site is no longer used within the explosives industry and, as such, the association with the historic use of the site and the history of Faversham is diminished. However, by providing a supporting facility at the site, it will enable the site to continue to function and retain its current use and form which can be considered as a benefit to the Conservation Area.
- 7.3.6. The association between the site and Faversham Creek has also been assessed by the Council's Heritage Advisors who have stated that they have no objection to the

proposal. However, to soften the impact of the development it has been suggested that the portacabin should be stained a dark colour. A condition is recommended to secure this and would reduce the impact of the modern appearance of the portacabin which is most striking due to its colour.

- 7.3.7. The scale, form, design, and size of the proposed portacabin is of an appropriate footprint (approx. 72m) and although basic in design and more modern in appearance than the surrounding structures, it is seen in context with its use as ancillary to the group of existing buildings present at the site and associated with the existing use of the site. Moreover, given its modest single storey scale and set back from the public highway, the portacabin is contained within the site and, therefore, has an acceptable impact from Abbey Fields, Public Right of Way ZF39, and other public vantage points. In terms of policy DM24, it is considered that there is not an adverse impact on the landscaping arising from the development and, therefore, no objection is raised on that ground.
- 7.3.8. Given the above assessment, the proposed is considered to be in accordance with policies DM14, DM33, CP4 and CP8 of the Swale Borough Local Plan 2017, FAV10 and FAV11 of the Faversham Neighborhood Plan together with the NPPF.

7.4. Living Conditions

- 7.4.1. The Local Plan sets out that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas, and due consideration will be given to the impact of the proposed development upon neighboring properties.
- 7.4.2. Given its separation distance from residential properties, the proposal would not result in any unacceptable loss of light, privacy, sense of enclosure, overshadowing or overbearing impacts or any adverse noise or disturbance to neighbours.
- 7.4.3. As such, the proposed development is in accordance with Policy DM14 of the Swale Borough Local Plan 2017, FAV10 of the Faversham Neighborhood Plan 2024 and the NPPF.

7.5. Highway Safety and Parking

- 7.5.1. The Local Plan states that development should have regard for the safe movement of pedestrians and other vehicles.
- 7.5.2. The siting of the portacabin would not result in the loss of any parking associated with the use of the site or generate any additional trips as it would be used for purposes that are associated with the wider site and, as such, is acceptable. There is potential for trips to reduce as a result of the additional facility on site reducing the need for employees to make trips.
- 7.5.3. The proposed is, therefore, in accordance with Policy CP2 of the Swale Borough Local Plan 2017, FAV10 of the Faversham Neighborhood Plan 2024 and the NPPF.

7.6. Ecology

- 7.6.1. The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by Policies CP7 and DM28 of the Local Plan, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites. Policy DM28 clarifies that development which is likely to have an adverse effect upon locally designated sites will be permitted only where the damage can be avoided.
- 7.6.2. Although no preliminary ecological appraisal accompanied the application, as the part of the site where the structure is located site comprises predominantly hardstanding this is considered to be acceptable with regards to impacts upon biodiversity. KCC Ecology have concurred with this assessment and subsequently raised no objections.
- 7.6.3. With regards to Biodiversity Net Gain (BNG), the scheme would be exempt from the statutory requirement owing to the retrospective nature of the development. Whilst there is a shortcoming from the proposal not achieving a 10% net gain as would be required under the terms of Neighbourhood Plan Policy Fav 7, it is considered that the policy requirement only stems from the size of the site rather than the scale of the proposed development and, in this context and given the nature of the development proposed, it would be unduly burdensome to achieve a net gain. Even accepting that there is a shortcoming relative to the Neighbourhood Plan policy requirement and the aim of policy DM28 and the NPPF to achieve a net gain of unspecified size, it is considered that the harm arising in this regard would be clearly outweighed by the benefits of the proposal.
- 7.6.4. The site is next to a Local Wildlife Site though, given the nature of the portacabin, this is not considered to have an adverse effect on this ecological designation. Furthermore, whilst the protected habitats to the north west of the site are noted, given the distance of the development from that designated area and the nature and scale of the proposal, the development can hereby be screened out of needing an Appropriate Assessment under the terms of the Habitat Regulations.
- 7.6.5. As such, the proposal is considered to accord with Policies CP7 and DM28 of the Local Plan, FAV7 of the Faversham Neighborhood Plan 2024 and the NPPF.

7.7. Flooding and Coastal Change Management

- 7.7.1. The NPPF (paragraph 170) stipulates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. If it is not possible, however, for development to be located in areas with a lower risk of flooding, then paragraph 177 of the NPPF requires the application of an exceptions test. The need for the exception test depends on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3. Finally, the NPPF sets out at paragraph 181 that, when determining any planning applications, local planning authorities must ensure that flood risk is not increased elsewhere in the district.

- 7.7.2. The site comprises a parcel of land located within Flood Zones 2 and 3 and, considering that the portacabin would be utilised by the employees of the existing occupiers of the site, it would be impractical to locate the proposal in an alternative location. As such, it is considered that the proposal passes the sequential test. Similarly, as the development pertains to the introduction of a less vulnerable use within an area that is not within Flood Zone 3b, an exceptions test would not be required. Nevertheless, a Flood Risk Assessment was submitted which proposes resilience measures in the form of sealed doors along with a finished floor level of 150mm above ground level.
- 7.7.3. Subject to these measures being secured by condition, the proposal is considered to be in accordance with Policy DM21 of the Swale Borough Local Plan 2017, FAV8 of the Faversham Neighborhood Plan 2024, together with the NPPF.
- 7.7.4. Whilst it is noted that an objection has been made in relation to surface water flooding, in this case and noting the scale of the development and the area of hardstanding on which it has been positioned, it is not considered that the portacabin would create an increased risk of surface water flooding that would justify the refusal of the application.
- 7.7.5. The site is located within an area that is designated as a Coastal Change Management Area. As far as it is relevant to this development, Policy DM23 states that planning permission will be granted provided that the development does not result in an increased risk to life or a significant increase in risk to property and represents development within a prescribed list. Paragraphs 184 and 185 of the NPPF set out that policies should be clear as to what development is acceptable in such an area and how a development will be considered to be appropriate, including considering factors such as the lifetime of the development, the character of the coast, wider sustainability benefits and not hindering a route around the coast. Paragraph 186 goes on to state that temporary permissions should be considered if there is a potentially unacceptable risk to people and the development.
- 7.7.6. The site is within Section E424 (Faversham to Nagden) of the Medway and Swale Estuary Shoreline Management Plan area, which indicates that the intention is to "Hold the Line". This is therefore considered to be a low risk site and, as such, it is relevant that Planning Practice Guidance indicates that a comparatively wide variety of developments can occur, including hotels, shops, office or leisure activities requiring a coastal location and providing substantial economic and social benefits to the community. Whilst the list of examples does not include the development that is the subject of this application, it is considered that the coastal location is required in this instance due to the association with the existing land use that is occurring at the site and due to the wider sustainability benefits of supporting the employment use of the site that are set out elsewhere within this report.
- 7.7.7. In relation to the criteria within the NPPF, it has been demonstrated that the development will be safe over its planned lifetime. Moreover, noting that the abovementioned Shoreline Management Plan indicates that this section of the coast will be retained and given the nature of the development, it is not considered that there would be an impact on coastal change arising from the development. Therefore, there is no reason to conclude that the structure would be at undue risk of coastal change or that people would be put at risk by the development. Furthermore, the character of

the coast would not be compromised by the development, there would be wider sustainability benefits as will be set out elsewhere in this report and the proposal would not hinder the provision of a coastal route. Therefore, the proposal would accord with the requirements of the NPPF.

- 7.7.8. It is noted that Planning Practice Guidance states that a vulnerability assessment may be required but, in this case, the vulnerability of the development is considered to be able to be assessed without such an assessment being submitted and therefore, noting that the guidance states that an assessment may required rather than must or should, it is considered reasonable and proportionate to this case to proceed without requiring a vulnerability assessment. Whilst the guidance repeats the preference for development to be time-limited, in this case it is considered that the risk would be sufficiently low that a condition is not required to be imposed in this regard.
- 7.7.9. With respect to Policy DM23, the provision of a portacabin for general welfare purposes at the site, which is not publicly accessible, is not considered to pose risk to life and, insofar as the proposal is a moveable portacabin, it is considered that any risk to property is limited. However, as the proposed use would not fall within the prescribed list that is set out within the policy, there is a conflict with Policy DM23. The weight to afford this conflict will be discussed further below but it is considered relevant to note that the approach set out within Policy DM23 is not consistent with the PPG which allows a wider range of developments to occur.

7.8. **Archaeology**

- 7.8.1. The Local Plan seeks to protect archaeological heritage assets. The site falls within an Area of Archaeological Potential, however, given the modest nature of the proposal, KCC Archaeology have raised no objections in this regard. As such, the proposal accords with Policies CP8 and DM34 of the Swale Borough Local Plan 2017, FAV11 of the Faversham Neighborhood Plan 2024, along with the NPPF.

7.9. **Other Matters**

- 7.9.1. It's acknowledged that one letter of representation was received which objected to the works due to a lack of clarity regarding means of foul sewage disposal, however, the application form has stated that a septic tank which currently serves the existing site will be utilised.
- 7.9.2. Faversham Town Council have requested that only a temporary planning permission is granted, for a period of two years, in order to explore a more permanent solution that is flood resistant and reflects the wider locality. However, given the assessment made above, this is not considered to be necessary and, instead, the submitted scheme can be granted permission on a permanent basis.
- 7.9.3. It is not considered that the locating of a portacabin on the site would make the extraction of brickearth from the site any more or less likely and would not preclude such works in the future. Therefore, whilst the safeguarding of the land is noted, it is not considered that an objection should be raised on this ground.

7.10. **Planning Balance and Conclusion**

- 7.10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.10.2. In this case, there is a conflict with Policy ST3 and a partial conflict with Policy ST1 by virtue of the development being in a countryside location and not entirely according with the Settlement Strategy. However, the harm arising in this regard is considered to be very limited due to the development being directly related to the existing use of the site and it being illogical for it to be provided elsewhere.
- 7.10.3. There would also be a conflict with policy DM23 as a result of the development being of a type that is not specifically supported within a CCMA. However, in this respect the harm is considered to be very limited as the development amounts to a portacabin that would provide welfare to an established use and could be moved if it becomes absolutely necessary, rather than a fixed building, a new use, a residential use or any other such use that would be significantly at risk of the effects of coastal change. In this regard there is no known reason to conclude that there would be any risks of a more than minor degree on or off-site as a result of the proposal and this reduces the weight that should be afforded to the conflict with Policy DM23.
- 7.10.4. Furthermore, due to the development not achieving a biodiversity net gain, there would be a policy conflict with neighbourhood plan policy FAV7 and, to a lesser degree as they do not stipulate a percentage, local plan policy DM28 and paragraphs 187 and 192 of the NPPF.
- 7.10.5. Weighing in favour of the proposal is the support that exists for economic development within local and national planning policies. Moreover, a small benefit arises from the support of the existing use of the site which is identified as being valuable to the conservation area as it is the last site remaining in situ that was used as part of the explosives industry of Faversham, even though that use of the site has since ceased. The proposal is acceptable in all respects other than where harm has been identified and it is considered that the conflict with some policies is outweighed by the support provided by others to the extent that, when both the development plan and the NPPF are taken as a whole, the development accords with both. No other material considerations indicate that planning permission should be refused and, therefore, it is recommended that planning permission is granted.

7.11. **Recommendation**

- 7.11.1. Grant Planning Permission subject to the conditions set out below

7.12. **Conditions**

1. The development hereby approved shall be retained in accordance with the submitted drawings/documents received on 08/01/2025 (unless otherwise stated):

- 267488-01-101B – As Built Floor Plans
- 267488-01-201B- As Built Elevations
- 267488-01-301B – As Built Section A-A
- 267488-01-401B – As Built Block Plan

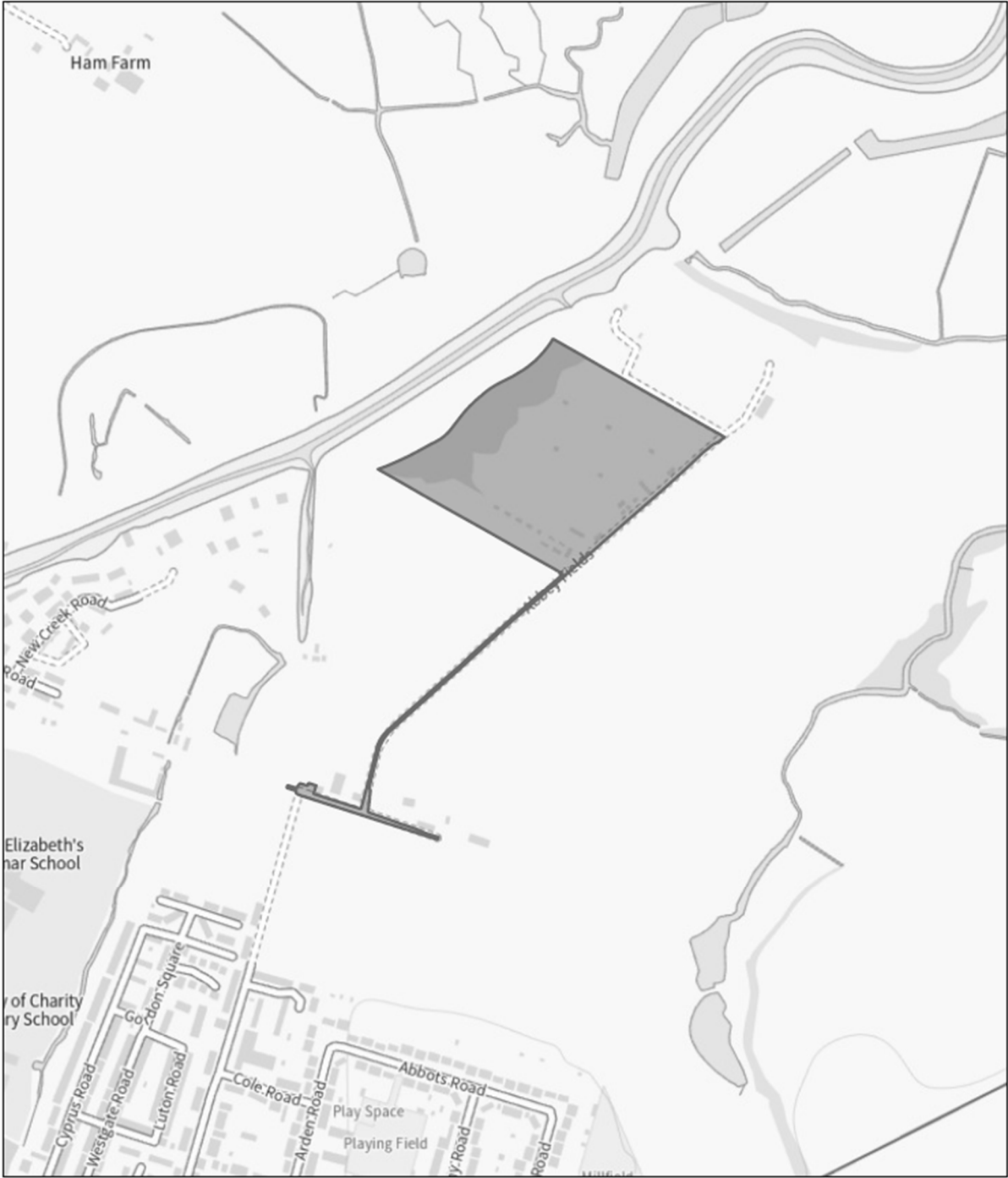
Reason: In the interests of clarity and proper planning.

2. The flood resilience and mitigation measures detailed within the submitted Flood Risk Assessment prepared by Design Square Architects (dated December 2024) shall be incorporated into the development within six months of the date of this decision and thereafter retained.

Reason: To reduce the impact of flooding on the proposed development

3. Within 6 months of the date of this Decision Notice, the portacabin hereby approved shall be stained or painted a dark colour and thereafter maintained as such.

Reason: In the interests of the ensuring that the development preserved the character and appearance of the Conservation Area, the site and the locality in general.



2.2 REFERENCE NO – 25/502450/FULL		
PROPOSAL - Erection of a metal beacon on a square timber pole.		
SITE LOCATION - The Leas, Minster-on-sea, Kent, ME12 2NL		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission without conditions.		
APPLICATION TYPE Full – Minor		
REASON FOR REFERRAL TO COMMITTEE – Council Owned Land		
Case Officer – Ian Harrison		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-on-Sea	APPLICANT - Minster-on-Sea Parish Council AGENT - N/A
DATE REGISTERED 03 July 2025		TARGET DATE 28 August 2025
BACKGROUND PAPERS AND INFORMATION: The full suite of documents submitted and representations received pursuant to the above application are available via the link below: - https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SXSH67TYLCN00		

1. SITE LOCATION AND DESCRIPTION

- 1.1. The application site is located to the north of The Leas, between the highway and the Coast Path that extends along the northern coast of the Isle of Sheppey, landside of the sea wall.
- 1.2. The site measures 61 square metres and comprises of a sloping area of grass land. The site forms part of the Local Green Space that extends along the coast at this part of the Isle of Sheppey, from The Leas to Hen's Brook.
- 1.3. The site now contains the development that is the subject of this application.
- 1.4. The site is within the designated Coastal Change Management Area but outside of the designated Erosion Zones. The site is part of a designated Local Green Space. The site is outside the designated Built-Up Area Boundary of Minster and is, therefore, in the countryside for the purposes of planning policy. The site is within

the Special Protection Area 6km Buffer Zone that is applicable to The Swale. The site falls within Flood Zone 1, i.e. it is at the lowest risk of flooding. The site lies approximately 1km to the west of the Sheppey Cliffs and Foreshore SSSI

2. PLANNING HISTORY

- 2.1. There is no planning history applicable to this site.

3. PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought for the erection of a metal beacon that measures, at most, 1.23 metres tall and 1.4 metres wide. The beacon sits on top of a square timber pole that measures 6.3 metres tall. A commemorative plate is attached to one side of the structure reflecting that it was installed as part of the activities that took place to mark the 80 year anniversary of V.E. Day.

4. REPRESENTATIONS

- 4.1. One round of consultation has been undertaken, during which letters were sent to neighbouring occupiers and a notice was displayed at the application site. Full details of representations are available online.
- 4.2. One letter of representation supporting the proposal was received. This was from Minster-on-Sea Parish Council, who are also the applicants. They support the application on the grounds that the development does not interfere with drainage, has been installed to commemorate the 80th anniversary of Victory in Europe day, follows the standardised design that has been used across the country, would be of use to any future historic celebration or remembrance taking place at the Leas and would act as a visual focus to allow people time to reflect and pay tribute. The Parish Council have advised that, since it's installation, they have received numerous positive comments about its design, its functionality and its appeal for photo opportunities. The Parish Council consider that it has created a simple, yet effective point of interest for those visiting the Leas, whilst actively being a future point of celebration. The Parish Council advised that their VE celebration and Dunkirk celebration both centred around the lighting of the beacon, drawing crowds on both days and bringing together the community of Minster-on-Sea.

5. CONSULTATIONS

- 5.1. SBC Assets Manager – No comment.
- 5.2. SBC Greenspaces Manager – No objection.

6. DEVELOPMENT PLAN POLICIES

Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 (the Local Plan).

ST1 Delivering sustainable development in Swale
ST3 The Swale settlement strategy
ST6 The Isle of Sheppey Area Strategy
CP2 Promoting sustainable development
CP4 Requiring good design
CP5 Health and wellbeing
CP6 Community facilities and services to meet local needs
CP7 Conserving and enhancing the natural environment – providing for green infrastructure
DM3 The Rural economy
DM6 Managing transport demand and impact
DM7 Vehicle parking
DM14 General development criteria
DM17 Open Space, Sports and Recreation Provisions
DM18 Local Green Spaces
DM19 Sustainable design and construction
DM21 Water, flooding and drainage
DM23 Coastal Change Management
DM28 Biodiversity and geological conservation

Supplementary Planning Guidance/Documents -

Landscape Character Assessment and Biodiversity Appraisal (LCA&BA), 2011.
Parking Standard Supplementary Planning Document, 2020.
Open Spaces and Play Area Strategy.
Isle of Grain to South Foreland SMP Review 2010

National Planning Policy Framework (the NPPF)

National Planning Practice Guidance (NPPG)

Kent Mineral and Waste Local Plan 2024-39 (KM&WLP), 2025 & the Kent Mineral Sites Plan (KMSP), 2020.

7. ASSESSMENT

7.1. The main considerations involved in the assessment of the application are:

- Principle
- Landscape, Visual and Design Considerations
- Ecology
- Living Conditions
- Other Matters

7.2. Principle

- 7.2.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.
- 7.2.2. The NPPF provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.
- 7.2.3. Development in the Countryside and Settlement Strategy
- 7.2.4. The site is outside the Built-Up Area Boundary of Minster and, for the purposes of the Council's Settlement Strategy, the proposal represents development in the countryside. Policy ST3 indicates that development at this site should only be approved if it is supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities. As it represents the erection of a structure where no development previously existed, it can only be concluded that the development does not protect or enhance the intrinsic value of the countryside. However, regard has to be had to the context of the site which, despite its designation, is viewed largely in the context of the adjacent settlement and, as such, plays a limited role in any landscape. The surrounding area attracts activity to the extent that it cannot be viewed as tranquil in that sense, albeit there is a sense of tranquillity to be taken from the coastal environment and this would not be affected by the proposal. Policy ST6 also states that the settlements of the Isle of Sheppey should be the focus of development.
- 7.2.5. Policy DM3 addresses various matters that are of limited relevance to this proposal, but it is considered relevant that it requires development to be sympathetic to the rural location and appropriate to their context and result in no significant harm to the historical, architectural, biodiversity, landscape or rural character of the area. These matters will be considered below.
- 7.2.6. Policy DM3 addresses tourism and leisure by stating that development should provide for an expansion of tourist and visitor facilities in appropriate locations where identified needs are not being met by existing facilities in the locality or where able to increase facilities available to local communities as well as visitors. The proposal is not a tourist facility or a leisure facility per se but falls closest to that category of development than any other and it is considered that it does provide a landmark for

visitors and something to see, whether those persons are from the local area or further afield. The development is not considered to conflict with fundamental elements of Policy DM3 that control the type of development that is supported and therefore, subject to the assessment that is undertaken below, the development is not considered to be prevented by that policy.

- 7.2.7. For the reasons given, there would be a conflict with the development plan by virtue of the proposal representing development in the countryside and being in conflict with Policies ST3 and ST6. However, the harm arising in this regard is limited.

Coastal Change Management Area (CCMA)

- 7.2.8. The site is within the designated CCMA where, as far as it is relevant to this development, Policy DM23 states that planning permission will be granted provided that the development does not result in an increased risk to life or a significant increase in risk to property and represents water-compatible development. Paragraphs 184 and 185 of the NPPF set out that policies should be clear as to what development is acceptable in such an area and how a development will be considered to be appropriate, including considering factors such as the lifetime of the development, the character of the coast, wider sustainability benefits and not hindering a route around the coast. Paragraph 186 goes on to state that temporary permissions should be considered if there is a potentially unacceptable risk to people and the development.
- 7.2.9. The site is within Section 4a03 of the Isle of Grain to South Foreline Shoreline Management Plan area, which indicates that the intention is to "Hold the Line". This is therefore considered to be a low risk site and, as such, it is relevant that Planning Practice Guidance indicates that a comparatively wide variety of developments can occur and, whilst the list of examples does not include developments of this type specifically, it is considered that the proposed development would align with the types of development that can occur.
- 7.2.10. In relation to the criteria within the NPPF, it has not been demonstrated that the development will be safe over its planned lifetime, however noting that the abovementioned Shoreline Management Plan indicates that this section of the coast will be retained and given the nature of the development, it is not considered that there would be an impact on coastal change arising from the development and there is no reason to conclude that the structure would be at risk of coastal change or that people would be put at risk by the development. Furthermore, the character of the coast would not be compromised by the development, there would be wider sustainability benefits as will be set out elsewhere in this report and the proposal would not hinder the provision of a coastal route. Therefore, whilst not according wholly with the requirements of the NPPF, it is not considered that there is likely to be harm arising from that element where there is conflict.

- 7.2.11. With respect to Policy DM23, as set out above, it has not been demonstrated that there would not be any increased risks to life or property as a result of the development but there is no basis to assume that there would be any undue risk from the proposal in these respects. Moreover, noting that paragraph 7.6.58 of the Local Plan and the NPPF Technical Guidance describes water-compatible development as including *“amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms,”* it is considered that the development can reasonably fall within the ambit of being water-compatible. Although there is a technical policy breach as the risk arising from the development has not been detailed, this risk would be handled through other means, such as the management, maintenance and insurance of the structure by the Parish Council.
- 7.2.12. It is noted that Planning Practice Guidance states that a vulnerability assessment may be required but, in this case, the vulnerability of the development is considered to be able to be assessed without such an assessment being submitted and therefore, noting that the guidance states that an assessment may required rather than must or should, it is considered reasonable and proportionate to this case to proceed without requiring a vulnerability assessment. Whilst the guidance repeats the preference for development to be time-limited, in this case it is considered that the risk would be sufficiently low and managed through other controls such that a condition is not required to be imposed in this regard.
- 7.2.13. Overall, whilst not wholly according with the requirement to demonstrate that the development would not be at risk, it is considered that the risk would be very low and managed through appropriate stewardship and, therefore, the policy conflict is considered to be limited and appropriate to be given limited weight. .

Community Benefit

- 7.2.14. Policy ST1 states that development proposals will, as appropriate, promote health communities through the location of development to achieve safe, mixed uses and shared spaces and through maintaining the individual character, integrity, identities and settings of settlements. Moreover, Policy CP5 states that development will Create social interaction and safe environments through mixed uses and in the design and layout of new development. In addition, the supporting text within the local plan (page 20) states that a core objective is to develop culture to support regeneration, employment growth, communities and environmental management. Policy ST6 states that development in the Isle of Sheppey area should include effective heritage protection, integration and enhancement a priority, whilst conserving and enhancing the historic and special interests of the town, coast, rural area and landscapes. Whilst there are no heritage assets at the site, it is considered that the development relates to the reflection of the history of the Isle of Sheppey and further afield.

- 7.2.15. The NPPF identifies that a social objective is one of three key objectives of achieving sustainable development, the definition of this objective is *“to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.* In addition, paragraph 98 of the NPPF states that *“to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should....plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.”*
- 7.2.16. The development is small scale but was provided to create a focal point for commemorating a landmark historic event. It is considered that developments of this type play a role in terms of social interaction and cultural identity that is of benefit to the local community. This is considered to accord with the aims of the abovementioned local plan policy and the abovementioned extract of the NPPF. It is considered appropriate to afford substantial weight to the social gain arising from the development.

Local Green Space

- 7.2.17. Policy DM18 states that within designated Local Green Spaces planning permission will not be granted other than for specific types of development including, the construction of a new building that provides essential facilities for outdoor sport or recreation or other uses of land where preserving the openness of the Local Green Space and not conflicting with its purpose.
- 7.2.18. Describing the purpose of the structure as recreational is not entirely reflective of its intention but it is considered that it is logical for such a structure to be provided in an area of recreational land use. It is not essential to the functioning of the recreational use of the land, but it does provide a focal point and point of visual interest that would be likely to increase the use of the recreational area. However, by representing development where none previously existed and being sited in a large swath of generally undeveloped land, it is considered that there is a minor impact on openness that conflicts with the abovementioned policy.
- 7.2.19. The NPPF states decisions for managing development within a Local Green Space should be consistent with national policy for Green Belts. The NPPF sets out that development should be viewed as being inappropriate unless it is for one of 5 exceptions, one of which is *“the provision of appropriate facilities.....including buildings.....for outdoor recreation....as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.”*

- 7.2.20. Having regard to the purposes of the Green Belt and applying them instead to the Local Green Space designation, the development would not conflict with four of the five stated purposes as it would not represent unrestricted sprawl, would not cause the merging of neighbouring towns, would not effect the setting or special character of a historic town and would not have reduce the likelihood of urban regeneration. As set out above, the beacon represents development within the countryside and, albeit to a small degree, the development does not safeguard the countryside from encroachment.
- 7.2.21. Moreover, albeit to a very small degree, the proposal would not preserve openness as it represents the provision of development where none previously existed.
- 7.2.22. The proposal does not, therefore accord with any of the exceptions that are listed within the NPPF and, as a result, the proposal would be considered inappropriate in the context of the NPPF policies that are applicable to the Green Belt and, in turn, are required by the NPPF to be applied to Local Green Spaces.
- 7.2.23. Paragraph 153 of the NPPF states that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
- 7.2.24. In this instance, the harm that is caused to the openness of the Local Green Space is small by virtue of the structure representing a post with a beacon atop. Whilst the section of the designated Local Green Space immediately north of The Leas is generally free from development and this structure does, therefore, represent an anomaly, the harm is limited by virtue of the size and scale of the structure. The harm still has to be given substantial weight, as set out within the abovementioned extract of the NPPF. Similarly, the policy conflict of the proposal representing inappropriate development would have to be given significant weight, albeit the conflict is again limited by virtue of the scale and nature of the development.
- 7.2.25. Weighed against this harm is the benefit of the proposal which is considered to be that which is set out in the Community Benefit section above. This need not be repeated. In this instance it is considered that the benefit of the proposal clearly outweighs the harm that is caused by the development as a result of the application of Green Belt policies to this development within a Local Green Space and in all other respects. Consequently, it is considered that the proposal can be found acceptable in the context of national policies in relation to the Local Green Space. For similar reasons, whilst the proposal would not accord with Policy DM18 and a small degree of harm would arise from that conflict, the harm is considered to be

outweighed by other aspects of the development plan which support developments of this kind.

7.3. Landscape, Visual and Design Considerations

- 7.3.1. Local Plan Policies CP4 and DM14 and the NPPF attach great importance to the design of the built environment and that design should contribute positively to making places better for people.
- 7.3.2. As a result of the site being in the countryside, Policy DM24 is applicable. This policy states that *“the value, character, amenity and tranquillity of the Borough's landscapes will be protected, enhanced and, where appropriate, managed”*. However, as the site is not within a National Landscape or an Area of High Landscape Value, only Parts B (Non-Designated Landscapes) C (All Landscapes) are applicable. In this regard, it is noted that the site is located within Landscape Character Area 16 (Minster and Water Farmlands) of the Council's Swale Landscape Character and Biodiversity Appraisal.
- 7.3.3. The application site is viewed as an area of coastal green space between the development of Minster to the south and the sea. It has little to no relationship with the wider landscape character area that it is included within and does not share any of the characteristics of the that landscape, which has been assessed to be in poor condition. From this basis, it is considered that the proposal would not cause harm to the landscape that it forms a part of and, in the context of its edge of settlement, coastal path setting, the development is considered to be visually acceptable and not harmful. In terms of height, scale and appearance, the development has followed a conventional design and is considered to be acceptable. The proposal is therefore considered to accord with the abovementioned policies and the corresponding elements of the NPPF.

7.4. Ecology

- 7.4.1. The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by Policies CP7 and DM28 of the Local Plan, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites.
- 7.4.2. Section 40 of the Natural Environment and Rural Communities Act (2006) states *“For the purposes of this section “the general biodiversity objective” is the conservation and enhancement of biodiversity in England through the exercise of functions in*

relation to England” and “A public authority which has any functions exercisable in relation to England must from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective.” Furthermore, the NPPF states that ‘the planning system should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.’ The NPPF states that ‘if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.’

- 7.4.3. In terms of the Local Plan, Policy DM28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 7.4.4. The development has occurred and it is not known that any protected species were impacted by the proposal. It is not likely that any would have been present at the site given the nature of the site and its context. No objection is therefore raised to the development on this ground.
- 7.4.5. The site is not within any areas that are designated for their biodiversity or ecological features and, due to the scale of the development, the nature of the structure and the operations required to erect it, it is not considered that the development would have had or will have any impacts on protected habitats. In reaching this position, it is noted that the nearest Special Protection Area is the Outer Thames Estuary SPA which is beyond Minster Beach and the nearest SSSI is 1km to the east. The development is therefore hereby screened out from needing an Appropriate Assessment. The development would not generate recreational activity associated with the occupation of dwellings and, as such, no SAMMS payment is required in this case.

BNG

- 7.4.6. This application was submitted after the commencement of Mandatory Biodiversity Net Gain and, as such, the 10% biodiversity net gain requirement of the Environment Act 2021 could have been applicable. However, the exemptions relating to the small scale of the development and the application being retrospective are both applicable and, therefore, a net gain would not be required.

7.5. Living Conditions

- 7.5.1. Policy DM14 of the Local Plan and the NPPF requires that new development has sufficient regard for the living conditions of neighbouring occupiers.

- 7.5.2. The development, by virtue of its scale and position, has no impact on the light, privacy or outlook from any neighbouring residential properties that would justify the refusal of the application.
- 7.5.3. The occasional use of the beacon as a focus for events might generate traffic and activity that would inevitably have an impact on living conditions within neighbouring properties. However, those impacts would be limited in terms of frequency, scale and duration such that this is not considered to a basis to conclude that the impact of the development would be unacceptably harmful.

7.6. **Other matters**

- 7.6.1. The development has no impact on archaeological interests or heritage assets and is not at risk from flooding or likely to cause risks of flooding elsewhere.
- 7.6.2. Any impacts on carbon neutrality and air quality arising from the use of the beacon would be limited and as such, any conflict with policies DM6 and DM19 arising from this would be negligible and outweighed by the benefits and support from other policies as are set out elsewhere.
- 7.6.3. As per the assessment of the impact of the development on living conditions, the occasional use of the beacon would be likely to cause traffic and parking within the immediate vicinity of the site. However, these events would be infrequent and inevitably be managed by the event organisers such that any impacts would be limited in scale, duration and frequency. Outside of organised events, it is unlikely that the beacon on its own would represent a trip generator to a degree that traffic or parking demand would be materially altered. No objection is therefore raised on these grounds and the development is not considered to conflict with policies CP2, DM6 and DM7.
- 7.6.4. As set out above, the development is considered to align with the use of the informal open space that the site forms a part of and, as such, the proposal is not considered to conflict with policy DM17 which relates to Open Space.

7.7. **Planning Balance (Benefits and Harm) and Conclusion**

- 7.7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.7.2. In this case there are areas where the development does conflict with policies of the development plan. In particular, the proposal represents development within the

countryside, outside the Built-Up area boundaries and within a designated Local Green Space. There is also a conflict with elements of national and local policy relating to the Coastal Change Management Area. However, the harm arising in these respects is considered to be outweighed by the social benefits of the proposal and the associated accordance with other policies of the development plan. The social benefit is considered to be grounds to find the development within the Local Green Space acceptable. Therefore, the development is considered to accord with the development plan when it is considered as a whole. For similar reasons, noting that the proposal represents development that would be inappropriate in the Local Green Space were it not for the Very Special Circumstances that are considered to exist, the proposal is considered to accord with the NPPF when it is taken as a whole. No other material considerations are known to indicate that a decision should be reached other than in accordance with the development plan.

- 7.7.3. For these reasons, it is considered that planning permission should be granted. As the development has already occurred, no conditions are considered to be necessary and, as such, unconditional planning permission can be granted.

7.8. **Recommendation**

- 7.8.1. Grant unconditional planning permission.



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PLANNING COMMITTEE – 15th January 2026

PART 5

Report of the Head of Planning

PART 5

Decisions by County Council and Secretary of State, reported for information

- **Item 5.1 – Cripps Farm, Plough Road, Eastchurch, ME12 4JH**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : ENFORCEMENT NOTICE

Observations

An enforcement notice was served against the erection of a brick boundary wall adjacent to a highway. Two appeals were submitted against the enforcement notice, with one appeal proceeding on the grounds that planning permission should be granted (ground a) and both proceeding on the grounds that a breach of planning control had not occurred (ground b).

The brick wall was stated by the appellants to be a replacement brick wall. It had however definitely been built and, therefore, the ground b) appeals failed.

In relation to the ground a) appeal, the Inspector noted that, other than some landscaping, the development was the same as had been considered within a previous appeal. That appeal had been dismissed and, consistent with that decision, the Inspector found that the dominant appearance of the front was at odds with the general nature of boundary treatments in the area. Other arguments made by the appellant were considered but the Inspector concluded that the development results in an unacceptable level of harm to the character and appearance of the street scene and to the wider area contrary to policies CP4, ST3, and DM14. The appeal was therefore dismissed and the enforcement notice was upheld.

- **Item 5.2 – 10 Hustlings Drive, Eastchurch, Kent ME12 4JX**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Planning permission was sought for a first floor front extension. The main issue was the effect on the character and appearance of the area.

The Inspector found that the proposal extending over the entirety of the ground floor garage element, with its ridgeline at a height that would broadly match that of the main house, would lack any sense of subservience, appearing as a dominant element of significant mass and bulk in a conspicuous position within the context of the neighbourhood. It was stated that the imposing nature of the scheme would be exacerbated by the design of the front elevation, which is bland and utilitarian with small

first floor windows, large areas of brickwork and no features of interest to articulate the facade. Other developments, the absence of objections and the personal circumstances of the appellant were not considered to be reasons to find the development acceptable and the appeal was, therefore, dismissed.

- **Item 5.3 – Broadoak Farm, Broadoak Road, Milstead, Sittingbourne, ME9 0RS**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : ENFORCEMENT NOTICE

Observations

An enforcement notice was served against the erection of walls and gates at the entrance to the land. The appeal was submitted on grounds a (planning permission should be granted), f (the requirements of the notice are excessive) and g (the time for complying is too short).

In relation to the deemed application for planning permission, the Inspector considered the context of the area and the nature of the development and an alternative planning permission at the site before stating that *“the development as carried out appears in the landscape as a substantial and overly dominant urbanising and intrusive feature, incongruous with the prevailing landscape characteristics of the Tunstall Farmlands area. This includes the extent of the 1m high walls adjacent the highway boundary which are inappropriately urbanising. As such, the development conflicts with LP Policy DM24 requirements to conserve and enhance the landscape. For the same reason it also has an adverse impact upon the setting of the National Landscape.”* Hedgerow planting was not found to compensate for this harm. Moreover, developments at other sites and the potential use of permitted development rights were not considered to be reason to find the development acceptable.

In relation to the ground f) appeal, the appellant suggested reducing the height of the walls to what constituted permitted development. However, the Inspector was unsatisfied with this as it would not overcome all of the identified harm. That ground of appeal therefore failed.

In relation to the ground g) appeal, the Inspector afforded the appellant 6 months to comply rather than 4 as a result of it being suggested that there would be difficulties securing contractors to undertake the necessary works. The enforcement notice was varied in this regard.

- **Item 5.4 – Stonebridge Lodge, West Street, Faversham, Kent ME13 7RU**

PINS Decision: APPEAL A & B DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Appeal A related to an application for planning permission and Appeal B related to an application for listed building consent. The proposal is for the adaptation and extension of the existing dwelling at the site. The main issues were the effect of the development

on the Grade II listed building at the site and the Faversham Conservation Area, with the Inspector having regard to the relevant statutory duties in respect of those heritage assets.

A key extract of the appeal decision is where the Inspector stated *“I appreciate that the proposal would appear subservient to the listed building in terms of its height and its set back position. However, the proposal would double the size of the building. The proposed extension would also be deeper than the existing building and although it would be located to the rear, it would extend some distance past the existing side building line of the property. Given the above, I find that the proposal would result in a disproportionate addition to the listed building, which would significantly erode its special interest and its simple, rectilinear plan form.”* The limited visibility of the proposal from the public domain was considered by the Inspector and it was noted that certain elements of the proposal, relating to non-original parts of the building, were acceptable. The Inspector went on to find that the proposal, which would be reliant on the removal and replacement of a substantial tree, would not be detrimental to the Conservation Area as a whole, again citing the limited views of the proposal from the public domain in this assessment.

The Inspector had regard to other heritage assets and points made by the appellant in relation to the potential to remove the structure in the future, the application of the Public Sector Equality Duty, other unconsented development proposals and the support from interested parties, including the Town Council. Moreover, in undertaking balancing exercised, the Inspector had regard to economic benefits arising from construction, the improvement of living accommodation, a potential council tax increase, the optimum viable use of the building, the accessibility of the accommodation, other works being undertaken to repair the building and the energy efficiency credentials of the proposal.

Overall, it was found that the public benefits did not outweigh the harm to the heritage assets and that the proposal failing to preserve the special interest of the Grade II listed building meant that the development was contrary to Policies CP4, CP8, DM14, DM16 and DM32 of the local plan, policy FAV11 of the Neighbourhood Plan. The appeal was, therefore, dismissed.

-
- **Item 5.5 – Land Adjacent Matts Hill Farm Industrial Estate, Matts Hill Lane, Hartlip, ME9 7UY**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Planning permission was sought for the provision of a pair of two bedroom mobile units. The main issues were the impact on the Kent Downs National Landscape (KDNL), the suitability of the location for housing, the impact on biodiversity (particularly an adjacent ancient woodland and local wildlife site and the SPA and RAMSAR), and the effect on BMV agricultural land.

In relation to the KDNL, the proposal was considered to be out of place in the rural location in a visual sense, not entirely mitigated by screening, harmful to tranquillity and harmful to the scenic qualities of the KDNL. The proposal was therefore contrary to

policies CP4, DM14 and DM24 and the KDNL Management Plan. The proposal was also found to be contrary to Policies ST1, ST3 and CP2 as a result of the location of the development in the countryside, far from services and dependent on being accessible by motor vehicle in almost all instances.

Inadequate details had been provided to demonstrate an adequate buffer from the protected woodland and wildlife site and that the habitat would not be harmed. Moreover, whilst the appellant had indicated that they would make the necessary SAMMs contribution, this had not been secured. The proposal was therefore unacceptable on both of these grounds and contrary to policies DM28 and DM29. Furthermore, as it had not been demonstrated that the proposal would not result in an unacceptable and unjustified loss of BMV, it was found that the proposal conflicts with Policy DM31.

The Inspector weighed these harms against the benefit of providing two houses and the suggested that they would be self-build housing. However, the harm was found to outweigh these benefits and the appeal was, therefore, dismissed.

- **Item 5.6 – Land rear of 67 High Street, Milton Regis, Sittingbourne ME10 2AR**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Planning permission was sought for the erection of a building to contain a pair of two bedroom properties, with associated access and refuse storage for that building and a neighbouring site. The main issues were the effect on the character and appearance of the Milton Regis Conservation Area and the setting of Grade II Listed Buildings and the effect on biodiversity.

In terms of the impact on heritage assets, the shape of the plots and their definition by boundary walls was considered to be an important characteristic and their removal or breach as a result of the development was considered to be harmful. It was found that the development would “fundamentally alter the historic layout and pattern of development.” The Inspector found that the proposal would disrupt the ability to read the rear gardens as part of the original High Street plots and constitute a prominent separate backland development that would erode the historic plot pattern. The impact of the access on the boundary walls and their contribution to the heritage assets was also found to be harmful. It was found that the building would constitute an unexpected and incongruous intrusion. The proposal was therefore found to harm the Conservation Area and the setting of Grade II listed buildings. The less than substantial harm was not considered to be outweighed by housing provision benefits or economic activity during construction. Conflict with policies CP4, CP8, DM14 , DM32 and DM33 and the NPP was therefore identified.

The absence of an adequate reptile survey meant that the proposal was found to be harmful to biodiversity and contrary to Policy DM28.

A planning balance exercise was undertaken and the Inspector found that the benefits of the proposal did not clearly outweigh the identified harm and the appeal was, therefore, dismissed.

- **Item 5.7 – Land at Sandbanks Lane and Seasalter Road, Graveney, Kent ME13 9DU**

PINS Decision: APPEAL ALLOWED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Outline planning permission was sought for the construction of 27 dwellings, including open-market, self-build dwellings and affordable housing. The main issuers were the whether the location of the development was acceptable in terms of accessibility and the Council's Settlement Strategy, the effect on the character and appearance of the area and the effect on heritage assets.

The Inspector noted that the appeal was in the countryside but that development could be accepted where the exception built into the policy was complied with. The Inspector went on to consider that exception in the character and appearance section and found that the *"introduction of the proposed development into the appeal site, would accord with the relevant policies relating to housing in rural areas. It would also accord with policies CP4 and DM14 of the LP which together seek to achieve good design which is appropriate to its surroundings and well sited. It would also accord with policy DM24 of the LP which requires non-designated landscapes to be protected and enhanced."* It was, however, identified that the proposal would conflict with Policy CP2 by virtue of the limited availability of local services and the unavoidable reliance on private cars.

The Inspector found that the proposal would cause a low level of less than substantial harm to the setting of Bridge House, Graveney House, Murtons Farmhouse (and its barn) and the Graveney Bridge Conservation Area. The inspector went on to consider that the public benefits of the proposal, including housing supply, self-build housing, affordable housing provision and economic benefits would outweigh the harm to the heritage assets and the proposal was therefore found to be accord with the NPPF and Policies DM32 and DM33.

The benefits of the proposal (as set out in relation to the heritage assessment) were considered again as part of the overall planning balance, along with biodiversity enhancement benefits, and it was found that the harm did not outweigh the benefits of the proposal. The appeal was, therefore, allowed.

- **Item 5.8 – Callum Park, Besser Hill, Lower Halstow ME9 7TY**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Outline planning permission was sought for the demolition of a stable yard and riding arena and the construction of three self-build dwellings. The main issuers were the

whether the location of the development was acceptable in terms of accessibility and the Council's Settlement Strategy and the effect on employment provision and community facilities.

It was identified that the countryside location meant that the development was not supported by the spatial strategy and, therefore, was contrary to policies ST1 and ST3. Moreover, whilst there are some services within Lower Halstow, they are distant from the site and access to them by foot or bicycle would be an unattractive prospect for many. Bus services were not known to be grounds to support development and, whilst electric vehicle charging would be provided, it was considered that potential car club provisions would be unrealistic given the small number of dwellings. The proposal was therefore found to be contrary to the aims of Policy CP2.

In relation to the existing use of the site, the Inspector had regard to various constraints, practicalities and issues affecting the viability of operating the existing business. However it was concluded that it was reasonable to have expected the appellant to have demonstrated that there is no demand for an employment or community use at the appeal site and that the clearest way of doing so would be via an appropriate marketing scheme, which has not been undertaken. The Inspector found that it had not been demonstrated that the existing approved use would be undesirable or unsuitable in the rural context or that other possible employment or community uses would also be undesirable or unsuitable. The loss of employment provision was therefore found to be contrary to Policy DM3.

The Inspector weighed these harms against the benefits of providing housing, the self-build nature of that housing, the economic benefits of the erection and the subsequent occupation of the dwellings and biodiversity enhancements. The Inspector concluded that the harms clearly outweighed the benefits and, therefore, the appeal was dismissed.

- **Item 5.9 – Land west of Head Hill Road, Graveney, Kent ME13 9DE**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Outline planning permission was sought for the construction of eight self-build dwellings. The main issues were the whether the location of the development was acceptable in terms of accessibility and the Council's Settlement Strategy, the effect on the character and appearance of the area, the effect on heritage assets and the effect on BMV agricultural land.

The Inspector noted that the appeal was in the countryside but that development could be accepted where the exception built into the policy was complied with. The Inspector went on to consider that exception in the character and appearance section and found that *"The introduction of the proposed dwellings into the site would.... be harmful to the landscape character and quality of the area and conflict with Policies ST1 and ST3."* It was, also, identified that the proposal would conflict with Policy CP2 by virtue of the limited availability of local services and the unavoidable reliance on private cars.

The Inspector found that the proposal would fail to preserve the special interest of the listed building (The Four Horsehoes Inn) and the significance of the conservation area.

Benefits of the proposal, including housing supply, self-build housing, an overprovision of open space and economic benefits were not found to outweigh the harm to the heritage assets and the proposal was therefore found to be contrary to the NPPF and Policies DM32 and DM33.

It was agreed by all that there would be a loss of BMV agricultural land, but the harm arising from this amounted to a policy conflict (DM31) relating to it not being demonstrated that less suitable sites were available.

The benefits of the proposal (as set out in relation to the heritage assessment) were considered again as part of the overall planning balance and it was found that the harm, including conflict with policy DM24, was not outweighed by the benefits of the proposal. The appeal was, therefore, dismissed.

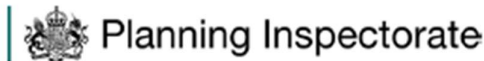
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PLANNING COMMITTEE – 15th January 2026**PART 5**

Report of the Head of Planning

PART 5

Decisions by County Council and Secretary of State, reported for information



Appeal Decisions

Site visit made on 28 October 2025

by Thomas Shields DipURP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

Appeal A: APP/V2255/C/23/3323758**Appeal B: APP/V2255/C/23/3323759****Cripps Farm, Plough Road, Eastchurch, ME12 4JH**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Miss Sarah Whitlock (Appeal A) and David Buckley (Appeal B) against an enforcement notice issued by Swale Borough Council.
- The notice was issued on 23 May 2023.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a brick boundary wall fronting the highway being over one metre in height, plus the raising of land levels including an area of hardstanding.
- The requirements of the notice are:
 - i. Demolish the boundary wall shown in its approximate position shaded black and edged red on the attached plan, including demolishing the lower retaining section of the wall.
 - ii. Excavate and remove all materials used to raise the land levels for a distance of 1.75 metres back from the dotted line as shown on the existing plans submitted under planning application 19/505311 specifically drawing no. DC/511 Existing (dated July 2019). The plans are attached to this notice.
 - iii. Excavate and remove the area of hardstanding located behind the boundary wall for a distance of 1.75 metres back from the dotted line as shown on the existing plans submitted under planning application 19/505311 specifically drawing no. DC/511 Existing (dated July 2019). The plans are attached to this notice.
 - iv. Reinstate the former grass verge (in place of the wall identified in (i) above) including reinstating the land levels to a level consistent with the existing levels immediately to the east and to the west of the wall. Cover with topsoil and plant with grass seed.
 - v. Remove from the Land any resultant bricks, hardcore and any other form of waste or materials arising from compliance with steps (i) to (iv) above.
- The period for compliance with the requirements is 3 months.
- Appeal A is proceeding on the grounds set out in section 174(2)(a) and (b) of the Town and Country Planning Act 1990 (as amended). Appeal B proceeds on ground (b) only. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

DECISION

1. The appeals are dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal on ground (b)

2. An appeal on this ground argues that the matters stated in the notice have not occurred as a matter of fact.
3. In this legal ground of appeal the Planning Practice Guidance (PPG) follows earlier Court judgments. As such, the onus of proof falls to an appellant, with the test of the evidence being on the balance of probabilities. Also, an appellant's evidence should not be rejected simply because it is not corroborated. If there is no

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evidence to contradict their version of events, or make it less than probable, and their evidence is sufficiently precise and unambiguous, it should be accepted.

4. No evidence is provided to show that any of the matters listed at Section 3 of the notice had not occurred. The appellants state the wall subject of the notice is a replacement of an earlier and broken retaining brick wall. While this is a relevant consideration for the purposes of ground (a), this appeal on ground (b) cannot succeed since the matters alleged had clearly occurred by the time the notice was issued.
5. The appeal on ground (b) therefore fails.

Appeal on ground (a)/deemed application for planning permission

6. The appeal on this ground is that planning permission should be granted for the development.
7. Having regard to the Council's reasons for issuing the notice, the main issue is the effect of the development on the character and appearance of the area.
8. An appeal to retain the development was dismissed on 13 February 2023 (Ref: APP/V2255/D/22/3307399), following an earlier refusal of permission by the Council. Since then, other than laurel hedging planted against the exterior of the wall along its length, there has been no alteration to the development. There has also been no change to the Council's Development Plan policies or any significant change to national planning policy. The 2023 appeal Decision is therefore a material consideration in determining this current appeal.
9. I concur with the description of the appeal site and of the general character and appearance of the wider area as set out at paragraphs 3-6 of the 2023 appeal Decision, and also with paragraph 7 with regard to the dominant appearance of the front wall being at odds with the general nature of boundary treatments in the area.
10. I acknowledge that since the laurel hedging has been planted it has gone some way to softening the appearance of the formerly bare brick, but it nonetheless remains overall as a visually dominant structure, particularly so at its highest point when viewed approaching from the west. Moreover, such planting cannot be relied upon as a longer term mitigating factor, and no other planning conditions would make the development acceptable in planning terms.
11. I appreciate the desire to provide safety and to prevent animal stock from escape, however other bespoke forms of livestock containment are available. The appellant also refers to a builder's advice in carrying out the development. However, there is no qualified technical information before me to show that raising of land levels and construction of the boundary wall, as carried out, was the only viable way of providing a suitable frontage area and boundary treatment to the property.
12. To conclude, the development results in an unacceptable level of harm to the character and appearance of the street scene and to the wider area contrary to policies CP4, ST3, and DM14 of the Swale borough Local Plan (2017) which, taken together, seek to ensure that development should reflect the positive characteristics and features of the locality, have an appearance and height that are appropriate to the location, promote and reinforce local distinctiveness and protect the intrinsic beauty of the countryside.

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13. For these reasons, the appeal on ground(a) fails.

Thomas Shields

INSPECTOR

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Appeal Decision

Site visit made on 30 October 2025

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Appeal Ref: APP/V2255/D/25/3365682

10 Hustlings Drive, Eastchurch, Kent ME12 4JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Butters against the decision of Swale Borough Council.
 - The application ref. is 25/500235/FULL.
 - The development proposed is for a first floor front extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the dwelling and surrounds.

Reasons

3. The appeal site consists of a two-storey detached house, prominently located on Hustlings Drive opposite the junction with Hunsdon Close. The street scene is characterised by buildings of varying design, external materials and detailing in a wider residential estate. A number of local dwellings have large, single storey, double garages that project fairly substantially from the front elevations of the host property.
 4. The proposal would extend over the entirety of the ground floor garage element, with its ridge line at a height that would broadly match that of the main house. As a result it would lack any sense of subservience, appearing as a dominant element of significant mass and bulk in a conspicuous position within the context of the neighbourhood.
 5. The imposing nature of the scheme would be exacerbated by the design of the front elevation, which is bland and utilitarian with small first floor windows, large areas of brickwork and no features of interest to articulate the facade.
 6. I observed the scale and appearance of other properties in the estate, including those highlighted by the appellant. However, many of these are not directly comparable to the development before me, as the garages and accommodation over have a different relationship with the main building, or they do not project as far forward as the appeal scheme. They might also contain features to reduce bulk such as hipped roofs, or bay windows to provide interest. In any event, the design of other houses elsewhere would be a neutral consideration in the balance against planning harm, and I am mindful that each case must be assessed on its own merits.
 7. I sympathise with the appellants' personal circumstances and appreciate that the accommodation would provide further living space. Moreover, that no objections have been raised by local residents or the Parish Council. Nevertheless, the development remains unacceptable for the reasons outlined above.
-

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Appeal Decision APP/V2255/D/25/3385682

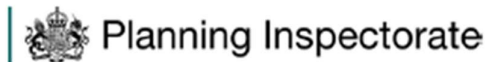
8. I therefore conclude that the scheme would be detrimental to the character and appearance of the dwelling and surrounds. It would contravene Policies CP4, DM14, DM16 and DM33 of Bearing Fruits 2031: The Swale Borough Local Plan July 2017, which cumulatively require new development to be designed to a high quality and respond to the distinctive local character of the area in which it is situated.

Conclusion

9. With respect to the above and all associated factors, the appeal fails.

C Hall

INSPECTOR



Appeal Decision

Site visit made on 28 October 2025

by Thomas Shields DipURP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2025

Appeal Ref: APP/V2255/C/23/3323156

Broad oak Farm, Broad oak Road, Milstead, Sittingbourne, ME9 0RS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Matthew Brown against an enforcement notice issued by Swale Borough Council.
 - The notice was issued on 25 April 2023.
 - The breach of planning control as alleged in the notice is Without planning permission, the erection of walls and gates at the entrance of the land.
 - The requirements of the notice are:
 - (i) Demolish and remove from the Land the walls and gates shown in their approximate position by 4 black crosses (XXXX) on the attached plan.
 - (ii) Remove from the Land all resultant materials and debris arising from compliance with step (i) above.
 - The period for compliance with the requirements is 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. It is directed that the compliance period in Section 6 of the enforcement notice be varied by substituting 6 months for 4 months. Subject to the variation the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal on ground (a)/deemed application for planning permission

2. Boundary walls and gates have been erected as set out in the enforcement notice and attached plan at the entrance to Broad oak Farm, a residential dwelling house. The house is set well back from the road behind flat open land which has been planted with trees.

Main Issue

3. Having regard to the Council's reasons for issuing the notice, the main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The site is located within the countryside, outside of any defined built up area. It also lies within the setting of the Kent Downs National Landscape¹ and within the *Tunstall Farmlands Dry Valley and Downs Landscape Area* as defined within the Swale Landscape Character and Biodiversity Appraisal (2011), an area of high

¹ National Landscapes formerly known as Areas of Outstanding Natural Beauty

Appeal Decision APP/V2255/C/23/3323156

landscape value (Kent level) with a high sensitivity to change. As such, Policy DM24 of the Local Plan² (LP) applies in respect of conserving and enhancing valued landscapes.

5. Additionally, LP Policies CP4 and DM14, taken together, seek to ensure that development is of a high quality design appropriate to its surroundings, reflects the positive characteristics and features of the locality, have an appearance and height that are appropriate and sympathetic to the location, and promote and reinforce local distinctiveness.
6. Although the gates subject of this appeal are located in a previously approved³ position, the details of the gates were not approved. The as-built curved walls extending outwards from the gates to the road edge, and along part of the field boundaries either side of the entrance, were also not approved.
7. When taken purely in isolation I acknowledge the development as carried out is of a high standard of construction and utilises high quality materials. However, the context of the surroundings is key in this case. In this regard the characteristics of the Tunstall Farmlands character area notes the relatively open rural landscape with limited interrupting built form with hedgerow boundaries, also noting the undesirable loss of some hedgerows along lanes.
8. Contrary to the appellant's case I consider the development as carried out appears in the landscape as a substantial and overly dominant urbanising and intrusive feature, incongruous with the prevailing landscape characteristics of the Tunstall Farmlands area. This includes the extent of the 1m high walls adjacent the highway boundary which are inappropriately urbanising. As such, the development conflicts with LP Policy DM24 requirements to conserve and enhance the landscape. For the same reason it also has an adverse impact upon the setting of the National Landscape. There is also conflict with paragraph 187 of the Framework⁴ which sets out that development proposals should contribute to and enhance the natural and local environment, including by protecting and enhancing valued landscapes, and recognising the intrinsic character and beauty of the countryside.
9. I note that the appellant has restored hedgerow and planted trees on the land which is commendable and consistent with the objectives of the Tunstall Farmlands character area appraisal of restoring and improving its key characteristics. However, that does not overcome the harm I have identified resulting from the appeal development which is urbanising, out of scale, and highly visible and prominent in the landscape.
10. I note the examples of gates and boundary treatments at other locations referred to by the appellant. However, these are relatively few in number and do not fundamentally change or undermine the overall distinct rural character of the area previously described. Moreover, they are not identical comparisons to the development in this appeal which results in significant harm. As such, they do not provide any significant weight in support of allowing the appeal which, as required, I have considered on its own merits. I also acknowledge the potential for an alternative scheme to be erected via the planning permission (PD "permitted development") available under the GPDO⁵. However, I do not have a detailed PD

² Bearing Fruits 2031: The Swale Borough Local Plan (2017)

³ Approved plan allowed under appeal Ref: APP/V2255/W/19/3221986 showing position of gates and visibility splays

⁴ National Planning Policy Framework (2024)

⁵ Town and Country Planning (General Permitted Development) (England) Order 2015

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alternative scheme before me for comparison. Moreover, I am not convinced that a PD alternative would result in the same or greater level of harm as results from the as-built development subject of the appeal. Consequently, I attach very little weight to the appellant's PD 'fall-back' argument.

11. Consequently, for these reasons, I find that the development results in significant harm to the character and appearance of the area in conflict with LP Policies CP4, DM14 and DM24.
12. For these reasons the appeal on ground (a) fails.

Ground (f)

13. Section 173(4)(a) and (b) of the Act states the two purposes the requirements of an enforcement notice can seek to achieve. The first (a) is to remedy the breach of planning control which has occurred. The second (b) is to remedy any injury to amenity which has been caused by the breach. Hence, an appeal on ground (f) seeks to argue that the notice requirements exceed what is necessary to remedy the breach of planning control, or, as the case may be, to remedy any harm to amenity resulting from the breach.
14. It is clear from the notice requirements in Section 5 that its purpose is to restore the land to its former condition before the breach occurred. Hence, the purpose of the notice falls within s173(4)(a) to remedy the breach of planning control.
15. The appellant suggests an alternative of reducing the height of the walls to no more than 1 metre consistent with PD limitations. However, for reasons set out earlier under ground (a), including the linear extent to which the walls run along the highway, I have found the boundary walls to be unacceptable. Moreover, such a requirement would not fully remedy the breach.
16. Since the requirements of the notice go no further than securing the removal of the unauthorised development they cannot be excessive requirements.
17. The appeal on ground (f) fails.

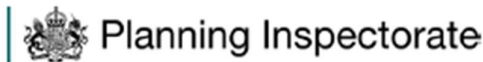
Ground (g)

18. The ground of appeal is that the period of time for compliance with the notice requirements falls short of what should reasonably be allowed. The notice requires full compliance within 4 months. The appellant seeks a period of 6 months.
19. While I am mindful that the breach should be remedied and the notice complied with without any undue delay, the appellant is likely to know better the local time constraints in terms of availability of contractors and scheduling of works. In this regard the difference between 4 months and 6 months for compliance is not significant. On balance therefore I consider a period of 6 months would be reasonable.
20. The appeal on ground (g) therefore succeeds and the notice is varied accordingly.

Thomas Shields

INSPECTOR

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Appeal Decisions

Site visit made on 10 October 2025

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2025

Appeal A: APP/V2255/W/25/3368097

Stonebridge Lodge, West Street, Faversham, Kent ME13 7RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Parry against the decision of Swale Borough Council.
 - The application reference is 25/500375/FULL.
 - The development is described as 'proposed adaptations (to existing study only) and extension'.
-

Appeal B: APP/V2255/Y/25/3368096

Stonebridge Lodge, West Street, Faversham, Kent ME13 7RU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Parry against the decision of Swale Borough Council.
 - The application reference is 25/500376/LBC.
 - The works are described as 'proposed adaptations (to existing study only) and extension'.
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. I have omitted the address from the proposal description, so that the description refers to the operative part of the development/works only.
4. As the appeal site lies within a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

5. The main issues are whether the appeal scheme would preserve a Grade II listed building, known as 'Faversham Stonebridge Lodge' (Ref: 1240312) and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Faversham Conservation Area.

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Appeal Decisions - Appeal A: APP/V2255/W/25/3368097 and Appeal B: APP/V2255/Y/25/3368098

Reasons

Listed Building

6. 'Faversham Stonebridge Lodge' is a Grade II listed building, which dates back to the 18th century and was altered in the 19th and 20th centuries. It was formerly a watch house, which served a local gunpowder works. The appeal property has also been in use as an armoury and a school for children of employees of the gunpowder factory. It is currently in use as a dwelling. The appeal property is single storey in height and has a narrow, rectilinear plan form. It has a simplistic architectural design and is utilitarian in appearance. It is located at the back edge of the pavement and is highly prominent from the public realm. The building is rendered and features timber framed sash windows. It is sited adjacent to Stonebridge Pond and waterways, which were also previously associated with the gunpowder mills.
7. Based on my site visit and the evidence before me, I find that the listed building's special interest insofar as is relevant to this appeal is derived from its historic and architectural interest, as an illustration of 18th century architecture. The building's modest size, its simple rectilinear plan form, its utilitarian design and its association with the industrial heritage of the town make important contributions in these regards.
8. The proposal seeks to demolish an existing garage and erect a single storey extension, which would be joined to the listed building by a glazed link. The proposal would be of a contemporary design and would be clearly read as a later addition to the listed building. While the proposed palette of materials would contrast with those present on the listed building, they are not out of keeping when compared to other materials found in the immediate locality.
9. The listed building is characterised by its simplistic, rectilinear plan form with modest size rooms. The proposal among other things would incorporate a large open plan living, dining and kitchen area, which would be significantly larger in size and out of character when compared to any of the rooms within the listed building. I appreciate that the proposal would appear subservient to the listed building in terms of its height and its set back position. However, the proposal would double the size of the building. The proposed extension would also be deeper than the existing building and although it would be located to the rear, it would extend some distance past the existing side building line of the property. Given the above, I find that the proposal would result in a disproportionate addition to the listed building, which would significantly erode its special interest and its simple, rectilinear plan form.
10. I appreciate that only limited views of the proposed extension would be visible from the public realm due to the screening afforded by the front boundary treatment and proposed planting. However, glimpsed views of the proposal would be visible above the entrance gates. Nevertheless, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
11. The proposal seeks to remove a door and window to the existing study. The appellants advise that this is non-original fabric, which dates back to the late-20th century. The Council raises no objection to this part of the scheme. Based on the

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Appeal Decisions - Appeal A: APP/V2255/W/25/3368097 and Appeal B: APP/V2255/Y/25/3368098

evidence before me and my site visit, I find no reason to reach a contrary conclusion to the Council on this matter.

12. For the reasons given above, I conclude that the appeal scheme fails to preserve the special interest of the listed building.

Conservation Area

13. The appeal property lies within the Faversham Conservation Area (CA). The CA incorporates a large part of the town centre. The significance of the CA insofar as is relevant to these appeals derives from the high quality of architecture of differing styles and periods, which signify the town's evolution as a historic port and market town and also its industrial heritage, including its association with gunpowder manufacturing.
14. The appeal property is sited at the back edge of the pavement and is therefore highly visible from the public realm. The appeal property by reason of its architectural and historic interest and its association with the industrial heritage of the town makes a positive contribution to the character and appearance of the CA. There is further communal value due to the relationship of the appeal property with the nearby pond, waterways and other historic former industrial buildings.
15. The proposal would necessitate the removal of a weeping willow tree, which is sited to the side of the property. This tree is shown to significantly exceed the height of the boundary treatment on the existing plan and is recorded as being 13 metres high in the appellants' Tree Report. I observed on my site visit that the tree has been recently pollarded. It is also leaning at an angle. At present, the existing tree makes a limited contribution to the character and appearance of the CA due to its size. I appreciate that this contribution will increase as the tree grows. However, the appellants advise that this tree will require pollarding again in the future and this is not disputed by the Council.
16. The proposed plans show new tree planting adjacent to the front boundary and further planting adjacent to the courtyard. Although not shown on the proposed plans, the Design and Access Statement states that three nos. semi-mature river birch would be planted adjacent to the south-east boundary and a new semi-mature weeping willow would be planted to the north of the dwelling, adjacent to the pond. In this case, full details of the tree planting scheme could be secured by condition. While the loss of the existing weeping willow is regrettable, the appeal scheme includes new tree planting, which would compensate for its loss.
17. Given the relatively low roof height of the proposal, its set back position and the proposed boundary treatment/vegetation, only glimpses of the proposed extension would be visible from the public realm to the front of the property. Views from the public open space adjacent to the pond would be largely obscured by the existing outbuilding. Even if the existing outbuilding were to be removed, only filtered views would be available through the existing vegetation.
18. Despite the harm that would be caused to the listed building, I do not find that the proposal would be detrimental to the character or appearance of the CA, nor would it detract from the relationship that the appeal site has with the adjacent pond and nearby former warehouse. Case law¹ has established that proposals must be

¹ South Oxfordshire DC v SSE & J Donaldson [1991] CO/1440/89

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judged according to their effect on a CA as a whole and must therefore have a moderate degree of prominence. In this case, given the height, set back position and boundary treatment, the proposal would only have limited prominence from the public and private domain. Accordingly, I find that the proposal would not be detrimental to the CA as a whole and would thus preserve its significance.

Other Matters

19. The appellants argue that the proposal could be easily removed in the future, due to its timber framed construction. However, the proposal seeks consent for a permanent structure and there is no compelling evidence before me that it would be removed in the near future. I therefore give this argument limited weight in my decision.
20. 'Former warehouse (G Twyman and Son Limited)' dates back to the 19th century and is Grade II listed. It lies a short distance away from the appeal site and is separated from the appeal site by a watercourse. The former warehouse is four storeys high and finished in red brick and has a tiled roof. It is currently in use as flats. Based on the evidence before me and my site visit, I find that the special interest of this listed building insofar as is relevant to these appeals derives from its historic and architectural interest as an illustration of 19th century industrial architecture. The building's surviving historic fabric, grand scale, relationship to the adjacent pond and waterway network and its connection to the industrial heritage of the town make important contributions in these regards.
21. The Council raises no objections to the proposal in respect to the setting of the former warehouse. Given the scale and nature of the proposal, the intervening watercourse and the existing and proposed planting, I find no reason to reach a contrary conclusion to the Council on this matter and find that the proposal would preserve the setting of the former warehouse.
22. The 'Former Forge now part of curtilage of 64 West Street' (Ref: 1240483) is a Grade II listed building, which dates back to the 18th century. It is single storey in height and part rendered with a plain tiled roof. Based on my site visit and the evidence before me, I find that the special interest of this listed building, insofar as is relevant to these appeals is derived from its historic and architectural interest as an 18th century forge building. The building's architectural design, surviving historic fabric and its relationship to the Stonebridge Pond and the adjacent group of historic buildings make important contributions in these regards.
23. In this case, given the separation distance, intervening waterways and soft landscaping, I find that the proposed extension would preserve the setting of this listed building.
24. The appellants' submission makes reference to the Public Sector Equality Duty (PSED). Section 149(7) of the Equality Act sets out the protected characteristics for the purposes of the PSED. It is unclear from the appellants' submission which protected characteristic(s) is applicable to the appellants and how the protected characteristic(s) is relevant to these appeals. Nevertheless, I have had due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between people with different protected characteristics in my decision. I have also had due regard to the public benefits purported by the appellants, including that the proposal seeks to provide an adaptable and accessible dwelling.

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25. I acknowledge the support for the proposal from the Town Council and private representatives. However, this does not alter my findings set out above.
26. The appellants have referenced case law² and state that alternative potential future uses for a development site are a material consideration. There are no alternative or consented schemes before me to consider. The appellants state that the land could be used for a larger housing development, which would not require listed building consent. However, any such development would require planning permission and the statutory duty under Section 66(1) of the Act would still apply. I therefore give this argument very limited weight in my decision.

Public Benefits, Heritage Balance and PSED

27. Although I find that the proposal would preserve the character and appearance of the CA, for the reasons given above, I find that the proposal would fail to preserve the special interest of the listed building.
28. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 advises that significance can be harmed or lost through the alteration or destruction of those assets, or from development within its setting and that any such harm should require clear and convincing justification. Given the nature and extent of the proposal, I find the harm to the special interest of the listed building to be less than substantial and at the mid-to-lower end of the scale. However, this should not be equated with a less than substantial objection and is of considerable importance and weight. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including where appropriate, securing the asset's optimum viable use.
29. There would be a small economic benefit during the construction works and a likely increase in Council Tax payments, which would help support local public services. However, such benefits would be relatively small-scale and I therefore afford them limited weight in my decision as public benefits. The appellants argue that the increase in internal accommodation would help meet modern living standards and thereby secure the building's optimum viable use. While there appears to be a greater demand for three bedroom units in the Borough when compared to one bedroom units, there is still a need for smaller, one bedroom units and I therefore give this argument limited weight in my decision. I turn to the matter of optimum viable use later in my decision.
30. While the extension seeks to provide more accessible and adaptable living accommodation, the bedrooms and bathroom would remain in the historic part of the building. Based on the evidence before me, I am not fully convinced that the dwelling as a whole would be fully accessible to all, including wheelchair users and I therefore give this argument limited weight in my decision.
31. The appellants advise that the proposal would enable essential remedial works to the listed building, which would not be financially viable in the absence of the proposal. The appellants state that such works include addressing damp-related issues that threaten the health of the residents and the historic integrity of the building. The appellants also state that the proposal would allow the painted target,

² Carroll v Secretary of State for Communities and Local Government & Ors [2016] EWHC 2462 (Admin)

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which is currently hidden behind plasterboard to be revealed. However, such works do not form part of these appeals and I therefore give this argument very limited weight in my decision.

32. The proposed environmental benefits include the provision of a highly insulated and energy efficient extension; the provision of solar photovoltaic panels; a sedum roof; natural ventilation, passive solar design; and, new tree planting. The proposal seeks to provide a zero carbon property, which would help to meet the government's objectives of achieving net zero. The proposal would also aid with carbon sequestration and have biodiversity, air quality and water attenuation benefits. Paragraph 168 of the Framework requires that significant weight is given to the benefits associated with renewable and low carbon energy generation. However, this does not disapply other parts of the Framework, including paragraphs 202 and 212. These paragraphs state that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance and that great weight should be given to an asset's conservation.
33. The proposal would help to reduce energy costs for the appellants, which the appellants advise are unviable. The appellants advise that the roof needs to be a certain size in order to facilitate the energy requirements for the entire property. While the proposal would help to reduce energy costs for the appellants, there is no compelling evidence before me that the proposal is the only way in which the appellants can achieve the zero carbon standard. There is also no substantive evidence before me that the appeal scheme is necessary in order to secure the optimum viable use of the asset or that the existing use would cease in the absence of the proposed development. Accordingly, I give this argument, limited weight in my decision.
34. Overall, even when affording significant weight to the public benefits of the appeal scheme, the public benefits do not outweigh the great weight, which is required to be given to the conservation of heritage assets.
35. Accordingly, I conclude that the proposal would fail to preserve the special interest of the Grade II listed building. The proposal would fail to comply with the requirements of the Act and the historic environment policies of the Framework. Conflict also arises with Policies CP4, CP8, DM14, DM16 and DM32 of Bearing Fruits 2031: The Swale Borough Local Plan, adopted July 2017 (the Local Plan) and Policy FAV11 of the Faversham Neighbourhood Plan 2024 (the Neighbourhood Plan). These policies among other things require that proposals preserve the special architectural or historic interest of listed buildings, sustain and enhance the significance of designated heritage assets and are appropriately scaled in relation to the building.
36. Given that I have found no harm in relation to the CA, I find no conflict with Policies DM29 and DM33 of the Local Plan and Policy FAV7 of the Neighbourhood Plan. These policies among other things require that development will preserve or enhance the character and appearance of the CA and that where tree loss is unavoidable, replacements should be provided nearby to create a similar level of amenity. Based on the evidence before me, I find that the harm to the special interest of the listed building outweighs any benefits associated with eliminating discrimination against persons with protected characteristics, advancing equality of opportunity for those persons and fostering good relations between them and others.

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Appeal Decisions - Appeal A: APP/N2255/W/25/3368097 and Appeal B: APP/N2255/Y/25/3368098

Conclusion

37. **Appeal A:** The appeal scheme conflicts with the development plan as a whole and there are no other material considerations, including the Framework, that would outweigh that conflict. Therefore, for the reasons given above and having due regard to the PSED, I conclude that it is proportionate and necessary to dismiss Appeal A.

38. **Appeal B:** For the reasons given above, Appeal B should be dismissed.

A James

INSPECTOR

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Planning Inspectorate

Appeal Decision

Site visit made on 2 December 2025

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 5th December 2025

Appeal Ref: APP/V2255/W/25/3373615

Land Adjacent Matts Hill Farm Industrial Estate, Matts Hill Lane, Hartlip, ME9 7UY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs E Newstead against the decision of Swale Borough Council.
 - The application reference is 25/501334/FULL.
 - The development proposed is 2No new two bedroom mobile units.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development as it appears on the Council's Decision Letter as this provides greater clarity of the nature and scope of the development.
3. The site lies within the Kent Downs National Landscape (the NL) (formerly the Kent Downs Area of Outstanding Natural Beauty). I have, therefore, had special regard to section 85(A1) of the Countryside and Rights of Way Act 2000 (as amended) (the CRWA) and the duty imposed upon me by the Levelling Up and Regeneration Act 2023 (the LURA) to seek to further the purposes of Protected Landscapes.

Main Issues

4. The main issues in this appeal are: -
 - The effect of the proposal on the character and appearance of the site and the surrounding area, having particular regard to the Kent Downs National Landscape;
 - Whether the site is a suitable location for the proposal, having particular regard to local policies for the provision of housing;
 - The effect of the proposal on biodiversity, with particular reference to the Yaugher Woods Ancient Woodland, the Yaugher Woods Local Wildlife Site and the Swale Special Protection Area (SPA) and RAMSAR site, which is a Natura 2000 Designated Protected Site; and: -
 - The effect of the proposal on the availability of the best and most versatile agricultural land.

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Reasons

Character and appearance

5. The appeal site lies within the Kent Downs National Landscape (the KDNL) and is a paddock set back a short distance from Matts Hill Lane. It forms part of a larger paddock which is enclosed by hedges and, to the north, a densely wooded area known as Yaughers Woods. Beyond that the M2 runs roughly east to west, with a service station. The site is screened to the south, east and west by hedging and beyond these lie open fields, some used as paddocks, others cultivated for crops. Nearby, to the south-east, lies the Matts Hill Farm Industrial Estate. Otherwise, development in the wider area is sporadic.
6. Notwithstanding the nearby motorway and industrial estate, the area exhibits a degree of peaceful, rural verdancy and spaciousness. These are positive characteristics of the area. The undeveloped nature of the site contributes positively to these overall characteristics.
7. The proposal would introduce two new dwellings of modern, utilitarian design into the paddock, and their use as homes would be accompanied by the introduction of accompanying residential paraphernalia. Whilst the buildings are modest in scale, they would be urbanising features in the landscape, undermining its rural character and appearance. Further, the appearance of the dwellings would, by virtue of their stark, utilitarian design, be out of place in its rural location.
8. The domestic activity of two dwellings would undermine the rural tranquillity of the field.
9. Whilst the hedging fronting Matts Hill Lane provide some screening, the changes would be visible from the road, particularly in winter, when the hedge loses much of its foliage.
10. Thus, the rural spaciousness and peace of the countryside would be eroded by urbanising features and activity, and this would undermine the features contributing positively to the local character and appearance of the locality that I have identified above. In so doing the landscape and scenic quality of the KDNL would be eroded and its natural beauty would neither be conserved nor enhanced by the presence of the dwellings.
11. I therefore find that the proposal would harm the character and appearance of the site and the surrounding area, having particular regard to the Kent Downs National Landscape. It would, therefore, be contrary to the aims of Policies CP4, DM14 and DM24 of the Swale Borough Local Plan (2017) (the Local Plan) in as much as these, together, amongst other things, seek to secure high quality design that conserves and enhances the special qualities and distinctive character of the natural environment, including the KDNL, and further the delivery of the KDNL's Management Plan. The proposal would also fail to satisfy the requirements of the LURA.
12. For similar reasons, the proposal would also conflict with principles SD2, SD3, SD9 and LLC1 of the Kent Downs Area of Outstanding Natural Beauty Management Plan 2021-2026 which, amongst other things, seek to conserve and enhance the local character, qualities, distinctiveness and natural resources of the KDNL.

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Location

13. There is no dispute between the parties that, for planning purposes, the site lies in the countryside.
14. Policy ST3 of the Local Plan states that development will not be permitted, unless it is supported by national planning policy and it is demonstrated that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities. Policy ST1 of the Local Plan requires that development should accord with the Local Plan Settlement Strategy set out in Policy ST3.
15. Policy DM12 provides exceptions for development for rural workers' dwellings. However, the proposal would not be for a rural worker and so there is no support for the proposal from this policy.
16. Policy CP2 of the Local Plan requires new development to be located in accordance with Policies ST1 to ST7 of the Local Plan, Local Plan allocations, approved Neighbourhood Plans and Community Right to Build initiatives, which minimise the need to travel for employment and services and facilitate sustainable transport.
17. It will be seen above that the proposal would harm the intrinsic value, landscape setting, tranquillity and beauty of the countryside.
18. In terms of the location of the development, the nearest built-up areas to the application site that would contain services and facilities capable of catering for all of the day-to-day needs of the future occupiers is Rainham, to the north-west. Other nearby settlements appear to have limited services and facilities, and there is no evidence before me to suggest that they could cater for all of the day-to-day needs of the future occupiers. Roads between the site and nearby settlements are narrow, unlit, lack footways and subject to high traffic speeds. I have no evidence to suggest that there is convenient access to public transport from the site.
19. Given the distances involved, the nature of the intervening roads and the absence of convenient access to public transport, it is unlikely that future occupiers would access goods and services other than by private car and the reliance on such for their transport needs would be almost total.
20. The appellant identifies that, whilst they would occupy one of the units, the other would be occupied by friends. These friends currently live a short distance from the site, within the boundaries of the industrial estate. The appellant correctly identifies that the transport needs and solutions of those persons, in moving such a short distance, would not change significantly. However, they would vacate their existing property and there is no evidence before me to suggest that the residential use of that property would cease. Thus, the nett outcome of the proposal would be the addition of two dwellings to the immediate vicinity, with associated transport demands. This additional demand would be ongoing and harmfully undermine the local policy and the government's aims to promote the move to more sustainable transport.
21. I therefore find that the site is not a suitable location for the proposal, having particular regard to local policies for the provision of housing and would be

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contrary to policies ST1, ST3 and CP2 of the Local Plan, which, together, seek, amongst other things, to protect and, where appropriate, enhance the intrinsic value, landscape setting, tranquillity and beauty of the countryside and to locate development where it would have access to more sustainable modes of transport.

Biodiversity

Ancient Woodlands and Local Wildlife sites

22. The application site lies adjacent to the Yaugher Woods Local Wildlife Site and Yaugher Woods Ancient Woodland, which is irreplaceable habitat. The proposal would not encroach into the woods. However, the standing guidance published by Natural England and the Forestry Commission¹ recommends a minimum 15 metre buffer between any development, including gardens, and ancient woodlands. No dimension has been provided to demonstrate that this distance is achieved between the proposed dwellings and the edge of the ancient woodland, or the use of the intervening land.
23. Further, the 15 metre buffer zone is a minimum and a larger buffer zone may be needed to account for any direct or indirect adverse effects associated with the proposal.

Protected Site

24. There is no dispute between the parties that the proposed development is within the Zone of Influence of the Swale SPA and RAMSAR site, which is a Natura 2000 Designated Protected Site (Protected Site).
25. When making their decision, the Habitats Regulations require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of a protected site, either alone or in combination with other plans and projects. This responsibility falls to me in the context of this appeal.
26. I have not been provided with detailed information on the potential recreational impacts of residential development on the protected habitat to reach an informed judgement. However, I understand that the Council adopted the Thames, Medway and Swale Strategic Access Management and Monitoring Strategy (SAMMS) in consultation with Natural England and that this contains measures to offset recreational impact resulting from such development on the special character and ecological importance of the protected sites which, without mitigation, would be detrimental to their ecological importance. This sets a mitigation tariff which, through application, should allow a conclusion through an Appropriate Assessment that a development will not, either alone or in combination with other development, have any adverse impact on the integrity of the habitats site because of increased recreation usage.
27. The appellant states that they are willing to provide the appropriate contribution through a legal agreement. However, no such agreement is before me.
28. The Planning Practice Guidance (PPG) is clear that positively worded conditions cannot be imposed which require the payment of money. The PPG also advises that a positively worded condition which requires the applicant to enter into a planning obligation under section 106 of the Town and Country Planning Act 1990,

¹ Ancient woodland, ancient trees and veteran trees: advice for making planning decisions (2022)

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or an agreement under other powers, is unlikely to pass the test of enforceability. It goes on to advise that negatively worded conditions requiring a planning obligation to be entered into should only be used in exceptional circumstances where there is clear evidence that the delivery of the development would otherwise be at serious risk. There is no clear evidence to suggest that this would be the case in this instance.

29. Whilst the appellant states that the Council have not requested a contribution, that is a matter between the parties, and I have determined this appeal on the basis of the evidence before me and planning policy.
30. It would typically be necessary for me to consult NE to undertake the AA and to assess the effectiveness of any mitigation put forward. However, a consultation with NE would not resolve the matter of an absence of mitigation.

Conclusion on biodiversity

31. I therefore conclude that the proposal would have a significant, harmful effect on biodiversity, with particular reference to the Yaugher Woods Ancient Woodland, the Yaugher Woods Local Wildlife Site and the Protected Site. In regard to the Protected Site this would not be adequately mitigated. It would therefore be contrary to Policies DM28 and DM29 of the Local Plan in as much as these, together, amongst other things, seek to conserve, enhance and extend biodiversity, minimise any adverse impacts and compensate where impacts cannot be mitigated, including safeguarding Protected Sites and irreplaceable habitats from harm, having regard to the application of national policy.

Agricultural land

32. There is no dispute between the parties that the site comprises Grade 3 agricultural land. The quality of the agricultural land has not been specifically identified as being either Grade 3a or 3b.
33. The site is currently used for grazing and stabling horses. The land is open and, nearby land is in arable production. Notwithstanding its historic use for grazing, there is nothing before me to suggest that the site could not be used for crop production in future.
34. The proposed dwellings would have no permanent foundations and are of a relatively lightweight construction. However, the use of the land would change to residential. Whilst it may be possible to revert that use to agricultural, there is no certainty that this would ever materialise.
35. On the basis of the information before me it has not been demonstrated that the site contains no Grade 3a agricultural land. The land, whilst currently not used to grow crops, could, because of the proposal, lose any potential to contribute to food production.
36. The Local Plan seeks, through Policy DM31, to protect the best and most versatile agricultural land unless justified under criteria set out within the policy. The site is not allocated for development by the Local Plan and so fails to satisfy criterion 1 of the policy.
37. Alternatively, development would be supported by DM31 where it has been demonstrated that there is no alternative site on land of a lower grade than 3a or

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that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development and the development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high-quality agricultural land.

38. There is no evidence before me to demonstrate that any consideration of available alternative sites has been made. Having regard to the size of the appeal site there is no evidence before me to demonstrate that the loss of local agricultural production would be anything more than limited. Nonetheless, this would still be an ongoing loss, and therefore harmful to the supply of best and most versatile (BMV) agricultural land and this weighs against the proposal.
39. Consequently, I conclude it has not been demonstrated that the proposal would not result in an unacceptable and unjustified loss of BMV. The proposal would, therefore, conflict with Policy DM31 of the Local Plan, the aims of which I have set out above.

Other Considerations

40. There is no dispute between the parties that the Council can only identify a 3.8-year supply of housing land and is, therefore, unable to demonstrate a five-year supply to satisfy the Government's expectations. This amounts to a significant shortfall in the future supply of housing. Two additional dwellings would go a small way towards fulfilling future housing needs.
41. The proposal would provide benefits through employment in the construction industry and supply chain, and the proposal would provide support to services and facilities in the local area. However, given the scale of development these benefits would be limited.
42. The appellant has identified the proposal as providing two self-built dwellings. The Framework supports the development of windfall sites and self-build housing. These considerations therefore weigh in favour of the proposal.

Conclusion

43. I have found harm to a Protected Site and a National Landscape, and these provide strong reasons for refusing the proposal. Under these circumstances, despite the lack of a five year supply of housing land, the presumption set out under paragraph 11d) is not engaged and the presumption in favour of sustainable development does not apply.
44. Although there is considerable support for new housing, including self-build housing, in this location the benefits in terms of the overall position in the Borough would be limited. In this instance the overall benefits would not outweigh the harm I have identified.
45. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

I A Dyer

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Planning Inspectorate

Appeal Decision

Site visit made on 21 October 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2025

Appeal Ref: APP/V2255/W/25/3369778

Land rear of 67 High Street, Milton Regis, Sittingbourne ME10 2AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Steve Waller (Waller Associates Ltd) against the decision of Swale Borough Council.
- The application Ref is 25/500647/FULL.
- The development proposed is the erection of a detached, 1.5 storey residential property comprising 2no. 2-bedroom dwellings, with associated parking, landscaping and amenity. Creation of associated refuse and access for application site and neighbouring properties.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is located within 6km of the Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). As part of the appeal, the appellant has provided a financial contribution towards the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy for off-site mitigation. This has been confirmed by the Council.
3. Given this, the Council have stated the second reason for refusal relating to the impact of the proposal on the SPA can fall away. I have therefore proceeded on this basis.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed buildings, at Nos 67 and 69 High Street, and the extent to which it would preserve or enhance the character or appearance of the Milton Regis Conservation Area.
 - the effect of the proposal on biodiversity.

Reasons

Heritage impacts

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5. The appeal site is located within the rear gardens of Nos 67 and 69 High Street, which are Grade II listed terraced buildings within the Milton Regis Conservation Area. The gardens are deep and irregular in shape, with overgrown vegetation, informal paths and remnants of old brick boundary structures. A brick wall encloses the northern edges and provides a clear boundary between the historic garden plots and the later development around Cortland Mews. Despite its unmanaged appearance, the site retains the character of historic rear gardens that remain visually and functionally connected to the listed buildings.
6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act) sets out that in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I also have a statutory duty under section 72 of the 1990 Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
7. The Milton Regis Conservation Area Appraisal and Management Strategy (CAAMS) identifies long, narrow rear plots as a defining and highly significant feature of the conservation area. These plots reflect the area's medieval burgage-plot layout, demonstrating how properties historically extended back from the High Street. The CAAMS also highlights boundary walls as important features that help define plot divisions, enclose private spaces and reinforce the historic grain of development.
8. Nos 67 and 69 High Street make a positive contribution to the Milton Regis Conservation Area (CA) through their age, vernacular form and position within a historic terrace. Their long rear gardens form part of their traditional setting, illustrating the depth and function of their plots. The brick boundary walls, while not necessarily contemporary with the houses, follow long-established boundaries and play an important role in delineating the historic burgage plots and separating them from later development. They reinforce the legibility of the historic layout and contribute to the appreciation of the listed buildings' rear setting.
9. The proposal would introduce two 1.5-storey dwellings, forecourt parking and associated hard landscaping into what is currently undeveloped garden land. The appellant argues that the curvature of the plots means they are not true burgage plots and refers to an OS map dating from the 1830s-1880s. The appellant contends that none of the current curtilage was historically associated with Nos 67 and 69. I am not satisfied with this view. The map referred to shows deep, narrow and curved plots in the same location as the appeal site. Whilst the evidence doesn't allow us to accurately determine whether all the land in the curtilage was historically associated with Nos 67 and 69, I am satisfied that the proposed development land is characterised by a historic burgage layout and is within the immediate setting of the listed buildings.
10. Although parts of the remaining boundary walls may not necessarily date from when Nos 67 and 69 were constructed, their presence and alignment reflect the long-established subdivision of the plots visible on historical mapping. Even if the fabric of the walls has changed over time, they continue to illustrate how land to the rear of the High Street was historically enclosed and managed. Their contribution lies less in their precise age and more in their role in defining the depth, extent and form of the historic burgage plots. The removal or breaching of

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these walls would erode legibility of that pattern and diminish an authentic aspect of the CA's character and of how the setting of the listed buildings has evolved.

11. The introduction of new built form, an access road and parking area would fundamentally alter the historic layout and pattern of development. By inserting a substantial building across the width of the plots, the scheme would disrupt the ability to read the rear gardens as part of the original High Street plots. It would constitute a prominent separate backland development that would erode the historic plot pattern.
12. The formation of a new vehicular access would require the removal of a section of the northern boundary wall adjacent to Cortland Mews. The appellant considers the wall to be of limited significance. Regardless of its age or condition, the wall contributes to the legibility of the historic plots by providing a continuous boundary that separates them from later development. Its partial removal would create a conspicuous break in this boundary and diminish its contribution to both the CA and the setting of the listed buildings.
13. The proposal would erode the perceptible open space that has long separated the rear elevations of surrounding properties. The new building would be readily appreciable from neighbouring dwellings and gardens, where it would appear as an unexpected and incongruous intrusion into an area the CAAMS identifies as important. This tightening of visual gaps between buildings would not only alter how this part of the settlement is experienced by nearby occupiers but would also diminish the ability to read this fragment of the CA as part of the historic burgage plot structure that contributes to its character and significance.
14. Whilst the appellant emphasises that the proposed design responds positively to pre-application feedback and would relate well to its surroundings, include sympathetic materials and would refer to local architectural cues, these measures would not resolve the underlying harm, which stems from the disruption of the historic burgage layout.
15. Taken together, the introduction of new built form, domestic activity and the loss of boundary walls would undermine the historic burgage-plot pattern identified as highly significant in the CAAMS, harm the garden setting of the listed buildings, and reduce the contribution the site makes to the CA. Given this, I find that the proposal would fail to preserve the special interest of the listed buildings and the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
16. Paragraph 212 of the National Planning Policy Framework (the 'Framework') advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Given the impact of the proposal on the setting of the listed buildings, the curtilage listed walls and on the protected historic characteristics of the CA, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. The harm would be at the higher end of this scale.
17. Under such circumstances, paragraph 215 of the NPPF advises that this harm should be weighed against the public benefits of the proposal. The appellant is of

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the opinion that the proposal would be beneficial because of the delivery of new housing, economic activity, more efficient use of land, and an improvement to the appearance of the site. Whilst the provision of new housing attracts moderate weight, the contribution of two units is modest. Any construction and spending benefits would be short-lived and limited. The suggestion that the proposal would improve the site's appearance is unconvincing given the CAAMS makes clear that its value lies in the preserved burgage plot layout. Taken together, the benefits advanced would not outweigh the less than substantial harm identified, to which great weight must be given.

18. I therefore conclude that the proposal would have an adverse effect on the character and appearance of the area and the setting of the nearby Grade II listed buildings at Nos 67 and 69 High Street and would fail to preserve or enhance the character or appearance of the CA. Accordingly, the proposal would fail to satisfy the requirements of the Act and conflict with Policies CP4, CP8, and DM14 of the Swale Borough Local Plan 2017 (the 'Local Plan') insofar as they seek to ensure proposals are well-designed, appropriate to context, and sustain and enhance designated heritage assets.
19. The proposal would also conflict with Policies DM32 and DM33 of the Local Plan which seek to ensure that proposals preserve the special architectural features or historic interest of listed buildings and preserve or enhance features that contribute positively to the special character or appearance of a conservation area.

Biodiversity

20. The updated ecological material submitted with the appeal identifies the potential presence of various protected species. KCC Ecology is satisfied with a precautionary approach for bats, badgers and breeding birds. However, given the long-term vegetated nature of the site and the complete or near-complete loss of that habitat under the proposals, there is a realistic prospect of reptiles being present and impacted by the scheme.
21. A reptile survey is required to determine presence and population size, and to inform a mitigation strategy that may require off-site receptor habitat. A precautionary working method alone would not avoid potential harm, since the proposal would remove all suitable reptile habitat. Relying on a condition would risk either ecological harm or leave the permission incapable of lawful implementation should mitigation prove unachievable.
22. While the Council is satisfied that Biodiversity Net Gain (BNG) can be secured through off-site units or statutory credits, BNG does not negate the need for proper assessment and mitigation of protected species. As adequate information on reptiles is lacking, the proposal would have an adverse effect on protected species.
23. Given this, the proposal would have a harmful impact on biodiversity. As such, it would conflict with Policy DM28 of the Local Plan and with the requirements of the Framework which seek to ensure that proposals conserve and enhance biodiversity, minimise any adverse impacts, and are accompanied by appropriate surveys.

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Other matters

24. The Council states it is unable to demonstrate a five-year supply of deliverable housing sites. Paragraph 11 (d) i) states that there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provide a strong reason for refusing the proposal. Footnote 7 identifies designated heritage assets as such assets. I consider that the harmful impacts of the scheme on the setting of the listed buildings and CA and the great weight attributed to these harms provide a strong reason for refusing the proposal. Therefore, the presumption in favour of sustainable development does not apply in this case.
25. The appellants consider the proposal would be an efficient use of land, providing new housing in a sustainable settlement within walking distance of local services and public transport. However, the addition of two dwellings would make only a minor contribution to housing supply but, given the shortfall, this nonetheless attracts moderate weight in favour of the proposal.
26. There would also be some minimal economic benefits during construction and from future occupants' contributions to the local economy through the use of services and facilities. Any economic impact would be short-lived and diffuse. Therefore, I have attached limited weight to this consideration.
27. The appellant suggests there would be ecological enhancements. However, these are largely mitigation measures and, in any event, cannot be confirmed without the necessary reptile surveys, so attract little weight. Furthermore, the integration of sustainability measures such as solar and rainwater systems would be positive measures but still need to be balanced against the harm identified.
28. Assertions of good design do not alter the heritage findings, and the absence of harm to living conditions, highways and other matters are neutral considerations that neither weigh against or in favour of the proposal.

Planning Balance and Conclusion

29. There is no doubt that there are benefits of the proposal associated with the delivery of housing on a small site, in a sustainable settlement. However, the harm that would result through the site's location relative to the listed buildings and the CA would bring the proposal into conflict with the development plan as a whole, as well as the 1990 Act insofar as it relates to listed buildings and conservation areas. It has also not been demonstrated that the proposal would not harm protected species, which would bring it into conflict with local and national policy.
30. The harm to the setting and significance of Nos 67 and 69 High Street and to the Milton Regis Conservation Area would individually be less than substantial but nevertheless attracts considerable importance and weight. In my judgement the cumulative public benefits and other matters noted above would not be sufficient to outweigh the identified harm to the listed building or the CA. Accordingly, I am not persuaded that there is a clear and convincing justification for the harm that would be caused to the significance of these designated heritage assets.
31. Taken together, the benefits of the scheme would not clearly outweigh the demonstrable harm to the heritage assets and biodiversity. The proposal would

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therefore be in conflict with the aims of the Framework to conserve and enhance the historic environment, and to minimise impacts on biodiversity.

32. I have a duty under the Conservation of Habitats and Species Regulations 2017 to assess any impact the proposed development would have upon the SPA, which is a designated European site. New residential development at this site has the potential to cause disturbance to the SPA and therefore the development must provide appropriate mitigation. The appellant has provided a financial contribution towards mitigation as part of the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS). This is acknowledged by the Council. Notwithstanding this, as I am dismissing the appeal for the reasons given above, I do not need to conduct any further assessment in relation to the SPA.
33. The proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it.
34. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR



Planning Inspectorate

Appeal Decision

Hearing held on 30 September 2025

Site visit made on 30 September 2025

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th December 2025

Appeal Ref: APP/V2255/W/25/3365131

Land at Sandbanks Lane and Seasalter Road, Graveney, Kent, ME13 9DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Skylark Kent LLP against the decision of Swale Borough Council.
 - The application Ref is 23/504264/OUT.
 - The development proposed is a residential development of up to 27 dwellings, including market, self and custom build and affordable dwellings, public open space, school playing fields and associated infrastructure.
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 27 dwellings, including market, self and custom build and affordable dwellings, public open space, school playing fields and associated infrastructure at Land at Sandbanks Lane and Seasalter Road, Graveney, ME13 9DU in accordance with the terms of the application, Ref 23/504264/OUT, and the plans submitted with it subject to the conditions in the attached schedule.

Preliminary Matters

2. I am also the appointed Inspector for APP/V2255/W/25/3367559, Land west of Head Hill Road, Graveney which was considered at the same hearing and is subject to a separate decision.
3. The original application was made in outline with means of access to be considered and I have therefore dealt with the appeal on this basis and considered any other details as being for illustrative purposes only.

Main Issues

4. The parties have agreed that reasons for refusal 3, 4 and 5 relating to surface water drainage, emissions damage and the necessary infrastructure requirements to be secured by S106 legal obligation have all been resolved through the submission of additional evidence as part of the appeal.
5. Therefore, the main issues in this appeal are:
 - whether the site represents an appropriate location for the proposed development with regard to access to services and the spatial strategy;
 - the effect of the development on the character and appearance of the area; and
 - the effect of the development on designated heritage assets.

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Reasons*Spatial Strategy*

6. Policy ST1 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 (LP) requires sustainable development to achieve good design through reflecting the best of an area's defining characteristics.
7. Policy ST3 sets out the Swale settlement strategy and for developments in the Countryside sets out that they will be supported where they are able to demonstrate that it would contribute to protecting and where appropriate enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.
8. The site lies outside of the defined settlement boundary for Graveney and therefore the proposed development is required to demonstrate that there would be no harm to the sites rural landscape setting.
9. These policies are intended to ensure housing is located in areas which are accessible and sustainable. However, these policies do not prevent the development of land outside of settlement boundaries provided that the landscape character and appearance of the rural area is protected or enhanced.

Access to services and facilities

10. Graveney is a small settlement with some limited facilities and services which are unlikely to be capable of sustaining the everyday needs for the future occupiers of the development. There is a footpath, with some sporadic street lighting, along part of Seasalter Road and this would enable pedestrians to access the small range of services within Graveney such as the public house and school. Despite these facilities I consider that occupiers of the proposed development would inevitably have to travel onwards to the services and facilities within the nearby towns of Faversham or Whitstable to access shopping, healthcare, leisure and entertainment facilities.
11. A bus stop is present along Seasalter Road which according to the evidence before me has eight bus services to Faversham Station on weekdays and six on a Saturday, with no evening service. Whilst this would be an available alternative to the private car, given the frequency of the bus service and the lack of service in the evening, it therefore this leads to uncertainty that it would be a realistic substitute to the convenience of a private car.
12. Therefore, I consider that the site has limited access to services, facilities and amenities and having regard to the lack of a regular bus service means occupiers are likely to prefer the convenience of a private car.
13. It is for these reasons that Graveney is identified as being within the lowest tier of Swale's settlement strategy where the primary objective is to protect it from isolated and/or large scales of development. Furthermore, policy CP2 of the LP sets out that proposals for new development must be sustainable in terms of transport and accessibility and should promote access to sustainable modes of transport.
14. Paragraph 83 of the National Planning Policy Framework (the Framework) promotes sustainable development in rural areas, through locating housing where

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it will enhance or maintain the vitality of rural communities. It recognises that groups of smaller settlements may support services in a village nearby. However, in this instance there are limited services, if any in neighbouring villages and any travel would be to the larger nearby towns.

15. The proposal is therefore in conflict with policy CP2 of the Local Plan. In addition to the conflict with the development plan, there would be minor negative environmental and social effects arising from the location in terms of the use of natural resources and the accessibility of local services. This is an adverse matter to which I afford moderate weight.

Character and appearance

16. Policy DM24 sets out that in non-designated landscapes, such as the appeal sites, planning permission will be granted subject to minimisation and mitigation of adverse impacts. The Council have set out within their officer report that the proposal would have a moderate level of harm on the localised landscape and the parties agreed that where development is likely to lead to some adverse impact on the landscape, if this can be mitigated then it would accord with the policy.
17. The site extends along Seasalter Road, with proposed access opposite existing linear development, including the more recent development of Murton Place. Parts of the site, including the existing school playing fields are at an elevated position above the height of the road. The development would then extend behind the school playing fields to bring the development adjacent to Sandbanks Lane, adjoining the development of Vinson Close. The site, when viewed from the nearby public right of way is already partially enclosed by existing landscaping but glimpsed views of the rooflines of the existing houses along Seasalter Road are possible.
18. Seasalter Road is characterised by residential development fronting the road, with in depth development accessed off this primary route. The site is currently rough scrub and grass and partially enclosed by existing hedging. The site provides a visual separation between the existing built development and contributes to the open rural nature which is experienced beyond the appeal site. Therefore, there would be a degree of urbanisation and countryside encroachment through additional housing.
19. However, the development of the site would consolidate and appear part of the linear development as you enter the village. The proposal whilst increasing the density of development within the locality, the indicative layout demonstrates that it would be possible for the scheme to have a similar plot size to the modern development adjacent to the appeal site and on the opposite side of the road. The introduction of the proposed dwellings into the site would be appropriate within this rural setting, having regard to the development adjoining the site and the modest scale of the development proposed.
20. The Council have raised concerns that the housing would be seen against the skyline at a higher level, representing a new, incongruous component which is contrary to the Graveney Arable Farmland Landscape Character Assessment (LCA) which seeks to avoid proposals that would be unduly prominent on high or open ground. However, the proposal is in outline and as such matters of detail in terms of how the development is laid out across the site and the use of scale are matters to be considered at reserved matters. Noting the large areas of open

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space shown on the indicative layout and the intention to include new trees and hedges along the boundary, there is nothing before me to indicate that the layout and design of the development could not take into account the increased levels across the site.

21. The development would be appropriate to the landscape character and quality of the area which is proportionate to the scale of the existing settlement. Furthermore, it would contribute toward addressing local housing needs, supporting the village economy and assisting with the overall housing growth proposed for the Borough.
22. In conclusion, the introduction of the proposed development into the appeal site, would accord with the relevant policies relating to housing in rural areas. It would also accord with policies CP4 and DM14 of the LP which together seek to achieve good design which is appropriate to its surroundings and well sited. It would also accord with policy DM24 of the LP which requires non-designated landscapes to be protected and enhanced.

Heritage Assets

23. The site is located outside of both Graveney Church Conservation Area and Graveney Bridge Conservation Area, but is considered to be within the setting of both Conservation Areas. The site is also within the setting of the following Grade II Listed Buildings, Bridge House, Graveney House, Murtons Farmhouse and Barn.
24. Section 66 (1) of the LBCA Act requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications.

Bridge House and Graveney House

25. Bridge House and Graveney House are Grade II listed and date from the eighteenth century. Their significance is derived from their architectural features, both being examples of Georgian architecture, featuring central doorways, symmetrical proportions and built using material typical of the period.
26. The setting of these buildings, which face the junction between Seasalter Road and Sandbanks Road, are currently experienced as prominent features of the road junction, with the surrounding undeveloped landscape allowing for appreciation of their historic value and context.
27. The appeal site contributes to the setting of both listed buildings as it forms part of the undeveloped rural hinterland which surrounds them, with the eastern side of Seasalter Road being largely free from built form, giving the listed buildings greater visual prominence and providing context to their significance as vernacular rural dwellings.
28. However, noting the separation provided by the existing landscaping and the school playing fields, together with the existence of Vinson Close, I consider that this harm would be at the lower end of less than substantial.

Murtons Farmhouse and associated listed barn

29. Both buildings are Grade II listed, timber vernacular structures, with their significance being derived from its historical interest and ability to convey

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remaining elements of a sixteenth century farmstead. Historical maps indicate that the appeal site was once in the same ownership as the farmhouse and there is a functional and historic link between the two, with the farmhouse overlooking the land it farmed. The setting of the building, including the appeal site, contributes to the significance of the building as it allows for both the farmhouse and the barn to be appreciated within a largely rural setting, reflecting their historic use.

30. Therefore, once developed there would be a loss of historic setting and the views from and to the assets would be altered, and to some degree this would lessen the ability to appreciate the buildings historic interest. However, the buildings would still be read and appreciated as distinct historic buildings, as a result of their materials and differing architectural style compared to the more modern development to the south of the listed buildings.
31. The wider fields beyond the appeal site would also remain and there would be a degree of separation as a result of the proposed open space providing a visual buffer. Therefore, I consider that the harm to the setting of these assets would be at a low level of less than substantial.

Graveney Bridge Conservation Area (GBCA)

32. Paragraph 219 of the Framework requires new development within the setting of Conservation Areas to enhance or better reveal its significance. The Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced.
33. GBCA comprises a handful of buildings and derives its significance from the placement of buildings, their material quality and their development at the road junction. Historically they comprised a small group of buildings clustered around the parish boundaries of Faversham and Graveney, which intersected at this point. This group of buildings are significant as an example of a small rural hamlet, distinct from the larger settlements to the north and south, forming part of a rural landscape.
34. The surrounding open fields, including the appeal site, form part of the appreciation of this historic context, albeit it has been somewhat diminished through more recent development of the village. However, I do not consider that this would result in the merging with the adjacent Graveney Church Conservation Area, as these areas will remain distinctive due to their own significance.
35. For the reasons set out above, the setting of the listed buildings which form part of the GBCA would be harmed, as a result of the proposed development and I consider as a consequence there would be less than substantial harm to the setting of the GBCA, albeit at the lower level.

Graveney Church Conservation Area (GCCA)

36. GCCA's significance is derived from its development as a Church Manor complex, featuring four listed buildings, including Murtons Farmhouse and barn, All Saints Church and Graveney Court. It is distinct from the development at Graveney Bridge, as it is separated by undeveloped fields including the appeal site, on the eastern side of Seasalter Road. The rural context of the area allows the appreciation of the buildings within the GCCA.

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37. The proposed development will lead to a degree of encroachment upon this rural setting and the settings of the buildings that derive their significance from it, as set out above. The harm to the setting of the GCCA is less than substantial, at the lower level.
38. Given the above, I find that the proposal would fail to preserve the special interest of those listed buildings and the significance of the Conservation Areas. Consequently, I give this less than substantial harm considerable importance and weight in the planning balance of these appeals.
39. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Under such circumstances, paragraph 215 of the NPPF advises that this harm should be weighed against the public benefits of the proposal.
40. The site would give rise to some economic benefits during the construction phase and I consider that there would be moderate social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. Furthermore, the provision of affordable housing would comprise a significant benefit and the provision of self and custom build housing would also attract significant weight, noting the Council cannot currently demonstrate sufficient supply to meet its demand. As such, in combination these benefits are considered to outweigh the identified harm to which I must attach considerable importance and weight.
41. Given the above, I conclude that, on balance, the proposal would preserve the setting of the Grade II listed buildings and the character or appearance of the GBCA and GCCA. This would satisfy the requirements of the Act, paragraph 210 of the Framework and accord with policies DM32 and DM33 of the LP that seeks, among other things, to ensure that the listed buildings setting is preserved and development within a conservation area will preserve or enhance all features that contribute positively to the areas' special character or appearance.

Other Matters

Self build and Custom build housing

42. The parties agree that the Council has not met its statutory duty with regard to the delivery of self build plots. The proposal would result in the delivery of sixteen self build and custom build houses, which would be secured by the submitted legal obligation and this is a benefit of the proposal which attracts significant weight.

Five Year Housing Land Supply

43. I note that the parties are agreed with regard to five year housing land supply, with the Councils supply at 3.98 years. It is also recognised that this undersupply has persisted for some time. The development of 27 houses would assist the council in addressing this undersupply and noting the scale of the development, which secures affordable housing I consider this attracts significant weight.

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44. I have also taken into account the matters raised in the representations received including issues such as highway safety, flood risk, air quality, loss of best and most versatile land, water supply, flooding, loss of outlook, overshadowing and access to health care and education. Concern has also been raised relating to the impact on wildlife, local fauna and flora. However, there is no evidence before me that there would be harm in respect of these matters, and no objection has been raised by the Council or statutory consultees in regard to these matters. Furthermore some matters, such as overshadowing and outlook are related to detailed design and layout matters which will be considered as part of the reserved matters. Therefore, none of the matters raised provide a compelling reason why planning permission should not be granted.

Planning Obligations

45. The appellant has provided a legal agreement under section 106 of the Town and Country Planning Act 1990, which includes a number of obligations which would come into effect if planning permission were to be granted. I have considered the obligations in light of the Framework, Planning Practice Guidance and the Community Infrastructure Levy Regulations (the CIL Regulations). These state that a planning obligation must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
46. The legal agreement facilitates a number of financial contributions which are evidenced within the Kent Developer Contributions Guide 2023, which is a material consideration and linked to Local Plan Policy CP6 which seeks to secure contributions towards deficiencies in infrastructure. It also secures the provision of affordable housing, a Strategic Access Management and Monitoring Strategy contribution and ensures that the area of land currently used as a school playing field is offered to the school on a 125 year lease.
47. On this basis, I consider the agreement accords with the criteria of Regulation 122 of the CIL and with paragraph 57 of the Framework. I can therefore reasonably take it into account.

SAMMS

48. The appeal site is within the zone of influence (6km) for The Swale Special Protection Area (SPA) and Wetland of International Importance under Ramsar Convention (Ramsar Site). The Council is part of the North Kent Strategic Access Management and Monitoring Strategy (SAMMS) to mitigate for additional recreational impacts on these designated sites and to ensure that adequate means are in place to secure mitigation.
49. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SPA and Ramsar Site. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.
50. Since the development is for twenty seven dwellings, the number of additional recreational visitors would be modest and the likely effects on the SPA and Ramsar

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Site from the proposed development alone may not be significant. However, in combination with other developments it is likely that the proposal would have significant effects on the designated site.

51. Given my findings, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives.
52. The site is within the zone of influence where new residential development is likely to result in recreational pressure, which would, both alone and in combination with other development within the zone of influence, have a likely significant effect on the interest features of the aforementioned sites. Therefore, I consider that the development would have an adverse effect on the integrity of the site, but regard can be had to whether these adverse effects can be mitigated.
53. The SAMMS sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the SPA and Ramsar Site.
54. The appellants have submitted a planning obligation for the per dwelling contribution of £337.49 to fund the SAMMS. Given the evidence before me I am satisfied that the mitigation measures have been secured and would be used for their intended purpose.
55. The contributions would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. As such, the contributions toward the mitigation schemes would count as mitigation toward maintaining the integrity of the sites.

Planning Balance

56. The Council confirmed it can no longer demonstrate a 5 year supply of deliverable housing land, and accordingly paragraph 11(d) of the Framework is engaged. Whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
57. Footnote 9 explains that the policies referred to, which are relevant to this appeal are paragraphs 66, 84, 110, 115, 129, 135 and 139. The proposal accords with paragraph 66 as the scheme provides affordable housing and paragraphs 84, 110 and 115 as the proposal is not isolated, the decision recognises that sustainable transport solutions will vary in rural areas and this has been taken into account within the planning balance, and access to the site is safe and suitable.

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58. The proposal would also achieve the aims of paragraphs 129, 135 and 139 which together support development that makes efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting, is visually attractive as a result of good architecture and layout and accords with the National Design Guide. The proposal would maintain the area's prevailing character and setting (129d) and would add to the overall quality of the area, sympathetic to local character, including the landscape setting (135a, 135c).
59. The contributions secured by the planning obligation, set out above, would be required to mitigate the increased demand on those facilities arising from the development and therefore they are neutral in the planning balance.
60. The site is of a scale appropriate to the size of the existing settlement and there is no evidence that local infrastructure would be unable to meet the needs of the development. The development would also give rise to some economic benefits during the construction phase and provide support to local services, beyond the settlement of Graveney.
61. In addition, the delivery of self build and custom build housing and eleven affordable homes from this development will result in social benefits. Therefore, noting the scale of the development proposed, I have attributed significant weight to the delivery of housing in this instance, which would contribute to housing supply in the area and the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area.
62. The appellant has also set out a number of biodiversity enhancements within its preliminary ecological appraisal which could be implemented as part of biodiversity net gain, which is not mandatory under the transitional arrangements. I have attributed moderate weight to these environmental benefits.
63. Therefore, the identified adverse impacts of the development in respect of this conflict with the development plan would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies which points towards the grant of planning permission.

Conditions

64. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. I have attached conditions relating to the submission of reserved matters and the time limits associated with this. I have also included a condition specifying the relevant plans as this provides certainty.
65. Noting the proposal includes the provision of self build properties, a condition requiring the submission of a design code is required to enable a consistent approach across the site.
66. The submission and implementation of a construction management plan is necessary to minimise detrimental effects to the living conditions of neighbouring residents and ensure highway safety during the construction phase.
67. In order to ensure that the roads and junctions are designed and constructed to an appropriate specification, with parking for vehicles and cycles and the provision of

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footways, I have imposed conditions which require the works to be completed prior to the occupation of any dwelling.

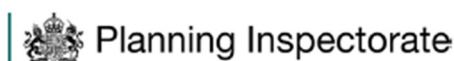
68. To ensure that any unexpected contaminants are correctly identified and remediated to ensure that the future users of the site are protected from risks associated with contaminants it is necessary to require an assessment of the risks posed and details of remediation.
69. To manage the surface water environment of the scheme a condition is necessary that secures a detailed surface water drainage scheme to be submitted to and agreed by the Council.
70. To protect below ground assets, a condition requiring appropriate archaeological monitoring and investigation is necessary.
71. To ensure the delivery of formal and informal open space, a condition requiring the submission of an open space strategy is considered appropriate. This includes arrangements for ongoing maintenance.
72. Furthermore, in order to support the government's objective of increasing sustainable development I have imposed a condition to ensure that details of an overarching strategy for energy are provided for the development and that measures for water efficiency are provided within each dwelling. Also details of offsetting of transport related air pollution.
73. To protect and enhance biodiversity I have found it necessary to impose a condition requiring details of any external lighting to be submitted and for a biodiversity enhancement plan to be provided, a landscape and ecological management plan with details of enhancements and a construction ecological management plan to be submitted and agreed.

Conclusion

74. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it.
75. For the reasons given above the appeal should be allowed.

G Pannell

INSPECTOR



Appeal Decision

Hearing held on 25 November 2025

Site visit made on 25 November 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

Appeal Ref: APP/V2255/W/25/3371490

Callum Park, Bassier Hill, Lower Halstow ME9 7TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr John McGee, Calpark Estates Ltd. against the decision of Swale Borough Council.
 - The application Ref is 25/500838/OUT.
 - The development proposed is demolition and removal of redundant stable yard and riding arena and construction of three self-build dwellings with associated access and parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline, with matters of appearance, landscaping, layout and scale reserved for future consideration. A layout plan was provided, which is described as illustrative, and I have treated it as such.
3. The Council has confirmed that as a result of the information provided in the submitted Flood Risk Assessment, the third reason for refusal relating to surface water flooding is withdrawn. I can find no reason to take a different view to the Council and therefore I will not deal with this matter as a main issue.

Main Issues

4. The main issues are:
 - whether the proposed dwellings would be in a suitable location for new housing with particular regard to the Council's settlement strategy and the accessibility of services and facilities; and
 - the effect of the proposal on employment provision and community facilities within the area.

Reasons

Location

5. The proposal includes the provision of three self or custom build (SCB) dwellings. The appeal site comprises a metal clad building, an equestrian manege and a range of part brick, part timber clad stable buildings. To the east is the main house and to the north is an area where construction is underway on nine SCB dwellings.

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A further two SCB dwellings also have permission further north. Surrounding this existing development are paddocks, which make up the remainder of the estate.

6. Policy ST1 of the Bearing Fruits 2031: The Swale Borough Local Plan Adopted July 2017 (LP) states that one criterion amongst others, in support of delivering sustainable development, is that proposals will, as appropriate, accord with the LP settlement strategy. Policy ST3 of the LP sets out the settlement strategy and states that in the open countryside, development will not be permitted, unless supported by national planning policy and it is demonstrated that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities. Policy ST5 of the LP reinforces the approach set out under Policy ST3, identifying Sittingbourne as a main urban centre which is the primary focus for growth.
7. Whilst not referred to on the Council's decision notice, Policy CP2 of the LP is referred to by both parties in the written submissions and it was discussed at the hearing. Consequently, I shall consider it also. Policy CP2 aims to achieve alternative access to all services through promoting access to sustainable forms of transport, particularly bus, cycle and rail transport and by providing integrated walking and cycle routes, amongst other things.
8. The appeal site is removed from the built up area of the nearest settlement of Lower Halstow and there is no dispute between the parties that whilst the appeal site is not isolated, it is located in the open countryside for the purposes of the development plan. As such, there is no support under the settlement strategy for development at the appeal site, unless the criteria set out under Policy ST3 are met, including that there is support from national planning policy.
9. There are some limited services and facilities in Lower Halstow, including a primary school, public house, shop, village hall, playing fields and church. However, the appeal site is removed from the village, with the main vehicular route being a narrow country lane with no separate pavement or streetlights. Therefore, whilst the distance would not be overly far, given the nature of the road network, I find that walking along this route would not be a particularly safe or attractive option. There are Public Rights of Way that run alongside the appeal site, into Lower Halstow, which would provide alternative pedestrian access. However, during poor weather or in the dark, these routes would not be a suitable option for many.
10. A cycle ride to Lower Halstow would be a relatively short distance, but given the nature of the road conditions it would not be attractive for many, being even less so during the winter months or in the dark. It is asserted that Newington and Sittingbourne railway stations are accessible by cycle within 20-30 minutes, but again, the conditions of the local road infrastructure lead me to find that this would not be a realistic or inviting option for the majority of people. I am told that there is a bus service serving Lower Halstow which would provide transportation to local railway stations and other settlements. However, I do not have any specific details of the frequency of such services, and future occupants would still need to reach the village to access the bus service.
11. The appellant asserts that the definition provided in the National Planning Policy Framework (the Framework) for sustainable transport modes is wider than that

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provided for under Policy CP2 of the LP, given it also refers to ultra-low and zero emission vehicles and car sharing. Electric vehicle charging facilities would be provided as part of the development, although there is no certainty that future occupants would use ultra-low and zero emission vehicles. Given the limited number of dwellings that would be located on the wider site, the opportunities for car sharing would also be constrained, and I do not consider that this would significantly reduce the reliance on privately owned vehicles or journeys by car.

12. Overall, I find that given the nature and condition of both the road infrastructure and pedestrian routes and the limited evidence before me on public transport options, it is likely that future occupants would be reliant on the private car to access day to day services and facilities.
13. The proposal would therefore not accord with Policy CP2 of the LP, the aims of which are set out above. Even when recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I have found that the appeal site location would have limited potential to promote the use of sustainable transport options.
14. I also find that the proposal would conflict with the aims of Policies ST1 and ST3 of the LP which require development to be located in accordance with the settlement strategy. I will return later in my decision to whether there is support from national planning policy that would override the general approach set out in the settlement strategy in this case. In conclusion, on this main issue I concur with the findings of the Inspector who dealt with the adjacent appeal scheme¹ for two SCB dwellings.

Employment use

15. Policy DM3 of the LP states that planning permission for residential development will not be permitted where this would reduce the potential for rural employment and/or community facilities unless the site/building(s) is demonstrated as having no demand for such purposes or its use would be undesirable or unsuitable.
16. Prior to the approval of planning permission² in 2020, a larger riding school business was operated by the appellant on the wider site. The redevelopment scheme approved in 2020 included the provision of nine SCB homes, providing that there was re-provision of a riding school facility of a smaller scale. The new building and manège that formed part of this approved scheme have been constructed, however, the appellant states that due to the pandemic, the customer base was eroded, many equines had to be sold and operating costs were significantly higher than forecasted, which has meant the riding school has not reopened. It is asserted that the Ukraine conflict also resulted in costs increasing, meaning that the proposed business model for the riding school is no longer viable. The appeal scheme before me now would result in the total loss of the riding school use and in its place the provision of three SCB dwellings.
17. Given the planning history of the site including the role of the smaller riding school facility providing a significant part of the justification for the residential development on the wider site in a rural location, I consider that careful consideration must be given to the complete loss of the riding school use, and to ensure successive

¹ APP/V2255/W/24/3339042

² Council Ref: 20/501002/OUT

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applications do not result in the further erosion of rural employment uses without sufficient justification, a clear policy objective of Policy DM3 of the LP.

18. The Council suggested at the hearing that Policy DM3 is interpreted as the demonstration of no demand leads to a use being undesirable or unsuitable. However, in my view the policy sets out two different tests. The first being that no demand for such a purpose is demonstrated and the second being that the use would be undesirable or unsuitable. This means that providing one of those tests is adequately evidenced, then the loss of the rural employment use to residential could potentially be supported, subject to other planning considerations.
19. Marketing is not specifically referred to as a requirement of Policy DM3. Paragraph 7.1.13 of the LP justification text identifies that evidence of demand should include the results of efforts made to market the building. Whilst the justification text for a policy does not override or add to the content of the policy itself, it can offer useful description and/or explanation. I find that in the case of demonstrating the demand for a site or building, marketing provides useful evidence which tests the market rather than relying on assumptions. However, I do agree with the appellant that marketing is not necessarily useful in cases where it is asserted that a use is undesirable or unsuitable.
20. I note that there have been several riding schools which have closed in the local area, that those schools that remain open had space for riding tuition during a period in 2025 and that there has been a national shift in the sector overall. The appellant asserts that the use as a riding school would not be financially viable for themselves at the current time, based on a scale of operation significantly less than what was identified in the submissions which led to the 2020 permission. This further reduction in scale is not clearly evidenced in comparative terms, against what was justified in 2020 to fully understand why a different approach is being used to demonstrate current viability.
21. The appellant also contends that the appeal site would not be financially viable for other operators using the site as a riding school, given there would be additional operating expenses, capital expenditure and utility costs. There is no evidence before me which questions the financial projections, but also, there are no other business models put forward that provide details of alternative ways of running such a business, including operating at the scale that was identified in the previously approved scheme and for which the new building, manege and existing stables were intended for. The new building and manege have been recently completed and are in good order. Whilst the existing stables would require some investment, they appeared substantial at the time of my site visit, and there is no evidence before me as to the works required to ensure the continued use of them.
22. It is also contended that the riding school use would not be operationally viable for anyone else to operate from, mainly due to the appellant removing all grazing land from the operation and a significant part or all of the building that was approved for the riding school use, which is currently being used as an 'estate hub building'. I also understand that there would be no on site accommodation for other operators. I acknowledge that the welfare of equines when running such a use is paramount to the success of such a business. However, by removing the opportunity for equines to graze in the adjacent paddocks, this does significantly undermine the current approved use which could reduce its attractiveness and thus the demand for it from other operators.

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23. I note that the submitted Commercial Uses and Viability Report considers a number of other potential uses which it finds would all be unsuitable, unviable or undesirable at the appeal site. However, there has been no marketing carried out to demonstrate that there would be no demand for the facilities that would be available for the current approved use, or any alternative employment or community uses to test these assertions. Without appropriate marketing, potential operators or community groups would not have any real opportunity to identify a demand for the use of the appeal site for an employment or community use.
24. At the hearing it was suggested that the cost of marketing would be unviable in this case, however, there is no evidence of the cost of marketing that was quoted or details of comparative quotes for such a service, or any specific evidence as to why the costs of marketing would be so significant in this case. I understand that the appellant has been frustrated by the lack of engagement by the Council during the planning application stage in terms of identifying the scope of the marketing that needed to be done in support of the submission. Nevertheless, this does not mean that it is not necessary to carry out marketing in order to demonstrate that there is no demand.
25. I understand that the appellant and his wife are employed on a full time basis at the estate, managing and maintaining the wider site and looking after the retired horses and ponies and that contractors are employed when needed, meaning that there will be a certain level of employment retained at the site. The submitted Business Statement also refers to the diversification of the estate, but there are no particular details about any diversification schemes that would benefit the rural economy in the longer term.
26. I find that it is highly likely that this existing level of employment at the estate would be retained in any case, given maintenance and management works would be likely to continue. The construction of the proposed dwellings would bring some benefits to the rural economy, particularly if smaller builders and contractors are used, but these would be time limited during the construction phase only. These factors would not override the loss of the approved use of the appeal site which if operational would be likely to provide additional rural employment opportunities.
27. With regards to whether the approved use would represent an unsuitable or undesirable use, the appellant contends that other operators using the site alongside the owners of the estate would become inherently dangerous and impractical and that there would be detrimental effects on the living conditions of the occupants of the adjacent dwellings.
28. However, it is not clear why this would be the case. Whilst the initial section of the access road would be shared, the appeal building, manege and stables are accessed from an area of hardstanding which would be separate from the main house and the adjacent residential development. Even if the new building were to be used in part for estate management, given the nature and scale of that use, to my mind it could operate alongside subject to effective management arrangements. I cannot see what significant conflict there would be with an additional user or visitors to the site, particularly given the scale of the appeal site, which would limit its use.
29. In terms of the effect on the living conditions of the future occupiers of the adjacent residential development, the amended riding school provision was approved as

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part of the wider scheme, which included the adjacent SCB dwellings. It does not appear that the undesirability or unsuitability of the riding school use was a critical issue that was raised by either of the parties, when that previously approved scheme was submitted or considered.

30. The manege is set back from the adjacent approved dwellings and the existing 'estate hub building' would remain, providing screening and separation to the manege area. Whilst undoubtedly some employment uses found in rural areas would result in noise and disturbance, it is not necessarily the case that all other potential employment or community uses would be undesirable or unsuitable in an area adjacent to housing. I am not convinced that the approved use or other possible employment or community uses would necessarily harm the living conditions of nearby occupiers.
31. In conclusion on this matter, even given the limitations of the site, it is reasonable to expect the appellant to demonstrate that there is no demand for an employment or community use at the appeal site. In my view, the clearest way of demonstrating this would be via an appropriate marketing scheme, which has not been carried out in this case. I have found that it has not been demonstrated that the existing approved use would be undesirable or unsuitable in this rural context. I am also not satisfied that it has been demonstrated that other possible employment or community uses would also be undesirable or unsuitable.
32. Consequently, I find that the proposal would result in the loss of a rural employment use which would have a detrimental effect on employment provision within the area. This would be contrary to the aims of Policy DM3 of the LP, which, amongst other things, seeks to resist the loss of rural employment and community uses, unless there is no reasonable prospect of the site being used for such purposes.

Other Matters

33. The Grade II Listed Little Barksore Farmhouse (LB) is located near to the appeal site. I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the LB and its setting. The significance of the LB lies in its architectural and historic interest as a rural dwelling. The character and appearance of the surrounding rural area also contribute to its significance. There would be a significant level of separation between the proposal and the LB along with screening provided by intervening vegetation. As such, the proposal would not result in harm to the setting of the LB, which would ensure its significance is preserved. This would therefore be a neutral consideration that would weigh neither for nor against the proposal.
34. The Council has not raised any concerns in relation to the living conditions of existing or future occupiers, highways and parking or ecology and it states that the impact on local landscape character could be adequately mitigated by the use of planning conditions. Even if I were to agree, policy compliance or a lack of harm in these respects are neutral considerations that weigh neither for nor against the proposal.
35. It is stated that the principle of residential development has been accepted on the wider site by the Council. Whilst residential development has been approved or allowed on adjacent sites, it appears that other considerations were at play in

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those other cases. The scheme before me now includes the complete loss of the employment use approved by the previous scheme. I therefore must consider the appeal before me on its individual merits.

Planning Balance

36. The Council cannot currently demonstrate a sufficient housing land supply. The parties agree that the current supply is 3.98 years. Also, the Council is not currently meeting its statutory duty under the Self Build and Custom Housebuilding Act 2015 (as amended) (the Act) in respect of granting permissions for SCB plots. Consequently, paragraph 11 d) ii) of the Framework is engaged.
37. I have found that the location of the appeal site would be at odds with the settlement strategy and that future occupants would have poor access to services and facilities by sustainable forms of transport. I have also found that the proposal would have a negative impact on the rural economy through the loss of a site with an approved employment use. The proposal would therefore conflict with the development plan as a whole.
38. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to the degree of consistency with the Framework. The Framework identifies that the planning system should be genuinely plan-led and expects development to promote sustainable travel modes. Therefore, the conflict between the proposal and Policies ST1, ST3 and CP2 should be given significant weight in this appeal. This accords with the approach taken by the Inspector in paragraph 33 of the recent appeal decision³ on the wider site. The Framework identifies the need to support a prosperous rural economy, consequently, the conflict between the proposal and Policy DM3 should also be given significant weight in this appeal.
39. Turning to consider the policies set out in the Framework, the proposal would result in three additional dwellings on a small site, located on previously developed land. This would help to boost the supply of housing and would be a significant benefit.
40. The proposal is for three SCB plots and the development would be secured as such through the submitted Unilateral Undertaking (UU). There is no dispute between the parties that the Council does not have a specific policy in the development plan relating to the provision of SCB dwellings and that it is not currently meeting the requirements of the Act. It is also not disputed that there is significant support for SCB provision from the Government and through national planning policy.
41. The Council's Self Build Register identifies demand for 159 plots at the end of base period nine and the parties agree that the demand is likely to be more, taking into account other evidence. The appellant states that only 24 plots have been granted permission for SCB dwellings since the statutory duty was introduced whereas the Council states the figure is 11 plots. The Council also records the locations where there is demand for SCB provision. The outstanding demand in Lower Halstow is identified as 12 plots by both parties. The appellant has identified that of the 11 SCB plots granted at the adjacent sites, six plots are currently reserved with deposits paid.

³ APP/V2255/W/24/3339042

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42. Whichever SCB supply figure is taken, I find that there is a significant shortfall of SCB provision in both Lower Halstow and the wider borough. The proposal would also therefore contribute a specific type of development to the housing supply, where demand is not currently being met. This would also represent a significant benefit.
43. There would be economic benefits throughout the construction phase and through future occupants supporting local services and facilities. The provision of biodiversity enhancements would also be a benefit. In combination, I find the weight attributed to these economic, social and environmental benefits is substantial in this case. This is in line with the views of the Inspector who dealt with the previous appeal⁴ on the wider site.
44. However, the Framework's objectives to promote sustainable development in rural areas by locating housing where it will maintain the vitality of rural communities and maximise sustainable transport solutions would not be achieved through locating development at the appeal site. Given that the existing settlement strategy is not providing sufficient housing land supply currently, this would temper the conflict with the Framework in this respect. However, the proposal would result in the loss of a site with an approved employment use without sufficient justification, which would be at odds with the Framework, which seeks to support a prosperous rural economy. I attribute substantial weight to the conflict with the Framework in this respect.
45. I have considered the submitted example appeal decisions provided by the appellant. A number of them are for schemes of a substantially bigger scale to that before me now with other material considerations, which would significantly alter the planning balance. The other appeal decisions which refer to smaller schemes are more commensurate with the proposal before me now. I have found above that significant positive weight should be attributed to SCB provision, which is in general alignment with the findings in these other decisions. Nevertheless, the loss of a rural employment use is not a factor which is considered in any of those cases as a main issue, and they are therefore not comparable when considering the final planning balance.
46. Taking all of this into account, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. As such, the presumption in favour of sustainable development does not apply in this case.
47. I note the support from the Interested Party who attended the hearing and the Parish Council. Whilst I understand the comments made, based on the evidence before me, I have taken a different view in this case.

Conclusion

48. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.
49. The appeal site is located within the zone of influence of Medway Estuary and Marshes Special Protection Area and Ramsar site. These European sites are

⁴ APP/V2255/W/24/3339042

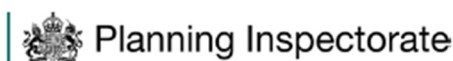
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recognised for their value as coastal habitats which support internationally important populations of bird species and are protected under the Conservation of Habitats and Species Regulations 2017. New residential development is likely to have a significant effect on the European Sites through increased recreational pressure. The Council is satisfied that the submitted UU would provide sufficient mitigation in this respect. Nevertheless, given my findings above and as I am dismissing the appeal for other reasons, there is no reason for me to consider this matter further as part of this appeal.

G Dring

INSPECTOR

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Appeal Decision

Hearing held on 30 September 2025

Site visit made on 30 September 2025

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

Appeal Ref: APP/V2255/W/25/3367559

Land west of Head Hill Road, Graveney, Kent, ME13 9DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Skylark Kent LLP against the decision of Swale Borough Council.
 - The application Ref is 23/504263/OUT.
 - The development proposed is erection of up to 8 no. self and custom-build dwellings, with public parking facilities, allotments and associated infrastructure.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I am also the appointed Inspector for APP/V2255/W/25/3365131, Land at Sandbanks Lane and Seasalter Road, Graveney, which was considered at the same hearing and is subject to a separate decision.
3. The original application was made in outline with means of access to be considered and I have therefore dealt with the appeal on this basis and considered any other details as being for illustrative purposes only.

Main Issues

4. The parties have agreed that the fifth reason for refusal relating to surface water drainage can now be addressed with appropriate conditions, therefore the main issues in this appeal are:
 - whether the site represents an appropriate location for the proposed development with regard to access to services and the spatial strategy;
 - the effect of the development on the character and appearance of the area
 - the effect of the development on designated heritage assets; and
 - the effect of the development on best and most versatile land.

Reasons

Spatial Strategy

5. Policy ST1 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 (LP) requires sustainable development to achieve good design through reflecting the best of an area's defining characteristics.

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6. Policy ST3 sets out the Swale settlement strategy and for developments in the Countryside sets out that they will be supported where they are able to demonstrate that it would contribute to protecting and where appropriate enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.
7. The site lies outside of the defined settlement boundary for Graveney and therefore the proposed development is required to demonstrate that there would be no harm to the sites rural landscape setting.
8. These policies are intended to ensure housing is located in areas which are accessible and sustainable. However, these policies do not prevent the development of land outside of settlement boundaries provided that the landscape character and appearance of the rural area is protected or enhanced.

Access to services and facilities

9. Graveney is a small settlement with some limited facilities and services which are unlikely to be capable of sustaining the everyday needs for the future occupiers of the development. There is a footpath, with some sporadic street lighting, which leads from the site and would enable pedestrians to access the small range of services within Graveney such as the public house and school. Despite these facilities I consider that occupiers of the proposed development would inevitably have to travel onwards to the services and facilities within the nearby towns of Faversham or Whitstable to access shopping, healthcare, leisure and entertainment facilities.
10. A bus stop is present along Head Hill Road which according to the evidence before me has eight bus services to Faversham Station on weekdays and six on a Saturday, with no evening service. Whilst this would be an available alternative to the private car, given the frequency of the bus service and the lack of service in the evening, it leads to uncertainty that it would be a realistic substitute to the convenience of a private car.
11. Therefore, I consider that the site has limited access to services, facilities and amenities and having regard to the lack of a regular bus service means occupiers are likely to prefer the convenience of a private car.
12. It is for these reasons that Graveney is identified as being within the lowest tier of Swale's settlement strategy where the primary objective is to protect it from isolated and/or large scales of development. Furthermore, policy CP2 of the LP sets out that proposals for new development must be sustainable in terms of transport and accessibility and should promote access to sustainable modes of transport.
13. Paragraph 83 of the National Planning Policy Framework (the Framework) promotes sustainable development in rural areas, through locating housing where it will enhance or maintain the vitality of rural communities. It recognises that groups of smaller settlements may support services in a village nearby. However, in this instance there are limited services, if any, in neighbouring villages and any travel would be to the larger nearby towns.
14. The proposal is therefore in conflict with policy CP2 of the Local Plan. In addition to the conflict with the development plan, there would be minor negative

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environmental and social effects arising from the location in terms of the use of natural resources and the accessibility of local services. This is an adverse matter to which I afford moderate weight.

Character and appearance

15. Policy DM24 sets out that in non-designated landscapes, such as the appeal site, planning permission will be granted subject to minimisation and mitigation of adverse impacts. The parties agreed that where development is likely to lead to some adverse impact on the landscape, if this can be mitigated then it would accord with the policy.
16. Whilst the level of harm has not been identified within their written evidence, the Council confirmed at the hearing that they considered in this instance the proposal would result in significant harm and would therefore conflict with policy DM24.
17. The site is on the edge of Graveney and comprises an open area of land lying between Graveney and Goodnestone and is within the Goodnestone Conservation Area. Adjacent to the site is Grade II Listed Four Horseshoes Public House, and a residential park home comprising approximately 46 park homes. On the opposite side of the road is post war housing.
18. The Council consider that the development would be incongruous when viewed within the context of surrounding development, which is more scattered and varied and would result in visual coalescence between Goodnestone and Graveney.
19. At a national level the appeal site is located within NCA81: Greater Thames Estuary and at County level within the Eastern Fruit Belt Landscape Character Area (CLCA). The key characteristics of the CLCA are its rural character with strong woodland blocks, with the overall landscape condition being poor, with the sensitivity of the landscape being low, on the basis that whilst the landscape is relatively open, the landform is not the dominant feature within view.
20. At a District Level the Swale Borough Landscape Character and Biodiversity Appraisal (LCBA) places the site within Landscape Type Marshland and LCA3: Goodnestone Grasslands. The site is located on the eastern edge of this Landscape Type and does not reflect the wider characteristics of winding creeks, mudflats and broad tracts of tidal saltmarsh.
21. However, LCA3 is described as having a tranquil and unspoilt nature with limited development, whilst recognising that pockets of grassland used for horse grazing have been degraded and localised field subdivision for equine activity detracts from the grassland setting of the Church. It is assessed as being in good condition with high sensitivity to change, however this will vary across the character area and the appeal site given its proximity to the railway line and woodland is of a lower sensitivity. The site is on the edge of LCA21: Graveney Arable Farmlands, which is characterised by being a gently undulating landform managed for the production of crops and this is evident further along Head Hill Road.
22. It has been put to me that the site is perceived as forming part of a contained field parcel, within the setting of Graveney and this character would be enhanced by the introduction of the proposed woodland buffer on the edge of the site, nearest to Goodnestone. However in travelling along Hill Head Road towards Goodnestone by car, you quickly pass between the two villages and any further encroachment of

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built development from Graveney towards Goodnestone will diminish the sense of separation between the two settlements.

23. The proposed development would result in the loss of the undeveloped and open character of the site, which contributes positively to the rural character of this part of Hill Head Road. The introduction of housing within the appeal site would reduce, diminish and erode the function that the site performs as a gap between the two settlements and the visual connection with the landscape beyond.
24. Whilst I accept that the development of the site would still enable a gap to be maintained, with land further along Hill Head Road remaining undeveloped, I consider that the development would erode the importance of this gap which contributes positively to the open nature and rural character of the area. This would lead to a built form and suburbanisation that would be at odds with the open quality of the area.
25. I have taken into account the appellant's suggestion that the development will offer an opportunity to incorporate a more appropriate and sensitive rural edge, with the inclusion of a woodland buffer to the ancient woodland beyond the site, internal hedgerows and structural planting. This landscaping would not mitigate the loss of the gap between the two settlements and as such would not minimise and mitigate the adverse landscape impacts. I consider that the proposal would result in a significant adverse impact and therefore this will need to be considered against any benefits of the proposal within the planning balance, as per policy DM24 of the LP.
26. The introduction of the proposed dwellings into the site would therefore fail to demonstrate that there would be no harm to the sites rural landscape setting. The development would be harmful to the landscape character and quality of the area and conflict with policies ST1 and ST3 of the LP as set out above. This significant, permanent environmental harm to the character and appearance of the area is a matter which weighs heavily against the proposal.
27. It would also fail to accord with CP4 and DM14 of the LP which together seek to achieve good design which is appropriate to its surroundings and well sited.

Heritage Impacts

28. As the proposal is in a conservation area and relates to the setting of a listed building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
29. The Goodnestone Conservation Area (CA) covers an area encompassing Goodnestone Court and St Batholomew's Church and includes both the southern and northern sections of Head Hill Road. It includes the ancient woodland to the rear of the appeal site and terminates prior to the residential caravan park. Its significance is derived from the collective group of high quality historic buildings separated by open gaps.
30. The Four Horseshoes Inn dates from circa 1800. The buildings significance is derived from its historical interest, conveying the development of nineteenth century public houses. The glossary of the Framework gives a definition of the setting of a heritage asset as "the surroundings in which a heritage asset is

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experienced". It goes on to advise that the extent of this setting is not fixed and may change as the asset and its surroundings evolve.

31. Its setting is informed by its location on Head Hill Road, with its purpose built function as roadside public house which drew on custom from passing traffic, helping to inform its setting. Much of its historic rear setting has been lost through the construction of the residential retirement park, however its presence at the entrance to Graveney village remains with views across the adjoining car park. Given the above, I find that the setting of the building, insofar as it relates to this appeal, to be primarily associated with its presence on Head Hill Road and any visibility of the building when entering the village and that this directly contributes to its special interest for the reasons given.
32. The parties agree a level of less than substantial harm to the CA would result from the proposed development. As I have set out above the proposal would result in the erosion of the spacing between the two settlements and as such this would be harmful to the significance of the CA. I consider that this harm would be within the low to medium range of less than substantial.
33. Section 66 (1) of the LBCA Act requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications.
34. Given the above, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
35. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification.
36. Given the scale of development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The site would give rise to some economic benefits during the construction phase and I consider that there would be moderate social benefits arising from the contribution to the Council's housing supply and the overprovision of open space. Furthermore, the provision of self and custom build housing would attract significant weight, noting the Council cannot currently demonstrate sufficient supply to meet its demand. However, these benefits are not considered to outweigh the identified harm to which I must attach considerable importance and weight.
37. Given the above, I conclude that, on balance, the proposal would fail to preserve the setting of the Grade II listed building and the character or appearance of the Goodnestone Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 210 of the Framework and conflict with policies DM32 and DM33 of the LP that seeks, among other things, to ensure that the listed buildings setting is preserved and development within a conservation area will preserve or enhance all features that contribute positively to the areas' special character or appearance.

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38. As a result the proposal would not be in accordance with the development plan. It would also not accord with the policies of the Framework which seek to conserve and enhance the historic environment.

Best and Most Versatile Land

39. The appeal site is located on best and most versatile land, where policy DM31 of the LP requires that development will only be permitted when there is an overriding need that cannot be met on land within the built up area boundaries. Development proposals also need to demonstrate that there are no alternative sites on a lower grade and that the development will not result in the remainder of the holding becoming unviable.
40. The borough of Swale is heavily constrained due to the presence of the Kent Downs National Landscape, areas of High Landscape Value and national ecological designations, resulting in a scarcity of suitable and unconstrained land. Land outside of these designations is often high quality agricultural land. Noting the Council's undersupply of housing, it is highly likely that some best and most versatile land will be required to be released for housing in order to meet these needs.
41. The Council acknowledged that it had not always applied the policy consistently, with it not forming a reason for refusal for the appeal on a neighbouring site. It was also set out that whilst there was a conflict with Policy DM31, noting the quantum of land within the Borough which is best and most versatile, the weight to be given to the conflict would be limited.
42. The conflict arises from the lack of evidence to demonstrate that there are no alternative sites on a lower grade of land, with the evidence provided only considering land in Graveney and not district wide. The appellant accepted that any conflict would attract limited weight
43. Therefore, taking into account the scale of the site and the proportion of other land within the borough which has a similar status, the minimal loss would need to be balanced against the benefits of the proposal. Therefore, I have attributed limited weight to the conflict with policy DM31.

Other Matters

Self build and Custom build housing

44. The parties agree that the Council has not met its statutory duty with regard to the delivery of self build plots. The proposal would result in the delivery of eight self build and custom build houses, which would be secured by the submitted legal obligation and this is a benefit of the proposal which attracts considerable weight.

Village car park and allotments

45. The proposal includes approximately 0.79 hectares of the site to be developed as open space, with 0.20 hectares of that being for allotments, with an over provision of 0.65 hectares in total.
46. There are currently no allotments in Graveney or Goodnestone, with the nearest allotments being within Faversham, Hernhill and Boughton upon Blean. The

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provision of allotments on the appeal site would accord with policy DM17 of the Local Plan, whereby 0.20 hectares are required per 1,000 population.

47. The proposal also provides a village car park, although it is not clear whether there is a need for such a facility and who the car park would serve, given the limited facilities within the village and the distance from the school.
48. The parties agree that the overprovision of open space would attract moderate weight. The addition of a village car park would attract limited weight, noting there is minimal evidence to demonstrate that this is required, or could not be provided without the scheme before me.

SAMMS

49. The appeal site is within the zone of influence (6km) for The Swale Special Protection Area (SPA) and Wetland of International Importance under Ramsar Convention (Ramsar Site). The Council is part of the North Kent Strategic Access Management and Monitoring Strategy (SAMMS) to mitigate for additional recreational impacts on these designated sites and to ensure that adequate means are in place to secure mitigation.
50. As the competent decision-making authority, if I had been minded to allow the appeal it would have been necessary for me to complete Appropriate Assessments for this scheme. Therefore, whilst the appellant has made a direct payment to the Council in relation to these matters, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Five Year Housing Land Supply

51. I note that the parties are agreed with regard to five year housing land supply, with the Councils supply at 3.98 years. It is also recognised that this undersupply has persisted for some time. However, paragraph 11(d) of the Framework is not engaged, because the policies in the Framework relating to heritage assets provide a strong reason for refusing the development proposal.

Planning Balance

52. The site is of a scale appropriate to the size of the existing settlement and there is no evidence that local infrastructure would be unable to meet the needs of the development. The development would also give rise to some economic benefits during the construction phase and provide support to local services, beyond the settlement of Graveney.
53. In addition, the delivery of self build and custom build housing from this development will result in social benefits. Therefore, noting the scale of the development proposed, I have attributed significant weight to the delivery of housing in this instance, which would contribute to housing supply in the area and the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area.
54. The appellant has also set out a number of biodiversity enhancements within its preliminary ecological appraisal which could be implemented as part of biodiversity net gain, which is not mandatory under the transitional arrangements. I have attributed moderate weight to these environmental benefits.

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55. However, the collective harm arising from the identified adverse impacts of the development including the location, impact on the character and appearance of the area, harm to heritage assets and the loss of best and most versatile land would significantly and demonstrably outweigh the benefits outlined above.
56. Therefore, the proposal would also conflict with Policy DM24, as the significant adverse impact on the non-designated landscape is not significantly and demonstrably outweighed by the social or economic benefits of the proposal.

Conclusion

57. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
58. For the reasons given above the appeal should be dismissed.

G Pannell

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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INTERESTED PARTIES:

Mrs L Stewart – Chair Graveney Rural Action Team
M Reynolds
Mr M Newman

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