

Agenda

Planning Committee Meeting

Date: Thursday, 18 June 2026

Time 7.00 pm

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

Membership:

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

Quorum = 6

Pages

Recording and Privacy Notice

Swale Borough Council is committed to protecting the security of your personal information. As data controller we process data in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation.

This meeting may be recorded. The recording will be retained in accordance with the Council's data retention policy and may be published on the Council's website. By entering the chamber and by speaking at a meeting, whether in person or online, you are consenting to being recorded and to the recording being published.

When joining a meeting online, your username will be visible to others in attendance. In joining the meeting you are consenting to us processing your username. You may use a pseudonym as your username but the use of an inappropriate name may lead to removal from the meeting.

If you have any questions about how we look after your personal information or your rights under the legislation, please email dataprotectionofficer@swale.gov.uk.

1. Emergency Evacuation Procedure

Visitors and members of the public who are unfamiliar with the building and procedures are advised that:

- (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.
- (b) Exit routes from the chamber are located on each side of the room, one directly to a fire escape, the other to the stairs opposite the lifts.
- (c) In the event of the alarm sounding, leave the building via the

nearest safe exit and gather at the assembly point on the far side of the car park. Do not leave the assembly point or re-enter the building until advised to do so. Do not use the lifts.

- (d) Anyone unable to use the stairs should make themselves known during this agenda item.

2. Apologies for Absence

3. Minutes

There are no Minutes to consider.

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 17 June 2026.

- | | | |
|----|--|---------|
| 5. | 1.1 Article 4(1) Order relating to the creation of Houses in Multiple Occupation | 9 - 50 |
| 6. | 2.1 - 26/501729/FULL 61 Galena Close, Bobbing | 51 - 58 |
| 7. | Part 5 applications | 59 - 68 |

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

Issued on Tuesday, 9 June 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**

This page is intentionally left blank

SWALE BOROUGH COUNCIL

PLANNING SERVICES

Planning Items to be submitted to the Planning Committee

18th June 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

This page is intentionally left blank

INDEX OF ITEMS FOR PLANNING COMMITTEE – 18th June 2026

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

PART 1

1.1 Article 4(1) Order relating to the creation of Houses in Multiple Occupation.

PART 2

2.1 26/501729/FULL BOBBING 61 Galena Close

PART 5

5.1 25/502388/FULL HERNHILL Crockham Farmhouse

5.2 23/500931/FULL SITTINGBOURNE 25-25A West Street

This page is intentionally left blank

PLANNING COMMITTEE –18th June 2026

PART 1

Report of the Head of Planning

PART 1

Any other reports to be considered in the public session

Item No – 1.1		
PROPOSAL – Make an Article 4(1) Direction in relation to the permitted development right set out within Class L of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) insofar as it permits the change of use of a building from use falling within Use Class C3 (dwellinghouses) to a use falling within Use Class C4 (Houses in Multiple Occupation).		
RECOMMENDATION – It is recommended that the Planning Committee determines whether an Article 4(1) Direction is made in respect of the permitted development right set out within Class L of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) insofar as it permits the change of use of a building from use falling within Use Class C3 (dwellinghouses) to a use falling within Use Class C4 (Houses in Multiple Occupation). If it is determined that an Article 4(1) Direction should be made, the Planning Committee should consider a) whether the necessary provisions are taken for the Direction to be made on an immediate basis as opposed to a non-immediate basis and b) whether the Direction should be made on a Borough wide or more localised basis. In the event that it is determined that an Article 4(1) Direction should be made, delegated authority shall be given to the Head of Planning and/or Head of Legal to take all steps required to make the Direction.		
REASON FOR REFERRAL TO COMMITTEE – Section 2.4.4.2 of the Swale Borough Council Constitution states that the Planning Committee shall have responsibility for making decisions under the Town and Country Planning Act 1990 (as amended) and Planning (Listed Buildings and Conservation Areas) Act 1990, including (at xiii) to resolve to make an Article 4 Direction.		
Case Officer – Ian Harrison		
WARD All	PARISH/TOWN COUNCIL All	
BACKGROUND PAPERS AND INFORMATION: Agenda item - Motion - Management and Regulation of HMOs in Swale		

Census Data - <https://www.ons.gov.uk/>

[Swale Borough Council Housing Market Assessment 2020](#)

[Swale Borough Council Whole Plan Viability Assessment 2024.](#)

1. BACKGROUND

- 1.1. At the Planning Committee meeting of 2nd April 2026, the Committee considered the proposal to make a Direction under the terms of Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 to have the effect of restricting the ability for a person to convert a dwelling falling within Use Class C3 to an HMO falling within Use Class C4 without planning permission first being obtained.
- 1.2. The associated Officer Report is provided at Appendix A. To summarise, some of the key points addressed by the previous Officer Report were:
- The motion of the Full Council meeting of 1st October 2025 was highlighted.
 - The legislative background was detailed, including the differentiation between immediate and non-immediate Article 4 Directions.
 - The national policy background that is relevant to any decision to make an Article 4(1) Direction was provided.
 - The consultation and notification requirements in the event of making an Article 4(1) Direction were detailed.
 - An initial assessment was provided in respect of the extent of the existing stock of HMOs within the Swale Borough and the effects of this stock.
 - Five options of how to proceed were highlighted.
- 1.3. The minutes from the Committee meeting of 2nd April 2026 are provided at Appendix B. In summary, the matter was deferred to provide officers with the opportunity to identify further evidence that would assist the considerations of the Planning Committee.
- 1.4. This report addresses the reason for the deferral and should be read in conjunction with the previous Committee Report.

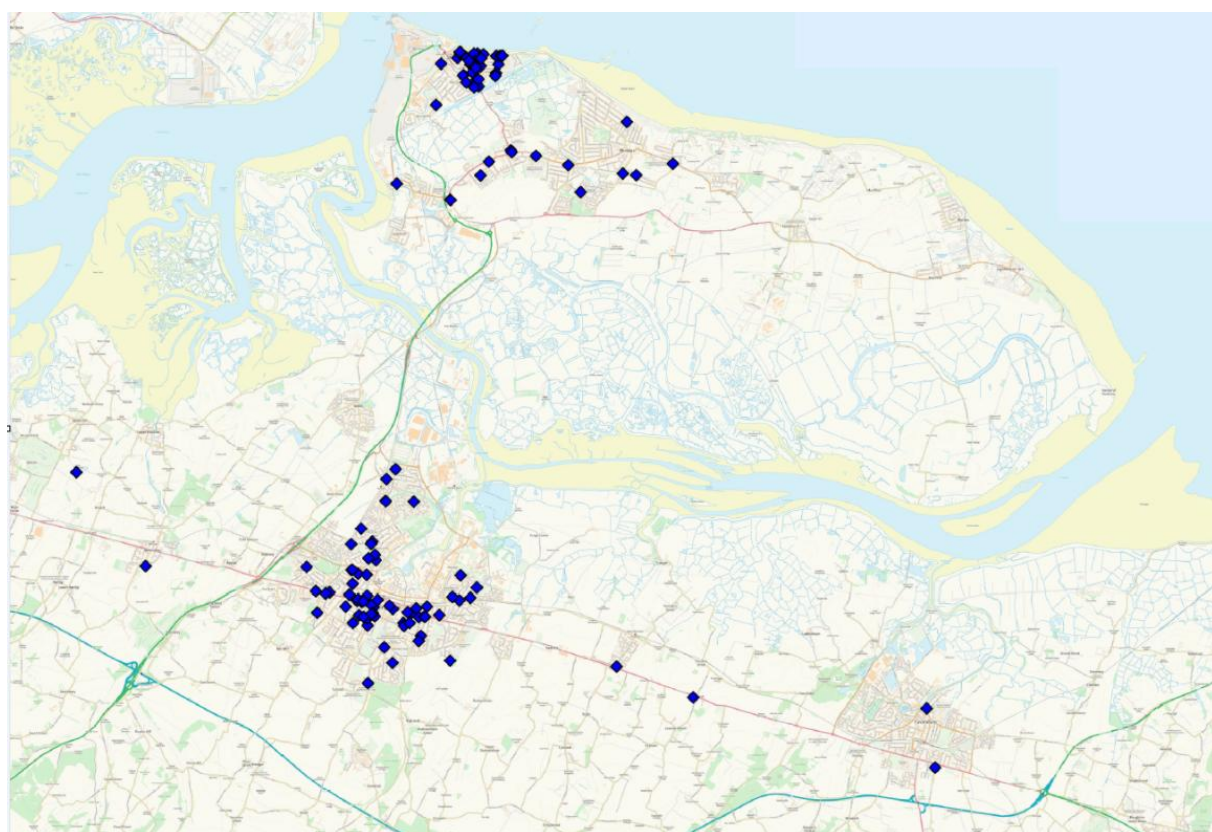
2. ASSESSMENT

Existing and Increasing HMO Stock

- 2.1. As set out previously, in conjunction with the preparation of a Supplementary Planning Document addressing HMOs, research was undertaken in respect of the existing stock of HMOs within the Swale Borough. This identified, per ward, the existing known quantity of HMOs:

Abbey	1	Milton Regis	8	Sheppey Central	5
Borden and Grove Park	6	Minster Cliffs	1	Teynham and Lynsted	2
Chalkwell	12	Murston	4	Watling	1
Hartlip, Newington and Upchurch	2	Queenborough & Halfway	8	Woodstock	3
Homewood	15	Roman	16		
Kemsley	3	Sheerness	39	TOTAL	126

- 2.2. Evidence sourced from the Office for National Statistics (ONS) indicated that when the 2021 Census was undertaken, there were 61 Small HMOs and 14 Large HMOs in the Swale Borough. In total there were, therefore, 75 HMOs. The existence of 126 HMOs was therefore found to represent an increase of 51 HMOs in a period of less than 5 years, a 68% increase.
- 2.3. Excluding applications for the enlargement of an existing HMO, 8 planning applications for new HMOs appear to have been received in that time and so, it appears that most of those 51 HMOs would have been created without the need to obtain planning permission, through the use of permitted development rights. It is noted that some might have needed planning permission but been undertaken without such permission, which could be the subject of enforcement investigations and, as such, the number cited above should be taken as an approximate figure rather than definitive.
- 2.4. For reference, the location of known HMOs in the Borough is shown in the following:



- 2.5. To supplement this evidence, a more detailed assessment of the type of building used as a HMO has been undertaken. For the most part this has represented a desk-based assessment based on mapping and publicly available photographic evidence. Therefore, whilst it is considered to be a sound analysis, there are some instances where available details were limited and, as such, there could be a margin of variation in the analysis.

Ward	Detached	Semi-Detached	Terraced	Flats	Total
Abbey	1	0	0	0	1
Borden and Grove Park	2	0	4	0	6
Chalkwell	5	2	4	1	12
Hartlip, Newington and Upchurch	1	0	1	0	2
Homewood	4	5	6	0	15
Kemsley	3	0	0	0	3
Milton Regis	3	1	4	0	8
Minster	1	0	0	0	1
Murston	0	1	3	0	4
Queenborough & Halfway	4	1	2	1	8
Roman	3	3	9	1	16
Sheerness	1	1	34	3	39
Sheppey Central	3	1	1	0	5
Teynham and Lynsted	1	0	0	1	2
Watling	1	0	0	0	1
Woodstock	2	0	1	0	3
GRAND TOTAL	35	15	69	7	126

- 2.6. It is considered relevant that 55% of HMOs appear to be within terraced buildings and that this amounts to almost double the next most common type of building. Whilst there will always be a variety of applicable considerations and circumstances, a common perception would be that a terraced dwelling would be attractive for use as a HMO as it is likely to be cheaper than an otherwise comparable semi-detached or detached dwelling. A dwelling would also be more practical and viable for conversion given that such buildings will have more space than a flat, enabling sufficient people to be accommodated for a HMO to be viable, with it also being relatively simple to convert a living room and other such 'communal' space within a dwelling to a bedroom.

Effects of HMOs

- 2.7. The Motion for Full Council and the debate of that motion identified the following potential impacts of HMOs:
- Impacts on local amenity
 - Increased parking demand
 - Refuse generation
 - Impacts on local infrastructure and public services
 - Impacts on housing balance and changes to the character of residential areas
 - A reduction of the supply of properties for families and single occupiers
 - Poor living conditions for occupiers

- 2.8. The Motion acknowledged that there are benefits arising from the existence and provision of HMOs.
- 2.9. Each of these elements was considered in the previous Officer Report.
Benefits and Risks of Serving an Article 4(1) Direction
- 2.10. In summary, the following benefits were identified previously:
- Making an Article 4(1) Direction would align with the Motion of Full Council.
 - The Council would be able to have greater control over the creation of HMOs.
 - There would be increased scope to enable the existing character of an area, the living conditions of neighbouring residents and the availability of parking to be retained.
 - A benefit of an immediate Direction is that it comes into effect immediately and avoids a year long 'rush' for persons to introduce smaller HMOs.
 - A benefit of a non-immediate Direction is that there would be a reduced risk of compensation being sought within the first year after the making of the Direction.

In summary, the following risks were identified previously:

- Making of an Article 4(1) Direction could be subject to challenge, particularly if the decision is not found to align with the legislative test and NPPF guidance relating to the extent and scope of a Direction.
- If any procedural requirement is not met, there would be a risk of challenge.
- The Secretary of State has the ability to modify or cancel any direction made by a Local Planning Authority. This could alter or remove the Direction and cause any costs incurred as a result of making the Direction (including the cost associated with the time of those involved) to have been abortive.
- Serving a Direction would reduce the potential to increase the provision of HMO accommodation, limiting the ability to meet a need and potentially increasing rental costs due to a limit on supply.
- The risk of an immediate Direction would be the liability of the Council to any compensation claims made under Sections 107 and 108 of the Act.
- A risk from taking a non-immediate approach would be that there would be a year long period where HMOs could be introduced under the terms of permitted development rights.

3. RESPONSE TO PLANNING COMMITTEE COMMENTS

- 3.1. A component of the previous Planning Committee meeting with respect to this matter was a discussion related to the geographical area to which an Article 4(1) Direction might be applied. In this regard, it is relevant to highlight the content of paragraph 2.13 of the previous Officer Report which highlighted the section of the NPPF (paragraph 54) which states:

"The use of Article 4 directions to remove national permitted development rights should:

where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre)

in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)

in all cases, be based on robust evidence, and apply to the smallest geographical area possible.”

- 3.2. It is also relevant to again highlight the aligned guidance within the Planning Practice Guidance which was detailed at paragraph 2.14 of the previous Officer Report and reads:

“all Article 4 directions should be applied in a measured and targeted way. They should be based on robust evidence, and apply to the smallest geographical area possible.”

“The potential harm that the Article 4 direction is intended to address will need to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to a wide area (eg those covering.... the entire area of a local planning authority).”

- 3.3. It is considered that a starting point for an assessment as to whether an area smaller than the entire Borough should be considered is the basic assessment of the amount of existing HMOs within an area. The six wards with the most HMOs are Sheerness, Roman, Homewood, Chalkwell, Milton Regis and Queenborough and Halfway.
- 3.4. In addition, it is considered appropriate to undertake some further analysis of the social and physical make up of these areas in the interests of identifying trends and any other areas that could foreseeably be suitable for comparatively intensive HMO development. To this end, Officers have reviewed several indicators which will be assessed in turn below, along with a justification for those aspects being considered.

Terraced Properties

- 3.5. As established above, terraced buildings host almost half of the HMOs within the Swale Borough. Data from the 2021 census (Office For National Statistics, March 2023¹) , separates “accommodation type” into 8 categories. To simplify assessment, these can be grouped into detached, semi-detached, terraced and ‘all other’ building types, with that last category including flats and converted buildings of various types as well as caravans and other mobile structures. It can be established from this data that the abovementioned six wards with the most HMOs all appear in the top 10 wards

¹ <https://www.ons.gov.uk/datasets/TS044/editions/2021/versions/4>

with the highest percentage of terraced properties. The other wards in the top 10 include Abbey, Murston, Priory and St. Ann's.

Crime and Anti-Social Behaviour

- 3.6. In relation to crime, the report provided previously identified there being only *“a loose correlation between the wards where the most HMOs are known to exist and the wards with the most crimes reported. This is not considered to demonstrate a statistically significant link between the two factors as it is noted that there will be many variables.”* Moreover, in respect of anti-social behaviour, it was found that there was “no particular correlation” between anti-social behaviour and the number of HMOs in an area, albeit it was noted that Chalkwell and Sheerness appeared high in both ranks.
- 3.7. This is, however, a factor that has been considered by other Councils in the making of Article 4 Directions (Derby, Hillingdon and Medway for example) and the preparation of SPDs related to HMOs and other intensive forms of residential development (Bedford, Lewes and Eastbourne and Maidstone). As such, it is considered that these statistics can remain indicators worthy of assessment. The evidence considered here is the same as was provided in the previous Officer Report.
- 3.8. It is noted that the abovementioned six wards with the most HMOs all appear in the top 10 wards with the highest recorded amount of crime. Other wards in the top 10 include Abbey, Borden and Grove Park, Murston and Sheppey Central.
- 3.9. Moreover, four of the six wards, the exceptions being Milton Regis and Queenborough and Halfway, appear in the top 10 wards with the highest recorded amount of anti-social behaviour. Other wards in the top 10 include Borden and Grove Park, Murston, Sheppey Central, St Ann's, Teynham and Lynsted and Woodstock.

Deprivation

- 3.10. At the Full Council meeting where the motion was discussed it was suggested that HMOs can place a strain on resources within an area. Consequently, it is considered that regard can be had to locating HMOs in areas that already experience deprivation as it is can follow that these are areas where resources are most likely needed and/or strained already. Data relating to deprivation (sourced from the Office For National Statistics, January 2024²), identifies those households which have no “dimensions of deprivation” and those that have 1 to 5 dimensions of deprivation. For the purposes of this assessment, these have been grouped into households with a dimension of deprivation and those without. Other than Chalkwell, each of the abovementioned six wards with the most HMOs appear in the top 10 wards with the highest percentage of households with one or more dimension of deprivation. Other wards in the top 10 include Minster, Murston, Priory, Sheppey Central and Sheppey East.

Property Value

- 3.11. At the previous Planning Committee meeting, the discussion mentioned that it could be relevant to see if there is a correlation between the cost of purchasing property and

² <https://www.ons.gov.uk/datasets/TS011/editions/2021/versions/6>

the number of HMOs in an area. Whilst there are HMO landlords who seek to provide high quality accommodation, the debate at the Full Council meeting of 1st October 2025 indicates that a perception exists that this is not always the case and it is understandable that many or most persons, would wish to operate as profitably as possible in all walks of life, including through buying cheaper properties.

- 3.12. In this regard, evidence of property sales prices is available to the Council having formed part of the Council's Whole Plan Viability Assessment (May 2024). The assessment of the existing HMOs within an area, undertaken as part of the analysis set out at paragraph 2.5, indicates that very few HMOs exist within new or recently built properties. Consequently, of the various elements of evidence available within the Council's Whole Plan Viability Assessment, it is considered relevant to have most regard to the statistic related to "Average Non-New Build Sale Value 2020-2022" which can be found on page 238 (Appendix 6) of that document.
- 3.13. Five of the six abovementioned wards with the most HMOs appear in the top 10 wards with the lowest non-new build property prices, with the exception being Homewood. The other wards in the top ten are Kemsley, Sheppey Central Sheppey East and The Meads.

Proportion of Households Renting Property.

- 3.14. The proportion of home ownership and owner-occupier accommodation relative to households renting can be a means of assessing the economic profile of an area. In this regard, data has been sourced from the 2021 census (Office of National Statistics, 2023³). Five of the six wards with the most HMOs appear in the top 10 in terms of households renting their property, with the exception being Queenborough and Halfway. The other five are Abbey, Murston, Priory, Sheppey Central and Teynham and Lynsted.

Summary

- 3.15. Combining these factors, a general correlation can be identified between various social, economic and environmental factors and the presence of HMOs. The above referenced evidence is available at Appendix C but is summarised in the table below:

Table on next page.

³ <https://www.ons.gov.uk/filters/dd3e078e-2476-4520-80e6-a8db0b77eb6a/dimensions#search--parent>

Ward	HMOs Rank		Crime Report Rank	Anti Social Behaviour Rank	Household Deprivation Rank (1 or more dimension of deprivation)	% Households Renting (Private or Social) Rank	Average Non-New Build Sale Value 2020-2022.	% Terraced Dwellings		Number of Instances in 'Top 10'	Total of Rankings	Overall Rank
Abbey	14		9	10	15	6	11	3		3	68	8
Bobbing, Iwade and Lower Halstow	15		19	16	23	23	18	18		0	132	21
Borden and Grove Park	7		16	9	12	18	17	16		2	95	16
Boughton and Courtenay	15		20	20	19	19	22	19		0	134	22
Chalkwell	4		3	2	16	8	2	5		6	40	4
East Downs	15		24	20	18	15	24	21		0	137	23
Hartlip, Newington and Upchurch	12		18	18	20	20	21	17		0	126	19
Homewood	3		10	7	10	7	12	10		6	59	7
Kemsley	10		17	13	14	13	9	12		2	88	15
Milton Regis	5		5	20	4	4	6	14		5	58	6
Minster	14		14	19	6	21	15	24		1	113	18
Murston	9		6	3	6	3	4	1		7	32	3
Priory	15		15	20	8	5	16	7		3	86	14
Queenborough & Halfway	5		4	16	5	12	5	8		5	55	5
Roman	2		7	8	3	2	3	6		7	31	2
Sheerness	1		1	1	1	1	1	2		7	8	1
Sheppey Central	8		8	5	9	14	10	15		5	69	9
Sheppey East	15		2	20	2	16	8	20		3	83	12
St Ann's	15		12	4	17	11	13	4		2	76	11
Teynham and Lynsted	12		13	5	11	9	14	11		2	75	10
The Meads	15		21	13	22	17	7	13		1	108	17
Watling	14		11	10	13	10	19	9		3	86	14
West Downs	15		23	13	24	22	23	23		0	143	24
Woodstock	10		22	10	21	24	20	22		2	129	20

- 3.16. HMOs are only a fraction of the household type in these wards and it has to be recognised that any social, economic or environmental factors or issues are likely to be far more wide-ranging than any correlation with a number of HMOs in an area. Moreover, it cannot be reasonably suggested that making an Article 4(1) Direction to

control the formation of HMOs would cause a material change in any of the statistics that have been identified.

- 3.17. However, it can be drawn from these statistics that there are areas where economic factors correlate with HMOs and that these are areas that have relatively high levels of crime and/or deprivation, potentially leading to a greater demand for services and assistance than might be the case elsewhere. It is considered that these are wards which have areas of relatively intense residential occupation, as proven by the number of terraced and 'other' properties (which includes flats and converted buildings). It is perhaps the case that Murston and Sheppey Central appear quite high in these statistics as they have the relatively recent 'Thistle Hill' and 'Great Easthall' developments which are substantial in scale and have a high number of terraced properties but, as new built or relatively recently built dwellings, they are less likely to be used as HMOs.
- 3.18. For these reasons, and in response to the request of the Planning Committee for Officers to identify an evidence base that could identify a more defined area for making an Article 4(1) Direction, it is considered that, if the Committee were so minded, they could consider making an Article 4(1) Direction that would have effect in the wards of Chalkwell, Homewood, Milton Regis, Murston, Queenborough and Halfway, Roman, Sheerness and Sheppey Central.
- 3.19. It is noted that Murston and Sheppey Central do not currently experience the same quantity of HMOs as the other wards and so these could logically be excluded from the relevant area. However, there is a case to suggest that these areas have the indicators to be attractive for HMO use in the event that restrictions are imposed elsewhere.
- 3.20. The next two wards in the abovementioned assessment (Abbey and Teynham and Lynsted) have a grand total of 3 HMOs and are markedly below the other wards in several areas. Consequently, it can be considered that there is a step change in HMO supply and the indicators that these locations would be liable to be attractive to HMOs. Any areas that are not affected by an Article 4(1) Direction could be reconsidered in the future if it was deemed to be necessary.
- 3.21. Reducing the area that is the subject of an Article 4(1) Direction would better align with the guidance set out within the NPPF and the Planning Practice Guidance that is set out above. Such policy and guidance would, presumably, be a consideration for the Secretary of State who is required to be notified of the making of an Article 4(1) Direction and has the opportunity to rescind or modify that Direction if they so wish.

4. OPTIONS

- 4.1. At the previous Planning Committee, five options were set out. These are repeated below, and remain as the options available to Members. The above analysis is particularly relevant to options B and C.
- A. An Article 4(1) Direction can be made that would have Immediate Effect or a "Non-Immediate" Direction can be made that would come into effect in 12 months time.

- B. An Article 4(1) Direction can be made that would have effect throughout the Borough or specific parts of the Borough.
- C. A combination approach could be taken where an Article 4(1) Direction is made that has immediate effect for part of the Borough and a further Article 4(1) Direction is made that does not immediately come into effect for the remainder of the Borough.
- D. The Planning Committee could choose to not make any Article 4(1) Direction.
- E. The Planning Committee could defer the matter to enable any aspect to be explored further and/or addressed in more detail if it is considered that any of the tests set out above are not met.

5. RECOMMENDATION

- 5.1. It is recommended that the Planning Committee determines whether an Article 4(1) Direction is made in respect of the permitted development right set out within Class L of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) insofar as it permits the change of use of a building from use falling within Use Class C3 (dwellinghouses) to a use falling within Use Class C4 (Houses in Multiple Occupation).
- 5.2. If it is determined that an Article 4(1) Direction should be made, the Planning Committee should consider a) whether the necessary provisions are taken for the Direction to be made on an immediate basis as opposed to a non-immediate basis and b) whether the Direction should be made on a Borough wide or more localised.
- 5.3. In the event that it is determined that an Article 4(1) Direction should be made, delegated authority shall be given to the Head of Planning and/or Head of Legal to take all steps required to make the Direction.

6. IMPLICATIONS

Issue	Implications
Corporate Plan	The making of an Article 4(1) Direction would have implications for the following Corporate Plan priorities: • Community • Economy • Environment • Health and housing • Running the Council
Financial, Resource and Property	There are financial and resource implications associated with preparing and making an Article 4(1) Direction, undertaking public consultation in relation to it and as a result of due process. This is within the base budget. A financial risk could arise from persons making claims under Sections 107 and 108 of the Town and Country Planning Act 1990 as a result of any implications occurring within the first year following the 'planning permission' that is automatically granted by

	Development Order being revoked. No public examples of this have been identified and so the likelihood and cost risk is unknown. It could arise under any circumstance where a condition of planning permission causes an applicant to incur additional costs or any financial effects arising from the refusal of a planning application.
Legal, Statutory and Procurement	The preparation and making of an Article 4(1) Direction would be carried out under a national legislative and regulatory framework. There would be resource requirements within the Council's legal service as a result of the formal making of the Direction.
Crime and Disorder	As set out in the body of this report, there is a perception of a link between the existence of HMOs and anti-social behaviour and crime. Although it is unlikely that a subsequent planning application could be refused on the grounds of potential events of crime or anti-social behaviour, a control could have an effect on these matters if the perception is accurate.
Environment and Climate/Ecological Emergency	There are no environment and climate/ecological emergency impacts arising from this decision.
Health and Wellbeing	There are no direct health and wellbeing impacts arising from this decision. However, an Article 4(1) Direction could result in more control being had over HMO development which would give greater scope to control the provision of adequate living conditions for future occupiers and the environment and living conditions of existing residents.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	As set out above, there is a potential financial risk from compensation claims made under Section 107 and 108 of the Town and Country Planning Act 1990. There is a risk of work being abortive if an Article 4(1) Direction is challenged or altered/withdrawn by the Secretary of State.
Equality and Diversity	None at this stage.
Privacy and Data Protection	None at this stage.
Local Government Reorganisation	There could be an issue around controls in the existing Swale Borough not aligning with controls that exist in other parts of any future authority.

PLANNING COMMITTEE – 2nd April 2026**PART 1**

Report of the Head of Planning

PART 1

Any other reports to be considered in the public session

Item No – 1.1		
PROPOSAL – Make an Article 4(1) Direction in relation to the permitted development right set out within Class L of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) insofar as it permits the change of use of a building from use falling within Use Class C3 (dwellinghouses) to a use falling within Use Class C4 (Houses in Multiple Occupation).		
RECOMMENDATION – It is recommended that the Planning Committee determines whether an Article 4(1) direction is made in respect of the permitted development right set out within Class L of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) insofar as it permits the change of use of a building from use falling within Use Class C3 (dwellinghouses) to a use falling within Use Class C4 (Houses in Multiple Occupation). If it is determined that an Article 4(1) direction should be made, the Planning Committee should consider a) whether the necessary provisions are taken for the Direction to be made on an immediate basis as opposed to a non-immediate basis and b) whether the Direction should be made on a Borough wide or more localised basis. In the event that it is determined that an Article 4(1) direction should be made, delegated authority shall be given to the Head of Planning and/or Head of Legal to take all steps required to make the direction.		
REASON FOR REFERRAL TO COMMITTEE – Section 2.4.4.2 of the Swale Borough Council Constitution states that the Planning Committee shall have responsibility for making decisions under the Town and Country Planning Act 1990 (as amended) and Planning (Listed Buildings and Conservation Areas) Act 1990, including (at xiii) to resolve to make an Article 4 Direction.		
Case Officer – Ian Harrison		
WARD All	PARISH/TOWN COUNCIL All	
BACKGROUND PAPERS AND INFORMATION:		
Agenda item - Motion - Management and Regulation of HMO's in Swale		

Census Data - <https://www.ons.gov.uk/>
[Swale Borough Council Housing Market Assessment](#)

1. BACKGROUND TO PROPOSAL

1.1. At a full meeting of the Council on 1st October 2025, a motion was presented that was titled “*Management and Regulation of HMOs in Swale*”. A summary of the resolution is set out below. In this regard the Council noted:

- The allowances of permitted development rights and the implications for the ability to control HMOs.
- That HMOs are a valuable element of the housing supply, but that they can have significant impacts on local amenity, including increased parking demand, refuse generation, local infrastructure and public services impacts, housing balance effects and changes to the character of residential areas.
- That unregulated or concentrated growth of HMO’s in specific neighbourhoods may lead to a lack of available properties for families and single occupiers.
- That several local authorities across England have implemented Article 4(1) Directions to require planning consent for all new HMO’s, thereby allowing for better local oversight and policy application.
- Article 4(1) Directions can either be non-immediate or immediate.

1.2. This Council therefore resolved (at point 2.2 of the resolution) to refer the matter to the relevant Committee to develop a Supplementary Planning Document (SPD). At points 2.1 and 2.3, the Council resolved to:

2.1. *Commence the process of introducing a borough-wide Immediate Article 4 Direction under the Town and Country (General Permitted Development) (England) Order 2015 to remove the permitted development right allowing the conversion of a dwelling house (Use Class C3) into an HMO for up to six residents (Use Class C4), where the following types of property will be among those most likely to be classed as an HMO:*

- 2.1.1. *an entire house or flat which is let to three or more tenants who form two or more households and who share a kitchen, bathroom or toilet*
- 2.1.2. *a house or flat which has been converted entirely into bedsits or other non self-contained accommodation and which is let to three or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities*
- 2.1.3. *a converted house which contains one or more flats which are not wholly self [1] contained (i.e. each flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by three or more tenants who form two or more households*

2.1.4. a building which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies

2.3. Consult with residents, ward councillors, parish councils, area committees, and other stakeholders to ensure the proposed Article 4 Direction and revised SPD are responsive to community concerns while supporting access to affordable housing.

1.3. Section 2.4.4.2 of the Swale Borough Council Constitution states that the Planning Committee shall have responsibility for making decisions under the Town and Country Planning Act 1990 (as amended) and Planning (Listed Buildings and Conservation Areas) Act 1990, including (at xiii) to resolve to make an Article 4 Direction. This report is, therefore, presented to the Planning Committee to address the resolution of the Motion that is set out above.

1.4. The proposal is that the Planning Committee determines whether an Article 4(1) direction is made in respect of the permitted development right set out within Class L of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) insofar as it permits the change of use of a building from a use falling within Use Class C3 (dwellinghouses) to a use falling within Use Class C4 (Houses in Multiple Occupation).

1.5. If it is determined that an Article 4(1) direction should be made, the Planning Committee should consider a) whether the necessary provisions are taken for the Direction to be made on an immediate basis as opposed to a non-immediate basis and b) whether the Direction should be made on a Borough wide or more localised basis.

1.6. In the event that it is determined that an Article 4(1) direction should be made, delegated authority shall be given to the Head of Planning and/or Head of Legal to make the direction.

2. LEGISLATION

2.1. Section 59 of The Town and Country Planning Act (1990) is primary legislation which allows the Secretary of State to make an order that provides for the granting of planning permission. This is built upon by, amongst others, Section 60 of the Act.

2.2. Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 (The GPDO) is secondary legislation which sets out that, subject to certain defined provisions including that which is set out below, planning permission is granted for the classes of development described as permitted development in Schedule 2 of the GPDO.

2.3. One such ‘permitted development,’ set out at Class L of Part 3 of Schedule 2 of the GPDO is “*development consisting of the change of use of a building:*

- (a) *from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;*
- (b) *from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.”*

- 2.4. The Motion and the wider understanding of the issue raised is that it is only the development listed at (b) above that is intended to be controlled by the proposed Article 4(1) direction. It is taken that there is no reason to wish to control the change of use of HMOs falling within Use Class C4 to dwellinghouses falling within Use Class C3.
- 2.5. At Article 4(1) of the GPDO it is stated that if the local planning authority is satisfied that it is expedient that development described in any Part, Class or paragraph in Schedule 2 (other than a few exceptions that are not applicable here) should not be carried out unless permission is granted for it on an application, the local planning authority, may make a direction that the permission granted by article 3 does not apply to (a) all or any development of the Part, Class or paragraph in question in an area specified in the direction; or (b) any particular development, falling within that Part, Class or paragraph, which is specified in the direction. It goes on to state that the procedures which must be followed in making, modifying or cancelling any direction made under article 4(1) are set out in Schedule 3 of the GPDO. In summary, this allows for the restriction of permitted development rights, where it is considered expedient to do so, subject to the specified procedures being followed.
- 2.6. Schedule 3 of the GPDO address non-immediate and immediate Article 4(1) directions separately. The Full Council motion makes it clear that the preference is to serve an immediate Article 4(1) direction and as such only the provisions related to that approach are set out below. Officers would be able to provide further details of the non-immediate approach if requested.
- 2.7. Section 2 of Schedule 3 states that the “immediate effect” procedure can apply to developments included within Parts 3 of Schedule 2. It goes on to set out that the procedure can be used where *“the authority consider that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area.”*
- 2.8. Various provisions within Schedule 3(2) apply including a requirement to notify the Secretary of State of the direction on the same day that notice is given under paragraph 1(1). The legislation makes provisions for the Secretary of State to then cancel or modify any Article 4(1) direction that is made.
- 2.9. Section 5 states that *“The direction comes into force in respect of any part of the land within the area to which it relates (a) on the date on which the notice is served in accordance with paragraph 1(1)(c) on the occupier of that part of the land or, if there is no occupier, on the owner; or (b) if paragraph 1(2) applies, on the date on which the notice is first published or displayed in accordance with paragraph 1(1).”*

- 2.10. Section 6 states that *“A direction to which this paragraph applies expires at the end of the period of 6 months beginning with the date on which it comes into force unless confirmed by the local planning authority in accordance with paragraphs 1(9) and (10) before the end of the 6-month period.”* As a result of this, if an immediate Article 4(1) direction is made, the matter will need to return to the Planning Committee in order for the Article 4(1) direction to be confirmed and remain in effect. Further provisions relating to that aspect of the procedure will be set out at the appropriate time. However, it is relevant to note that there are notification requirements at that stage, but no such requirements exist in relation to the making of the Article 4(1) direction.

Other Relevant Legislative Considerations

- 2.11. Section 108 of the Town and Country Planning Act 1990 states that where a planning permission granted by a development order is withdrawn or revoked, if an application is submitted within 12 months of the applicable revocation or withdrawal and planning permission for a development formerly permitted by that order is refused or is granted subject to conditions other than those imposed by that order, Section 107 of the Act shall apply. Section 107 of the Act allows for compensation to be paid where planning permission, which in this case is the planning permission granted by the permitted development right, has been revoked or modified.
- 2.12. However, Section 108 of the Act clarifies the above does not apply if 12 months passes between the making of an order and the withdrawal or revocation of the permitted development coming into effect. This is a difference between the immediate and non-immediate approaches.

Policy Consideration

- 2.13. It is considered relevant to note that paragraph 54 of the NPPF states that the use of Article 4 directions to remove national permitted development rights in scenarios such as those addressed by this report should be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area, be based on robust evidence and apply to the smallest geographical area possible.
- 2.14. Similarly, the Planning Practice Guidance makes it clear at Paragraph 37 of the *when is planning permission required?* Section that an Article 4(1) direction can be used *“provided that there is justification for both its purpose and extent.”* The guidance goes on to state that:
- *“all article 4 directions should be applied in a measured and targeted way. They should be based on robust evidence, and apply to the smallest geographical area possible.”*
 - *“The potential harm that the article 4 direction is intended to address will need to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to a wide area (eg those covering.... the entire area of a local planning authority).”*
- 2.15. Regard has also been had to the 2008 DCLG document titled “Evidence Gathering – Housing in Multiple Occupation and possible planning responses” which pre-dated the

change to permitted development rights and the use classes order that introduced the arrangements that now exist.

3. CONSULTATION AND NOTIFICATION

3.1. No consultation or notification is required prior to the making of an Article 4(1) direction.

3.2. However, as set out above, upon making an Article 4(1) direction, the Council is required to:

- Notify the Secretary of State of the direction on the same day that notice is given by way of local advertisement.
- Give notice of the Article 4(1) direction by way of local advertisement.
- Give notice of the Article 4(1) direction by way of site notice at no fewer than 2 locations within the area to which the direction relates.
- Give notice of the Article 4(1) direction to Kent County Council.

3.3. In some instances, there is an additional requirement to serve notice of the Article 4(1) direction on every owner and occupier within the area. However, this requirement is waived where *“the number of owners or occupiers within the area to which the direction relates makes individual service impracticable.”* There are other options available to the Council to publicise the Article 4(1) direction as a matter of good practice which can occur, but it is not considered that it would be practicable to serve notice on every owner and occupier of land in the Borough and, therefore, the waiver is considered applicable.

3.4. It is noted that the Council Motion requires that the Council *“Consult with residents, ward councillors, parish councils, area committees, and other stakeholders to ensure the proposed Article 4 Direction and revised SPD are responsive to community concerns while supporting access to affordable housing.”* In this regard, it is considered that there is appropriate scope to undertake this consultation following the making of an Article 4(1) Direction and its subsequent confirmation (or otherwise) by the Council which would be required to occur within 6 months of the making of the Article 4(1) Direction.

3.5. If the non-immediate procedure was followed, comparable notification would be required.

4. ASSESSMENT

Existing and Increasing HMO Stock

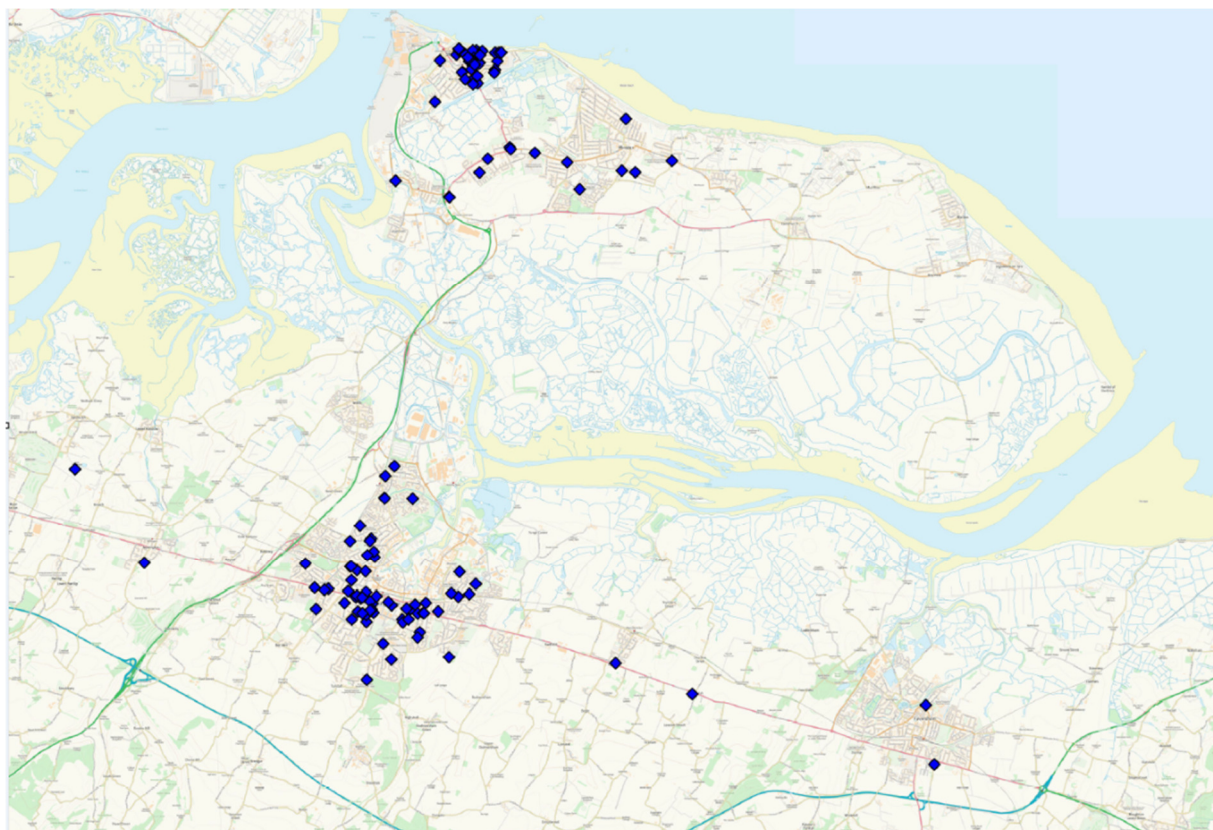
4.1. Identifying the existing HMO stock with reliance solely on planning records is problematic given that, as set out above, many can be formed without needing planning permission and without recourse to the Council's Planning Service. In short, many could have been created without the Planning Service knowing, especially where there are a lower number of residents that might not attract the same amount of attention as larger HMOs. Notwithstanding this, the Council's planning application, local plan monitoring and planning enforcement records have been reviewed and this

has enabled several HMOs to be identified. Other Council records have also been utilised to identify HMOs including the HMO License Register and Council Tax records.

- 4.2. Research undertaken as part of the preparation of the Draft HMO SPD in February 2026 indicates that at that time there were 126 HMOs known to be within the Swale Borough. On a ward level, the 126 HMOs that have been identified are broken down as follows:

Abbey	1	Milton Regis	8	Sheppey Central	5
Borden and Grove Park	6	Minster Cliffs	1	Teynham and Lysted	2
Chalkwell	12	Murston	4	Watling	1
Hartlip, Newington and Upchurch	2	Queenborough & Halfway	8	Woodstock	3
Homewood	15	Roman	16		
Kemsley	3	Sheerness	39	TOTAL	126

- 4.3. Evidence sourced from the Office for National Statistics (ONS) indicates that when the 2021 Census was undertaken, there were 61 Small HMOs and 14 Large HMOs in the Swale Borough. In total there were, therefore, 75 HMOs.
- 4.4. The existence of 126 HMOs at the recent point when an assessment was made would represent an increase of 51 HMOs in a period of less than 5 years, this amounts to a 68% increase. Excluding applications for the enlargement of an existing HMO, 8 planning applications for new HMOs appear to have been received in that time and so, it appears that most of those 51 HMOs would have been created without the need to obtain planning permission, through the use of permitted development rights. It is noted that some might have needed planning permission but been undertaken without such permission, which could be the subject of enforcement investigations and, as such, the number cited above should be taken as an approximate figure rather than definitive.
- 4.5. For reference, the location of known HMOs in the Borough is shown in the following: (Map on next page)



Effects of HMOs

- 4.6. The Motion for Full Council and the debate of that motion identified the following potential impacts of HMOs:
- Impacts on local amenity
 - Increased parking demand
 - Refuse generation
 - Impacts on local infrastructure and public services
 - Impacts on housing balance and changes to the character of residential areas
 - A reduction of the supply of properties for families and single occupiers
 - Poor living conditions for occupiers
- 4.7. The Motion acknowledged that there are benefits arising from the existence and provision of HMOs and these will also be explored below.
- 4.8. A feature of the conversion of dwellings (falling within Use Class C3) to HMOs is that they are no longer used as dwellings. In many instances, the properties that are attractive for conversion would currently have 2 to 5 bedrooms, with perhaps a living room or two and other such habitable space. This is the type of accommodation that might conventionally be expected to be occupied, in the majority of cases but not all, by families. A reconfiguration to a HMO would, therefore, reduce the housing stock of dwellings available to families.
- 4.9. The Council's Housing Market Assessment (HMA) identifies that the most needed accommodation within the Swale Borough is three bedroom housing. As a result,

developments that reduce the availability of that housing would work against the needs of the Borough.

- 4.10. In respect of owner-occupied housing, table 4.5 of the HMA identified that the greatest requirement was for 3 bedroom housing (20,776) and that this would increase to 25,030 dwellings by 2038. This was the greatest increased requirement identified (41%) of the differing house types. A 34.6 % increase was required in relation to two bedroom housing (from 9,120) and a 17.5% increase was identified to be required (from 11,416) for four bedroom dwellings. It is considered that this demonstrates that the highest requirement for owner-occupiers within the Borough is, and will continue to be, for three bedroom housing (both in terms of the overall number and the increasing requirement moving forward). For context, 715 additional one bedroom properties were identified to be required and 4,255 three bedroom houses were identified to be required.
- 4.11. In respect of private rented accommodation, table 4.6 of the HMA identified that the greatest requirement was for two and three bedroom accommodation (4,694 and 4,843 dwellings) in 2022 but the greatest increase of requirements was identified in respect of three bedroom accommodation (a 34.9% increase) and four bedroom housing (a 28.7% increase) by 2038. Again, for context, the increase required for three and four bedroom properties was 639 and 524 respectively, compared to 323 one bedroom properties and 343 two bedroom properties.
- 4.12. From this basis and as set out above, it is considered that the greatest requirement for housing, across non-affordable housing tenures, is for three bedroom housing. It is considered that housing of that size range is amongst the most likely to be converted to form small HMOs falling within Use Class C4.
- 4.13. In terms of broader demographics, there is a fairly even split of projected households within the Borough across one person households, couples with children and couples with no children (28.5%, 28% and 26.4%). By 2038, the household make-ups are forecast to be 29.5%, 27.6% and 24.9% within those categories, indicating no greater increases of any specific category of household. One person accommodation can take various forms, perhaps including accommodation within HMOs. Overall, this element of the evidence suggests that the household make-up is not materially greater for any one type than any other. As such, the demographic changes of the area do indicate that three and four bedroom properties will remain needed and that there is grounds to protect them from conversion to HMOs.
- 4.14. In terms of refuse storage, the Council's refuse collection arrangements operate in the same way for dwellings as they do for smaller HMOs falling within Use Class C4. There are no additional refuse storage provisions and, whilst it is noted that there is a perception that refuse storage facilities are not kept in the same way, it is not considered that this could be proven as there are just as likely to be persons in dwellings (Use Class C3) that do not store their waste in a neighbourly manner as there is in smaller HMOs.
- 4.15. Similarly, whilst there would be more adults at a site, it is not considered that the overall population of an area would increase as a result of the provision of small HMOs, which are limited to 6 residents, to an extent that there would be an undue impact on

infrastructure such as medical services. In this regard, it is noted that extra bedrooms would likely be created within a HMO but, even if a three bedroom dwelling was converted to a 6 person HMO, noting that the average occupation of a three bedroom dwellings is likely to be in the region of 4 persons, the net increase in population would be limited. Compared to occupation by a family with children of school age, there is almost certainly a reduction of demand for primary and secondary education services.

- 4.16. The minutes of The Motion highlight that a perception exists that there is a connection between HMOs and anti-social behaviour or crime. Utilising crime report statistics from the Kent Police website (covering a period from February 2025 to January 2026) it is noted that there is a loose correlation between the wards where the most HMOs are known to exist and the wards with the most crimes reported. This is not considered to demonstrate a statistically significant link between the two factors as it is noted that there will be many variables. Notwithstanding this, the evidence identified is presented below:

	Abbey	Bobbing, Iwade & Lower Halstow	Borden & Grove Park	Boughton and Courtenay	Chalkwell	East Downs
Crimes Reported	714	381	440	291	1271	116
Crime Report Rank	9	19	16	20	3	24
Existing HMOs	1	0	6	0	12	0
HMOs Rank	14	15	7	15	4	15
	Hartlip, Newington & Upchurch	Homewood	Kemsley	Milton Regis	Minster	Murston
Crimes Reported	428	684	438	825	509	795
Crime Report Rank	18	10	17	5	14	6
Existing HMOs	2	15	3	8	1	4
HMOs Rank	12	3	10	5	14	9
	Priory	Queenborough & Halfway	Roman	Sheerness	Sheppey Central	Sheppey East
Crimes Reported	482	951	785	2621	761	1402
Crime Report Rank	15	4	7	1	8	2
Existing HMOs	0	8	16	39	5	0
HMOs Rank	15	5	2	1	8	15
	St Ann's	Teynham and Lysted	The Meads	Watling	West Downs	Woodstock
Crimes Reported	574	548	277	596	226	241
Crime Report Rank	12	13	21	11	23	22
Existing HMOs	0	2	0	1	0	3
HMOs Rank	15	12	15	14	15	10

- 4.17. Anti-social behaviour records for January 2026 were available from the same source, showing no particular correlation between HMO numbers and reports of anti-social

behaviour, albeit Sheerness and Chalkwell wards again appear in the three wards with the highest number of reports of anti-social behaviour.

- 4.18. In terms of the adequacy of living conditions for occupiers of HMOs, it is noted that certain HMOs require a licence and elements of the living conditions of occupiers are addressed within that regime. However, there could be circumstances where neither planning permission nor a licence are required and, in that circumstance a development would have the ability to provide standards of a lower quality.
- 4.19. In terms of increases of parking demand, it is inevitable that there would be more adults occupying any particular building and, as such, there is a greater likelihood of persons being able to own a car.
- 4.20. Census data from the 2021 Census indicates that there were 11,119 private rented properties in the Swale Borough. HMOs align closest with this type of property.
- 4.21. Within that, 4,646 of the properties had just one usual resident aged 17 years or over. It is considered that this figure is relevant as most HMO rooms are occupied on a single adult basis and where there are more, this is likely to be balanced out with periods of under-occupancy elsewhere as not all properties are occupied at all times.
- 4.22. Within those properties, 1793 had no access to a car, 2571 had access to a car and 282 had access to two or more cars.
- 4.23. Using that data and proceeding on the basis that the two or more category would most likely be not more than two cars in the majority of cases, it can be assumed that the 4,646 persons renting privately in the Swale Borough led to car ownership amounting to approximately 3,135 cars. This amounts to a car ownership rate of 0.67 cars per person living alone.
- 4.24. More broadly, again based on the 2021 Census, of the 15,957 one-person households within the Swale Borough, 5,871 had no access to a car, 8866 had access to one car, 961 had access to two and 259 had access to 3. That equates to a total of 11,565 cars which amounts to an average of 0.72 cars per person living alone.
- 4.25. Expanding this data to a small HMO which could accommodate 6 persons, this could derive a parking demand of approximately 4 cars. Consequently, there would be an uplift relative to the amount of parking that would be required to be provided for a dwelling of comparable size having regard to the Council's adopted parking standards. Noting the spread of existing HMOs and their accumulation in areas of generally more close-knit housing, it is considered that most parking would occur on-street and within areas where parking availability is already limited, either through restrictions or existing stresses.
- 4.26. In terms of beneficial effects of HMO stock, it is noted that they provide accommodation for, mostly, single persons, who might not have the means to afford other private rented accommodation.
- 4.27. The increase in the number of HMOs is likely to correlate to a demand for HMOs which is understandable in light of the issues that exist around the cost of accommodation,

throughout society. HMOs are not likely to fall within the definition of “Affordable Housing” in the context of the recognised definitions. However, they are a cheaper form of accommodation and, in the context that the Council has declared an “Affordable Housing Emergency” it is considered that it is appropriate to note that there is a Council acknowledgement that insufficient affordable housing exists and, by extension of that, there is likely to be a demand for accommodation to meet the needs of those with a lower budget that is not able to be met by affordable or market housing.

Benefits of an Article 4(1) Direction

- 4.28. Fundamentally, the making of an Article 4(1) direction would align with the Motion of Full Council and represent the democratic function of the Council following its course.
- 4.29. A further benefit is that the Council would be able to have greater control over the creation of HMOs. By requiring planning permission for the future creation of any HMOs falling within Use Class C4, the existing control that exists for larger HMOs (with more than 6 residents) would be applied to HMOs with 6 or fewer residents. Benefits of this include:
- The ability to control the concentration of HMOs within specific areas.
 - The ability to ensure that adequate parking is available to serve the residents of HMOs to ensure compatibility with any existing on-street parking provision or avoid the unacceptable worsening of any existing situations where parking stress occurs.
 - The ability to ensure that smaller HMOs (which might not need a license) feature the same minimum room sizes in respect of kitchen and bedrooms that currently only apply to HMOs that require a licence.
- 4.30. As with any restriction on development, it creates a greater likelihood that the status quo would exist either for a longer period or into the future. This could be perceived as a benefit where the existing character of an area, the living conditions of neighbouring residents and availability of parking is considered to be acceptable or preferable to any alternative situation that might include HMO provision.
- 4.31. A matter for consideration is whether any Article 4(1) direction is made on an immediate or non-immediate basis. A benefit of an immediate direction is, clearly, that it comes into effect immediately and avoids a year long ‘rush’ for persons to introduce smaller HMOs within the window where planning permission is not required to do so.
- 4.32. A benefit of a non-immediate direction is that there would be a reduced risk of compensation being sought within the first year after the making of the direction by any persons who consider that the provisions set out at Section 107 and 108 are applicable. The issue of potential compensation claims and liabilities is discussed in further detail at 2.11 and 2.12 above.

Risks of an Article 4(1) Direction

- 4.33. A risk could be that the making of an Article 4(1) direction could be subject to challenge. As highlighted at paragraph 2.12 above, the NPPF indicates that Article 4(1) directions should only be used where necessary to protect local amenity or the

well-being of the area, where they are based on robust evidence and subject to them being applied to the smallest geographical area possible.

- 4.34. Moreover, at paragraph 2.6 above, it is highlighted that the relevant test for the use of immediate directions should be where *“the authority consider that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area”*.
- 4.35. A decision to make an Article 4(1) direction could potentially be challenged if it is considered that the direction does not meet these tests. Similarly, if any procedural requirement is not met, there would be a risk of challenge.
- 4.36. A risk could arise from the ability of the Secretary of State to choose to modify or cancel any direction made by a Local Planning Authority. This would alter or remove the direction and cause any costs incurred as a result of making the direction (including the cost associated with the time of those involved) to have been abortive.
- 4.37. Conversely to the abovementioned benefit relating to the retention of an existing stock of dwellings falling within Use Class C3 and related to the commentary provided above about the beneficial effect of providing HMOs (i.e. that they meet the needs of those who might not be able to afford or wish to pay more expensive accommodation). A risk would be that serving a direction would reduce the potential to increase the provision of HMO accommodation, limiting the ability to meet a need and potentially increasing rental costs due to a limit on supply.
- 4.38. The above provided commentary in relation to the making of an immediate or non-immediate Article 4(1) direction is applicable in reverse in relation to the risks that would exist. In short, the risk of an immediate direction would be the liability of the Council to any compensation claims made under Sections 107 and 108 of the Act. However, a risk from the non-immediate approach would be that there would be a year long period where HMOs could be introduced under the terms of permitted development rights, possibly with the less desirable effects that have been assessed above being experienced.

5. OPTIONS

- 5.1. Drawing from the above, it is considered that the Planning Committee has several options comprising the following:
 - A. An Article 4(1) direction can be made that would have Immediate Effect or a “Non-Immediate” direction can be made that would come into effect in 12 months time.
 - B. An Article 4(1) direction can be made that would have effect throughout the Borough or specific parts of the Borough.
 - C. A combination approach could be taken where an Article 4(1) direction is made that has immediate effect for part of the Borough and a further Article 4(1) direction is made that does not immediately come into effect for the remainder of the Borough.

- D. The Planning Committee could choose to not make any Article 4(1) direction.
- E. The Planning Committee could defer the matter to enable any aspect to be explored further and/or addressed in more detail if it is considered that any of the tests set out above are not met.

6. RECOMMENDATION

- 6.1. It is recommended that the Planning Committee determines whether an Article 4(1) direction is made in respect of the permitted development right set out within Class L of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) insofar as it permits the change of use of a building from use falling within Use Class C3 (dwellinghouses) to a use falling within Use Class C4 (Houses in Multiple Occupation).
- 6.2. If it is determined that an Article 4(1) direction should be made, the Planning Committee should consider a) whether the necessary provisions are taken for the Direction to be made on an immediate basis as opposed to a non-immediate basis and b) whether the Direction should be made on a Borough wide or more localised basis.
- 6.3. In the event that it is determined that an Article 4(1) direction should be made, delegated authority shall be given to the Head of Planning and/or Head of Legal to take all steps required to make the direction.

7. IMPLICATIONS

Issue	Implications
Corporate Plan	The making of an Article 4(1) direction would have implications for the following Corporate Plan priorities: • Community • Economy • Environment • Health and housing • Running the Council
Financial, Resource and Property	There are financial and resource implications associated with preparing and making an Article 4(1) direction, undertaking public consultation in relation to it and as a result of due process. This is within the base budget. A financial risk could arise from persons making claims under Sections 107 and 108 of the Town and Country Planning Act 1990 as a result of any implications occurring within the first year following the 'planning permission' that is automatically granted by Development Order being revoked. No public examples of this have been identified and so the likelihood and cost risk is

	unknown. It could address any circumstance where a condition of planning permission causes an applicant to incur additional costs or any financial effects arising from the refusal of a planning application.
Legal, Statutory and Procurement	The preparation and making of an Article 4(1) direction would be carried out under a national legislative and regulatory framework. There would be resource requirements within the Council's legal service as a result of the formal making of the Direction.
Crime and Disorder	As set out in the body of this report, there is a perception of a link between the existence of HMOs and anti-social behaviour and crime. Although it is unlikely that a subsequent planning application could be refused on the grounds of potential events of crime or anti-social behaviour, a control could have an effect on these matters if the perception is accurate.
Environment and Climate/Ecological Emergency	There are no environment and climate/ecological emergency impacts arising from this decision.
Health and Wellbeing	There are no direct health and wellbeing impacts arising from this decision. However, an Article 4(1) direction could result in more control being had over HMO development which would give greater scope to control the provision of adequate living conditions for future occupiers and the environment and living conditions of existing residents.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	As set out above, there is a potential financial risk from compensation claims made under Section 107 and 108 of the Town and Country Planning Act 1990. There is a risk of work being abortive if an Article 4(1) direction is challenged or altered/withdrawn by the Secretary of State.
Equality and Diversity	None at this stage.
Privacy and Data Protection	None at this stage.
Local Government Reorganisation	There could be an issue around controls in the existing Swale Borough not aligning with controls that exist in other parts of any future Authority.

This page is intentionally left blank

Planning Committee

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Thursday, 2 April 2026 from 7.00 pm - 9.00 pm.

PRESENT: Councillors Monique Bonney, Andy Booth (Chairman), Ann Cavanagh, Lloyd Chapman, Simon Clark (Vice-Chairman), James Hunt, Peter MacDonald, Peter Marchington, Claire Martin, Ben J Martin, Julien Speed, Paul Stephen, Terry Thompson and Tony Winckless.

OFFICERS PRESENT: Christian DeGrussa, Andrew Gambrill, Ian Harrison, Joanne Johnson and Philippa Richardson.

APOLOGIES: Councillors Kieran Golding and Elliott Jayes.

872 **Emergency Evacuation Procedure**

The Chairman outlined the emergency evacuation procedure.

873 **Minutes**

The Minutes of the Meeting held on 5 March 2026 (Minute Nos. 786 - 791) were taken as read, approved and signed by the Chairman as a correct record.

874 **Declarations of Interest**

No interests were declared.

875 **Change to Order of Business**

The Chairman altered the order of business as minuted.

876 **2.1 - 25/501495/OUT Land at Perry Court, London Road, Faversham, Kent, ME13 8YA**

2.1 REFERENCE NO 25/501495/OUT	
PROPOSAL Outline application (with all matters reserved except access into the site) for residential development (Use Class C3) including dwellinghouses and extra care accommodation; 1.2 hectares of land for commercial, business and service uses (use class E(b), (c)(i,ii,iii), (f), (g) and hot food restaurant for consumption on and off premises including drive through restaurant (use class sui generis); electric vehicle charging infrastructure (sui generis); access onto Ashford Road, noise attenuation mitigation, landscaping, open space, drainage, and other associated infrastructure.	
SITE LOCATION Land At Perry Court London Road Faversham Kent ME13 8YA	
WARD Watling	
PARISH/TOWN COUNCIL Faversham	
APPLICANT Hallam Land	AGENT LRM Planning Ltd.

The Team Leader (Planning Applications) introduced the application as set out in the

report. He referred to the tabled update which included further representations from Ospringle Parish Council and Faversham Town Council received since the agenda had been published. The update also included a proposed amendment to condition (7). The Chairman asked members of the Committee if they had read the update and they confirmed that they had.

Town Councillor Rob Crayford, representing Faversham Town Council, spoke against the application.

Owen Jones, the Applicant, spoke in support of the application.

The Chairman moved the officer recommendation to grant planning permission as per the recommendation in the report, and this was seconded by the Vice-Chairman.

The Chairman drew attention to the planning history of the site, set out on pages 26 and 27 of the report. He also drew attention to paragraph 7.2.3 in the reportpermission should be granted unless, particularly point ii., 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

The Chairman invited Members to make comments, and these included:

- Referring to paragraphs 5.21 and 7.15.10 and acknowledging condition (19) in terms of foul water/Southern Water (SW), clarification sought on whether there had been any discussions with Southern Water with regard to the practicalities of dealing with foul water;
- concerned with the risk of sewage flooding;
- were there any conditions in terms of water supply, noting that the site was not located within SW's statutory area for water supply?;
- clarification sought on evidence that there was a demand for commercial space;
- concerned that the water system was already overloaded; and
- referring to condition (2) in the report, why was the figure three years for residential development and five years for non-residential development?

In response, the Team Leader explained that SW had been consulted and confirmed that they were the waste water provider. Any future developer had a right to connect to the foul water system, but there were no details yet of what this would entail. The Team Leader advised that a condition was recommended that would secure details of the foul water drainage proposed prior to commencement. In terms of water supply, there was no condition because there was a statutory requirement for the provider to supply water to a development. There were details within the report on what marketing had taken place in terms of the commercial element of the application. Although smaller, the quantum of employment space proposed would support the walk to work market. The Team Leader said that in terms of the figure of five years for non-residential, the previous application had required reserved matters to be approved within three years for both residential and employment, and as noted employment had not come forward within that time frame, so five years had been suggested in condition (2) in order to enable the non-residential development to come forward over a longer time frame.

Further comments included:

- Could not see that there was a demand for commercial use in that location;

- acknowledged that SW had a duty to supply, but concerned that they would connect to an already overloaded system;
- concerned that the access via Tettenhall Way was not fit for purpose in terms of it being block paving and not being able to cope with construction traffic;
- concerned with any costs that might be imposed if the application was refused; and
- it was important that Section 106 agreement monies were realised.

In response, the Team Leader confirmed that Tettenhall Way was a tarmacked road and had originally been designed to take traffic from the employment site that had previously been approved.

Councillor Julien Speed proposed the following amendment: That condition (2) be amended to read: **Three** years for any phase comprising non-residential development (so that it was the same as residential development). This was seconded by Councillor James Hunt and on being put to the vote was agreed.

In response to a question, the Team Leader advised that there was not currently a condition requiring that internal roads on the development be of an adoptable standard. He added that the Council could not require them to be adopted, as that was a separate process.

Councillor Monique Bonney proposed the following amendment: That internal roads on the development be of an adoptable standard. This was seconded by the Chairman and on being put to the vote was agreed.

Councillor Bonney proposed the following amendment: That the Section 106 Agreement be completed and signed within six months, and if it was not, to return the application to the Planning Committee. This was seconded by the Chairman and on being put to the vote was agreed.

The Planning Manager (Planning Applications) was invited to speak. He said that Section 106 Agreements were complex and that applicants were generally keen to get them completed as quickly as possible with delays often being due to reasons that were out of their hands. He advised that issues could arise if the Section 106 Agreement for this development was prioritised over other developments' Section 106 Agreements.

On being put to the vote the amendment was agreed.

A Member asked about pedestrian access to the site running north through the Abbey School and across the A2 and asked whether there were plans for the footpath to be upgraded and made hardstanding, and also for a crossing point which the Town Council had requested. In response, the Team Leader said there were monies which Kent County Council had requested for improving the southern end of footpath ZF18, money previously secured for the improvement of part of the route that was currently unmade and £50,000 to be secured as part of the Section 106 Agreement towards Sustainable Transport Improvements including a crossing over the A2.

Members then voted on the substantive motion.

Councillor James Hunt proposed the following: That adoptable standards be carried forward for all major sites. This was seconded by the Chairman and agreed by

Members.

Resolved: That application 25/501495/OUT be granted as per the recommendation in the report, plus an amendment to condition (7) as set out in the tabled update and with the following further amendments:

That condition (2) be amended to read: Three years for any phase comprising non-residential development (so that it was the same as residential development).

That a condition be imposed to require that internal roads on the development be of an adoptable standard.

That the Section 106 Agreement be completed and signed within six months, and if it was not, to return the planning application to the Planning Committee.

877 2.2 - 25/502451/FULL New Acres, Spade lane, Hartlip, Kent, ME9 7TT

2.2 REFERENCE NO 25/502451/FULL	
PROPOSAL Retention of existing 8 plot gypsy traveller site, each with 2 mobile homes and 2 touring caravans and associated day rooms, new access, driveway, hard standing, package treatment plants, boundary fencing and landscaping (previously granted at appeal reference APP/V3355/W/20/3254539) (retrospective).	
SITE LOCATION New Acres, Spade Lane, Hartlip, Kent ME9 7TT	
WARD Hartlip, Newington And Upchurch	
PARISH/TOWN COUNCIL Hartlip	
APPLICANT Mr Frank Mongen	AGENT Perfect Pitch Planning Ltd

The Senior Planning Officer introduced the application as set out in the report.

Mr Danny Nicholson, an objector, spoke against the application.

Simon McKay, the Agent, spoke in support of the application.

The Chairman moved the officer recommendation to grant planning permission as per the recommendation in the report, and this was seconded by Councillor Tony Winckless.

The Chairman drew Member's attention to the planning history of the site, set out on pages 100 and 101 of the report, including the Planning Inspector's comments.

A Member sought clarification on the number of static units and mobile units included in the application, plus the number of units currently on the site. The Senior Planning Officer confirmed that following the most recent appeal in 2022, there were eight plots, each with two touring caravans and one day room. Currently there were eight plots, each with two touring caravans, two mobile homes and one day room, so overall there would be 16 additional caravans on site compared with the previous appeal. The Planning Manager confirmed that there were no units lawfully on the site at the moment as the permission had expired in July 2025. A temporary permission had been granted following the 2019 application which lasted for three years. He confirmed that the current application was for 32 caravans and eight day rooms across eight plots.

The Chairman invited Members to make comments, and these included:

- Clarification sought on any restrictions on the use of the units on site, especially in terms of any commercial activities;
- information sought on who would be living on the site, whether in a static unit or those with a more nomadic lifestyle;
- welcomed that an application had been submitted, which could then be conditioned;
- noted that the Council could not demonstrate a five-year supply of Gypsy and Traveller sites;
- enforcement action had been taken on the site, but there were still units there;
- suggested a site visit could be beneficial;
- there were not enough Gypsy and traveller allocated sites and from photographs this looked like a well-kept site;
- clarification sought on the current Gypsy and traveller allocated sites in the Borough;
- considered Hartlip Parish Council and the Member who called the application in should have been in attendance at the meeting;
- it was important that the number of units on the site was regulated and enforced;
- there was a lot of hardstanding on the site, more landscaping was needed; and
- suggested a temporary permission be granted.

The Senior Planning Officer responded to some of the points raised: condition (6) in the report prevented commercial activities on the site and condition (5) limited the number of commercial vehicles per pitch; there was a requirement that occupiers of the site met the definition of a nomadic lifestyle under local plan policy DM10; information submitted with the application demonstrated that they did meet the relevant definition; the last Gypsy and traveller assessment was carried out in December 2023 and there was a shortfall of 114 pitches in the borough, with a 1.3 years supply, down from 3.5 years.

The Planning Manager set out the scope for granting a further temporary permission if required, approaches to landscaping and the approach to investigating and enforcing against breaches of planning control.

The Chairman moved the following motion: That the application be deferred to allow the Planning Working Group to meet on site. This was seconded by the Vice-Chairman and on being put to the vote, was agreed.

Resolved: That application 25/502451/FULL be deferred to allow the Planning Working Group to meet on site.

878 1.1 - Article 4(1) Direction

The Planning Manager introduced the report as set out in the agenda papers. He drew attention to the five options set out on pages 21 and 22 of the report.

The Chairman moved the officer recommendation as per the recommendation in the report, and this was seconded by the Vice-Chairman.

The Chairman drew attention to paragraph 4.6 in the report which set out the potential impacts of Houses in Multiple Occupation (HMO). In response to a question, the

Planning Manager explained that the impacts identified by the Full Council motion had been addressed and that there were some areas where it was not considered that an Article 4(1) direction was justified, for example in terms of refuse generation as HMOs falling within Use Class C4 were given the same standard of service as a normal dwelling, with no extra bins. The Planning Manager advised that the Secretary of State would be notified and would have the scope to amend or revoke any Article 4(1) direction that was made.

The Chairman invited Members to make comments, and these included:

- Referring to the table at paragraph 4.2 in the report, suggested Article 4 directions be made initially in the wards that were most affected;
- evidence in the report needed to be robust, however, did not consider it to be robust;
- suggested the report be deferred for more robust information;
- it was Full Council who had requested Article 4 directions be implemented, if it was not going to be done at this time and there were reasons why, suggested a report was needed to Full Council to explain why;
- referring to the table in paragraph 4.16 of the report, considered there was a connection between HMOs and anti-social behaviour or crime;
- there was a perception that HMOs had a negative impact on the housing market;
- measures needed to be put in place now to control development of further HMOs;
- HMOs were holding back town centres and their viability and had an impact on the community; and
- more evidence was needed.

The Chairman moved the following motion: That the report be deferred for two months for more robust information, so that it was ready to notify the Secretary of State. This was seconded by the Vice-Chairman and on being put to the vote was agreed.

Resolved:

(1) That the report be deferred for two months for more robust information, so that it was ready to notify the Secretary of State.

879 Part 5 applications

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

Item 5.1 – Land North of Nelson Avenue, Minster-On-Sea, Sheerness, Kent ME12 3SF

PINS Decision: APPEAL IS NOT DETERMINED

Committee or Officer Decision: DELEGATED REFUSAL

The Chairman considered this to be a frustrating decision.

Item 5.2 – Land East to Courtenay House, London Road, Dunkirk, Kent ME13 9LF

PINS Decision: APPEAL DISMISSED / ENFORCEMENT NOTICE UPHOLD

Committee or Officer Decision: ENFORCEMENT NOTICE

The Chairman said this was a good decision.

Item 5.3 – Orchard View, Eastling Road, Eastling, Kent ME13 0AN

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision: DELEGATED REFUSAL

The Chairman said this was a galling decision.

Item 5.4 – Land known as Pigeon Farm Sheppey Way Bobbing Sittingbourne Kent ME9 8PD

PINS Decision: APPEAL DISMISSED / ENFORCEMENT NOTICE UPHELD

Committee or Officer Decision: ENFORCEMENT NOTICE

The Chairman reminded Members to read the commentary attached to the decisions as they contained useful information which could be helpful in future decision making at Planning Committee.

Chairman

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

All minutes are draft until agreed at the next meeting of the Committee/Panel

This page is intentionally left blank

HMO Article 4(1) Direction - Appendix C

- 1.1 Within the report that has been prepared for the Planning Committee is a table detailing how each ward compares in respect of a number of indicators that have been identified to have a relevance to the current and potential future supply of HMOs. In preparing that table, wards have been ranked from 1 to 24 with 1 being the rank given to the characteristic that is more likely to make the ward attractive to HMO development and 24 being the rank given to the ward where the indicator would be likely to make HMO development less likely.
- 1.2 Those rankings have been based on various sources of evidence which are detailed more fully below. This Appendix provides the source of the data, clarification of the approach to ranking where required, the original data, statistics or values and the ranking.

Crime and Anti-Social Behaviour Statistics

- 1.3 Source – Kent Police website (covering a period from February 2025 to January 2026).
- 1.4 Note – The wards with the highest numbers of reported crimes and incidents of anti-social behaviour have been ranked 1 and the lowest 24.

Ward	Crimes Reported	Crime Report Rank	Anti Social Behaviour Incidents	Anti Social Behaviour Rank
Abbey	714	9	6	10
Bobbing, Iwade and Lower Halstow	381	19	4	16
Borden and Grove Park	440	16	8	9
Boughton and Courtenay	291	20	0	20
Chalkwell	1271	3	29	2
East Downs	116	24	0	20
Hartlip, Newington and Upchurch	428	18	3	18
Homewood	684	10	12	7
Kemsley	438	17	5	13
Milton Regis	825	5	0	20
Minster	509	14	2	19
Murston	795	6	25	3
Priory	482	15	0	20
Queenborough & Halfway	951	4	4	16
Roman	785	7	11	8
Sheerness	2621	1	45	1
Sheppey Central	761	8	14	5
Sheppey East	1402	2	0	20
St Ann's	574	12	15	4
Teynham and Lynsted	548	13	14	5
The Meads	277	21	5	13
Watling	596	11	6	10
West Downs	226	23	5	13
Woodstock	241	22	6	10

Household Deprivation

1.5 Source – Office Of National Statistics - 2021 "Households by deprivation dimensions" dataset - 15 January 2024.

1.6 Note – Ward with highest proportion of households with 1 or more dimensions of deprivation ranked 1.

Ward	0 Dimensions		1 Dimension		2 Dimensions		3 Dimensions		4 Dimensions		% 1-4 Dimensions	Rank
	Total	%	Total	%	Total	%	Total	%	Total	%		
Abbey	1174	48	873	35.7	321	13.1	73	3	6	0.2	52	15
Bobbing, Iwade and Lower Halstow	1332	55.9	745	31.2	254	10.7	47	2	6	0.3	44.2	23
Borden and Grove Park	1201	47	927	36.2	353	13.9	67	2.6	8	0.3	53	12
Boughton and Courtenay	1209	50.1	833	34.5	303	12.6	58	2.4	8	0.3	49.8	19
Chalkwell	755	48.1	525	34.1	209	13.8	54	3.8	5	0.2	51.9	16
East Downs	566	48.6	414	35.6	142	12.2	39	3.3	3	0.3	51.4	18
Hartlip, Newington and Upchurch	1342	51.6	821	31.6	348	13.4	80	3.1	7	0.3	48.4	20
Homewood	1194	46.4	899	34.9	374	14.7	93	3.7	7	0.3	53.6	10
Kemsley	1210	47.7	900	35.6	330	13	92	3.6	3	0.1	52.3	14
Milton Regis	981	40.3	849	35	435	17.9	155	6.4	11	0.4	59.7	5
Minster	1372	42.7	1296	37	507	16.3	124	3.9	1	0.1	57.3	7
Murston	1139	42.9	908	34.2	450	16.9	149	5.6	8	0.3	57	8
Priory	475	40.1	401	33.8	226	19.1	80	6.7	3	0.2	59.8	4
Queenborough & Halfway	1360	40.7	1215	36.3	616	18.4	146	4.4	7	0.2	59.3	6
Roman	1063	36.2	1122	38.2	570	19.4	177	5.9	7	0.2	63.7	3
Sheerness	1528	29.1	1953	37.2	1217	23.2	516	9.8	34	0.6	70.8	1
Sheppey Central	1623	44.5	1261	34.6	606	16.7	150	4.1	5	0.1	55.5	9
Sheppey East	851	31.8	983	36.8	629	23.6	192	7.2	16	0.6	68.2	2
St Ann's	1166	48	870	35.8	324	13.3	69	2.8	4	0	51.9	17
Teynham and Lynsted	1253	46.5	943	34.9	403	14.9	96	3.5	6	0.2	53.5	11
The Meads	795	55.8	435	30.7	142	9.9	41	3	8	0.6	44.2	22
Watling	1306	47.3	924	33.5	409	14.8	115	4.2	6	0.2	52.7	13
West Downs	652	56.6	383	33.1	99	8.5	20	1.7	1	0.1	43.4	24
Woodstock	1272	52.8	818	34	274	11.2	41	1.7	4	0.2	47.1	21

Tenure

1.7 Source – Office Of National Statistics - 2021 "Tenure" dataset - 28 March 2023.

1.8 Note – Excludes the 16 households who answered "live rent free." The ward with the highest proportion of households renting property is ranked 1 and the lowest is 24.

Ward	Owns Outright	Owns (With Mortgage or Load)	Shared Ownership	Rented (Social and Private)	Total Properties	% Rented	Rank
Abbey	871	682	36	856	2445	35.01	6
Bobbing, Iwade and Lower Halstow	740	1165	66	413	2384	17.32	23
Borden and Grove Park	1085	814	19	637	2555	24.93	18
Boughton and Courtenay	1053	764	7	586	2410	24.32	19
Chalkwell	371	644	16	507	1538	32.96	8
East Downs	504	319	6	333	1162	28.66	15
Hartlip, Newington and Upchurch	1055	980	25	539	2599	20.74	20
Homewood	909	789	17	851	2566	33.16	7
Kemsley	638	1118	30	749	2535	29.55	13
Milton Regis	693	782	18	935	2428	38.51	4
Minster	1605	1049	9	638	3301	19.33	21
Murston	643	914	36	1060	2653	39.95	3
Priory	427	310	8	439	1184	37.08	5
Queenborough & Halfway	1210	1082	41	1014	3347	30.30	12
Roman	885	785	28	1241	2939	42.23	2
Sheerness	1094	1040	29	3082	5245	58.76	1
Sheppey Central	1133	1352	88	1071	3644	29.39	14
Sheppey East	1201	687	19	764	2671	28.60	16
St Ann's	948	710	23	750	2431	30.85	11
Teynham and Lynsted	829	911	111	846	2697	31.37	9
The Meads	234	731	67	392	1424	27.53	17
Watling	979	875	51	854	2759	30.95	10
West Downs	538	394	5	219	1156	18.94	22
Woodstock	1142	834	63	371	2410	15.39	24

House Prices

1.9 Source – Swale Borough Council Whole Plan Viability Appraisal 2024.

1.10 Note – Lowest Average House Price is Ranked 1, Highest is Ranked 24

Ward	Average Non-New Build Sale Value 2020-2022 – All (£)	Rank
Abbey	289,092	11
Bobbing, Iwade and Lower Halstow	340,373	18
Borden and Grove Park	332,956	17
Boughton and Courtenay	417,946	22
Chalkwell	220,211	2
East Downs	496,961	24
Hartlip, Newington and Upchurch	399,858	21
Homewood	292,988	12
Kemsley	271,895	9
Milton Regis	257,489	6
Minster	314,240	15
Murston	233,987	4
Priory	315,113	16
Queenborough & Halfway	254,505	5
Roman	226,192	3
Sheerness	189,695	1
Sheppey Central	271,917	10
Sheppey East	271,364	8
St Ann's	304,814	13
Teynham and Lynsted	311,487	14
The Meads	270,684	7
Watling	340,811	19
West Downs	491,035	23
Woodstock	375,595	20

Accommodation Type

1.11 Source – Office Of National Statistics - 2021 "Accommodation Type" dataset – 5 January 2023.

1.12 Note – Highest proportion of terraced dwellings is ranked 1, the lowest is ranked 24.

Ward	Number Detached	Detached (%)	Number Semi-Detached	Semi-Detached (%)	Number Terraced	Terraced (%)	Number Others	Others (%)	Total Properties	Terraced Rank
Abbey	118	4.82	526	21.50	1155	47.20	648	26.48	2447	3
Bobbing, Iwade and Lower Halstow	832	34.90	920	38.59	456	19.13	176	7.38	2384	18
Borden and Grove Park	630	24.65	1137	44.48	606	23.71	183	7.16	2556	16
Boughton and Courtenay	870	36.10	927	38.46	439	18.22	174	7.22	2410	19
Chalkwell	109	7.09	377	24.51	641	41.68	411	26.72	1538	5
East Downs	552	47.50	379	32.62	187	16.09	44	3.79	1162	21
Hartlip, Newington and Upchurch	946	36.40	862	33.17	575	22.12	216	8.31	2599	17
Homewood	332	12.93	1034	40.28	789	30.74	412	16.05	2567	10
Kemsley	757	29.86	806	31.79	745	29.39	227	8.95	2535	12
Milton Regis	341	14.03	1159	47.68	633	26.04	298	12.26	2431	14
Minster	1850	56.06	958	29.03	280	8.48	212	6.42	3300	24
Murston	149	5.62	694	26.16	1376	51.87	434	16.36	2653	1
Priory	177	14.94	449	37.89	460	38.82	99	8.35	1185	7
Queenborough & Halfway	757	22.64	1272	38.04	1138	34.03	177	5.29	3344	8
Roman	266	9.05	811	27.59	1167	39.71	695	23.65	2939	6
Sheerness	210	4.00	1306	24.88	2556	48.69	1177	22.42	5249	2
Sheppey Central	1166	31.99	1261	34.60	893	24.50	325	8.92	3645	15
Sheppey East	1118	41.86	693	25.95	454	17.00	406	15.20	2671	20
St Ann's	245	10.07	832	34.21	1035	42.56	320	13.16	2432	4
Teynham and Lynsted	592	21.92	1144	42.35	801	29.66	164	6.07	2701	11
The Meads	422	29.66	347	24.39	393	27.62	261	18.34	1423	13
Watling	627	22.72	912	33.04	917	33.22	304	11.01	2760	9
West Downs	633	54.71	394	34.05	108	9.33	22	1.90	1157	23
Woodstock	779	32.34	1208	50.15	237	9.84	185	7.68	2409	22

This page is intentionally left blank

PLANNING COMMITTEE – 18th June 2026

PART 2

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO 26/501729/FULL		
PROPOSAL Partial conversion of existing garage to form habitable room with side facing window.		
SITE LOCATION 61 Galena Close Sittingbourne Kent ME10 5LB		
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.		
APPLICATION TYPE Householder		
REASON FOR REFERRAL TO COMMITTEE The applicant's spouse and co-owner of the property is an employee of a shared service which includes Swale Borough Council.		
Case Officer Mandi Pilcher		
WARD Bobbing	PARISH/TOWN COUNCIL The Meads	APPLICANT Mr P May AGENT Mr R Trute
DATE REGISTERED 07.05.2026	TARGET DATE 02.07.2026	
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - All drawings submitted. 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=TEM3Y8TYM2X00		

1. SITE LOCATION AND DESCRIPTION

- 1.1. The application site consists of a detached two storey dwelling with an integral garage, located within the built up area boundary of Sittingbourne. The frontage of the site is comprised of hardstanding with private amenity space to the rear. The surrounding streetscene is characterized by residential dwellings of a similar scale and design.

2. PLANNING HISTORY

- 2.1. SW/96/0717 – Outline application for mixed use development including residential, office and commercial uses, shopping and community facilities, school, community woodland, associated infrastructure and services – Granted 20.01.1998.

Condition 28 of the above referenced application is relevant to this application and is worded as follows:

The details submitted pursuant to condition (i) above, in respect of the residential development aspect of the development shall show adequate land to the satisfaction of the District Planning Authority, reserved for the parking or garaging of cars (in accordance with the currently adopted Kent County Council Vehicle Parking Standards) which land shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country (General Permitted Development) Order 1995 or not shall be carried out on such land or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided to the occupation of the dwelling to which it relates [sic].

Grounds: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users and detrimental to amenity.

- 2.2 (Adjacent site – 62 Galena Close) 23/502300/FULL – Garage conversion into a habitable space – Granted 11.07.2023

3. PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought for the partial conversion of the existing attached garage to a study. The proposed works would relate to approximately one third of the garage. The scheme also includes the insertion of a ground floor side window.
- 3.2. The conversion of the garage would normally constitute works not requiring planning permission. However, in this instance, there is a planning condition (condition 28 of SW/96/0717 as set out above) that restricts the garage to vehicle parking only, hence this planning application has been submitted.

4. REPRESENTATIONS

4.1. One round of consultation has been undertaken, during which letters were sent to neighbouring occupiers. No letters of representation were received.

4.2. **Bobbing Parish Council** - no comments received.

4.3. **Ward Councillors** - no comments received.

5. CONSULTATIONS

5.1. None required.

6. DEVELOPMENT PLAN POLICIES

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

ST3 The Swale settlement strategy

CP4 Requiring good design

DM7 Vehicle parking

DM14 General development criteria

DM16 Alterations and extensions

DM28 Biodiversity and geological conservation

6.2 **Supplementary Planning Guidance/Documents -**

Designing an Extension – A Guide for Householders

Swale Parking Standards

7. ASSESSMENT

7.1 This application is reported to the Planning Committee as the applicant's spouse and co-owner of the property is employed by a shared service which includes Swale Borough Council. Considering the scheme that has been submitted, the Committee is recommended to consider the following points:

- Principle
- Character and appearance
- Transport and highways
- Living Conditions
- Ecology

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. The site is located in the built up area boundary of Sittingbourne where policy ST3 of the Local Plan supports development in principle.
- 7.2.4. The principle of the development is therefore considered acceptable subject to certain criteria being met. These matters and other relevant planning considerations are discussed below.

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 set out that design should contribute positively to making places better for people. Policy DM16 of the Local Plan supports alterations to existing dwellings providing, amongst other relevant criteria, they are of an appropriate design and maintain or enhance the character of the street scene.
- 7.3.2. The proposed alterations to the dwelling itself comprise small scale changes that would involve converting part of the garage to a habitable room and the insertion of a ground floor window in the side elevation. The only alteration that would be externally visible would be the insertion of the window, which in any case would be permitted development. The frontage of the dwelling would remain unchanged and as a result the proposal would maintain the character of the streetscene.
- 7.3.3. Taking the above into account the proposal is of an appropriate scale and design, complying with policies CP4, DM14 and DM16 of the Local Plan.

7.4. Transport and Highways

- 7.4.1. Local Plan policy DM7 requires development to be in accordance with the Council's Parking SPD.
- 7.4.2. As the proposal includes the partial loss of the garage the assessment turns on the impact that this would have on the parking available to serve the property.

- 7.4.3. The Council's Parking SPD includes minimum size requirements for garages, which, in the case of a single garage is 3.6m x 7m. The existing garage measures 2.3m in width (at its narrowest point) x 5.1m in length. It is comfortably undersized when compared to the SPD and therefore it is not considered that a vehicle would be able to be parked within it. As such, the loss of part of the garage has no impact upon the available parking at the property.
- 7.4.4. Notwithstanding the above, the property also has space for vehicles to park to the front of the site. Having measured the drawings, the site has enough parking space to comply with the dimensions set out in the Council's Parking SPD for two vehicles. Further to this, although part of the area of hardstanding falls marginally below the length required for a third parking space when assessed against the SPD, a site visit and images available shows a vehicle parked comfortably in this space. As a result, in reality, there is space to park three vehicles to the front of the property, which complies with the SPD.
- 7.4.5. Overall, the scheme would have a neutral impact upon the available parking provision at the property and in any case has an acceptable number of parking spaces. Therefore, the proposal would not give rise to any adverse impact on highway safety or convenience. As such the scheme complies with policy DM7 of the Local Plan.

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 only external change proposed is a ground floor side window that faces no.60 Galena Close. The proposed window will face the side elevation of no.60 where there are no existing ground floor windows. As a result, there would be no opportunities for harmful levels of overlooking. In any case, the window could be inserted without the need for planning permission under permitted development rights.
- 7.5.3. Given the nature and scale of the proposal it would not give rise to any unacceptable impact on the living conditions of any neighbours and as a result complies with policy DM14 of the Local Plan.

7.6. **Ecology**

- 7.6.1. 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.
- 7.6.2. From April 2024, minor developments are required to provide at least 10% Biodiversity Net Gain (BNG). There are exemptions to this, including applications made by householders as defined within article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This application

amounts to householder development and as such is exempt from the need to provide BNG.

- 7.6.3. Due to the nature of the proposal there would be no adverse impacts upon biodiversity on site.

7.7. Conclusion

- 7.7.1. On the basis of the above, the scheme is considered to be in compliance with policies ST3, CP4, DM7, DM14, DM16 and DM28 of the Local Plan. It is recommended that planning permission is granted.

7.8. Recommendation

- 7.8.1. Grant planning permission subject to the conditions below:

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) The development hereby permitted shall be carried out in accordance with the following drawing:

- PL01 – Existing & Proposed site, floor plans & elevations.

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

(3) The frames of the ground floor window hereby approved shall match the frames of the windows on the existing building in terms of type, colour and texture.

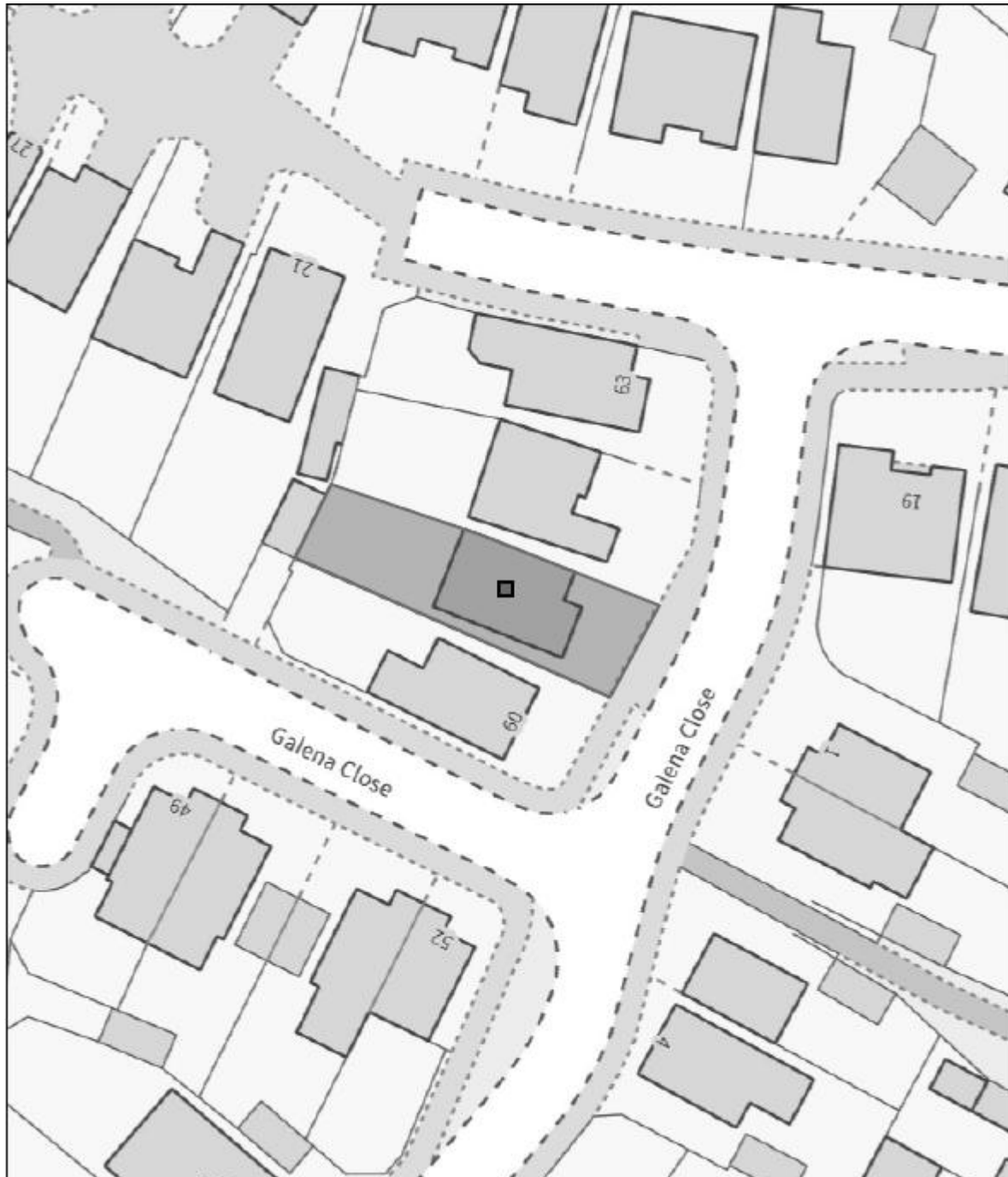
Reason: In the interests of visual amenity.

The Council's approach to the application

In accordance with paragraph 39 of the National Planning Policy Framework (NPPF), 2024 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.



This page is intentionally left blank

PLANNING COMMITTEE – 18th June 2026**PART 5**

Report of the Head of Planning

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

- **Item 5.1 – 25/502388/FULL**

Crockham Farmhouse, Crockham Lane, Hernhill, Kent ME13 9LB**PINS Decision: DISMISSED****Committee or Officer Decision : REFUSED****Observations**

Planning permission was sought, retrospectively, for the change of use of a shepherds hut for use as a holiday let. The Inspector began by commenting that the appeal would be determined in alignment with this description and not having regard to the mobility of the structure and whether it could be lawfully used at the site as such a matter would be for a Certificate of Lawfulness application rather than this appeal.

The first main issue was whether the appeal site would be a suitable location for the proposed development, with particular regard to the effect of the proposal on the character and appearance of the area. The Inspector found that vehicle movements and the keeping of paraphernalia at the site, associated with the use, would *“would introduce urban domestic features into a prominent rural setting.”* The elevation of the site and its prominence led the Inspector to find that the development could not be *“sufficiently screened or softened to avoid harm”*. The Inspector noted elements of the case that had been made by the appellant but found that this does not *“constitute an assessment of need for tourist facilities and overall, the appellant has provided no substantive evidence regarding the need for additional tourist facilities and the degree to which existing facilities are addressing this need.”* Therefore, the requirements of the development plan policies had not been met and the proposal was found to be contrary to policies ST1, ST3 and DM3 and paragraphs 88 and 89 of the NPPF.

The second main issue related to the SAMMS payment having not been paid. A conventional assessment of the relevant legislation and policy background was undertaken and the Inspector considered that this should not be secured by condition in this case. The Inspector found that *“the absence of any measures to mitigate adverse impacts on the SPA, the proposal would have an adverse effect on the integrity of the SPA and would not be in accordance with the Habitats Regulations, Policies DM 14, DM 28 and ST 1 of the Local Plan or section 15 of the Framework which seeks to conserve and enhance the natural environment.”*

Regard was had to the economic benefit of the development but this was considered to be small scale and not quantified in such a way that would enable it to be afforded more than limited weight. The Inspector therefore dismissed the appeal on the basis of the conflict with the development plan and there not being any material considerations that indicate that a different should be taken.

- **Item 5.2 – 23/500931/FULL**

25-25A West Street, Sittingbourne ME10 1AL

PINS Decision: DISMISSED

Committee or Officer Decision : COMMITTEE DECISION

Observations

Planning permission was sought for the extension of the building at the site and its adaptation to create three new flats and alterations to the existing flat.

The main issue was found to be the effect on the character and appearance of the host building and area. The Inspector therefore used two paragraphs to describe the existing site and the surrounding area before going on to describe the development. The Inspector noted that the proposal would involve, amongst other works, significantly raising the eaves with those at the front notably exceeding those of the adjacent property, introducing a shallow crown pitch roof, two dormer windows to the front. The Inspector stated that *“this would make the host property appear far more imposing and unbalanced with its neighbour within the streetscene.”*

The Inspector noted that, to the side, *“the building would be of an imposing three storey stature set in the prominent corner plot appearing of considerably greater bulk and massing than the two storey neighbours in the terrace it forms a part of making it appear overbearing within the streetscene.”*

In combination, the Inspector found that *“the proposed development would be a discordant addition to the host building which would appear imposing and overbearing within the streetscene, and harmful to the character and appearance of the host building and area.”* Other developments were brought to the attention of the Inspector by the appellant, but these were not found to be reason to find this proposal acceptable, particularly as they were not directly comparable. The Inspector therefore stated that the proposal would *“cause considerable harm to the character and appearance of the area”* and conflict with Policies CP4, DM14, and DM16 of the Local Plan. Following an assessment, the Inspector found that these policies were consistent with the NPPF, even noting that the NPPF support for development in the airspace above existing premises is subject to that development being visually acceptable.

The Inspector considered the effect on heritage assets, finding no harm, and noted that the SAMMS payment had been made. The Inspector noted benefits arising from the proposal, including housing supply benefits and a small and time limited economic benefit as a result of construction. The use of previously developed land was found to be a benefit as was the sustainable, central location. However these benefits were found to be small scale and were afforded limited weight. The harm was found to outweigh the benefit and, therefore, the Inspector concluded that the appeal should be dismissed.

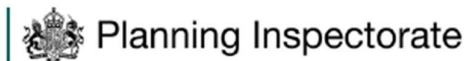
PLANNING COMMITTEE - 18th June 2026

PART 5

Report of the Head of Planning

PART 5

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



Appeal Decision

Site visit made on 20 March 2026

by B. Johnson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th May 2026

Appeal Ref: 6002842

Crockham Farmhouse, Crockham Lane, Hernhill, Kent ME13 9LB

- 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 Ms Sarah-Jane Killick against the decision of Swale Borough Council.
 - The application reference is 25/502388/FUL.
 - The development proposed is described as "Change of use of shepherds hut for use as a holiday let."
-

Decision

1. The appeal is dismissed.

Procedural Matters, Background and Main Issues

2. I have omitted the term 'retrospective' from the description on the application form, as this does not constitute an act of development. I am satisfied that the revised description is an accurate description of the development sought, and I have determined the appeal on this basis.
3. At the time of my site visit the shepherds hut was in place. However, there was no indication that it was in use as a holiday let as sought by the appeal proposal.
4. I acknowledge the evidence about whether or not the shepherds hut is lawfully in place. I also note the evidence referring to the hut as 'mobile'. However, I have determined the appeal proposal before me which is described as "Change of use of shepherds hut for use as a holiday let", which would be permanent. It is open to the appellant to apply for a determination of existing or proposed lawfulness under section 191 or 192 of the Town and Country Planning Act (1990). It is not my place to determine such matters in determining an appeal under section 78 of the Act.
5. The main issues are therefore:
 - whether the appeal site would be a suitable location for the proposed development, with particular regard to the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the integrity of the Swale Special Protection Area (SPA).

Reasons*Location*

6. The appeal site comprises land adjacent to Crockham Farmhouse within the open countryside, outside of identified settlement boundaries. Access to the site is from Crockham Lane, separate to the farmhouse. The site currently comprises a shepherds hut and overgrown vegetation. The proposal involves the change of use of the shepherds hut to a visitor accommodation, with associated vehicle parking.
7. Policy ST 3 of Bearing Fruits 2031: the Swale Borough Local Plan (adopted July 2017) (the Local Plan) states that development in such locations 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, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.
8. Furthermore, Policy DM 3 of the Local Plan requires proposals for rural based employment to ensure, amongst other things, that the design and layout is sympathetic to the rural location and appropriate to their context, and that they result in no significant harm to the historical, architectural, biodiversity, landscape or rural character of the area. Policy DM 3 also requires proposals for tourism and leisure development in rural locations to demonstrate that they would address identified needs not being met by existing facilities in the locality.
9. The use of the hut as a holiday let would give rise to regular arrivals and departures, together with domestic paraphernalia such as vehicles, bins, outdoor furniture and lighting. This would introduce urban domestic features into a prominent rural setting. While some boundary screening is provided by the existing fence and vegetation and more could be provided, the hut is sited on an elevated part of the site and would appear prominent within the surrounding area, particularly in views to the north and west. On the basis of the evidence before me I am not satisfied the proposal could be sufficiently screened or softened to avoid harm.
10. While there is established development in the vicinity, as well as a recently granted permission for an annexe to the farmhouse itself, this would not provide justification for further development and does not alter my conclusion, which I have determined based on the site-specific impacts which would arise from the proposal.
11. I acknowledge the comments that the proposed hut would be small scale and the suggestion that there would likely be a general demand for visitor accommodation given the area's popularity as a visitor destination. However, this does not constitute an assessment of need for tourist facilities and overall, the appellant has provided no substantive evidence regarding the need for additional tourist facilities and the degree to which existing facilities are addressing this need.
12. The policy is not specific regarding what such an assessment should entail, but this would reasonably include some assessment of the provision of tourist facilities in the local area alongside evidence detailing the operation and management of the proposed use which demonstrates how it would address identified needs. Consequently, in the absence of such evidence, the proposal would not address the policy requirements.

13. In conclusion, the proposal would not be in a suitable location for development due to its impact on the character and appearance of the area and would therefore not be in accordance with Policies ST 1, ST 3 and DM 3 of the Local Plan. These policies, amongst other things, seek development that accords with the Local Plan settlement strategy and is sympathetic to the rural location and appropriate to its context.
14. The proposal would also not accord with paragraphs 88 and 89 of the National Planning Policy Framework (December 2024) (the Framework) as it would not constitute sustainable rural tourism that respects the character of the countryside or be sensitive to its surroundings.

Integrity of the Swale SPA

15. The appeal site lies within the 6 kilometre zone of influence of the Swale SPA. The SPA supports populations of the dark-bellied brent goose and dunlin, as well as other breeding bird and waterbird assemblage, which are the qualifying features which justify the designation of the SPA. The SPA's conservation objectives aim to ensure that the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring (amongst other things) the extent and distribution of the habitats, the population and the distribution of the qualifying features within the site.
16. It has been established that the introduction of new tourist facilities to the area has the potential to increase the recreational activity within the SPA through increased footfall, dog walking activities and additional vehicle movements. When considered either alone or in combination with other plans and projects, this is likely to have a significant effect on the SPA. The proposal would create new tourist accommodation and therefore there would be a likely significant effect on the SPA. As a result, I must undertake an appropriate assessment as the competent authority, in accordance with my duty under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).
17. Policy DM 28 of the Local Plan ensures that plans and projects proceed only when in accordance with relevant Directives, Conventions and Regulations. When the proposed development will have an adverse effect on the integrity of a European site, planning permission will only be granted in exceptional circumstances, where there are no less ecologically damaging alternatives, there are imperative reasons of overriding public interest and damage can be fully compensated.
18. The Council, along with other North Kent authorities, has adopted the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS) to mitigate the impacts arising from recreational disturbance on the SPA. The SAMMS requires a financial contribution, typically secured through legal agreement, which would be put toward various mitigation measures including management of visitors around popular locations, access infrastructure, signage and monitoring of the impacts.
19. The application was refused in part due to the absence of a payment towards SAMMS measures or the lack of a planning obligation to secure payment. I have not been provided with proof of payment or a planning obligation as part of this appeal.

Appeal Decision 6002842

20. Paragraph 005 of the 'Use of planning conditions' Planning Practice Guidance (PPG) is clear that positively worded conditions which require the payment of money should not be imposed. Paragraph 010 of 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, or an agreement under other powers, is unlikely to pass the test of enforceability. Paragraph 010 goes on to advise that negatively worded conditions requiring a planning obligation to be entered into should only be used in exceptional circumstances. No justification of such circumstances has been provided to me in this case, therefore it would not be appropriate to impose a condition requiring a planning obligation or other agreement to be entered into, for the payment of SAMMS measures.
21. As the competent authority, I find that, in the absence of any measures to mitigate adverse impacts on the SPA, the proposal would have an adverse effect on the integrity of the SPA and would not be in accordance with the Habitats Regulations, Policies DM 14, DM 28 and ST 1 of the Local Plan or section 15 of the Framework which seeks to conserve and enhance the natural environment.
22. The evidence before me does not indicate that there are alternative solutions to the proposed development, nor have I been provided with any imperative reasons of overriding public interest. In such circumstances, the Habitats Regulations indicate that permission must not be granted.

Other Matters

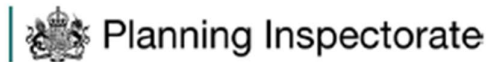
23. The proposal would provide an economic benefit which accords with section 6 of the Framework. However, the small scale of the proposal and the lack of information to quantify the benefits means this would only have limited weight.

Conclusion

24. The proposal would conflict with the development plan as a whole and there are no other material considerations which indicate a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be dismissed.

B. Johnson

INSPECTOR



Appeal Decision

Site visit made on 18 May 2026

by C Housden BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2026

Appeal Ref: 6004642

25-25A West Street, Sittingbourne ME10 1AL

- 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 Popat against the decision of Swale Borough Council.
 - The application ref is 23/500931/FULL.
 - The development proposed is partial change of use of ground floor offices to residential, and erection of a two storey rear extension, first floor side extension and a second floor, to create 3no. new residential flats including alterations to existing flat.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal an amended proposed second floor plan and proposed roof plan was submitted. These plans correct a number of errors on the original drawings, relating to the number of windows shown on the floor plan, and the removal of gable dormers on the proposed roof plan. The appellant explains that these amended plans were submitted during the planning application, however, were never uploaded on the application file on the Council's website. The Council have confirmed that the displaying of the original plans rather than the amended on the website was an administrative oversight, and the case officer relied upon the correct amended plans when assessing the application and presenting it to committee. As the Council relied upon these plans as part of its decision there are no procedural or substantive reasons not to accept these plans, which I have made my decision on.

Main Issue

3. The main issue is the effect on the character and appearance of the host building and area.

Reasons

4. The area is mixed in character with West Street comprising predominantly commercial properties along the ground floor level, whilst William Street is residential in character. Both roads contain a regimented and linear pattern of development with predominantly terraced two storey rows of properties. The land levels within the area decline along West Street and incline up William Street from the junction with West Street. The terraced buildings in this regard often feature modestly stepped eaves and ridge heights, whilst retaining the prevailing two storey stature of the buildings.

<https://www.gov.uk/planning-inspectorate>

Appeal Decision 6004642

5. The appeal site is set on a corner plot between West Street and William Street, meaning it features within the streetscene of both roads. The plot contains a semi-detached property which mirrors its attached neighbour in the adjacent plot, and a single storey attached subservient structure with a large dormer window on the other side. The appeal site contributes positively to the character and appearance of the area through its balanced appearance with the neighbouring building and its overall modest stature which is commensurate with the buildings within the surrounding area.
6. The development would extend the building, significantly raising the eaves and introducing a shallow crown pitch roof with a pitch to the front elevation containing two dormer windows. The proposed eaves of the front elevation would notably exceed that of the adjacent property to accommodate the additional floor of accommodation. This would make the host property appear far more imposing and unbalanced with its neighbour within the streetscene.
7. To the side along the return, the building would be of an imposing three storey stature set in the prominent corner plot appearing of considerably greater bulk and massing than the two storey neighbours in the terrace it forms a part of making it appear overbearing within the streetscene.
8. As a result, the proposed development would be a discordant addition to the host building which would appear imposing and overbearing within the streetscene, and harmful to the character and appearance of the host building and area.
9. A number of buildings have been brought to my attention including the three storey block of flats at 1 William Street, the four storey flats at Wingavingate Court and the flat roof supermarket opposite the site. However, these examples are not directly comparable to the appeal scheme as whilst they are situated within the local area, they read as distinct entities within the streetscape, rather than as part of the predominant pattern of two storey rows of properties that the host building forms a part of and the proposal would be contrary to. In the case of the terraced properties of The Cloisters and other properties along West Street and William Street, whilst the ridge and eaves of some of these properties are stepped with the ground levels, these properties share the same proportions so are not comparable to the appeal proposal which appears larger and unbalanced with its neighbours.
10. The proposal would therefore cause considerable harm to the character and appearance of the area. It would conflict with Policies CP 4, DM 14, and DM 16 of the Swale Borough Local Plan (2017) (LP). These policies, amongst other matters, seek to ensure that development proposals are of a high quality design that is appropriate to its surroundings, reflect the positive characteristics and features of the site and locality and responds positively to the style and character of the building being extended.

Other Matters

11. The appeal site falls within the zone of influence of the Swale Special Protection Area. The evidence shows that residential development within the zone of influence would result in a likely significant effect to the protected sites in combination with other plans and projects through additional recreational disturbance.

Appeal Decision 6004642

12. The development would introduce a net gain of dwellings which would therefore exacerbate the recreational pressures on these sites. As such, in combination with other projects or plans there would be a likely significant effect on the European site. I note that the evidence shows that on 13th January 2026, the appellant made a payment to the Council under the Strategic Access Management and Monitoring Strategy (SAMMS) for a total of £1,012.47 (£337.49 per dwelling) to mitigate this likely significant effect. However, since I am dismissing the appeal for other reasons, I do not need to consider this matter further as it does not impact the outcome of the appeal.
13. The appeal site is situated within the broader settings of the Church of the Holy Trinity, a Grade II listed building and the Sittingbourne Conservation Area (CA). I have not been presented with any evidence by either party that the proposal would affect the setting and significance of these assets.
14. From the limited information before me, and based on my observations on site, the significance of the Church of the Holy Trinity lies in its individual architectural detailing and historical interests as a church serving the locality. In relation to the CA its interest lies in the architectural and historical linear High Street lined with a variety of finely detailed buildings.
15. Whilst I have found that the proposal would be out of keeping with the character and appearance of the area, given the distance of the appeal site from the assets and the intervening development, along with the overall localised scale of the proposal, I am satisfied that it would not adversely affect the surroundings in which these heritage assets are experienced. As such, the settings of the Church of the Holy Trinity and the CA would be preserved and cause no harm to the significance of these heritage assets.

Planning Balance

16. The proposed development is not in accordance with the aforementioned policies of the LP, by virtue of the character and appearance of the area which would be permanent and long lasting. However, the Council cannot demonstrate a five-year housing land supply. The evidence before me shows a supply of 3.97 years.
17. The provisions of paragraph 11d) of the National Planning Policy Framework (the Framework) are therefore engaged. Footnote 8 confirms in these circumstances, the policies which are most important for determining the application are deemed to be out-of-date. Paragraph 232 of the Framework confirms due weight should be given to policies, according to their consistency with the Framework.
18. The importance of achieving well-designed development is a key aspect of sustainable development, as set out in section 12 of the Framework, where it is clear at paragraph 139 that development which is not well designed should be refused, whilst paragraph 135b) sets out development should be visually attractive as a result of good architecture. In addition, whilst paragraph 124 of the Framework seeks to make effective use of land, this is to be achieved while also safeguarding and improving the environment. Paragraph 125e) sets out support for the use of airspace above existing premises for new homes, but only where the development would be consistent with the prevailing form of neighbouring properties and the overall street scene and is well-designed.

Appeal Decision 6004642

19. Therefore, LP Policies CP 4, DM 14, and DM 16 are consistent with the Framework. Based on the harms identified, the conflict with these policies carries significant weight against the development.
20. Overall, the appeal proposal would conflict with the development plan as a whole and the above-mentioned paragraphs of the Framework.
21. The Government's objective is to significantly boost the supply of housing, including through small and medium schemes. The proposal would make use of brownfield land in a sustainable town centre location to provide three dwellings, contributing towards the Council's housing land supply. It would also lead to a small and time limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. However, given the small scale of the development these matters at most attract limited weight in favour of the proposal.
22. As such, the adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. The presumption in favour of sustainable development would not apply.

Conclusion

23. The proposal conflicts with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

C Housden

INSPECTOR