

PLANNING COMMITTEE – 15th January 2026

PART 5

Report of the Head of Planning

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

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

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : ENFORCEMENT NOTICE

Observations

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

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

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

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

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

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

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

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

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

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : ENFORCEMENT NOTICE

Observations

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

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

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

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

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

PINS Decision: APPEAL A & B DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

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

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

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

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

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

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

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

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

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

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

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

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

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

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

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

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

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

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

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

PINS Decision: APPEAL ALLOWED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

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

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

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

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

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

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

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

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

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

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

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

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

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

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

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

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

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

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

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