

MC/26/0584

Date Received: 25 March 2026

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

Proposal: Outline application with all matters reserved for the construction of two 5no. bedroom two storey self-built dwellings with off road parking and landscaping.

Applicant Mr George Gadd

Agent Deva Design  
Mr Dave Chamberlain  
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Minister On Sea  
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Ward: Hoo St Werburgh & High Halstow

Case Officer: Amy Shardlow

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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 1 July 2026.**

**Recommendation - Approval Subject to the applicant completing a unilateral agreement under s106 to secure the following:**

- 1. To secure the dwellings being delivered as self-build.**
- 2. The payment of £674.98 (plus £550 legal and monitoring officer fees) to cover bird mitigation costs.**

**And the following conditions:**

- 1 Approval of the details of the layout, scale, appearance of the buildings (including details and samples of all materials to be used externally), means of access and the landscaping (hereinafter called "the reserved matters") on each plot shall be obtained from the Local Planning Authority in writing before any development on that plot is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory.

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 25 March 2026:

DC/1063 Site Location and Block Plan

N.B floor and elevation plans are indicative and, therefore, not included.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 5 The details to be submitted in pursuance of condition 1 shall show adequate land reserved for the parking of vehicles for each dwelling hereby approved and upon approval of the details, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 6 No development shall take place above slab level in relation to each plot until details of the provision of 1 electric vehicle charging point per dwelling has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. No dwelling herein approved, shall be first occupied until the chargers have been implemented in accordance with the approved details and they shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 117E of the NPPF.

- 7 The landscape details to be submitted in pursuance of condition 1 shall show full details (position, design, materials and type) of boundary treatments as well as areas of both hard and soft landscaping. The approved boundary treatment shall be completed before the relevant dwelling is first occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual and residential amenity in the locality in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) the dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 9 No development above slab level at each individual plot shall take place until an energy efficiency and climate change statement for that plot has been submitted to and approved in writing by the Local Planning Authority. The development herein approved shall incorporate the approved measures to address energy efficiency and climate change.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 163 the National Planning Policy Framework 2024.

- 10 The development herein approved shall incorporate the measures to address energy efficiency and climate change as required and approved under condition 9 of this planning permission. No dwelling shall be first occupied until a verification report for that dwelling prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 163 the National Planning Policy Framework 2024.

- 11 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 12 No development on any individual plot shall take place until details of measures to enhance biodiversity at the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to first occupation and shall thereafter be retained.

Reason: Required prior to commencement of development to ensure satisfactory arrangements are made to safeguard habitats in the interests of ecology in accordance with Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 13 Applications for the approval of reserved matters in relation to landscaping shall include full details of both hard and soft landscape works and a timetable for implementation. These details shall include existing and proposed finished ground levels; car parking layouts; other vehicle and pedestrian access and circulation areas; all paving, roadways and external hard surfacing; minor artefacts and structures (refuse receptacles, planters, tree grilles) Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 14 No development to either plot shall take place until a Construction Environmental Management Plan (CEMP) for that plot has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working including delivery/collection times from the site; measures to prevent vehicles from idling when not in use/waiting; measures to control noise affecting nearby residents; parking plan for any associated vehicles; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times

in accordance with the approved Construction Environmental Management Plan.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 15 Prior to occupation of either of the 2 plots, a Landscape Management Plan for the separate parcel of land (Southern area) of the site shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include; detailed landscaping plan showing all trees to be retained and secured on site during and post construction, native and wildlife-friendly planting, management responsibilities and maintenance schedules for a minimum period of five years and arrangements for implementation. The development shall thereafter be managed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003; and to protect and enhance the natural environment in accordance with paragraph 187 of the National Planning Policy Framework 2024.

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

### **Proposal**

The proposal seeks outline planning consent with all matters reserved for the construction of two, 2 storey self-build dwellings with off road parking.

The application site is a plot of land located on the eastern side of Sharnal Street which, in this location, runs parallel with 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 208m<sup>2</sup> and both dwellings would benefit from reasonably sized gardens to provide a good level of private garden for the family dwellings proposed and to reflect the size of the dwellings and rural character of the area.

The application proposes 2 self-build dwellings that are 2 storeys in height with an indicative ridge height of 9.2m.

## Relevant Planning History

- MC/25/0484      Outline application with some matters reserved (appearance, landscaping, layout) for the construction of two, 2 storey dwellings with off road parking.  
Decision: Refused  
Date of Decision: 15 January 2026
- MC/05/0921      Outline application for two detached houses.  
Refused 20 June 2005  
Appeal Decision: Appeal Dismissed  
Appeal Date: 31 January 2006

## Representations

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

**3 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 were 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.

**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 submitted to the Inspectorate for examination. The policies within this version of the emerging plan have some limited weight in the determination of planning (and associated) applications.

## Planning Appraisal

### *History*

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 policies set out in the refusal.

As the Medway Local Plan is of significant age and the Council cannot demonstrate a 5 year housing land supply, paragraph 11d of the NPPF is enacted which make it clear that policies that seek to restrict the supply of homes are considered to be out of date and the presumption in favour of sustainable development applies.

As the application is for self-build dwellings it is appropriate to apply additional weight to the need for the provision of such properties in Medway. In this respect, consideration of recent appeal decisions for self-build development within Medway is appropriate. This includes application reference MC/20/1025 for the construction of three self-build dwellings at 309 Lower Rainham Road. That application was refused due to its impact on the rural character of the area. However, following an appeal the development was allowed. 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 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.”*

Planning Application MC/25/0484 on the current application site, was originally proposed for 2 self-build dwellings and the Planning Committee on 24 September 2025 resolved to approve that application subject to securing a Unilateral Undertaking agreement for the self-build nature of the dwellings.

However, subsequent to that resolution and prior to any agreement being finalised and the decision being issued, the applicant changed the application to remove the element of self-build and, therefore, it was brought back to Committee to re-consider the Planning Balance in the absence of this being a self-build scheme. The application was then refused in January 2026 on the following grounds:

- 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 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.*
  
- 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.*

The current application is now a re-submission of MC/.25/084 in its original form, for 2 self-build dwellings.

### *Principle*

The application site is located outside of any defined urban area. 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. 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 conflict with the restrictive countryside Policies BNE25, S1 and S2 within the Local Plan. However, footnote 8 of the NPPF relates to paragraph 11(d) and these set out a presumption in favour of sustainable development where applications involving 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. The most recent HDT results show that Medway has achieved 72% delivery against need in the preceding 3 years. 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.

In these circumstances, consideration has been given to whether or not a development in this location would be sustainable and with regard to the advice on rural housing in paragraphs 82-84 of the NPPF.

Paragraphs 82-84 of the NPPF outline that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs and to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

In this instance, the previous decision by the Planning Committee in January 2026 is very clear, that despite the need for housing, this is not considered to be a sustainable site and due to the distance from local services would be unlikely to make a significant contribution to the local community.

The issue is, therefore, whether the provision of 2 self-build plots where there is a demonstrable and unmet need in Medway, outweigh the harm to the character of the area as set out in the first reason for refusing the previous application.

It is, therefore, 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.

Economically, the site would have a limited and short-term boost on the local economy during the construction process. Due to its unsustainable location and resultant reliance on the car, it is considered that the proposal for 2 homes benefit to local 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; however, it is a contribution, nonetheless. The nature of the proposed scheme as a self-build project must also be considered. Self-build is defined as when someone gets involved in or manages the construction of their new home (definition from NACSBA).

Footnote 28 of the NPPF states:

“Under section 1 of the Self- Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of that Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.”

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;”

In terms of Medway's Self-Build Register, the level of demand is monitored via annual base years.

<b>Base Period</b>	<b>Year</b>	<b>Number of individual entrants</b>	<b>Number of association entrants</b>	<b>Total</b>
1	1 April 2016 to 30 October 2016	15	0	15
2	31 October 2016 to 30 October 2017	39	0	39
3	31 October 2017 to 30 October 2018	14	1	15
4	31 October 2018 to 30 October 2019	14	1	15
5	31 October 2019 to 30 October 2020	17	0	17
6	31 October 2020 to 30 October 2021	12	0	12
7	31 October 2021 to 30 October 2022	12	0	12
8	31 October 2022 to 30 October 2023	9	0	9
9	31 October 2023 to 30 October 2024	7	0	7
<b>Total</b>		<b>139</b>	<b>2</b>	<b>141</b>

These figures indicate there is a clear demand for self-build plots in Medway, which has increased considerably since the appeal decision on Lower Rainham Road, and together with the impetus from the Government for the type of self-build development that is proposed under this application, this is a development that should be encouraged. The applicant is committed to ensuring the self-build nature of the scheme and has incorporated this commitment furthermore by agreeing to enter into a Unilateral Undertaking prior to a decision being issued.

It can, therefore, be concluded that the social aspects of the development, in particular the delivery of housing for a particular group – self-build - **weigh significantly in favour** of the application.

Environmentally the application is for an outline form, with all matters, including landscaping, reserved for later approval. The site is significantly outside any settlement and within the countryside, albeit located close to a few other dwellings and buildings. It was previously determined that 2 houses would cause some harm to the countryside and have an incongruous urbanising effect on this rural area. This could be mitigated to some degree by landscaping and, therefore, the harm should be given **medium weight** rather than significant weight.

The application needs to be carefully considered in the planning balance, therefore. The development would have limited economic benefit, while causing harm to the character of the rural area. The provision of 2 dwellings would only have a limited benefit in terms of the Council's 5 year housing land supply but it is the provision of both properties for self-build and the very clear demand for such properties that tip the balance in favour of the proposal (as previously agreed) subject to an appropriate unilateral undertaking to secure this.

### *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, and as this is a self-build application, the development provides a potential opportunity for exceptional, innovative and high-quality sustainable design to be submitted to the council 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.

As the external appearance will be considered under the reserved matters application, details of materiality will be dealt with at that stage.

The design considerations will be assessed in accordance with Policy BNE1 of the Local Plan as well as paragraphs 131 and 135 of the NPPF at the time of the reserved matters submission.

### *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.

As referenced above the application is outline with all matters reserved, however, it must be considered the impact any proposed development will have towards amenity and 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 and, therefore, a condition is recommended requiring the submission of a construction environmental management plan.

The application is an outline form with all matters reserved for later approval. However, given the size of each plot and the relationship with neighbouring land and property it is considered that a development can be secured on site without harm to the amenities of occupiers of neighbouring properties.

On this basis, it is considered that a development can be secured that is 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. It is considered based on the size of the plots that a development can be secured that meets or exceeds the minimum space standards set out in the technical housing standards – nationally described space standard (the national standard) and the guidance given in the Medway Housing Design Standards (MHDS) (interim) 2011 with respect to gardens sizes.

Given the likely size of the dwellings, there is 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. It is, therefore, recommended that permitted development rights be removed with regard to the change of use between use class C3 and C4.

Further consideration of the impact on residential amenity will be assessed at the time of the reserved matters submission. However, on the whole, it is considered that the design of two dwellings on this site could be developed to protect the amenities of existing and future occupiers. However, this is a matter that would be properly considered at reserved matters stage. In principle, 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.

#### *Landscaping*

Matters of landscaping will need to be carefully considered within any reserved matters application as it is acknowledged that any development would cause some harm to the rural character of the area.

## *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 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.

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, therefore, a condition is recommended to fulfil this objective.

In terms of the impact to the highways, given that this application is for two dwellings, no objection is raised and no objection is raised in relation to Policies BNE25 and T1 of the Local Plan and Paragraph 115 and 117e of the NPPF.

## *Flooding*

In response to the objections further advice has been provided from Southern Water regarding the drainage at the site and the applicant is reminded by informative added to any forthcoming decision that they will 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, however, as this is an outline application this would be submitted alongside each reserved matters application for the individual plots and as such the statement and subsequent verification report have been secured by condition for their submission with the reserved matters application for each individual plot.

Subject to sufficient measures being provided via condition the proposal would be in accordance with paragraph 163 of the NPPF.

### *Biodiversity Net Gain (BNG)*

The applicant has stated that the development is 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.

To be considered a self-build Section 1(A1) of the Self-build and Custom Housebuilding Act 2015 states: "In this Act "self-build and custom housebuilding" mean the building or completion by:

- (a) individuals;
- (b) associations of individuals, or
- (c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals."

Section 1(A2) states: "But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person."

In this instance, the applicant has confirmed that the dwellings will be marketed as self-build units and the application has been altered to an outline requiring the submission of details relating to the design and layout ensures that the purchaser of the plot will have input into the final design and layout and, therefore, the development will meet the requirements of being self-build dwellings. In order to secure this an appropriate Unilateral Undertaking and condition are recommended. Therefore, the development is exempt from the statutory 10% BNG requirement.

Notwithstanding the above it is considered appropriate to secure measures to improve biodiversity within the site in order to enhance the environmental credentials of the development and an appropriate condition is recommended.

Subject to the above recommended conditions no objection is raised in relation 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 (SAMMS) 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 applicant has agreed to make payment subject to the application being acceptable and approval secured at committee, therefore, no objection is, therefore, raised under Policies S6 and BNE35 of the Local Plan and paragraphs 186 and 187 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 Approval**

It is considered that the development of this site is not sustainable (in locational terms) and would be harmful to the rural character of the area. However, on balance, the need for housing and in particular, the demonstrable need for self-build dwellings in medway, outweighs the harm in this instance subject to the required unilateral undertakings to secure the self-build nature of the proposal and the required contribution to bird mitigation. In addition, it is considered that a self-build proposal can secure a highly sustainable development in construction terms while also potentially delivering a design that achieves both sensitivity in terms of location with high quality appearance.

The application is accordingly recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation for approval and based on the previous and recent planning history relating to this site.

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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 in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>