

PLANNING COMMITTEE – 5th March 2026**PART 5**

Report of the Head of Planning

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

- **Item 5.1 – Gate Service Station, London Road, Dunkirk, Kent ME13 9LN**

PINS Decision: APPEAL DISMISSED**Committee or Officer Decision: DELEGATED REFUSAL****Observations**

Advertisement Consent was sought for a 7m totem pole sign. The application was dismissed on the grounds of the visual impact of the signage and the potential for it to impact on highway safety, noting that National Highways had objected. Amenity and Highway Safety are the only matters able to be considered in respect of these types of applications and appeals.

The Inspector provided a commentary of the adjacent listed building and its rural setting, even allowing for the erosion of that setting by the petrol station and other surrounding developments. Whilst noting the appellant's claim that the signage was smaller and of more subdued colour than what it replaced, the Inspector found that the increased height of the advert and its more bulky design caused it to appear materially different and, as such, it was considered on its own merits. From that basis, the Inspector found that, by virtue of its height, design, modern materials and prominence, the advert is harmful to the amenity of the area and fails to respond to the historic and natural environment that it sits within. Other nearby adverts were not found to be grounds to support the advert and it was, therefore, found to be harmful and contrary to local plan policies (albeit such policies are not as determinative for applications and appeals of this type).

No Safety Risk Assessment had been undertaken which was the basis for the National Highways objection and the Inspector found that the potential impact on highway safety of the structure, if it should fall, had not been addressed.

The appeal was, therefore, dismissed for both of these reasons.

- **Item 5.2 – Land off Riddles Road, Borden, Sittingbourne, Kent ME9 8HP**

PINS Decision: APPEAL DISMISSED (PARTIAL AWARD OF COSTS)**Committee or Officer Decision: COMMITTEE DECISION****Observations**

Planning permission was sought for the erection of 38 dwellings, with 20 dwellings adjacent to the built-up area boundary of Borden and 18 located adjacent to Sittingbourne. Public open space was to be provided between the development plots. The application was refused for two reasons, the first relating to the suitability of the site for a housing development in terms of its location, the impact on the Important Local Countryside Gap, the character and appearance of the area and the arrangement of the affordable housing.

The Inspector found that the development would not preserve the attributes of the countryside described in Policy ST3 and the development would not be suitably located having regard to the Council's Settlement Strategy. The landscape impact was found to be contrary to Policy DM24 and the impact on the character and appearance of the areas was found to be harmful. The proposal was also found to be contrary to at least one of the purposes of the ILCG and it was found that the affordable housing provisions did not align with policy requirements and was arranged in such a way that it would not support the creation of a mixed and balanced community.

The second reason for refusal related to the ecological impacts of the development. In this regard, the Inspector found that there was no harm and that objecting to the application on this ground, in light of the evidence of the applicant and the conclusions of the Council's consultees, represented unreasonable behaviour. A partial award of costs was awarded to the applicant on that basis.

The Inspector noted the acceptability of the proposal in many respects and afforded weight to the oversupply of affordable housing, the boost to housing supply more generally, the accessibility of the dwellings, the provision of level access to some of the dwellings, the new planting provisions, the open space provisions and the economic benefits of development. However, it was concluded that the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, it was concluded that the proposal was contrary to the development plan and other material considerations, including the NPPF, did not lead to the conclusion that planning permission should be granted. Therefore, the appeal was dismissed.

- **Item 5.3 – Former Kingsfield Care Home, Jubilee Way, Faversham ME13 8GD**

PINS Decision: APPEAL ALLOWED

Committee or Officer Decision: NON-DETERMINATION

Observations

Planning permission was sought for a retirement living complex comprising of 48 flats and 3 houses replacing the former care development at the site. Officers were supportive of the application, but the applicant contested making financial contributions in relation to several elements of social infrastructure that were considered necessary. As a result, rather than complete a Section 106 agreement to address these matters, the applicant chose to submit an appeal on the grounds of non-determination after the statutory period for the determination of the application had passed. Through the appeal, agreement was reached in several areas but contributions in relation to healthcare, waste disposal and fitness equipment remained disagreed. The Planning Inspector found that those financial contributions met the relevant legislative tests and, therefore, granted planning permission for a development, that was supported, subject to the financial contributions that were deemed to be required.