

PLANNING COMMITTEE – 13th August 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 – 25/502229/PIP

Land to the south of Fox Lane, Oversland, Boughton Under Blean ME13 9HF

PINS Decision: DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

Observations

Permission in Principle was sought for the erection of 7 self-build dwellings. The main issues were the acceptability of the location for development in terms of the Local Plan settlement strategy, the effect on the character of the countryside and the supply of BMV land.

After assessing the facilities of services and the position of Neames Forstal in the settlement hierarchy and the availability and adequacy of pedestrian routes, the Inspector identified that it is *“almost certain that future occupants of dwellings on the appeal site would primarily rely on the use of a car for more local journeys to reach everyday services and facilities.”* Having noted the relationship and connections to Selling and the availability of train services from Selling station, the Inspector went on to state that *“despite the proximity of the train station, the location of the appeal scheme would conflict with the Council’s strategy for the location of development, and future residents would be car dependent insofar as access to local services is concerned.”* The Inspector therefore identified conflict with the settlement strategy.

In terms of the impact on the character of the countryside, the Inspector undertook an assessment of the locality before stating that *“given the topography, it is likely that any residential development would be highly visible from the PROW and from where the PROW meets Fox Lane. The residential use would erode the open and tranquil rural setting, resulting in harm to the character of the countryside.”*

The Inspector went on to conclude that insufficient evidence had been provided to demonstrate that alternative, lower grade agricultural land had been considered and it was a concern that *“incremental losses can cumulatively be significant, consequently harming the availability of the highest grade BMV.”*

The Inspector considered other appeal decisions and proposals that had been brought to their attention and other matters that had been raised before going on to undertake a balancing exercise that addressed housing supply, self-build housing supply and socio-economic benefits as well as the abovementioned harms and associated policy conflicts. The Inspector concluded that the harms would significantly and demonstrably outweigh the benefits of the proposal and therefore the appeal was dismissed.

Item 5.2 – 25/505072/FULL**2 The Mall, Faversham, Kent, ME13 8JL****PINS Decision: ALLOWED****Committee or Officer Decision : DELEGATED REFUSAL****Observations**

Planning permission was sought for a single storey extension. The main issue was the effect of the development on the living conditions of neighbouring residents. It was identified that the proposed extension would only be slightly higher than the existing boundary wall and, therefore, the development would not have an oppressive or overbearing impact on outlook from the windows or garden of the neighbouring property and not have an *"appreciable effect on levels of light."* The development was, therefore, found to be acceptable and the appeal was allowed.

Item 5.3 – 24/504520/FULL**Salvation Place, Bell Farm Lane, Minster-on-Sea, Kent ME12 4JB****PINS Decision: ALLOWED (APPLICATION FOR COSTS REFUSED)****Committee or Officer Decision : DELEGATED REFUSAL****Observations**

Permission was sought for the change of use of land to enable the siting of caravans for residential occupation and associated development. The main issues were the risk of coastal erosion and the effect on the Thames, Medway and Swale Estuary Special Protection Area and Ramsar Site.

The site is within a Coastal Change Management Area and Erosion Zone 1. However, it was noted that only a small part of the site is at short-term risk but the majority of the site is at medium-term risk, i.e. 20 to 50 years into the future. The Inspector noted the objection from the Environment Agency and identified that policy DM23 and the NPPF was conflicted by the proposal.

In respect of the SPA and Ramsar Site, the Inspector found that there would not be a population increase at the site and as such no additional impact to mitigate the development was required.

The Inspector gave significant weight to the benefits of contributing to the supply of Gypsy and traveller pitches and, noting the time when the risk was considered to be most impactful, considered it appropriate to grant a temporary planning permission for a period of 5 years. The fact that the use of the site had been long-established meant that there was a distinction to be made between this appeal and a similar dismissed appeal at a nearby site where the proposal was for a new pitch.

Item 5.4 – 24/502717/OUT

Land West of Borden Lane, Sittingbourne, Kent, ME9 8HR
PINS Decision: ALLOWED (APPLICATION FOR COSTS REFUSED)

Committee or Officer Decision : COMMITTEE DECISION

Observations

Outline planning permission (with access considered) was sought, for the erection of a care home. The main issues considered by the Inspector were the effect on the Important Local Countryside Gap, the Council's Spatial Strategy, the effect on Best and Most Versatile agricultural land (BMV) and the effect on ecology, including protected species and priority habitats.

Firstly, the Inspector found that the proposal would have an adverse effect on the ILCG. It would conflict with the objectives of Policy DM25 insofar as it seeks to ensure that the individual character and setting of settlements is retained and that development does not undermine the purposes of ILCGs.

The Inspector then identified that the proposal would not maintain the setting of settlements, or protect and, where appropriate, enhance the intrinsic value, landscape setting, and beauty of the countryside. Therefore, the proposal was agreed to be contrary to the Council's spatial strategy because of the conflict with Policies ST1 and ST3.

In terms of BMV, the Inspector found that the development would contribute to the gradual and piecemeal erosion of the overall stock of high-quality agricultural land and, therefore, the proposal would conflict with Policy DM31.

With respect to ecology it was found that the proposal would result in the loss of part of a priority habitat and some ecological impact, including potential effects on the adjacent nature reserve. However, having regard to the condition and extent of the existing habitat, the retention and enhancement measures proposed, the findings of the ecological surveys, and the mitigation and provisions secured through the Unilateral Undertaking, the Inspector found that the impacts would be appropriately mitigated and would not result in unacceptable harm to biodiversity or protected species. The proposal was therefore considered to accord with policies DM28 and DM31 and the applicable legislation.

The Inspector assessed other factors that were raised including the effect on living conditions of other residents, highway safety, parking, heritage assets, the need for development, the supply of housing land and the implications for the weight that could be afforded to the local plan, contamination and the fact that the application had been submitted in outline. Then, within a planning balance section, the Inspector weighed all of the material considerations and concluded that *"the proposal would result in moderate harm arising from conflict with the development plan. However, the benefits of the scheme, most notably the delivery of a much-needed care home and its contribution to housing supply, are substantial and attract significant weight. When assessed against the policies in the Framework taken as a whole, I find that these benefits clearly outweigh the identified harms. The adverse impacts would not significantly and demonstrably outweigh the benefits."* The appeal was therefore allowed.

An application for an award of costs was made in respect of the reason for refusal that related to ecology in the context that no objection had been raised by the Council's specialist consultee. Whilst the Inspector found shortcomings in the adequacy of the case that was put forward by the Council and reached a different verdict, the Inspector identified that legitimate concerns were raised and the appellant undertaking additional work was not a result of

unreasonable behaviour by the Council. Therefore, the application for an award of costs was refused.

Item 5.5 – 24/504410/OUT**Land East of Holywell Primary School, Forge Lane, Upchurch ME9 7AD****PINS Decision: DISMISSED (APPLICATION FOR COSTS REFUSED)****Committee or Officer Decision : COMMITTEE DECISION (ANNDT)****Observations**

Outline planning permission (with access and layout being considered) was sought, for the erection of 16 dwellings at land to the east of Holywell Primary School and south of Forge Lane, Upchurch. This was a non-determination appeal in respect of which the Planning Committee provided putative reasons of refusal on 5th February 2026. The main issues considered by the Inspector were the local plan settlement strategy, the effect on the character and appearance of the area, whether affordable housing would be secured and whether the proposal would result in the loss of Best and Most Versatile agricultural land (BMV).

In summary, the Inspector found that the proposal was in conflict with the settlement strategy by virtue of the location of the site outside and detached from the built-up area boundary of Upchurch. The proposal was therefore found to be in conflict with policies ST1 and ST3.

With respect to the character and appearance of the area, having considered the context of the site, the Inspector found that the development *“would compromise the open character of the site and disrupt the openness of the wider area.”* The Inspector went on to consider the various vantage points from where the development would be seen, concluding that the open views across the site to the landscape and estuary beyond would be interrupted and landscaping would be unlikely to mitigate this. Concerns were also raised in respect of the visual impact of boundary treatments. No objection was raised to the parking at the frontage or the layout of one of the plots but the Inspector found that *the density of the scheme would represent a more intensive form of development than the primary school which, at present provides a transition between the settlement and the countryside, and that this would disrupt the local pattern of development.”* The Inspector therefore concluded that the proposal would conflict with policies DM24, DM14 and CP4.

The Inspector concluded that it would have been possible to secure an appropriate affordable housing provision and, in relation to BMV, the Inspector concluded that the evidence available indicated that the land should not be considered to be BMV. The proposal was, therefore, found to be acceptable in these respects.

The Inspector had regard to the benefits of delivering housing to address the Council's 5 year housing land supply shortfall and affordable housing, the accessibility of local shops and services, the economic benefits of construction, the proposed community parking and BNG. However, the Inspector found that the adverse effects of the development would significantly and demonstrably outweigh the benefits. Both the NPPF and the local plan, therefore, led the Inspector to the conclusion that planning permission should be refused.

An application for an award of costs was refused having been made on the grounds that it was necessary to submit non-determination appeal, that the view of the Planning Committee was different to the view of officers and that the position of the Council in respect of BMV was

contrary to theirs. The Inspector found that the time that the application was with the Council was excessive, but noted that this was in part due to the appellant having to address objections as well as other circumstances that arose. The Planning Committee reaching a different view to officers was found to be due process and it was found that the Council's case around BMV had been sufficiently made even though it was not agreed. The appellant's other claims of unreasonable behaviour in relation to the Council's case and the debate that occurred around the adequacy of the submitted planning obligation were not agreed.