

Planning Committee

11 February 2026

Report on Appeal Decisions 1 October to 31 December 2025

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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 in Appendix A.

A total of 15 appeal decisions were received, one of which was a Planning Committee overturn decision, which was dismissed by the Planning Inspector and two related to enforcement. One of these appeals was allowed and fourteen were dismissed. The percentage of appeals allowed during the period is 6.66%.

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 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 officer 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 For quality of decision-making assessment, any authority that has more than 10% of either major or non-major applications overturned at appeal over a specified two year period is at risk of designation. The assessment period for quality of decision-making continues to be 24 months as it is considered the number of relevant cases is lower than for the speed of decision-making and if measured over 12 months would represent too few cases to provide an accurate measure of performance.
- 5.4 The most up-to-date Government data, which is for the 24 months to the end of December 2024, shows the number of decisions overturned at appeal for major applications is 1.1% and 0.8% 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.

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Appendices

Appendix A Summary of appeal decisions
Appendix B Report on appeal costs

Background papers

Appeal decisions received from the Planning Inspectorate for the period 1 October to 31 December 2025.

Gov.uk statistical data sets Table P152 and Table P154

Appeal Decision Summary

Appeals decided between 01/10/2025 and 31/12/2025

Appeal Decision TPA/25/0022

Site and Proposal Overview

- **Location:** 1 Campleshon Road, Parkwood ME8 9LE
 - **Appellant:** Mr David Graeme
 - **Proposal:** T1 – Beech – Reduce height by 2-3m leaving tree height at 22m by removing approximately 19 4th order branches with a maximum diameter of 80mm, reduce crown spread over house back to just over the gutter by removing approximately 10 3rd and 4th order branches with a maximum diameter of 80mm, crown lift to 6m and reduce radial width over garage by 102m leaving 3m radial width by removing 3rd and 4th order branches with a maximum diameter of 80mm, cut back to natural target collars and remove small deadwood. T2 – Beech – crown lift to 6m, cut back to natural target collars and remove small deadwood.
 - **Delegated decision**
 - **Decision Date:** 23 December 2025
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Appeal Outcome

- **Appeal Allowed:** Consent granted for works to T1 and T2 subject to conditions.
 1. Works to be completed within two years.
 2. Works must comply with BS3998:2010 Tree Work – Recommendations.
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Inspector's Reasoning

1. Visual Importance: The trees are prominent, forming a single crown visible from public vantage points and contributing significantly to the street scene.
2. Effect of Works: Reduction and lifting would alter their form but harm would be minimal given their size and crown volume. They would remain imposing features.
3. Safety Concerns: Appellant cited proximity and branch loss over garage. No evidence trees are dead, dying, or dangerous, but some deadwood and upper crown dieback were noted.

4. Justification:

- Deadwood removal does not require consent, but crown lift and reduction do.
- Works proposed are sensitive to tree health and future form, aligning with best practice (BS3998:2010).
- Previous council advice supported crown lifts of 5–6m.
- Appellant's living conditions and professional advice weigh in favour of the appeal.

5. Balancing Exercise:

- Some negative effect on appearance, but negligible harm overall when considering surrounding woodland.
- Particular circumstances justify pruning despite lack of extensive supporting evidence.

Final Remarks

The Inspector concluded that, while some visual impact will occur, the works are justified and proportionate. The decision emphasizes balancing tree preservation with reasonable living conditions and professional arboricultural advice.

Appeal Decision MC/25/0387

Site and Proposal Overview

- **Location:** Land to the east of Eastern Road, Gillingham
- **Appellant:** Mr Michael McGlynn (Aitco Ltd)
- **Proposal:** Permission in Principle for five residential units.
- **Committee decision** – Officer Overturn
- **Decision Date:** 17 June 2025

Appeal Outcome

- **Appeal Dismissed** and Permission in Principle was refused

Inspector's Reasoning

The key issue was whether the site was suitable in principle for housing, with specific consideration of ecology, character and appearance, and future living conditions.

- Ecology was the decisive factor. A 2019 survey showed the presence of protected slow worms, and the site remains heavily vegetated, suggesting

continuing habitat use. No updated ecological survey was provided, leaving uncertainty about impacts on protected species. This resulted in conflict with Local Plan policies BNE37 and BNE39, and represented significant harm.

- Character & appearance were found acceptable in principle. The surrounding area contains varied residential development, and a five-unit scheme would not harm local character.
- Living conditions for future residents were also acceptable in principle; layout and privacy matters could be resolved at a later stage.

Final Remarks

The Inspector concluded that, although the council lacks a five-year housing land supply, meaning the presumption in favour of sustainable development applied, the ecological harm was judged to significantly outweigh the modest benefits of five new homes.

REPORT ON APPEALS COSTS

Appeals 2019/2020

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

Appeals 2021/2022

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

MC/19/0171	Land east of Mierscourt Road, Rainham	Outline application for 50 dwellings – resubmission.	Dismissed	For	Unilateral Undertaking not acceptable and unreasonable behaviour as described in PPG. Costs received £8,749.
MC/20/0028	Hempstead Valley Shopping Centre	Erection of a drive through restaurant, reconfiguration of car park and closure of multi storey car park exit ramp.	Allowed	Partial against	Committee overturn. Unreasonable behaviour resulted in unnecessary or wasted expense due to insufficient evidence to support refusal on design and impact on highways but no objection to scheme from Highways Authority. Off site littering: no such objection raised in another recent approval for a takeaway, therefore, inconsistent. Agreed costs £1,250 and paid.
MC/19/0036	87 Rock Avenue, Gillingham	Change of use from 6 bed HMO to 7 bed HMO.	Allowed	Against	Insufficient evidence to substantiate reason for refusal. Costs paid to applicant £500 and to

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

Appeals 2023/2024

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

		associated materials from the property within 2 calendar months			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.
MC/22/1002	153 Fairview Avenue	Change of use from butcher's shop to takeaway pizza shop.	Allowed	Against	The applicant incurred unnecessary or wasted expense in the appeal process. Costs requested £3,500.
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	The Council's behaviour was unreasonable and the applicant was compelled to bear the expense of an appeal. Full costs awarded. Costs paid £7,550 + VAT.

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.
ENF/21/0327	Land at Factory Farm, Wouldham Road, Rochester	Material change of use of land to a mixed use for importation, deposit, processing and transfer of waste, stationing of shipping containers for storage, vehicle breaking and repair, and a residential caravan site including the construction of buildings, fencing, gates and hard surfacing.	Upheld subject to variation of periods for compliance	Partially for	Cost of the appeal proceeding incurred in preparing the appeal statement and attending the site visit.

Appeals 2025/2026

MC/24/2564	211 High Street, Chatham	Change of use to arcade incorporating bingo (sui generis)	Allowed with conditions	Partially against	The Council's behaviour caused the applicant to incur unnecessary or wasted expense. £4,945 + VAT paid
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