

This Report will be made public on 11 March 2024

DCL/23/48

To: Planning and Licensing Committee
Date: 19 March 2024
Status: Non key Decision
Responsible Officer: Llywelyn Lloyd, Chief Planning Officer

Subject: Appeal Decisions Received

SUMMARY: This report is for information only. It sets out the appeals determined since the previous Meeting of the Planning and Licencing Committee, together with commentary on each.

RECOMMENDATION:

That Members note the report.

1. DECISIONS RECEIVED

23/0376/FH - Terlingham Vale, Gibraltar Lane, Hawkinge – **APPEAL ALLOWED**

- 1.1. An extremely unfortunate decision. The Inspector concluded that the proposed concrete and brick retaining wall and fence, which will at its highest be four metres above the level of the road, would not harm the character and appearance of this country lane or the Kent Downs National Landscape, and placed significant weight on the use of landscaping to soften its appearance.
- 1.2. The space available for landscaping between the wall and the highway is approximately 600mm for much of its length and it is difficult to envisage any significant landscaping being able to thrive in such a location. Officers will however seek to ensure that any landscaping scheme submitted is both appropriate and substantial in order to mitigate the harm arising from the development.
- 1.3. The decision is attached at **Appendix A**.

23/0338/FH/CON - Hillcrest, Blackhouse Hill, Hythe – **APPEAL DISMISSED**

- 1.4. This appeal was made against the Council's decision, which refused details of screening pursuant to a condition imposed on a retrospective planning permission

granted for a retaining wall. The purpose of the condition was to ensure that sufficient screening was provided to prevent overlooking of the neighbouring property and harm to residential amenity.

1.5. In dismissing the appeal, the Inspector agreed with the Council that the details submitted were insufficient to mitigate this harm, and that a more robust screen is required.

1.6. The appeal decision is attached at **Appendix B**.

22/2067/FH - Station House, Sandling Road, Hythe – **APPEAL DISMISSED**

1.7. Full support for the Council's decision, with the Inspector concluding that the proposed development would be at odds with the appearance of the dwelling on site, and due to its scale and prominent location, harmful to the character and appearance of the wider area and the scenic quality of the Kent Downs National Landscape.

1.8. The decision is attached at **Appendix C**

22/1030/FH - Lyveden, Stone Street, Westenhanger – **APPEAL DISMISSED, AWARD OF COSTS AGAINST THE COUNCIL REFUSED**

1.9. This appeal was dismissed wholly on the basis that the appellant had failed to demonstrate that the proposal would not give rise to harm to the Stodmarsh SPA.

1.10. In refusing the application for an award of costs against the Council, the Inspector criticises the lack of response by the then case officer (a temporary member of staff who has since left the Council) but concludes that it was inevitable that the application would have been refused, and as such, the appellant was not put to any unnecessary or wasted expense.

1.11. The decision and costs decision are attached at **Appendix D**.

22/02494/FH – St. Margarets Nursing Home, 20 Twiss Avenue, Hythe – **APPEAL DISMISSED**

1.12. Whilst the decision of the Inspector is welcome, it is a matter of concern that they evidently did not receive the Council's statement, despite correspondence with the Planning Inspectorate confirming that it was received and accepted by them.

1.13. The Inspector concludes that the development would result in harm to residential amenity, highway safety and the significance and character and appearance of the Conservation Area and dismissed the appeal accordingly.

1.14. The decision is attached at **Appendix E**.

22/2030/FH - Land at White Horse Lane, Rhodes Minnis – **APPEAL DISMISSED**

1.15. The Inspector gave full support to the Council's decision to refuse this application for a new dwelling in an unsustainable location in the Kent Downs National Landscape, concurring that the proposed development would result in reliance on the private car, that it would harm the character and appearance of the area and the scenic beauty of

the National Landscape. It is of note that the Inspector also concluded, despite the site being cleared of any habitat, that the development could still harm protected species.

1.16. The decision is attached at **Appendix F**.

21/2470/FH - 12 London Road and Ebbor House, Barrack Hill, Hythe – **APPEAL
DISMISSED**

1.17. The Inspector agreed that the development would harm the character and appearance of the immediate area, exacerbated by the loss of protected trees. The application the subject of the appeal was made in outline only, and the Inspector concluded that it had not been demonstrated, on the basis of the information submitted, that the development could take place without harm to residential amenity, highway safety and without an adverse impact on land stability. The Inspector also considered that the lack of on-site provision of affordable housing was unacceptable.

1.18. The decision is attached at **Appendix G**.