

PLANNING COMMITTEE – 15th January 2026**PART 2.1**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

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

1. SITE LOCATION AND DESCRIPTION

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

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

2. PLANNING HISTORY

- 2.1. None

3. PROPOSED DEVELOPMENT

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

4. REPRESENTATIONS

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

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

- 4.3. The letter of objection raised the following:

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

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

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

5. CONSULTATIONS

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

6. DEVELOPMENT PLAN POLICIES

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

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

Neighbourhood Plans

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

Supplementary Planning Guidance/Documents -

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

National Planning Policy Framework (the NPPF)

7. ASSESSMENT

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

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

7.2. **Principle**

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

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

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

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

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

7.4. **Living Conditions**

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

7.5. **Highway Safety and Parking**

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

7.6. Ecology

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

7.7. Flooding and Coastal Change Management

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

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

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

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

7.8. **Archaeology**

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

7.9. **Other Matters**

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

7.10. **Planning Balance and Conclusion**

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

7.11. **Recommendation**

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

7.12. **Conditions**

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

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

Reason: In the interests of clarity and proper planning.

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

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

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

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

