

## **Planning Committee**

**20 November 2024**

### **Report on Appeal Decisions 1 July 2024 to 30 September 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 twelve appeal decisions were received. Four of these appeals were allowed, which included one enforcement appeal where the Notice was quashed and one enforcement appeal where the Notice was quashed and planning permission was granted. One appeal was part allowed and seven appeals were dismissed. Two appeals were turned away.

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 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 June 2023, shows the number of decisions overturned at appeal for major applications is 2.9% and 0.9% for non-major applications.

## 6. Consultation

6.1 Not applicable.

## 7. Climate change implications

7.1 All planning applications for new development 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 the Inspectorate having to re-consider the appeal and 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

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## Appendices

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

## Background papers

Appeal decisions received from the Planning Inspectorate for the period 1 July to 30 September 2024.

Gov.uk statistical data sets Table P152 and Table P154

**APPEAL DECISION SUMMARY**

**Appeals decided between 01/07/2024 and 30/09/2024**

**ENF/21/0003**

**55 Malborough Road, Gillingham – Gillingham South Ward**

Enforcement Notice served – 16 September 2021

Without the benefit of planning permission the construction of a residential block comprising 25 one bed and 10 two bed flats

Appeal decision – 5 July 2024

Appeal A is allowed and the enforcement notice is quashed

Appeal B is dismissed

**Summary**

Appeal A : The requirements of the notice are to demolish the unauthorised residential block of 35 flats in its entirety within four calendar months from the date the notice takes effect, and to remove all resultant debris and associated materials from the land within five calendar months from the date when the notice takes effect.

Appeal B : Planning application MC/21/0991 was refused by appeal decision dated 20 March 2023. This decision supersedes that issued on 20 March 2023. That decision on the appeal was quashed by order of the High Court.

Since the refusal of MC/21/0991, the Council has granted planning permission MC/21/3198 for a block of 34 flats, described as retrospective. Two subsequent applications have been approved for the conversion of the store and concierge areas to flats, references MC/23/2616 and MC/23/2617. Other applications have been made relating to the submissions of details or removal/variation of conditions relating to MC/21/3198.

Appeal A, Ground (b) : An appeal on this ground is that the matters described in the notice have not occurred. The Council allege that the building shown on the drawings relating to appeal B had been substantially constructed up to four storeys in height on the date of the site visit in relation to that planning application. The Inspector found it clear that the flats were not complete or occupied at the time of the site visit. As a result, it is clear a residential use had not commenced.

The appellant has supplied a number of photographs of the building taken after the enforcement notice was issued. These show the building as unfinished, based on the evidence submitted and on the balance of probability, the operational

development was not substantially complete and was not in use as a block of flats on the date the notice was issued. As a result, the development described in the notice had not occurred by the date of issue of the notice. As such, the Inspector concludes that the appeal should succeed on ground (b) and the enforcement notice will be quashed. In these circumstances, the appeals on grounds (a), (f) and (g) and the application for planning permission do not fall to be considered.

This decision supersedes that issued on 20 March 2023. That decision on the appeal was quashed by order of the High Court.

Appeal B : the main issues are the effect of the flats on the living conditions of neighbouring occupiers of 67 Marlborough road with particular regard to privacy; and whether occupiers enjoy satisfactory living conditions, having particular regard to outlook and privacy for flat 7 and the size of external living space for flats 1-3, 7, 9-17 and 21-33.

No 67 Marlborough Road neighbours the flats at No. 55, both fronting the road and separated by the access drive to parking for the flats at No. 55, over which further flats are proposed to be built. It comprises a terraced house, with a private garden to the rear. The development comprising appeal B would comprise flats to the front facing the road with further flats to the rear. These are arranged such that, on each of the ground to third floors, there are two flats behind one another to the rear facing over the access drive to the garden of No. 67. These overlap, so that the front flat on each floor has a Juliet balcony in the living room facing toward the rear and a living room window facing towards the garden of no. 67. Both flats on each floor have bedrooms facing in the same direction.

There is a fence on the boundary that would obscure views from the ground floor flats. However, as a result of the layout of the rear flats closest to No. 67, occupiers of those flats on the upper floors would be able to view into that garden. Therefore, the windows facing in that direction in the flats on other floors would result in overlooking of the garden of No. 67 and harm the privacy of occupiers of that house.

Obscure glazing and non-opening windows have been or could be fitted to the secondary living room windows and, subject to a condition ensuring this is fitted and retained, would reduce overlooking to some extent. However, similar windows within the bedrooms would result in a lack of outlook from those windows and inadequate living conditions for occupiers.

The Inspector concludes that the windows proposed in bedrooms and living rooms on the upper floors of the proposed flats facing toward the rear of 67 Marlborough Road would result in harm to the living conditions of occupiers of that property by reason of privacy.

The window to the second bedroom of the rearmost flats is at right angles to the Juliet balcony of the flats in the front. They are in very close proximity such that there would be intervisibility between the rooms. That results in a lack of privacy in the living rooms and bedrooms of these flats. Obscure glazing and fixing shut the bedroom window would result in a lack of outlook for occupiers of that room and result in inadequate living conditions for occupiers of those flats. The doors to the

Juliet balconies provide the main outlook and light into these living rooms. Fixing shut and obscure glazing to these doors would also result in inadequate living conditions for occupiers of those flats.

The flats to the rear of the building were not proposed to have private external living space in this scheme. This has been provided for some flats in the revised scheme and constructed on site. However, the Inspector needs to consider what was proposed in this application. That lack of private outdoor space means that the living conditions of occupiers of the affected flats would be poor. The Inspector noted that there is a park opposite that provides public space but does not wholly overcome the lack of private space proposed. The Inspector found that the lack of outdoor amenity space for many of the flats further contributes to inadequate living conditions for many of the occupiers.

The Inspector concludes that the development would harm the living conditions of occupiers of 67 Marlborough Road and does not provide adequate living conditions for occupiers of many of the flats.

This decision supersedes that issued on 20 March 2023. That decision on the appeal was quashed by order of the High Court.

## **ENF/20/0064**

### **89 Ingram Road, Gillingham – Gillingham North Ward**

Enforcement Notice served – 16 July 2021

Without the benefit of planning permission the construction of a block of 9 flats and external refuse storage areas

Appeal decision - 18 July 2024

Appeal A is allowed and the enforcement notice quashed and planning permission is granted

Appeal B is allowed

Applications for costs are the subject of two separate decisions

## **Summary**

The original decision letter in respect of appeals A & B was challenged. The consent order of the High Court confirmed that the planning merits of the proposed developments had not been assessed in accordance with the development plan as a whole. The Court ordered that the decisions be re-determined in accordance with these findings. A further hearing was held on 14 May 2024 and both parties provided additional evidence regarding parking and highways.

The appeal site is in close proximity to the town centre and transport links including the train station. The wider site has two blocks of flats; Block A which has 17 flats

and Block B which has 9 flats. There are 20 parking spaces in the development as built.

The development was not built as approved; there are an additional four flats, making nine in total in Block B, and there have also been changes to the approved refuse and cycle stores. This led to application which is the subject of Appeal B (MC/20/1180). The issue of enforcement notice relating to Block B is the subject of Appeal A.

The Council's planning concerns relate to the impacts of an increase in the number of residential units in Block B. The Inspector has no remit to consider whether planning permission should have been granted for Block B in the first place or matters related to the external design of the building.

The Inspector considers the main issues are whether the development harmfully gives additional pressure for on-street parking so as to cause unacceptable harm in relation to highway safety and the living conditions of nearby occupiers; and whether development results in unacceptable living conditions for the occupiers of Flat 18.

The development has resulted in the provision of nine flats in Block B alongside the permitted 17 in Block A. There are 20 parking spaces on the ground and this would rise to 21 if permission is granted for the development on the basis of the revised plan.

**Parking:** The Council has two concerns relating to on-street parking in the area, which they say causes highway safety issues through an increase in on-street parking and that it also causes detrimental impacts in terms of local living conditions. The main parties agreed to firstly assess whether the development provides sufficient parking within the appeal site, and only if it does not, then consider the effect on the on-street parking in the vicinity.

The development is in a sustainable location where there is easy access by walking and cycling to public transport and other amenities, including Gillingham town centre. The Council therefore accepts that the parking standards should be relaxed in relation to the on-site provision. Although the Council's position in these appeals is that there should be one bay per unit based on an unrestricted residential use permitted across Blocks A and B, which would then require 26 bays across the wider site.

The reality is that Block A has now been sold to the Council with only 12 parking bays which, under the proposed New Plan 1 and New Plan 2 layouts, would provide either 8 or 9 parking bays respectively to be used by Block B. The Council's highway evidence is that it is better to have unallocated spaces across both blocks so that there is increased flexibility, but this is not what is happening, as the two blocks are in different ownerships with their own separate parking spaces. The residents of Block A are not allowed to park in the parking spaces in the appeal site identified in the notice.

The appellants argue that the Parking Management Plan submitted to discharge the condition on the 2019 permission refers to unallocated spaces across the whole



original site. They say that the intention is for Block B to also be purchased by the Council as part of its housing function so that the current ownership of the associated parking spaces is not relevant. However, nothing has been provided to show that there is a binding agreement regarding this.

If the Council does not purchase Block B, the flats therein and the adjacent parking spaces would remain in separate land ownership. I would expect that the residents of Block A would not be allowed to park next to Block B. The Council's parking standards would not be met, since some of the flats have two bedrooms. However, there would still be one space per dwelling, which would exceed that of the 2020 permission, granted by the Council on the basis of there being 0.91 bays per unit, albeit for the whole site. Given the accessible location of the site, the Inspector considers that there would be sufficient parking spaces in principle.

If the Council does purchase Block B then all 26 flats would be let on a social rent basis. The appellant contends that only 18 parking spaces would be needed on the wider site if the flats were all in 'social rent' tenure. The Council does not directly disagree.

On that basis, the proposed provision of 21 parking spaces as shown in New Plan 2 would more than suffice for both Blocks. The Inspector considers that whether the flats in Block B are let on the open market or on a social rent basis, the parking provision shown in New Plan 2 would suffice for the development.

The Inspector heard significant and compelling evidence from local residents that there is severe on-street parking stress in the local area and accepts this is a busy residential area. However, the evidence does not show that the four additional flats in Block B have materially increased parking stress in the area. The enforcement notice does not relate to Block A or prevent the use of Block B for five flats.

The Inspector finds that the provision of parking spaces is acceptable in principle and the development has not demonstrably exacerbated on-street parking stress in the area. The indiscriminate parking that is seen in the area could not be said to originate from the development. The Inspector concludes that, given the highly sustainable location of the development, the Census Data and the Parking beat survey, the development does not give rise to additional pressure for on-street parking in the locality so as to cause unacceptable harm in relation to highway safety and the living conditions of nearby occupiers.

Flat 18 was adjacent to the waste storage area in the as built development which is inappropriate in terms of the living conditions of the occupants of that flat. The previous inspector accepted that the concern over the residential amenity of the occupiers of Flat 18 are overcome by the amended layout plan, which relocates the bin store so that there is sufficient distance between them and flat 18, and provides some additional soft landscaping. The Inspector sees no reason to disagree.

Concerns were also raised regarding whether the proposed parking layout was suboptimal for the bin wagon. The evidence shows that the bin lorries are able to reverse in without any issue and have been doing so for some time without a

problem. The Inspector found this factor alone would not cause an unacceptable impact on highway safety.

The Inspector is satisfied that a condition could secure the details, implementation and retention of an appropriate scheme for cycle storage.

The Inspector accepts that the four additional flats increases the number of people living in Block B, but only one of these flats is on the first floor with the other three located on the ground floor. Therefore, concludes the increase to any potential for an increase in the overlooking of the rear gardens of Gillingham Green is limited due to the fall-back position which exists in relation to the consented development.

Planning obligations have been provided for financial contributions to mitigate against the impact of the additional flats. The financial contributions would be used towards the provision and improvement of local health, education and recreational facilities.

The Inspector concludes that Appeal A succeeds on ground (a). Planning permission is granted for the operations as described in the notice. The enforcement notice will be quashed. Appeal B is also allowed. In these circumstances Appeal A on grounds (f) and (g) do not fall to be considered.

An application for an award of costs in Appeals A and B is refused. The appeals were successful but the Inspector did not find that the Council behaved unreasonably resulting in unnecessary or wasted expense.

## **MC/23/1384**

### **24 Ravenswood Avenue, Strood – Strood North & Frindsbury Ward**

Refusal – 7 September 2023 – Delegated

Construction of two front dormers and one rear dormer to facilitate living accommodation within the roof space along with raising the roof height.  
Construction of a single storey extension to rear/side and a single storey detached outbuilding to rear.

Allowed in part – 17 July 2024

## **Summary**

The main issue is the effect of the proposal on the character and appearance of the host property and the wider street scene.

Ravenswood Avenue is characterised by individual and small groups of traditionally designed detached bungalows, dormer bungalows and 2 storey attached and terraced houses. Despite the mixture of dwelling types, their similar front building lines and design detailing result in a sense of cohesiveness.

The appeal dwelling comprises a detached bungalow with a fully hipped roof and two projecting front bay windows under matching fully hipped roofs. The dwelling is flanked on either side by similarly designed bungalows, although one of them has had a hip to gable roof extension and has two large flat roofed dormers which sit below the ridge line on the front roof slope. All three dwellings occupy elevated positions above the road level which increases their prominence within the street scene.

Within the street scene there are a number of side gable end roofs and a variety of front dormer windows. This includes the dwelling at 22 Ravenswood Avenue, which was originally identical to the appeal dwelling. Accordingly, in principle a hip to gable extension and the insertion of two dormer windows on the front elevation would not look out of place within the street scene.

However, the proposal includes the raising of the walls of the dwelling above ground floor level and the removal of the hipped roofs over the front dormer windows. Within the new roof would be two large dormer windows, which would dominate the roof slope and be materially larger and out of alignment with the existing ground floor bay windows. The proposed dormers would also have uncharacteristic very shallow pitched roofs, with front facing gables which would be out of keeping with the host dwelling and the street scene. Also, when viewed from the southwest along Ravenswood Avenue, due to the raised height of the dwelling, the proposed side wall and rear dormer would together appear stark and top heavy alongside the dwelling at No. 22.

The appellant has referred to numerous roof additions in the local area. However, the Inspector considers none of the examples cited are directly comparable to the appeal proposal in terms of design and visual impact and they do not set a precedent for the appeal proposal.

The Inspector is less concerned about the proposed rear elevation. The rear garden slopes up from the house and rises to the northeast, with the dwelling at 26 Ravenswood Avenue occupying an elevated position. Within this environment the increased height of the dwelling would be less noticeable. It would be visually balanced and would not be out of keeping within the rear garden environment. The acceptability of this part of the proposal does not however outweigh the material harm the proposed extension would cause to the front elevation of the dwelling and the wider street scene.

The proposed outbuilding would sit at the rear of the garden and would be screened to the rear by a mature hedge and to the sides would be partially screened by tall fences. It would be visually uncluttered and its asymmetrical shallow mono-pitched roof would not be out of keeping within the rear garden environment and would not result in a material loss of privacy within the rear gardens and ground floor rear windows of the adjacent dwellings. This is provided the ground levels are not raised from their existing levels. This is a matter that could be dealt with by condition.

The appeal is dismissed in so far as it related to the proposed extensions to the dwelling. The appeal is allowed in so far as it relates to the proposed outbuilding.

**MC/24/0045**

**11 Windward Road, Rochester** – Rochester East & Warren Wood Ward

Refusal – 27 March 2024 – Delegated

Engineering works to front to provide a vehicle hard standing and crossover.

Allowed – 17 July 2024

### **Summary**

The main issues are the effect of the proposal on the character and appearance of the host dwelling and wider area, and whether the proposal would result in harm to pedestrian and/or highway safety.

Windward Road runs in a broadly north south direction and is located within a housing estate in Rochester and has a 30mph speed limit. The appeal site is on the east side of the road. On the west side of the road, the dwellings are located below road level and there is a grassed bank down to those dwellings. On-road parking is provided on the west side of Windward Road which leaves a width for one line of traffic to pass and repass when vehicles are parked there.

On a site visit the Inspector noted that some vehicles park straddled over the kerb partly on the footway which passes along the east side of the road in front of the appeal site. The appeal site is a semi-detached dwelling and the dwellings along the east side of the road generally have raised front gardens covered in grass and planting, a retaining wall next to the footway and steps up to the front doors of the dwellings.

The proposal seeks permission for the installation of a vehicle hardstanding which would provide space for one parked vehicle, and a crossover/dropped kerb to facilitate the on-site parking. The hardstanding would be created by cutting into the existing raised soft landscaping in the front curtilage of No. 11 so that the space is level with the existing public highway. The Inspector considers that the proposed development would result in a very engineered and hardened appearance to the road, harming the elevated soft landscaped garden area. This would be particularly detrimental given that there is an intensively built up environment which the greenery relieves.

The proposed dimensions of the hardstanding in the proposal location as shown in the amended drawing, which accompanies the Statement of Appeal, accord with the Highway Authority advice. There is concern that adequate pedestrian visibility splays may not be achievable. However, the Inspector is satisfied that adequate pedestrian visibility splays could be achieved, in particular if side walls of the hardstanding were slightly lower where they meet the footway. This can be overcome by a condition to the effect that 'Notwithstanding the approved plans, the development hereby permitted shall be provided so as to permit pedestrian visibility splays of 2.0m by 2.0m at the junction of the driveway and the adjacent footway from

their point of intersection. The areas within these splays shall be kept permanently free of all obstructions to visibility over a height of 0.6m above carriageway level'.

There would not be a loss of an on-street parking space as there is no legal parking on the east side of Windward Road. There is a benefit to on-street parking numbers as the occupant of the appeal site has a vehicle and that vehicle could thereafter park on-site.

The Inspector concludes that, subject to the imposition of appropriate conditions, the proposal would not result in unsafe conditions of highway users or pedestrians.

The Inspector identified that the proposal would result in harm to the character and appearance of the host dwelling and wider streetscene. However, the appellant has indicated that a child resident at the appeal site has a serious medical condition and the Inspector has been provided independent medical evidence. The Inspector has come to the view that the benefits of the proposed development for the child should be given substantial weight and concludes those benefits outweigh the disbenefit of harm to the character and appearance of the host dwelling and wider streetscene. The Inspector emphasised that this planning judgment has been made based on the specific and uncommon circumstances of this case. The circumstances are unlikely to arise again and a precedent for allowing crossovers in this area is not being set.

The appeal is allowed subject to conditions.

## 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 <b>High Court judgement on JR</b>
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 <b>Court order</b>
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>

**Appeals 2024/2025**

MC/23/0970	Land rear of 9-15 Railway Street, Gillingham	Construction of a pair of semi-detached mews Houses	Allowed	Against	The Council's behaviour was unreasonable and caused the applicant to incur unnecessary or wasted expense. Full costs awarded
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