

**MC/25/1687**

Date Received: 19 August 2025  
Location: Phipson Croft, Sharnal Street, High Halstow, Rochester  
Proposal: Outline application with some matters reserved (Appearance, Landscaping) for construction of up to 9 no. dwellings.  
Applicant: Mr Satminder Sangha  
Agent: Mark Carter Associates  
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Ward: Hoo St Werburgh & High Halstow  
Case Officer: Chantelle Farrant-Smith  
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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 14 January 2026.**

**Recommendation - Refusal**

- 1 The site lies within a rural area and is not in a sustainable location, 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. In addition, the proposed form of development, the design of the dwellings and their siting, 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 BNE1 and BNE25 of the Medway Local Plan 2003 and paragraphs 7, 8, 11, 83, 131 and 135 of the NPPF.
- 2 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 application with some matters reserved (Appearance, Landscaping) for construction of up to 9 no. dwellings. Matters relating to Layout, Scale and Access are for consideration as part of this application.

The existing property at Phipson Croft is a detached dwelling with front and rear gardens. To the north east there is a field bounded by post and rail fencing and it is this field that is the subject of this application. To the south west there are 4 detached dwellings in a linear form fronting on to Sharnal Street. The access to the field is in close proximity to the junction of Sharnal Street with the A228 and in turn that access is close to the roundabout with Christmas Lane.

The application proposes to utilise and improve an existing gated access into the field and to construct a new access road into the site from which each dwelling would secure its own access.

The proposal comprises of 4x 5 bedroom and 3x 4 bedroom detached dwellings with one 3 bedroom semi-detached pair. The plans demonstrate the scale of the dwellings measuring approx. 5m to the eaves and 8.7m to the ridge. Appearance of the proposed dwellings is a reserved matter.

The submitted layout of the proposed dwellings demonstrates that each dwelling would be served by off-road parking and would have both front and rear gardens. Landscaping is a reserved matter.

## **Relevant Planning History**

The site has no relevant planning history in itself but there are a number of recent decisions in the area that the Planning Committee should be mindful of in making a decision.

### *Fisherwood House, Sharnal Street*

MC/24/0708	Construction of 2 detached 5 bedroomed dwellings within the grounds of <i>Fisherwood House</i> . <i>Refused – appeal dismissed 21/10/2025.</i>
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### *Land adjacent to the Fenn Street and Ratcliffe Highway*

MC/24/0291	Full planning of associated application for 44 new homes (use class C3) with the provision parking, open spaces, SUDs and earthworks. Provision of overflow parking for Fenn Bell Conservation project and enhancement to existing access from Fenn Street. Approved 09/12/2024.
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*The Gables (to the rear of the existing dwelling), Sharnal Street*

MC/23/0027            Construction of 1 x single storey holiday let bungalow with associated parking and access to the front.  
Refused, appeal dismissed 13/02/2024.

*Toilers Croft, Sharnal Street*

MC/23/0891            Demolition of existing dwelling and erection of 4 new residential dwellings with associated access, parking and amenity areas.  
Approved 14/08/2023.

*Land west of Newlands Road Farm, St Marys Hoo*

MC/23/0568            Outline application with all matters reserved for the construction of 4x four self-build/custom home build plots.  
Refused - Appeal Dismissed 29/02/2024.

*5 Bellwood Court, St Marys Hoo*

MC/22/2934            Construction of a detached dwelling with associated parking and landscaping.  
Refused – Appeal Dismissed 23/01/2024.

*The Hollies and Southview, Sharnal Street*

MC/21/2612            Demolition of existing dwellings and outbuildings and construction of thirty-five dwellings with creation of a new access from Sharnal Street and associated car parking, hardstanding, landscaping, open spaces, infrastructure including drainage and earthworks.  
Approved 30 May 2022

*Fenn Farm, Fenn Street, St Mary Hoo*

MC/20/1818            Construction of 4 x four-bedroom detached houses; 1 x three-bedroom detached house with associated two detached garage blocks - one block incorporating a one-bedroom flat over together with means of access and car parking provision.  
Refused - Appeal Dismissed 12 August 2022

## **Representations**

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

**2 Letters** of objection has been received raising the following objections:

- Large dwellings out of character.
- Highways Safety.

- Increase in traffic.

**Southern Water** has provided recommended conditions relating to surface water drainage.

**KCC Ecology** are satisfied with the submission subject to conditions.

**High Halstow Parish Council** object to the application, raising concerns of

- Increase in traffic.
- Unsustainable area.
- Lack of S106 contributions.
- Countryside location.
- Loss of mature trees.

## **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 has now been submitted under Regulation 22 to the Planning 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**

### *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 proposal site lies within open countryside, outside the built confines of any settlement and has no other particular designations within the Local Plan. 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.

Policy BNE25 of the Local Plan directs that development in the countryside will only be permitted on a site allocated for that use; development essentially demanding a rural location, or the re-use or adaption of an existing built-up area. It is in

considering these Local Plan policies that the proposal, as a residential scheme on an unallocated site is in principle unacceptable.

As such there is non-conformity between the restrictive countryside Policies 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.

Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and that where the development plan policies are out-of-date, including in respect of applications for the provision of housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, permission should be granted unless given circumstances apply.

The NPPF also provides a narrative in terms of housing proposals for the rural area at Paragraph 79, which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

It is also 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 nine dwellings towards the housing need of Medway. This would be a very small contribution and would not include any affordable housing as it is below the policy requirement level.

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, the site is within walking distance of the Fenn Bell Public House and Bradfields garage but both provide 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.

Due to the distance to any fundamental services and the limited public transport options currently, the development would very much be car reliant. It is not considered, therefore, that the site is in a sustainable location.

It is not considered that the provision of 9 dwellings, with no affordable homes, would contribute significantly to the Council’s housing land supply and, therefore, the provision of housing can only be attributed **very limited weight**.

Environmentally the application is for an outline with matters of access, layout and scale for consideration. The site is currently an open field and the immediately surrounding character is one of detached properties set in a linear form with substantial gardens, but even then it is only a small cluster of properties. To the north west, north east and to the rear (south east there are open fields. This is very different from the character of that part of Sharnal Street and Fenn Corner which recently obtained planning permission for 35 and 44 dwellings respectively. The proposed development would be out of character with its immediate setting and would be harmful to the rural character of the area. 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 significant weight**.

In assessing the acceptability of the development in principle in this location, consideration has been given to several recent planning decisions in the local area (see history section above). It is recognised that planning permission has recently been granted for 44 houses (MC/24/0291) at Fenn Corner and for 35 houses (MC/21/2612) at the Holies. The assessments of these applications acknowledged the sustainability concerns of their locations, but considered that the landscape impact for those applications was more limited due to the existing development surrounding those sites, but also weighing this with the significant benefits including affordable housing provision/contributions and contributions to improvements to public transport, and on balance permission was granted.

A finely balanced approval was also granted for 4 houses at Toilers Croft, however, after this decision, appeals against the refusals of three applications (MC/23/0027, MC/23/0568 and MC/22/2934) for a holiday let bungalow, 4 self-build/custom homes

and a detached dwelling have been dismissed. Most recently, the appeal against the refusal at Fisherwood House (APP/A2280/W/25/3364270) whereby the Inspector identifies the pattern of development differs towards the north east of the A228 to the south of the A228 and the area which includes the Hollies and that development within this area would vastly change the character and openness of the countryside location. This is the same consideration in terms of the site the subject of the current application and the area to the north east which includes the Hollies.

In all the relevant dismissed appeals, the Inspectors raised concern regarding reliance on the private car, that the location did not offer a realistic chance or access to services and facilities by a range of transport modes and harm to the character of the (rural) area. They did not accept that the provision of limited housing and no affordable contributed significantly to the Council meeting its housing need and that the benefits of the development did not outweigh the harm. The same conclusions apply to the current application for 9 houses on an open field.

In summary, the proposal is contrary to the development plan, does not constitute sustainable development, has a reliance on the private car and has an unacceptable landscape impact on the character of the area, all of which are not outweighed by the limited benefit of providing only 9 homes with no affordable homes.

### *Design*

The Government attaches great importance to the design of the built environment. Good design is considered a key aspect of sustainable development and is indivisible from good planning. Paragraph 131 of the NPPF is key to the achieving well designed places and requires that developments (in part) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Local Plan Policy BNE1 requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment.

At present the site of the proposed dwellings is open with a verdant appearance in keeping with the rural surroundings. The proposed houses have a suburban feel and would be highly visible in the wider landscape. Their siting and design do not take any steer from the rural location and the immediate linear character of the surrounding 5 houses but are rather at odds with it encroaching significantly into the more open landscape to the side and rear of those existing properties, to the detriment of the green and rural character and appearance of the surroundings.

The site is within Character Area 11 Hoo Peninsula Farmland in the Medway Landscape Character Assessment 2011 (MLCA). This area is generally in poor condition with moderate sensitivity, the guidance seeking to resist suburbanisation, particularly along roadside edges.

It has been explained above how the character of that part of Sharnal Street that includes the Hollies was and is different as is the area surrounding Fenn Corner.

The Planning Inspector notes in recent appeal dismissal at Fisherwood House (APP/A2280/W/25/3364270) that detached dwelling in terms of their bulk and massing would be comparable to others within the surrounding area, however, would result in a suburbanisation. This is very much the same for this current application while also resulting in associated domestic paraphernalia and an intensification of residential use which would 'significantly erode the spaciousness' of the site which would have harmful effect on the more rural and open character.

In summary the siting and design of the proposed dwellings would be harmful to the character and appearance of the site and its surroundings, resulting in an incongruous urbanising effect in this rural, verdant setting. The development would be contrary to Policies BNE1 and BNE25 of the Local Plan and paragraphs 131 and 135 of the NPPF.

### *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.

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbouring amenity and secondly the living conditions which would be created for the potential occupants of the development itself.

### Neighbour amenity

With regard to neighbours, the only two properties directly impacted would be Phipsons Croft which is within the application site and Bettean. While the proposal would introduce some overlooking of those properties, due to the separation distances and the size of the gardens of those properties it is not considered that this limited overlooking would result in an unacceptable loss of amenity. There would be no impact in terms of outlook or shadow on either of these properties.

The new access road would be adjacent to the side of Phipsons Croft, but again by virtue of the layout of that property and the size of its garden, it is not considered that any impact would be so great as to justify a refusal.

Due to the size of the proposed dwellings, there is the potential for them to be converted to HMO's in the future should permitted development rights not be removed. The consequence of such a change may result in harm to neighbouring residential amenity in terms of noise and disturbance from increased comings and goings as well as pressure for parking. It is, therefore, recommended that if planning



permission is granted, a condition be attached removing the permitted development rights.

It is also recommended that permitted development rights be removed for further outbuildings, and extensions to the dwelling to ensure the impact on the countryside setting and neighbouring amenity is properly assessed. This can be controlled by an appropriate condition on any approval.

There is the possibility of disturbance during construction and in order to keep that impact to a minimum any approval should include a condition requiring a Construction Environmental Management Plan. Subject to this it is not considered that there would be any unacceptable impact on adjacent residential amenity.

### Occupier amenity

The proposed dwellings would be of ample size with regard to the Technical Housing Standards – Nationally described space standards (March 2015) and they would have large gardens. There is no amenity objection to the living conditions which would be created for potential residents.

The application was accompanied by an acoustic assessment, which demonstrates modest mitigation will be required to achieve internal and external guideline noise levels. This can be secured by way of a condition on any approval.

Subject to the imposition of appropriate conditions on any approval, the amenity impacts of the development are considered acceptable including with regard to Policy BNE2 of the Local Plan and paragraph 135 of the NPPF.

### *Highways*

Policy T13 of the Local Plan relates to vehicle parking standards, cars and cycles. Policy T1 of the Local Plan relates to the impact of development on the highway network.

The proposed new access can achieve the necessary vision splays and its proximity to the junction with the A228 is acceptable. On site car parking to serve each dwelling can be provided to meet the interim parking standards.

One electric vehicle parking space per dwelling is required and this can be secured by planning condition. In addition to this one cycle space per dwelling would be required and again can be secured by planning condition.

Subject to suitably the above conditions being imposed on any approval, no objection is raised in relation to vehicle parking or highway safety under Policies T1 and T13 of the Local Plan and paragraphs 111 and 112E of the NPPF.

### *Climate Change and Energy Efficiency*

An Energy Statement has been provided which includes proposals for LED lighting, rainwater harvesting, PV systems, porous hard surfacing and other measures.

If the application were to be approved, it is considered that more can be secured to ensure a fabric first approach to construction along with other aspects to improve further each properties sustainability credentials. This can be secured by condition on any approval which would then ensure compliance with paragraph 154 of the NPPF.

### *Ecology*

A Preliminary Ecological Appraisal submitted with the application has recommended suitable enhancements. This can be secured via suitably worded condition on any approval.

Subject to the imposition of this condition on any approval, no objection is raised regarding Policies BNE37 and BNE39 of the Local Plan and paragraph 180 of the NPPF.

### *Biodiversity Net Gain*

Under the Environment Act 2021, all planning applications now submitted must deliver at least a 10% biodiversity net gain (BNG), unless specifically exempt under the related legislation. When the application was originally submitted it was said that the development was exempt as a self-build and custom build development, but it has since been clarified that this would not be the case, and a Biodiversity Net Gain Feasibility Assessment and Metric has been submitted.

The Metric submitted with the application is adequate to determine the baseline for a 10% BNG. Of the area 'habitats' that will be lost during development, the BNG plan creates a variety of different area 'habitats' in its stead, which include vegetated garden, introduced shrub and individual trees within development boundary. Additionally, a pond, individual trees and enhancement of modified grassland into other neutral grassland will be implemented within the ownership boundary. The submission will reach the national standard of 10% biodiversity net gain by achieving a 35.77% for 'area habitats' and 294.21% for 'hedges and lines of trees. If permission was granted a biodiversity gain plan would need to be submitted to demonstrate in more detail how the proposed BNG would be delivered.

In summary, there is no overriding objection on the grounds of BNG including with regard to Policy BNE37 of the Local Plan and paragraphs 187 and 193 of the NPPF.

### *Flood Risk*

A review of the Environment Agency's Flood Map for Planning indicates that the site is located within Flood Zone 1 and, therefore, has a low probability of flooding from rivers and the sea.

Whilst the proposal site is at low risk of flooding it is necessary to ensure that measures are taken to manage water disposal within the site and this can be secured by an appropriate condition on any approval.

Subject to the recommended condition, the proposal is in accordance with Policy CF13 of the Local Plan and paragraph 172 of the NPPF.

### *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 £328.27 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 S6 and BNE35 of the Local Medway Local Plan and paragraphs 193 and 194 of the NPPF.

### *Planning Balance*

An assessment of any adverse impacts of granting planning permission needs to be made in accordance with paragraph 11(d) of the NPPF.

**Benefits** – In economic terms, there would be short term, temporary benefit of jobs during the construction period. In social terms, there is a significant need for new dwellings in Medway, although the provision of nine houses would make a very limited contribution to this. No affordable homes are proposed.

**Adverse impacts** – In environmental terms, the site is in a rural area and realistically the occupants would be dependent on private car for travel, with minimal alternative for day-to-day activities and needs. In addition, the form of the proposed development, somewhat suburban and incongruous within the rural, verdant setting, would harm the character and appearance of its surroundings.

*Conclusion* – Paragraph 11(d) of the Framework is engaged given the lack of five-year housing supply being in place and Policy BNE25 of the Local Plan carrying less than full weight. This indicates that planning permission should be granted unless one of the given circumstances applies. In the current case the development would not be sustainable and would not secure a well-designed place, therefore, there is a clear reason for refusing the development which would not be outweighed by any social or economic benefits when assessing the development against the NPPF as a whole.

## **Conclusions and Reasons for refusal**

The proposed development is not in a sustainable location, such that occupants would be reliant on private car use, and the design of the development would be harmful to the rural, verdant setting, having an incongruous urbanising effect. On balance, despite the general presumption in favour of development and the lack of housing supply, it is, therefore, considered that the harm would outweigh the benefits of the development.

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 Local Medway Local Plan and paragraphs 186 and 187 of the National Planning Policy Framework 2024.

The refusal of permission is, therefore, recommended including with regard to Policies S6, BNE1, BNE2, BNE23, BNE25, BNE35, BNE37, BNE39, BNE41, BNE43, T1, T2, T4 and T13 of the Local Plan and paragraphs 7, 8, 11, 73, 82-84, 115-117, 135, 136, 161, 163, 187, 193, 194 and 196 of the NPPF.

The application would normally be determined under delegated powers but is being referred to Committee for determination at the request of the Chief Planner, reflecting the need for Committee to take a considered view on the planning balance considering the Planning history in the area and also reflecting potentially conflicting advice given at the pre application stage.

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## **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/>