

PLANNING COMMITTEE – 2nd April 2026**PART 5**

Report of the Head of Planning

PART 5Decisions 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****Observations**

During the processing of the appeal and the preparation of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, it was identified that there was a section of the site that was not within the control of the applicant. The owner could not be identified and the appropriate procedure relating to publicising the application had not been undertaken by the applicant/appellant. It was considered that a landowner could have been prejudiced by the correct procedure having not been followed and, as such, the Inspector concluded that the application, and in turn the appeal should be considered to have not been validly made. The Inspector, therefore, declined to determine the appeal.

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

PINS Decision: APPEAL DISMISSED / ENFORCEMENT NOTICE UPHELD**Committee or Officer Decision: ENFORCEMENT NOTICE****Observations**

An enforcement notice was issued in July 2023 relating to the use of a caravan at the site for residential purposes. The notice was appealed on various grounds.

In respect of the ground (b) appeal which relates to the suggestion that the alleged breach of planning control had not taken place as a matter of fact, the Inspector found that it had. In relation to the ground (c) appeal which addresses whether the development represented a breach of planning control, the Inspector found that the caravan was not being used for purposes that were ancillary or incidental to the use of the remainder of the site and, therefore, its use for residential purposes did represent a material change of use. That falls within the definition of development and did not benefit from planning permission, thereby representing a breach of planning control. The ground (d) appeal (on the grounds that the development was immune from enforcement action) failed due to it not being demonstrated by the appellant that the breach had occurred for more than 10 years.

Turning to the ground (a) appeal (which is the appeal on the grounds that planning permission should be granted, the Inspector considered the Council's settlement

strategy, the effect on the character and appearance of the area, the effect on the Swale SPA and the personal circumstances.

In relation to the settlement strategy, the site was found to be located such that users would be dependent on private transport and that there was insufficient services available for the site to be considered a sustainable location. In relation to the effect on character and appearance, the Inspector found that a low level of harm would be caused to the rural character of the area through the intensified use of the site, but no other harms were found. The SAMMs payment was not paid and so the effect on the SPA was not mitigated.

Each of these harms were weighed against the personal circumstances of the appellant, which were given moderate weight, although the Inspector stated that the case of the appellant had not been supported by appropriate detailed information. Other factors in favour of the proposal were the need for housing in the context of the Council's 5 year housing land supply position and the social benefits of providing accommodation to suit the applicant. Consideration was given to the Human Rights Act and the Public Sector Equality Duty. However, the Inspector found that the harm outweighed the benefits and, therefore, the ground (a) appeal was dismissed and planning permission was refused.

In terms of the ground (f) appeal (the steps required to address the notice) a variation to enable the land to be used for residential purposes (in conjunction with the host site) was enacted as the earlier drafting would have precluded this. The timescale for compliance, which was the subject of the ground (g) appeal, failed and so the appellant still has 6 months to comply.

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

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision: DELEGATED REFUSAL

Observations

The appeal related to a refused planning application for the siting of shepherd's huts at the site, to be used for holiday let purposes.

The Inspector found that the proposal would unacceptably harm the character and appearance of the countryside and would fail to conserve and enhance the natural beauty of the National Landscape. The development was therefore found to conflict with policies ST1, ST3, CP4, DM3, DM14, DM24, and DM31.

However, the proposal was not found to conflict with Policy DM31 insofar as it relates to the avoidance of the loss of agricultural land. In this regard the Inspector stated that *"While the land at the site is defined as BMV and could be returned to agricultural use, it is not currently used for agricultural purposes and there is no substantive evidence that a return to agricultural use would be likely. Given the current non-agricultural use of the land, there has already been a loss of BMV at the site. In this respect, the proposal would not result in the loss of agricultural land."*

The small scale benefits to the rural economy, the support for local business and the support within the NPPF for tourism and leisure development, were found to be

significantly and demonstrably outweighed the harm. Therefore, the appeal was dismissed.

- **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

Observations

An enforcement notice was served in relation to two stables and an area of hardstanding that was built without permission. A ground (a) appeal was submitted to seek planning permission. The Inspector said the main issue was the effect of the development on the character and appearance of the surrounding countryside. The Inspector found that *“the stables and hardstanding represent encroachment into this mainly undeveloped rural landscape, due to the detached setting. Despite the type of material used on the outer surfaces, the development has a visually incongruous effect on the rural due to the size, scale and location of the two stables and hardstanding. They appear as large buildings given the design and are out-of-keeping with the pleasant rural character of the surrounding area and conditions alone would not reduce their visual impact. Accordingly, the development conflicts with the main aims and objectives of policies ST3, DM3, DM14 and CP4 of the Local Plan (2017) and design guidance for this kind of development in found in Supplementary Planning Guidance.”*