

MC/25/0484

Date Received: 10 March 2025

Location: Land adjacent of "Kingsnorth", Sharnal Street, High Halstow, Rochester

Proposal: Outline application with some matters reserved (appearance, landscaping, layout) for the construction of two, 2 storey dwellings with off road parking.

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Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 17 December 2025.

Recommendation - Refusal

- 1 The proposal lies within a rural area and fails to delivery social and environmental sustainability, being outside of any settlement with very limited public transport links and services nearby, such that occupants of the development would be highly reliant on travel by private car and would be unlikely to make a significant contribution to the local community. Without justification and meeting identified housing needs the development would be harmful to the character and appearance of the site and its surroundings, having an incongruous urbanising effect in this rural, verdant setting. The development would, therefore, not represent sustainable development and would be contrary to Policies BNE25, S1, and S2 of the Medway Local Plan 2003 and paragraphs 11, 186 and 187 and 193 of the NPPF.
- 2 Without the submission of the minimum information requirements for a development to which the statutory biodiversity gain condition applies proper assessment of the proposals impacts on biodiversity and habitat value cannot be undertaken. Consequently, the local planning authority can not be satisfied that the development would avoid harm or would deliver the minimum 10% net gain required by legislation. The application is, therefore, contrary to the intentions of Schedule 7A of the Town and Country Planning Act which

require (non-exempt) development to set out baseline biodiversity value and then deliver a minimum of 10% gain above this.

- 3 The application fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution, the proposal fails to comply with the requirement of the Conservation of Habitat and Species Regulations 2010 and is contrary to Policies S6 and BNE35 of the Medway Local Plan 2003 and paragraphs 193 and 194 of the National Planning Policy Framework 2024.

For the reasons for this recommendation for Refusal please see Planning Appraisal Section and Conclusions at the end of this report.
Proposal

The proposal seeks outline planning consent with some matters reserved (appearance, landscaping, layout) for the construction of two, 2 storey dwellings with off road parking. The matters to be considered as part of this application, therefore, are the access for the development and its scale.

The application site is a plot of land located on the eastern side of Sharnal Street which, in this location runs parallel and, is to the east of Ratcliffe Highway. The site is located outside of any urban area or rural settlement. To the south of the site sits two existing dwellings known as Kingsnorth and Fenn Ridge and beyond this is Sharnal Street Farm. To the north are two dwellings known as Mays Farm and The Bungalow beyond which is a row of five detached dwellings before the road joins the remainder of Sharnal Street close to the roundabout with Ratcliffe Highway.

The indicative proposed block plan shows two detached dwellings located within their individual plots to the side of Kingsnorth. The site is approximately 0.175ha in size.

The indicative footprint of the proposed dwellings is approximately 208m² and both dwellings would benefit from reasonably sized gardens to provide a good level of private garden for the family dwellings and to reflect the size of the dwellings and rural character of the area.

The application proposes 2 dwellings that are 2 storeys in height with a ridge is indicatively shown to be 9.2m in height at its highest point, reflective of many rural style dwellings.

Relevant Planning History

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| MC/05/0921 | Outline application for two detached houses Refused 20 June 2005 Appeal Decision: Appeal Dismissed Appeal Date: 31 Jan 2006 |
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Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

4 households have written in to raise the following objections:

- The land is designated as countryside and is outside the urban boundary.
- The area is rural, and development would detract from the character of the area.
- Impact of the development will be at detriment to the roads and pedestrian safety.
- There are no mains drains located at the site and properties have cesspits.
- The site is prone to bogging due to an underground pond.
- There was a previous refusal and dismissed appeal for development in this location in 2006 and refusal reasons still stand.
- Concerns regarding capacity for new development with an overworked electricity network.
- Land level differences may result in flooding from the proposed development.
- Concerns regarding the level of consultation.

Southern Water has advised that they require a formal application to connect to public foul and surface water sewerage system. They advise that a sewer deemed to be public could be crossing the development site and that should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. *An informative will be added to the decision notice.*

Dickens Country Protection Society has commented on the application, raising an objection based on the fact the site falls outside of the urban boundary and sits in the rural confinement where new residential housing should be avoided.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2024 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

The Emerging Local Plan has been agreed by Full Council for Reg 19 publication, consultation and, following any changes required as a result of the consultation exercise, submission to the Inspectorate for examination. The policies within this version of the emerging plan have weight in the determination of planning (and associated) applications. However, due to the nature of this proposal, the stage of the emerging Local Plan, the existence of relevant adopted Policies in the Medway Local Plan (2003) and guidance in the NPPF it is considered that the proposal falls to be considered with regard to the adopted policies and guidance in the NPPF.

Planning Appraisal

History and background

As outlined within the history section of this report, the land previously had an outline planning application for two dwellings refused under planning reference MC/05/0921. The application was refused in June 2005 on the following ground:

“The proposed development constitutes sporadic development within the open countryside, and the submitted application fails to demonstrate any recognised rural special needs justification. The proposal is, therefore, contrary to Policies BNE25 of Medway Local Plan 2003 and Policies E1 and HP6 of the Kent and Medway Structure Plan (Deposit Plan) 2003 and the guidance contained within PPS7 “Sustainable Development in Rural Areas”.

This decision was taken to appeal and determined on 31 January 2006 to which the Council's decision was upheld. The Inspector concluded that the development would detract from the rural character and appearance of the area. Furthermore, the Inspector explained that the site is located outside the urban boundary and the application at the time did not meet the requirements of the additional policies set out in the refusal.

Committee should note that while the character of the immediate area is very similar to what existed in 2005/06 the Kent and Medway Structure Plan no longer exists. The application, therefore, needs to be assessed against the existing Development Plan – the 2003 Local Plan, the emerging Local Plan (which carries moderate weight) and the current NPPF.

The current application was originally reported to Planning Committee on 24 September 2025 with a recommendation for approval subject to conditions and a S106 and that recommendation was ratified by Committee. However, that recommendation was based on the fact that the proposal at that time was for 2 self build dwellings and both officers and members considered the weight to be attached for the provision of self build tipped the balance in the consideration of the application to one of approval.

The applicant has now confirmed that the application is no longer for self build dwellings and, therefore, it is appropriate to bring the application back to Committee to re-consider the Planning Balance in the absence of this being a self build scheme.

In assessing the application previously members attention was drawn to the following applications - application reference MC/20/1025 for the construction of three self-build dwellings, which following refusal, was allowed at appeal, at 309 Lower Rainham Road, Rainham and the construction of 35 dwellings at the Hollies and Southview, Sharnal Street, High Halstow permitted under application reference MC/21/2612. The key aspects of relevance to this application are outlined in the paragraphs below.

The three dwellings proposed at Lower Rainham Road under ref. MC/20/1025 were refused and allowed at appeal and the key similarities between that development

and this application relate to the location and character of the area and the weight given to provision of housing and in particular housing of a self build nature. That site was located outside of any urban area or rural settlement and in an Area of Local Landscape Importance (ALLI). It was also not in a location that had easy access to necessary day to day facilities or alternative modes of transport. The Inspector outlined that the section of Lower Rainham Road, where the site was located contained a mixture of open land with small pockets of development. This is not dissimilar to the character surrounding this application site. The Inspector concluded in terms of the impact on the character and appearance of the surrounding area that:

“It is difficult to reconcile this site with the term “countryside”. For the reasons given the proposal would not have an adverse impact on wider landscape character and, therefore, would accord with Policy BNE34. However, by building on the land some of its openness would be lost contrary to Policy BNE25 and to that extent there would be some detriment to the locality. There would, therefore, be harm caused to the character and appearance of the surrounding area, but the level of that harm would be limited and localised.”

In terms of that site being in an accessible location the Inspector concluded:

“The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, opportunities to promote walking, cycling and public transport should be pursued, and patterns of growth managed accordingly. Three new dwellings would not be a major development. However, the reality is that future occupiers are likely to be car dependent for most journeys as the services within easy reach are sparse. So, whilst some choice exists the proposal would not encourage use of sustainable transport modes and would not be in accessible location. It would, therefore, be at odds with the relevant part of Policy BNE25.”

The Inspector weighed heavily in favour of the scheme for providing three self-build dwellings for which there is a demand and would address the needs of a group with specific requirements and although three dwellings would not greatly improve the total supply, in the current circumstances in Medway any additional provision would be valuable. At that time the self build register recorded 79 individuals.

With regard to what was paragraph 9 now Paragraph 8 of the Framework the Inspector advised:

“The starting point is that permission should be granted. The overall adverse impacts would be significant although qualified to some extent by the small scale of the proposal. The objections identified nevertheless need to surmount a high hurdle to prevail in this balance. Indeed, they do not significantly and demonstrably outweigh the benefits of three additional homes for self-build when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development should be applied.”

The Inspector concluded:

“The proposed development would be contrary to the development plan but material considerations, especially the presumption in the Framework, outweigh this conflict.”

It is clear, therefore, that the Inspector noted the harm of that development on the rural character of the area and that the development was car reliant and not sustainable. The provision of 3 dwellings would also have a nominal impact on the Council meeting its 5 year housing land supply. However, the Inspector placed great weight on the dwellings being self build and this tipped the balance to one of approval for that appeal.

The development now known as The Hollies was granted planning permission under ref. MC/21/2612 for the construction of 35 dwellings. This site is in relative close proximity to this application site, which was considered to be acceptable and offered certain aspects to make the development more sustainable which included a S106 contribution to fund an additional bus service for a period of three years, development delivered at a faster rate with development commencing within one year of planning permission being granted, achieving a carbon reduction of at least 50%, gardens provided with necessary services to facilitate future outbuildings/work pods.

However, the Hollies is in a part of Sharnal Street that was/is a different character to the site now under consideration here. That part of Sharnal Street has greater and closer frontage development as well as built development to the rear. The landscape and visual impact of the Hollies development was considered to be limited and acceptable. The provision of 35 houses also goes some way to helping to meet the 5 year housing land supply.

It is not considered that the Kingsnorth site is comparable to the Hollies in terms of character, with existing dwellings being purely frontage and well spaced with large open areas of fields separating the dwellings and no development to the rear. The landscape sensitivities of the site are also far greater.

The Planning Committee on 24 September considered all of the above , but following the Inspectors lead with the Lower Rainham Road appeal, attached great weight to the self build nature of the application. This no longer applies and, therefore, the Planning balance for the application needs to be reconsidered.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is located outside of any defined urban area and is not within the confines of any recognised village or hamlet. Policy BNE25 of the Local Plan states that development in the countryside will only be permitted in specified circumstances, none of which apply to the current case, in so far as it is not

proposed as an agricultural, forestry, outdoor recreation or other use requiring a countryside location nor does it represent the re-use or adaption of an existing building and is not a modest extension or redevelopment of an existing building.

Furthermore, as a site located within the countryside, the principle of the proposed development would fall outside of the development strategy as set out in the Local Plan, which directs development to brownfield sites. Additionally, Policies S1 and S2 of the Local Plan seek to prioritise development within the existing urban fabric.

As such there is non-conformity between the restrictive countryside Policy BNE25, S1 and S2 within the Local Plan. However, footnote 8 of the NPPF relates to paragraph 11(d) and together set out a presumption in favour of sustainable development where applications involve the provision of housing, and where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 78), or where the Housing Delivery Test (HDT) indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. As members will be aware from the HDT Action Plan reported to them in August 2025, the most recent HDT results show that Medway has achieved 72% in the preceding 3 years. In addition currently the Council only has approximately 3 years housing land supply. There is, therefore, a significant need for new housing in the Medway Area.

It is necessary to consider whether this proposal is sustainable development, and to also consider the impact of the development on the character of the area and the importance of the site in landscape terms. The NPPF definition in paragraph 8 refers to sustainable development having an economic, social and an environmental role, and these three overarching objectives need to be pursued in mutually supportive ways.

With regard to sustainability, consideration needs to be given to economic, social and environmental objectives.

Economically, the proposal would offer limited short-term benefits as the site would boost the local economy during the construction process providing jobs in the short-term and there would be some benefit to local services and businesses. The future occupiers would provide additional custom for nearby shops and businesses. This can be given **very limited weight** in favour of the application.

In terms of the social aspects of the development, the proposal would contribute two dwellings towards the housing need of Medway. This would be a very small contribution, and now the self-build element of the application has been removed the application would no longer provide a contribution towards the housing register in regards to providing a required self-build need within Medway which means the application is no longer considered to be supported Paragraph 73b of the NPPF.

Paragraph 73b of the NPPF states that local planning authorities should:

“Seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom build housing;”

The emerging reg 19 Local Plan also includes a small sites Policy T11, which seeks to encourage small sites that contribute positively to the local community and adhere to sustainable development principles.

For reference of the location, while in principle it could be argued that the site is within walking distance of the Fenn Bell Public House and Bradfields garage both are up hill while providing very limited services. Bradfields is primarily a vehicle repair establishment (to which people would drive anyway), although it also serves as a ‘top up’ for everyday goods. The site is also poorly served in terms of access to public transport and bus stops.

It is not considered that 2 dwellings would significantly contribute towards the Council meeting its 5 year housing land supply and, therefore, the provision of housing can only be attributed **very limited weight**.

As such furthermore, it can be considered that the site would not provide or contribute to the creation of strong, healthy and well-connected communities. The site would be considered to be fairly remote from public transport, healthcare and employment opportunities. As such the removal of the self-build nature of the proposal would mean that on the balance of the scheme the proposal would fail to support social inclusion or accessibility contrary to the NPPFs requirement to promote healthy, inclusive, and safe places. The **harm in terms of lack of sustainability should be given significant weight** in light of the lack of positive overriding benefits.

Environmentally the application is for an outline with landscaping matters reserved as part to be submitted as part of any forthcoming reserved matters application. From the proposed block plans it is considered that the scheme could be well landscaped but the proposal would start to erode the spacing between the properties in this part of Sharnal Street, which is an important character of this immediate area and would result in some further suburbanisation into the countryside. It is considered that in principle, residential development here would cause harm to the wider character and functioning of the countryside particularly due to the erosion of the open field. This **harm has moderate weight**.

Furthermore, Paragraph 187 and 193 of the NPPF requires that planning decisions protect and enhance valued landscapes and secure measurable biodiversity net gains. As the self-build element of the proposal has been removed and no Biodiversity Net Gain Assessment, ecological baseline or mitigation measures/strategy have been provided with the application this fails to demonstrate compliance with statutory biodiversity requirements resulting in unacceptable environmental uncertainty and potential harm. The proposal, therefore, conflicts with the NPPF’s requirement to protect the natural environment and secure measurable ecological enhancement.

When assessed against planning policy the application fails to satisfy policy BNE25 and furthermore when assessed against Paragraph 11 of the NPPF the proposal fails to satisfy the social and environmental objections of sustainable development and offers only limited economic benefit. The cumulative harm from the unjustified countryside development, impact of the development, and failure to demonstrate biodiversity net gain outweighs any benefits and as such the presumption in favour of sustainable development does not apply in this instance.

Design

The NPPF attaches great importance to the design of the built environment. Paragraphs 131 and 135 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan is a general, criteria-based policy for all development. It seeks appropriate design in relation to the character, appearance and functioning of the built and natural environment.

This is an outline application with some matters reserved including appearance. However, consideration has been given in terms of the impact that the proposal would have on the character of the area. As the appearance is a reserved matter, the development provides a potential opportunity for exceptional, innovative and high-quality design to be submitted and achieved at the site. However, the outline application nature of the proposal and the indicative drawings do not give sufficient information to conclude positively on this aspect.

The dwellinghouses would be visible from both the streetscape and the gardens of neighbouring properties. The streetscape consists of a mixture of architectural designs with varying scales and plots. The scale of the dwellings is the only consideration under the outline application, and it is considered that the indicative proposed dwellings scale is of a similar scale in regard to the footprint to the dwellings within the immediate vicinity. The dwellings sit in generous plots and comfortably within the existing rural street scene and would not create a sense of overdevelopment, they are positioned to broadly follow the established building line whilst they sit further forward than Kingsnorth the properties further up the road are further forward than Kingsnorth and the rural nature of the surroundings means that there is not a regimented and clear building line, nor would one be appropriate.

However, as referenced within the principle of development, Policy BNE25 of the Local Plan is of relevance and it states that the loss of countryside to encroaching urbanising development should be resisted, and that development will only be permitted whereby it maintains, and wherever possible enhances, the character, amenity and functioning of the countryside,

In this instance, the application is for an outline with design to be secured via a reserved matters application and it would be expected for a rural design with extensive consideration to respect and justification for the rural and countryside location. In this instance the proposal would introduce an unjustified new built development in a location where no development is supported in principle and would result, therefore, in the erosion of the countryside character without justification and, therefore, contrary to policy BNE25 and Paragraph 174 of the NPPF.

Amenity

Neighbour Amenity

Paragraph 135f of the NPPF states that achieving well-designed places should include creating a high standard of amenity for existing and future users. Policy BNE2 of the Local Plan expects all development to secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

Given the arrangement of the proposed dwellings within the site and their relationship with the existing dwellings adjacent to the site and each other, the application is an outline application and does not involve the appearance or layout. Indicative plans have been submitted and it is not considered that the proposals would negatively impact on the amenity of neighbouring properties with regard to loss of daylight, outlook, privacy or overshadowing.

Due to the proximity of neighbouring properties, the construction of the development itself could lead to noise and nuisance dust emissions to nearby residential properties. This concern could be addressed through a condition requiring the submission of a construction environmental management plan.

Furthermore, due to the location of the plots and their siting especially in relation to the neighbouring property at Kingsnorth, if the application was to be recommended for approval it would be necessary to ensure it continues to maintain the character and appearance of the area as well as ensuring no detrimental impact on neighbouring residential amenity should further development occur within the site. This concern could be addressed by a condition that permitted development rights be removed for further alterations or enlargement of the dwellings in particular to development under Classes AA, A, B, C and E of the GPDO.

The indicative plans show some side facing windows at first floor. If the scheme was to be recommended for approval these would be sought to be relocated or conditioned to be obscure glazed within any reserved matters application. However, in this case as the application was for outline and if it was to be considered for approval an informative would have been attached for the applicant's attention.

Given the size of the dwellings from the indicative plans, there could have been potential for the properties to be converted into small HMOs in the future, which in turn may result in a harmful impact to the amenity of neighbouring residents through increased comings and goings and parking demand. This could be addressed through a condition removing permitted development rights.

On this basis, the proposal is considered to be in accordance with the provisions of Policy BNE2 of the Local Plan and paragraph 135(f) of the NPPF.

Occupant Amenity

Again as this is an outline application the layout of the dwellings would be assessed at the reserved matters application, however, with respect to the living conditions of potential residents of the site itself the proposed dwelling would need to be assessed with regard to the minimum space standards set out in the technical housing standards – nationally described space standard (the national standard) and to the guidance given in the Medway Housing Design Standards (MHDS) (interim) 2011 with respect to gardens sizes. It is considered that dwellings can be achieved on site that would meet these standards.

In general, if the application were to be recommended for approval it is considered that the impact on neighbouring amenity and future occupier amenity would be acceptable and in accordance with Policy BNE2 of the Local Plan and 135(f) of the NPPF.

Highways

Policy T1 of the Local Plan relates to the assessment of the highways impact of development and outlines the criteria of when development would be permitted. Paragraph 116 outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

BNE25 also references that small scale development will not warrant rejection on highway or access grounds if it gives rise to only modest additional daily vehicle movements and the impact on minor roads would not be significant. In this instance the development is considered to be small scale and would only arise to modest daily vehicle movement.

To access Sharnal Street, access would be from Ratcliffe Highway near to the roundabout associated with Christmas Lane. The access for the proposed development is from the existing street of Sharnal Street which whilst it could be considered narrower than modern roads is sufficient to accommodate two vehicle movements without raising highways safety concerns. It is acknowledged that Sharnal Street is part of a cycle route and is used by many cyclists as way of avoiding danger of Peninsula Way, however, it is considered that the addition of two dwellings when considering the level of residential occupancy along this part of Sharnal Street is not considered to detrimentally impact the safety for pedestrians, cycle use or highways safety.

The indicative site plan/block submitted shows 3 parking spaces for each dwelling. The adopted Interim Residential Parking Standards require the provision of a minimum of two car parking spaces for a 3+ bedroom property. The access to both plots is around 5m for both plots and is considered sufficient space to access the site. Further details will be secured at reserved matters stage if the application were to be approved.

It should be noted that the NPPF has put sustainable development as a central core and paragraph 117e outlines that development should provide electric charging facilities. This could be conditioned on any approval.

The proposal provides adequate parking in accordance with Medway's interim Parking Standards, as such no objection is made to the parking provision, which accords with current policy and in terms of the impact to the highways, given that this application is for two dwellings, no objection would be raised. No objection is raised in relation to vehicle parking or highway safety under Policies BNE25, T1 and T13 of the Local Plan and Paragraph 115 and 117e of the NPPF.

Flooding

Advice has been provided from Southern Water regarding the drainage at the site and the applicant would be reminded by informative if recommended for approval that they would be required to contact southern water on this matter. The flood zone for the site has been checked and is listed as very low for flooding and groundwater, as such no objection is raised in relation to this matter.

Climate Change and Energy Efficiency

A Climate change statement has not been submitted with this application. However, as this is an outline application this would be submitted alongside each reserved matters application for the individual plots and could be secured by way of a condition on any approval and, therefore, the application would be in accordance with paragraph 163 of the NPPF.

Biodiversity Net Gain (BNG)

Previously the application was exempt from the BNG 10% net gain due to the development being under 0.5ha and falling within the definition of the self-build under the Self Build and Customer Housebuilding Act 2015.

However, as referred to above, the applicant has confirmed he is unable to undertake the proposals as self-build by definition and has requested the application to be assessed without the self-build element. The application has failed to provide sufficient information regarding ecological information to demonstrate that the proposed development would secure a measurable Biodiversity Net Gain as required by Section 90A of the town and country planning act 1990 (as amended) and The Biodiversity Gain requirement (Planning) Regulations 2023, which mandate a minimum 10% net gain in biodiversity for all qualifying development. No ecological baseline, metric calculation, habitat survey, or mitigation/compensation proposals have been provided to the local planning authority too assess the ecological impacts of the development.

Without this information, it prevents the proper assessment of the proposals impacts on biodiversity and habitat value. Consequently, the local planning authority can not be satisfied that the development would avoid harm or would deliver the minimum 10% net gain required by legislation.

As such the application is in contrary to Paragraph 193 of the NPPF 2024.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £337.49 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

The application fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution, the proposal fails to comply with the requirement of the Conservation of Habitat and Species Regulations 2010 and is contrary to Policies BNE35 and S6 of the Medway Local Plan 2003 and paragraphs 193, 194 and 195 of the NPPF.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

Conclusions and Reasons for Refusal

The proposal lies within a rural area and fails to delivery social and environmental sustainability, being outside of any settlement with very limited public transport links and services nearby, such that occupants of the development would be highly reliant on travel by private car and would be unlikely to make a significant contribution to the local community. Without justification and meeting identified housing needs the development would be harmful to the character and appearance of the site and its surroundings, having an incongruous urbanising effect in this rural, verdant setting. The development would, therefore, not represent sustainable development and

would be contrary to Policies BNE25, S1, and S2 of the Medway Local Plan 2003 and paragraphs 11, 186 and 187 and 193 of the NPPF.

Without the submission of the minimum information requirements for a development to which the statutory biodiversity gain condition does apply have not been submitted. This prevents the proper assessment of the proposals impacts on biodiversity and habitat value. Consequently, the local planning authority cannot be satisfied that the development would avoid harm or would deliver the minimum 10% net gain required by legislation. The application is, therefore, contrary to the intentions of Schedule 7A of the Town and Country Planning Act which require (non-exempt) development to set out baseline biodiversity value and then deliver a minimum of 10% gain above this.

The application fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution, the proposal fails to comply with the requirement of the Conservation of Habitat and Species Regulations 2010 and is contrary to Policies S6 and BNE35 of the Medway Local Plan 2003 and paragraphs 193 and 194 of the National Planning Policy Framework 2024.

The application would normally be determined under delegated powers but is being referred for Committee determination as the Committee had previously taken a view on the application when it included self build dwellings. It is, therefore, appropriate for the Committee to reconsider the planning balance now the self build element has been removed.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>