

Planning Committee

8 May 2024

Report on Appeal Decisions 1 January 2024 to 31 March 2024

Portfolio Holder: Councillor Simon Curry, Portfolio Holder for Climate Change and Strategic Regeneration

Report from: Mark Breathwick, Assistant Director, Culture & Community – Regeneration Culture Environment and Transformation

Author: Dave Harris, Chief Planning Officer

Summary

This report informs Members of appeal decisions. The summary of appeal decisions for those allowed or where decisions were made by the Committee contrary to Officer recommendation is listed by ward in Appendix A.

A total of nine appeal decisions were received between 1 January 2024 and 31 March 2024. Three of these appeals were allowed, which included two Committee decisions which overturned the Officer's recommendation, one of which awarded full costs against the Council. There were two appeals in relation to enforcement, one part allowed and one where the enforcement notice is quashed. Four appeals were dismissed.

A summary of appeal decisions is set out in Appendix A.

A report of appeal costs is set out in Appendix B.

1. Recommendation

1.1 The Committee is asked to consider and note this report which is submitted to assist the Committee in monitoring appeal decisions.

2. Budget and policy framework

2.1 This is a matter for the Planning Committee.

3. Background

3.1 When a planning application is refused, the applicant has the right to appeal. The timescale for lodging an appeal varies depending on whether the

application relates to a householder matter, non-householder matter or whether the proposal has also been the subject of an Enforcement Notice.

- 3.2 Appeals can also be lodged against conditions imposed on a planning approval and against the non-determination of an application that has passed the statutory time period for determination.
- 3.3 Where the Council has taken enforcement action through the serving of an Enforcement Notice then an appeal can be lodged in relation to that. An appeal cannot be lodged though in relation to a breach of a condition notice on the basis, primarily, that if the individual did not like the condition, then they could have appealed against that at the time it was originally imposed.
- 3.4 The appeals are determined by Inspectors appointed by the Secretary of State and administered by the Planning Inspectorate, which informs Medway Council of the Inspector's decision. In a limited number of cases appeals are determined by the Secretary of State after considering an Inspectors report.
- 3.5 In accordance with the decision made at the Planning Committee on Wednesday 5 July 2017, Appendix A of this report, will not summarise all appeal decisions but only either those which have been allowed on appeal or where Members made a contrary decision to the officers' recommendation.

4. Advice and analysis

- 4.1 This report is submitted for information and enables members to monitor appeal decisions.

5. Risk management

- 5.1 As part of the reform of the planning system, the Government are focusing on planning committee decisions, with the Planning Inspectorate being asked to start reporting to Government about cases where a successful appeal is made against a planning committee decision contrary to the officer's recommendation. The overturning of a recommendation made by a professional officer should be rare and infrequent. The Government have reminded the Inspectorate that where it cannot find reasonable grounds for the committee having overturned the officer's recommendation, it should consider awarding costs to the appellant.
- 5.2 Monitoring of all appeal decisions is undertaken to ensure that the Council's decisions are being defended thoroughly and that appropriate and defensible decisions are being made by Committee and under delegated powers. The lack of any monitoring could lead to more decisions going contrary to the Council's decision possibly resulting in poorer quality development and also costs being awarded against the Council.
- 5.3 The quality of decisions is reviewed by Government and the threshold for designation on applications for both major and non-major development is 10% of an authority's total number of decisions being allowed on appeal. The most

up-to-date Government data, which is for the 24 months to the end of March 2023, shows the number of decisions overturned at appeal for major applications is 2.8% and 1.0% for non-major applications. Where an authority is designated as underperforming, applicants have the option of submitting their applications directly to the Planning Inspectorate.

6. Consultation

6.1 Not applicable.

7. Climate change implications

7.1 All planning applications for new developments must have a section on Climate Change and Energy Efficiency.

8. Financial implications

8.1 An appeal may be determined after a Public Inquiry, an Informal Hearing or by exchange of written representations. It is possible for cost applications to be made either by the appellants against the Council or vice versa if it is alleged that either has acted in an unreasonable way. Powers have now been introduced for Inspectors to award costs if they feel either party has acted unreasonably irrespective of whether either party has made an application for costs.

8.2 It is possible for decisions made by Inspectors on appeal to be challenged through the courts but only if it is considered that an Inspector has erred in law, for instance by not considering a relevant issue or not following the correct procedure. A decision cannot be challenged just because an Authority or an aggrieved party does not agree with it. A successful challenge would result in an Inspector having to make the decision again in the correct fashion, e.g. by taking into account the relevant factor or following the correct procedure. This may lead ultimately to the same decision being made.

8.3 It is possible for Planning Inspectors to make a “split” decision, where they allow one part of an appeal but not another. This is not possible for the Council when it makes its original decision on the planning application other than for an advert application.

Lead officer contact

Dave Harris, Chief Planning Officer
Telephone: 01634 331575
Email: dave.harris@medway.gov.uk.

Appendices

- A) Summary of appeal decisions
- B) Report on appeal costs

Background papers

Appeal decisions received from the Planning Inspectorate for the period 1 January to 31 March 2024.

Gov.uk statistical data sets Table P152 and Table P154

APPEAL DECISION SUMMARY

Appeals decided between 01 January 2024 and 31 March 2024

ENF/18/0245

The Woodlands, Hempstead Road, Hempstead, Gillingham – Hempstead and Wigmore Ward

Enforcement Notice serviced – 4 April 2022 – Delegated.

Without the benefit of planning permission the material change of use of the property to a mixed use for a scrap yard, vehicle breaking and repair, waste deposit, processing and transfer, residential and forestry.

The appeal succeeds in part and planning permission is granted for part of the use only. Otherwise, the enforcement notice is upheld with corrections and variations in the terms and planning permission is refused.

Summary

The appellant owns two adjoining parcels of land, The Woodlands (TW) and Great Knox Farm (GKF). TW initially comprised a dwelling fronting on to Hempstead Road and open land extending about 250m back from the road. The dwelling was replaced and is now set within its own gardens close to Hempstead Road. To the rear of the dwelling a former mobile home has been extended beyond the definition of a caravan and now appears to be a separate dwelling contained within its own compound. When purchased GKF comprised a mix of woodland, paddocks, a dwelling now converted to 2 dwellings with gardens and some buildings. It also has access onto Hempstead Road. The land the subject of the enforcement notice as issued comprises all of TW aside from the 2 dwellings and their enclosed land, and much of GKF, the dwellings and some paddock land being the notable exclusions. The two properties are now separated by metal palisade fencing, but a narrow strip of GKF has been incorporated into TW to accommodate a new access to the rear non-residential portion of TW, running alongside but separate to, the access to the two dwellings.

A site visit conducted before the enforcement notice was issued noted use of GKF by some vehicles, which was operating the scrap yard at TW. In addition, part of the palisade fence separating the properties had been taken down, an informal pathway was evident between the properties through the fence opening, some items associated with the scrap yard use, skips and a shipping container, were placed on the GKF side of the fence, along with deposits of waste material within the woodland considered likely to have come from the Go Waste transfer operation based at TW. At that time the Council took the view that some activities were not confined to either property, as such an allegation of a material change of use would include parts of both properties. However, after hearing the evidence for the appellant the Council invited the Inspector to amend the Notice so as to focus on activities on TW and on

part of the woodland on GKF where waste appears to have been deposited. The Inspector determined the appeal on the basis of the amended plan, which means appeal on ground (c) and (e) are no longer pursued.

An appeal on ground (b) is that the matters alleged in the Notice to comprise a breach of planning control have not occurred. It is argued that the land still comprises two planning units, one being TW, where it is accepted that scrap yard, waste deposit, processing and transfer and a residential use have all occurred, and part of GKF, where it is argued that the only material use on the part of the land included in the Notice has been forestry. The Inspector considers that the land included in the Notice can be considered as a single planning unit. The Inspector also considers that any waste deposit is significant in terms of the risk of degradation of Ancient Woodland and is therefore satisfied that this should be included in the description of the mixed use.

When the site was visited in July 2021 a number of motor vehicles not associated with the waste or scrap uses were being repaired in Building A, a large barn-type building at the western end of TW. Vehicles which appeared in the process of being broken for parts were present on the wider site, while items including body parts, engines and gear boxes were evident within Building A and the wider site. People working in Building A at the time of the visit stated they were working as mechanics. The Inspector is satisfied that vehicle repair and breaking was occurring as a primary component of the mixed use at that time.

There was ample evidence of an equestrian use of the land up until at least 2018, when horses were present in stables where Building B now stands and the Inspector has no doubt that Building A was originally erected for equestrian purposes. However, the only place that equestrian use could have taken place when the Notice was issued was Building A, which the Inspector has indicated was being used for a different purpose when the Notice was served. Nonetheless, it appears that the building was, and is, still required for foaling, treating ill horses and some overwintering. On the balance of probabilities, the Inspector considers that the land was in equestrian use along with the other activities and shall correct the allegation to include equestrian use in the description of the mixed use enforced against.

With the exception of forestry, the Inspector concludes that the component uses of the mixed use have all occurred and the description shall be corrected to remove the reference to forestry and to add equestrian. No injustice arises from these corrections.

The appeal on ground (d) is that it is too late to take enforcement action. However, the appellant now accepts that the material change of use enforced against only began when the waste operation started operating from the site in about March 2020, so that the mixed use has not been operating for the requisite 10 year period. What ground (d) seeks to establish is that prior to the material change of use by the addition of the waste use a mixed use subsisted comprising a scrap yard use, equestrian use and residential use, the latter being accommodation for a caretaker/handyman who has lived on the site since February 2010, in a caravan or other such mobile structure. If so, then there would be a right to revert to that use in the event that the mixed use enforced against was required to cease.

The appellant claims that the scrap yard and equestrian use of the site began in 2005. In order to establish lawfulness of a use to which the land use can revert, the burden of proof is on the appellant to prove, on the balance of probability, that a mixed use of scrap yard, equestrian and residential use of the land had become lawful by the time of the material change of use to the use currently enforced against. The Inspector does not consider the appellant has discharged the burden of proof.

A second issue raised under ground (d) is that when the Notice was issued Building A had been substantially completed for more than 4 years, and hence would, in its own right, be immune from enforcement. The Inspector considers the questions this matter raises is essentially a ground (f) matter, which is whether the building can be required to be removed and would its removal exceed what is necessary to remedy the breach. No planning permission for equestrian use exists and while the building was not erected for the purposes of the mixed use enforced against, it has been integral to that use and it was not used for works undertaken for some other lawful use of the land. As such it can be required to be removed from the land together with the hardstanding and track leading to Building A. The hardstanding in the vicinity of Building B is also claimed to be lawful due to the passage of time but his hardstanding is excluded from the requirement to remove hardstanding from the site and requires no further consideration.

The main issue is the effect of the scrap yard use on the character and appearance of the area, while material considerations are the economic and social benefits of the use, along with any environmental or other benefits that might be secured through a grant of planning permission.

The presence of the scrap operation is clearly evident from Hempstead Road, both visually and through associated activity and has a distinct impact within the urban fringe landscape and amounts to a loss of countryside. There are some social and economic benefits to the scrap yard use, but it is unclear how many of the 17 employees are dependent on the continued use of the scrap yard in this location. Overall the Inspector felt only moderate weight to the benefits of the scrap yard use could be given.

No objection has been made to the equestrian component of the mixed use, nor has the building erected for equestrian purposes been argued as harmful to the landscape or local character. The Inspector considers it appropriate in scale and character to support the appellant and his family's equestrian interests.

The residential component of the use was intended to provide security for the scrap yard use, but there are also person considerations which the Inspector considers sufficient to justify planning permission for the occupation of a mobile structure on the site by the current occupant who has lived there for a considerable period.

The Inspector allows the appeal on this ground and grants planning permission, subject to conditions, for equestrian use of the land to the rear of the 2 dwellings, including the retention of Building A for those purposes, and for the stationing of a mobile structure for the purpose of human habitation, but shall refuse planning permission for the scrap yard use.

Under ground (f) the Notice requires the roadway to be planted with a woodland mix once the roadway has been removed. However, not all of the roadway was woodland before the roadway was constructed. The woodland removed was on land under the GKF title and it is this land that should be replanted. The Inspector shall exclude this land from the area granted permission for equestrian and residential use since that would not be compatible with the purpose of restoring the land to its previous condition.

Ground (g) is that the time for compliance is too short. A period of 12 months is sought to cease the use, after which the remedial works would be carried out. The Inspector considered it reasonable that it will take up to 12 months to secure and prepare new premises with the appropriate consents, and a further 3 months for remedial work at the current site, planting aside. The appeal on ground (g) succeeds.

ENF/20/0267

Land at Port Werburgh, to the south of Vicarage Lane, Hoo – Peninsula Ward

Enforcement Notice served – 22 August 2022 – Delegated.

Without the benefit of planning permission the material change of use of the land from storage to residential use including the stationing of mobile homes with associated works on the land to form an extension of the adjacent residential mobile home park.

The appeal is allowed and enforcement notice is quashed.

Summary

The broadly rectangular parcel of land comprising the appeal site is located immediately to one side of the main access road, behind the security gates, of the Port Werburgh marina and residential caravan park. On its western side the appeal site is contiguous with the access road of the wider site and is open along its length. The Inspector does not accept the Council's view that the access road constitutes physical separation. On the contrary, the Inspector believes it provides connection between the appeal site and the rest of the unit of occupation.

The Inspector does not agree with the Council's position that the wider site comprises a number of different planning units. The Inspector concludes that it is clear from all the evidence that it is a single planning unit formed from a single unit occupation, without internal physical separation, with mixed uses relating to the composite use of the land as a marina and caravan park. The mixed primary uses with associated ancillary uses, such as the containers used for the storage of personal possessions of residents, overlap and share facilities throughout the wide site i.e. car parking; amenity; security and office blocks.

Six mobile homes have now been stationed on the appeal site and the parking and aforementioned storage has continued on the wider site with storage containers performing the same function a short unrestricted distance across the access road to

the west. The Inspector considers this gives weight to the finding that the appeal site forms just one small part of a much larger unit of occupation forming a planning unit and that the stationing of mobile homes on the former does not result in a material change of use of the latter since there is no significant difference in the character of the activities of the composite use from what has gone on before.

For this reason, the Inspector is satisfied that the matters stated on the Notice do not constitute a breach of planning control.

MC/22/1867

Land East of Rainham Pumping Station and North of Lower Rainham Road – Rainham North Ward

Refusal – 30 January 2023 – Committee Overturn.

Construction of 2 detached residential properties with associated parking, access and landscaping works.

Allowed with costs – 12 March 2024

Summary

The main issue is the effect of the vehicular movements associated with the proposed development on the road network and on highway safety along Lower Rainham Road.

The appeal site comprises an overgrown and unused parcel of land with housing on two sides and a pumping station immediately to the west.

The Lower Rainham Road provides a key link between Rainham and Gillingham and provides an alternative to the A2. The appellant's traffic count was undertaken over a week and recorded average daily weekday flows of 3,416 eastbound and 4,184 westbound. There are several traffic calming measures along the length of the road, which includes the chicane in front of the appeal site. The width of the road is restricted at one point to a single vehicle and priority is given to westbound traffic. Eastbound traffic is expected to 'give way'. Local residents refer to this feature as a 'bottleneck' that is overloaded at peak times. The proposed access would be taken from within the area where traffic is restricted to single file.

The development is likely to generate about 11 vehicular movements in total on a weekday. These journeys would represent an increase of less than 0.2% over existing volumes during the peak times and over an entire weekday. The Inspector concludes there would be an insignificant impact on traffic flows as a whole.

There are seven properties on the southern side of the road with existing dropped kerb crossovers in the vicinity of the traffic control. The analysis undertaken shows that there is no obvious correlation between arrivals and departures from these private driveways and the average queue length in either direction. Future residents

might need to be patient when exiting their properties but the Inspector felt that does not amount to an objection to the scheme.

The survey data shows that queues average 10 or more vehicles in length for some of the 15-minute periods during the peak times. However, coupled with the evidence about existing accesses onto the road nearby, the low volume of traffic associated with the proposal would not markedly increase congestion or make matters worse.

Based on data from the CrashMap website the Council refers to three accidents along Lower Rainham Road in the vicinity of the appeal site since 2015. Local residents also mention accidents but no further information about them has been provided. Therefore, the evidence does not indicate that there are significant safety issues along this section of Lower Rainham Road. Given the limited number of movements that the proposal would generate, the likelihood of collisions occurring is considered to be very low.

The pavement on both sides of Lower Rainham Road is narrow here but the proposal would not change this and the resulting risk to pedestrians would be minimal due to the minimal increase in traffic through this area.

The site is largely surrounded by other development and contributes little to the value of the Area of Local landscape Importance and is not designated as land to be protected as green space. The trees along the frontage would be retained to provide screening. There is no evidence that air quality would be negatively affected and climate change measures are proposed.

The appeal site is within 6km of the North Kent Marshes Special Protection Area and occupation of the houses would be liable to lead to recreational disturbance. To mitigate this impact the appellant has paid the bird mitigation tariff.

The Inspector concludes the Council's behaviour in refusing the application was unreasonable and the applicant has been compelled to bear the expense of an appeal as a result. Therefore, a full award of costs is warranted. The applicant is invited to submit details of those costs to Medway Council with a view to reaching agreement as to the amount.

MC/22/2965

Avenue Tennis Club, Glebe Road, Gillingham – Watling Ward

Refusal – 16 June 2023 – Committee Overturn.

Construction of 7 Dwellings and 1 Bungalow with associated access and parking.

Allowed – 22 March 2024

Summary

The main issue is the effect of the proposed development on the character and appearance of the site and the surrounding area.

The appeal site is land previously occupied by a tennis club to the rear of dwellings on First Avenue, Second Avenue and Glebe Road. The site is currently being redeveloped to accommodate 7 two-storey dwellings, for which planning permission was previously granted at appeal. As well as the 7 dwellings currently under construction, the proposed development includes an eighth dwelling on the appeal site, a bungalow on land previously identified as open space.

The design and layout of the approved 7 dwellings has not changed and have largely been constructed. Therefore, this part of the proposed development would not be detrimental to the character and appearance of the surrounding area.

The height of the proposed bungalow would be smaller than many of the surrounding properties and although visible from some of the neighbouring properties, it would have limited visibility from the public realm and therefore little impact on the existing street scene. The proposed bungalow would also have sufficient space either side of the dwelling for access and landscaping and an adequate garden space to the rear. Although it would result in the loss of an area intended to be open space it would assimilate well into this urban residential environment.

The Inspector concludes the proposed development would not harm the character and appearance of the site or the surrounding area.

The Inspector found that the addition of one dwelling would not result in a significant increase in traffic, which would be harmful to highway safety and suitable parking provision has been provided. Due to its limited scope and height, the proposed bungalow would also not result in harm to the living conditions of the occupiers of neighbouring dwellings in relation to loss of privacy, loss of outlook or an increase in noise and disturbance.

The development as a whole would result in eight dwellings with a consequent increase in local residents living within 6km of the SPA and Ramsar sites. The appellants have made a per dwelling contribution to fund the SAMMS and the Inspector is satisfied that the mitigation measures have been secured.

The appeal is allowed with conditions to manage surface water and prevent flooding and the compliance with precautionary mitigation measures for reptiles and biodiversity enhancements on the site.

MC/22/2401

Land adjacent to 1 Primrose Cottages, Ratcliffe Highway, Hoo St Werburgh – Peninsula Ward

Refusal – 16 June 2023 – Delegated.

Construction of an end of terrace dwelling with associated parking.

Allowed – 25 March 2024

Summary

The main issues are whether the proposal would be in a suitable location with respect to the settlement pattern and the effect of the proposal on the integrity of protected European sites.

The appeal site is located outside of villages and settlement boundaries and is defined as in the countryside for planning purposes. The site is close to a roundabout on the A228, about one to two miles from the centre of Hoo. It is within reasonable walking distance of bus-stops served by several routes to surrounding towns. There are clearly sign-posted cycle routes and footpaths which would provide good access to local services and facilities in nearby Hoo.

Future occupants of the new dwelling would be likely to use a private car for some journeys, including at night. Nevertheless, the Inspector is satisfied that there would be a realistic chance of access to and from the site using a range of transport modes other than the private car.

There is a small cluster of houses near the appeal site and a large commercial site immediately behind them. Surrounding countryside largely comprises open and undulating fields with occasional trees and hedgerows. The area is described by the Council as an Area of Local Landscape Importance, although the Inspector found little to identify the particular characteristics of this landscape.

As the proposed house would be developed next to an existing group of dwellings, the Inspector felt it would not result in an isolated home in the countryside. In fact, bearing in mind the proximity and access to rural settlements the proposal would help to maintain the vitality of their communities.

The new house would be similar in scale and appearance to its neighbours. It would be located within an existing residential plot, so would be seen as part of the existing group of dwellings when viewed from Ratcliffe Way. Views across adjacent fields when facing Primrose Cottages would be somewhat restricted by the new house. Nevertheless, the openness of the countryside would remain visible from elsewhere on Ratcliffe Way. The Inspector therefore concludes that the proposed development would maintain the character, amenity and functioning of the countryside surrounding the site and would offer a realistic chance of access by a range of transport modes.

The appeal site lies within the Zone of Influence of the three North Kent Marshes SPAs and therefore an appropriate assessment is required in relation to the effect of the development on the integrity of the sites. The Inspector is satisfied with the agreed financial sum for the purpose of contributing to strategic mitigation measures. Therefore, the Inspector concludes there would be no adverse effect from the proposed development on the integrity of the SPAs as designated European sites.

The Inspector acknowledges that the proposal conflicts with the development plan, read as a whole. However, other material considerations, including the presumption in favour of sustainable development, indicate that a decision should be taken other than in accordance with it.

APPENDIX B

REPORT ON APPEALS COSTS

Appeals 2019/2020

Ref.	Site	Proposal	Decision type	Costs	Comment
MC/18/2739	260 Wilson Avenue, Rochester	Construction of extension to rear, dormer window to side (demolition of part existing rear extension, conservatory and garage)	Delegated	Against	25/07/2019 : £12,938 costs paid High Court judgement on JR
MC/18/2739	260 Wilson Avenue, Rochester	Construction of extension to rear, dormer window to side (demolition of part existing rear extension, conservatory and garage)	Delegated	Against	24/09/2019 : £1,871 costs paid Court order
MC/18/3016	Coombe Lodge, Coombe Farm Lane, St Mary Hoo	Demolition of stable + 2 bed holiday let	Delegated	Partial against	Costs covering work on PROW issue
MC/18/1818	Plot 1, Medway City Estate	Retail development + drive through restaurant	Committee	Against	January 2020 costs paid £48,625.02 + VAT

Appeals 2021/2022

Ref.	Site	Proposal	Decision type	Costs	Comment
ENF/15/0260	Rear of 48 – 52 Napier Road, Gillingham	Enforcement notice re 6 self contained flats without planning permission	Enforcement notice upheld for flats A, B and C but not for flats D, E and F 46 Napier Rd	Partial for	Applicant demonstrated unreasonable behaviour resulting in unnecessary and wasted expense re the adjournment of the 11/09/2019 inquiry. £2,000 received
ENF/15/0244	Land at 20 – 22 Hillside Avenue, Strood	Enforcement notice re 10 self contained flats without planning permission	Enforcement notice upheld but deadlines extended	Partial for	Inspector found unreasonable behaviour resulting in unnecessary or wasted expense. £3,106.99 received.
MC/19/2552	14 Duncan Road, Gillingham	Part retrospective construction of part single storey rear extension and loft conversion without complying with a condition attached to MC/18/2676	Allowed	Against	Council refused removal of condition 4 without providing evidence to demonstrate the character of the area would be affected and why it considers HMOs to be of particular concern in the area. Costs paid £1,250

MC/19/0171	Land east of Mierscourt Road, Rainham	Outline application for 50 dwellings – resubmission	Dismissed	For	Unilateral Undertaking not acceptable and unreasonable behaviour as described in PPG. Costs received £8,749.
MC/20/0028	Hempstead Valley Shopping Centre	Erection of a drive through restaurant, reconfiguration of car park and closure of multi storey car park exit ramp	Allowed	Partial against	Committee overturn. Unreasonable behaviour resulted in unnecessary or wasted expense due to insufficient evidence to support refusal on design and impact on highways but no objection to scheme from Highways Authority. Off site littering: no such objection raised in another recent approval for a takeaway therefore inconsistent. Agreed costs £1,250 and paid.
MC/19/0036	87 Rock Avenue, Gillingham	Change of use from 6 bed HMO to 7 bed HMO	Allowed	Against	Insufficient evidence to substantiate reason for refusal. Costs paid to

					applicant £500 and to consultant £750 + VAT
MC/19/1566	Land off Pump Lane	1,250 dwellings, school, extra care facility, care home	Dismissed	Partial for	Costs incurred in producing impact appraisal addendums, during adjournment, for additional sitting day and making costs application. £79,500 received.

Appeals 2023/2024

MC/21/2361	Patman's Wharf, Upnor Road	Change of use from boat storage yard to residential, construction of six 3-bed terraced houses and two 2-bed flats	Allowed	Partial against	Costs cover the expense incurred by the applicant in attending the reconvened hearing due to the late submission of council's evidence. Costs paid to applicant. £4,740 + VAT
ENF/19/0025	1 Dean Road, Strood	Appeal against an enforcement notice issued on 6/4/2021 requiring applicants to a. Demolish the unauthorised	Allowed and enforcement notice is squashed	Against	Council acted unreasonably in issuing enforcement notice which put applicants to unnecessary expense in making appeals

		<p>single storey dwelling</p> <p>b. Remove all debris + associated materials from the property within 2 calendar months</p>			<p>against the notice, preparing statements an evidence that specifically support their appeals and response to the reasons for issuing the notice and making the costs applications. Costs paid £16,032 + VAT</p>
MC/22/1002	153 Fairview Avenue	Change of use from butcher's shop to takeaway pizza shop	Allowed	Against	<p>The applicant incurred unnecessary or wasted expense in the appeal process. Costs requested £3,500.</p>
MC/22/1867	Land east of Rainham Pumping Station and North of Lower Rainham Road	Construction of 2 detached residential properties with associated parking, access and landscaping works	Allowed	Against	<p>The Council's behaviour was unreasonable and the applicant was compelled to bear the expense of an appeal. Full costs awarded.</p>