

## **Planning Committee**

**29 July 2026**

### **Report on Appeal Decisions 1 April to 30 June 2026**

Report from: Gillian James, Assistant Director, Culture & Community –  
Regeneration Culture Environment and Transformation

Author: Dave Harris, Chief Planning Officer

#### **Summary**

This report informs Members of appeal decisions. The summary of appeal decisions for those allowed or where decisions were made by the Committee contrary to Officer recommendation is listed in Appendix A.

A total of nine appeal decisions were received during the period, eight were delegated decisions, one was a Committee decision which overturned the officer recommendation and one related to enforcement. Six of these appeals were dismissed. Three appeals were allowed, one with costs.

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 or the agreed extension period if one had been agreed.

- 3.3. Where the Council has taken enforcement action through the serving of an Enforcement Notice then an appeal can be lodged in relation to that. An appeal cannot be lodged though in relation to a breach of a condition notice on the basis, primarily, that if the individual did not like the condition, then they could have appealed against that at the time it was originally imposed.
- 3.4. The appeals are determined by Inspectors appointed by the Secretary of State and administered by the Planning Inspectorate, which informs Medway Council of the Inspector's decision. In a limited number of cases appeals are determined by the Secretary of State after considering an Inspectors report.
- 3.5. In accordance with the decision made at the Planning Committee on Wednesday 5 July 2017, Appendix A of this report, will not summarise all appeal decisions but only either those which have been allowed on appeal or where Members made a contrary decision to the officers' recommendation.

#### 4. Advice and analysis

- 4.1. This report is submitted for information and enables members to monitor appeal decisions.

#### 5. Risk management

- 5.1. As part of the reform of the planning system, the Government are focusing on planning committee decisions, with the Planning Inspectorate being asked to start reporting to Government about cases where a successful appeal is made against a planning committee decision contrary to the officer recommendation. The overturning of a recommendation made by a professional officer should be rare and infrequent. The Government have reminded the Inspectorate that where it cannot find reasonable grounds for the committee having overturned the officer's recommendation, it should consider awarding costs to the appellant.
- 5.2. Monitoring of all appeal decisions is undertaken to ensure that the Council's decisions are being defended thoroughly and that appropriate and defensible decisions are being made by Committee and under delegated powers. The lack of any monitoring could lead to more decisions going contrary to the Council's decision possibly resulting in poorer quality development and also costs being awarded against the Council.
- 5.3. 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.

The most up-to-date Government data, which is for the 24 months to the end of June 2025, shows the number of decisions overturned at appeal for major applications is 1.1% and 0.7% for non-major applications.

## 6. Consultation

6.1. Not applicable.

## 7. Climate change implications

7.1. All planning applications for new development must have a section on Climate Change and Energy Efficiency.

## 8. Financial implications

8.1. An appeal may be determined after a Public Inquiry, an Informal Hearing or by exchange of written representations. It is possible for cost applications to be made either by the appellants against the Council or vice versa if it is alleged that either has acted in an unreasonable way. Powers have now been introduced for Inspectors to award costs if they feel either party has acted unreasonably irrespective of whether either party has made an application for costs.

8.2. It is possible for decisions made by Inspectors on appeal to be challenged through the courts but only if it is considered that an Inspector has erred in law, for instance by not considering a relevant issue or not following the correct procedure. A decision cannot be challenged just because an Authority or an aggrieved party does not agree with it. A successful challenge would result in the Inspectorate having to re-consider the appeal and to make the decision again in the correct fashion, e.g. by taking into account the relevant factor or following the correct procedure. This may lead ultimately to the same decision being made.

8.3. It is possible for Planning Inspectors to make a “split” decision, where they allow one part of an appeal but not another. This is not possible for the Council when it makes its original decision on the planning application other than for an advert application.

## Lead officer contact

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## Appendices

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

## Background papers

Appeal decisions received from the Planning Inspectorate for the period 1 April to 30 June 2026.

Gov.uk statistical data sets Table P152 and Table P154

**Appeal Decision Summary**

**Appeals decided between 01/04/2026 and 30/06/2026**

**Appeal Decision MC/25/1571**

**Site and Proposal Overview**

- **Location:** 33 Stopford Road, Gillingham
  - **Appellant:** Beck Nichols Properties Ltd
  - **Proposal:** Change of use from a 6-person C4 HMO to an 8-person sui generis large HMO
  - **Decision:** Delegated
  - **Decision Date:** 31 October 2025
  - **Appeal Decision Date:** 9 April 2026
- 

**Appeal Outcome**

1. **Appeal Allowed with conditions.**
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**Inspector's Reasoning**

The appeal was determined primarily on two issues:

1. Whether the proposal would harm:
  - the character of the area; and
  - neighbouring residential amenity through noise and disturbance.
2. Whether the development would provide a suitable standard of accommodation for future occupiers, particularly regarding communal living space.

**Character of the Area and Neighbour Amenity**

The Council relied heavily on Policy H7 of the Medway Local Plan 2003.

Policy H7 seeks to ensure that HMOs are located where:

- The area is predominantly mixed-use or commercial in character;
- Adjoining or nearby properties are already HMOs or non-residential uses;
- The property is too large for occupation by a single household; and
- Increased activity would not harm local amenity

## **Inspector's Findings on Location**

The Inspector found that Stopford Road is overwhelmingly residential in character. Although there is:

- A shop at one end of the road; and
- A church and pre-school at the other,

The street itself is mainly made up of residential dwellings. Consequently, the Inspector rejected any suggestion that the site lies within a predominantly mixed-use or commercial area.

The Inspector also concluded that:

- Neighbouring properties are not predominantly HMOs;
- There was no evidence of nearby non-residential uses adjoining the site;
- Other HMOs identified by the appellant were too far away to satisfy Policy H7 requirements.

Therefore, the proposal was found to conflict with Policy H7 in locational terms.

## **Existing HMO Use Was a Significant Material Consideration**

However, the Inspector attached considerable importance to the fact that:

- The property is already a lawful six-bedroom HMO;
- The appeal concerned an increase from six to eight occupants;
- There was no evidence that refusal would result in the property reverting to a family house.

The Inspector, therefore, regarded the conflict with Policy H7 as significantly reduced because the appeal related to the expansion of an existing HMO rather than the creation of a new one.

## **Noise and Disturbance**

Objectors raised concerns regarding:

- Noise;
- Comings and goings;
- Anti-social behaviour; and
- Impacts on neighbouring residents

The Inspector noted that:

- Medway Council provided little detailed evidence to support these concerns;
- There was no evidence of formal complaints arising from the current operation of the HMO;
- No substantive evidence showed existing management problems. The Inspector accepted that:
  - Two additional tenants would generate some extra activity;
  - There would inevitably be more visitors, deliveries, and movements.

However, the Inspector considered it unlikely that increasing occupancy by only two individuals would produce a noticeable or harmful change.

Importantly, the Inspector observed that HMO-related activity patterns already exist at the property.

As a result, any differences from a traditional family dwelling were already established characteristics of the site.

### **Conclusion on Character and Amenity**

The Inspector concluded that there was no convincing evidence demonstrating that:

- The proposal would materially alter the character of the area;
- Neighbouring residents would suffer unacceptable noise;
- Significant disturbance would arise. Accordingly, the proposal was found to comply with the amenity objectives of Policies H7 and BNE2.

### **Quality of Accommodation and Communal Space**

The Council argued that:

- The communal area would be inadequate for eight people;
- The kitchen, dining and lounge areas were combined into one room;
- There should be separate communal spaces.

The Inspector noted a significant weakness in the Council's case:

- No adopted planning policy was identified specifying minimum communal space standards;
- No adopted guidance required separate kitchen and living rooms. Following the site inspection, the Inspector found:
  - The kitchen area was adequately sized;
  - Residents had seating and dining facilities;
  - Access to the garden did not undermine the usability of the room.

The Inspector also agreed with previous appeal findings elsewhere in Medway that: HMO occupants do not typically operate as a single household and would not all use the communal space simultaneously.

As a result, the Inspector concluded that the communal facilities would adequately serve eight occupiers.

### **Emerging Local Plan Given Little Weight**

Medway Council referred to emerging Policy T8 in the draft Medway Local Plan 2041, which it argued would require separate kitchen and reception areas.

The Inspector attached negligible weight to this policy because:

- The Local Plan was only at examination stage;
- It was unclear whether objections remained unresolved;

- Policies could still change before adoption.

## **Other Issues**

Local residents argued that the development would worsen parking pressures.

The Inspector found:

- The Council had not refused the application on highway grounds;
- There was no evidence of severe highway impacts;
- Parking spaces were available during the site visit;
- The site occupies a sustainable location;
- Cycle storage would encourage alternative travel choices.

The Inspector, therefore, rejected the suggestion that a parking management plan was necessary.

Concerns about builders' vehicles during works were dismissed because:

- Any parking disruption would be temporary;
- The works were relatively small-scale.

The Inspector agreed with the Council's assessment that:

- Bedroom sizes were acceptable;
- Accommodation standards were satisfactory;
- There was no persuasive evidence of pressure on local infrastructure.

The Inspector confirmed that:

- Effects on property values are not material planning considerations;
- Day-to-day building management matters fall outside planning control.

## **Habitat Regulations Assessment**

The site lies within the Zone of Influence of the:

- Thames Estuary and Marshes SPA/Ramsar;
- Medway Estuary and Marshes SPA/Ramsar;
- Swale SPA/Ramsar.

The Inspector accepted that additional residents could increase recreational pressure on these internationally important habitats.

However, the appellant paid the required Strategic Access Management and Monitoring Scheme (SAMMS) contribution; Natural England supports the SAMMS approach; Medway Council confirmed mitigation had been secured.

The Inspector, therefore, completed an Appropriate Assessment and concluded that the development would not adversely affect the integrity of the protected habitats.

## Final Remarks

The Inspector concluded that:

Although the proposal conflicted with certain locational aspects of Policy H7, the harm alleged by the Council was not substantiated by evidence. The Inspector considered the increase from six to eight occupants to be a relatively modest intensification of an established HMO use, resulting in no unacceptable impacts. Material considerations, therefore, outweighed the policy conflict and the appeal was allowed.

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## Appeal Decision MC/25/2401

### Site and Proposal Overview

- **Location:** Land at Featherby Road opposite Bredgar Road, Gillingham
  - **Appellant:** AMP Clean Energy
  - **Proposal:** Construction and operation of a micro energy storage project
  - **Decision** – Delegated
  - **Decision Date:** 5 February 2026
  - **Appeal Decision Date:** 7 May 2026
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### Appeal Outcome

- **Appeal Allowed with Costs**
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### Inspector's Reasoning

The proposed installation would be situated:

- On an existing grass verge;
- Behind a raised earth bank;
- Adjacent to a number of mature trees;
- Between an industrial estate and a busy dual carriageway.

The trees on the verge are an established landscape feature and play an important role in visually screening and separating the industrial estate from the road network.

The Inspector identified a single principal issue:

The effect of the development on the character and appearance of the area, with specific regard to trees.

Unlike many planning appeals, the Inspector did not identify issues concerning:

- Highway safety;
- Ecology;
- Residential amenity;

- Design;
- Noise impacts;
- Sustainability.

The case was determined almost exclusively through assessment of tree impacts and visual character.

### **Assessment of tree impacts**

The Inspector acknowledged that the mature trees provide:

- An attractive vegetated feature;
- Visual relief within an otherwise urbanised setting;
- A landscape buffer between the industrial estate and adjacent highway infrastructure.

The Inspector, therefore, accepted that the trees make a positive contribution to local character and appearance and are worthy of protection.

A key point in the Council's concern appears to have been whether construction would affect:

- Tree root systems;
- Root Protection Areas (RPAs);
- Tree canopies;

The Inspector carefully examined the submitted plans and undertook a site visit.

Following that assessment, the Inspector concluded that:

- The energy storage unit would be positioned outside the RPAs;
- The development would also be located outside the tree canopies;
- The submitted drawings accurately reflected site conditions.

This finding was important because it meant the proposal would not require development within the most sensitive areas surrounding the trees.

### **Potential effects on tree roots**

The Inspector specifically considered whether excavation works; ground disturbance; or construction vehicle movements could damage tree roots.

The conclusion was that such impacts were unlikely because the development sits outside the protected root zones. As a result, there would be little risk of:

- Root severance;
  - Soil compaction;
  - Long-term harm to tree health.
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## Final remarks

The Planning Inspector allowed the appeal for a micro energy storage facility on land adjacent to Featherby Road, concluding that the proposed development would not harm nearby mature trees or the character and appearance of the area. The Council's refusal centred on concerns regarding potential impacts on trees, particularly their root protection areas (RPAs) and canopies. However, following a site visit and review of the submitted plans, the Inspector found that the development would be located outside the RPAs and canopies of the nearest trees and, therefore, would not threaten their health, longevity, or contribution to local character.

The decision is relatively concise, focusing almost entirely on the relationship between the development and existing trees. The Inspector found no substantive planning harm and determined that there were no other material considerations that would justify withholding permission.

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## Appeal Decision MC/25/2401 – Full award of costs against Medway Council]

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The Planning Inspectorate allowed the appellant's application for a full award of costs against Medway Council in connection with an appeal relating to the refusal of planning permission for the construction and operation of a micro energy storage project.

The Inspector concluded that the Council had acted unreasonably by refusing planning permission on grounds that were not supported by substantive evidence and, as a result, had caused the appellant to incur unnecessary expense in pursuing an appeal.

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## Appeal Decision MC/26/0060

### Site and Proposal Overview

- **Location:** 2 Burnt Oak Terrace, Gillingham
- **Appellant:** M House Group
- **Proposal:** The conversion of an existing single-storey garage/outbuilding roof from a mono-pitched roof to a dual-pitched roof, including a rooflight and replacement front window
- **Decision:** Delegated
- **Decision Date:** 17 March 2026
- **Appeal Decision:** 26 June 2026

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### Appeal Outcome

- **Appeal Allowed with conditions**
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## **Inspector's Reasoning**

The Inspector identified three principal matters requiring consideration:

1. Whether the proposal would create an independent dwelling;
2. The effect of the development on the character and appearance of the locality;
3. The effect on the living conditions of the occupiers of 4 Burnt Oak Terrace, particularly in relation to overbearing impact and overshadowing.

### **Whether the proposal would create an independent dwelling**

The Inspector found that:

- The building was proposed as an annexe rather than a standalone dwelling;
- It would contain only a bedroom and shower room;
- The floor area would be approximately 21 square metres, which the Inspector considered modest in size;
- The building would remain substantially smaller than the host dwelling;
- There was no proposal to subdivide the garden, meaning outdoor space would continue to be shared with the main house

The Inspector considered these characteristics indicative of a strong functional relationship between the outbuilding and the main dwelling.

The Inspector concluded that:

- The proposal would not result in the creation of a separate dwelling;
- The accommodation represented ordinary ancillary living accommodation commonly associated with a dwellinghouse;
- Future use as a separate dwelling would require a further grant of planning permission;
- If an unauthorised material change of use occurred, the property would be liable to planning enforcement action.

Accordingly, the Inspector dismissed concerns that the proposal would establish an independent residential unit.

### **Character and Appearance of the Locality**

The outbuilding is located:

- Adjacent to the footway in Saunders Street;
- At the end of the host dwelling's rear garden;
- On land where ground levels rise towards the rear boundary.

The proposal would:

- Replace the existing mono-pitched roof with a dual-pitched roof;
- Introduce gable ends;
- Include rooflights;
- Increase the overall height of the structure.

The Inspector found that:

- The ridge height would remain significantly lower than the roofs of the surrounding two-storey houses;
- The footprint of the building would remain unchanged;
- The outbuilding would remain substantially smaller than the host dwelling;
- The resulting scale, massing and bulk would not be excessive.

Importantly, the Inspector considered that the altered roof form would appear more in keeping with the prevailing character of nearby buildings than the existing structure.

The decision notes that the existing mono-pitched roof has a relatively utilitarian appearance, whereas the proposed pitched roof would better reflect the roof forms found within the surrounding area.

The Inspector concluded that:

- The altered building would remain clearly subordinate to the main dwelling;
- It would not appear dominant or incongruous;
- The proposal would preserve the character and appearance of the locality.

### **Impact on neighbouring living conditions**

The Inspector undertook a site visit and specifically assessed the relationship with the neighbouring property at 4 Burnt Oak Terrace.

The Inspector acknowledged that:

- The neighbouring rear garden is relatively modest in size;
- The proposed roof would increase the outbuilding's height by approximately 2 metres;
- The resulting structure would reach an overall height of approximately 4.5 metres;
- The outbuilding would adjoin the shared side boundary.

The Inspector concluded that the proposal would not create an oppressive sense of enclosure because:

- The roof slopes down towards the shared boundary;
- The outbuilding is set back from the rear of the neighbouring dwelling;
- These factors significantly reduce the perceived bulk when viewed from the adjoining property.

As a result, the structure would not appear overbearing to neighbouring occupiers.

### **Assessment of overshadowing**

For similar reasons, the Inspector found that:

- The scale and form of the roof would not generate unacceptable overshadowing;

- Any impact on daylight or sunlight would not reach a level that would justify refusal.
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## **Final Remarks**

The Inspector allowed the appeal and granted planning permission for alterations to an existing outbuilding at 2 Burnt Oak Terrace. The Council's concerns that the building could become an independent dwelling were rejected because the proposal involved only a modest annexe with a clear functional relationship to the main house. The Inspector also found that the new pitched roof would improve the appearance of the building and remain subordinate within the streetscene. Finally, the increased height was not considered to cause unacceptable overbearing effects or overshadowing to the occupiers of No.4 Burnt Oak Terrace. As the proposal complied with local and national planning policy and caused no identified harm, planning permission was granted subject to standard conditions.

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## **Appeal Decision MC/25/1453**

### **Site and Proposal Overview**

- **Location:** 3 Kingswood Road, Gillingham ME7 1DZ
  - **Appellant:** Rossi Marinelli
  - **Proposal:** Change of use from a Class C3 dwellinghouse to a sui generis House in Multiple Occupation including internal and external alterations
  - **Decision:** Committee Overturn
  - **Decision Date:** 23 December 2025
  - **Appeal Decision:** 29 May 2026
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### **Appeal Outcome**

- **Appeal Dismissed**
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### **Inspector's Reasoning**

At the time of the site visit, the Inspector observed that:

- The property was already being used as an HMO with six bedrooms and communal facilities;
- Foundations had been laid for the proposed rear extension.;
- Planning permission for the rear extension and associated alterations had effectively been secured through a Lawful Development Certificate granted in April 2025 under reference MC/25/0372.

The Inspector identified two principal issues:

1. The effect of the proposal on the character of the area;

2. The effect on neighbouring occupiers, specifically in relation to noise and disturbance.

The Inspector described the site as being located within:

- A dense urban area close to Gillingham town centre;
- A street made up predominantly of long terraces of residential properties;
- An area where most properties continue to function as traditional family homes.

The appeal property occupies a prominent end-of-terrace position on the corner of Kingswood Road and Jeffery Street. The Inspector agreed with the Council that the surrounding area remains predominantly residential and although some mixed uses exist nearby, the area cannot be characterised as mixed-use in nature.

### **Concentration of HMOs**

A significant element of the decision concerned the concentration of HMOs in the locality.

The Inspector considered evidence from the Council's HMO Review and Evidence Paper (November 2025) which showed:

- Gillingham South Ward contains the highest number of HMOs in Medway;
- There are 205 HMOs among 7,163 dwellings;
- HMOs represent approximately 2.8% of all dwellings within the ward;
- The evidence paper identified a correlation between higher concentrations of HMOs and higher levels of anti-social behaviour and complaints about private rented housing.

The Council further demonstrated that:

- There were approximately 62 HMOs within 500 metres of the appeal site;
- There were 10 HMOs within 150 metres;
- Nine HMOs were already located on Kingswood Road itself.

The Inspector considered the issue was not simply the overall percentage of HMOs, but their concentration in a particular part of the street.

While the appellant noted that Kingswood Road contains approximately 111 houses, meaning HMOs would account for around 9% of properties, the Inspector noted:

- No adopted or emerging policy establishes a specific threshold;
- There was insufficient evidence supporting the appellant's suggestion that a 10% threshold should be applied;
- Existing HMOs appeared concentrated towards the southern end of Kingswood Road where the appeal property is located.

The Inspector concluded that this clustering effect was precisely the issue the emerging Local Plan sought to address.

The Inspector attached significant importance to the loss of traditional family accommodation.

Additional observations included:

- A residential care home exists at No. 1 Kingswood Road;
- Several nearby properties appeared to have been converted into flats, evidenced by multiple doorbells;
- During the site inspection this was observed at Nos. 2, 4, 34, 38 and 56 Kingswood Road.

Based on these observations, the Inspector concluded that a relatively high proportion of nearby properties were already no longer functioning as traditional family housing.

The Inspector found that:

- Traditional family housing no longer dominated this part of the street;
- The character of the area had already begun to change;
- Approving another large HMO would further erode family housing stock and intensify that change.

## **Community Impact**

The Inspector accepted evidence suggesting a relationship between concentrations of HMOs and wider community effects.

The decision states that:

- HMO occupiers are often more transient than established family households;
- Increased turnover of occupiers can contribute to a loss of community cohesion;
- Such effects would be harmful to the area's character and identity.

The Inspector, therefore, concluded that the proposed large HMO would exacerbate an ongoing harmful change in the area's character.

## **Living conditions of neighbours**

The Inspector accepted that eight unrelated occupants would likely generate a greater intensity of activity than a single household.

This would mainly arise through increased comings and goings, visitors and greater use of external areas, particularly the rear garden.

Despite these concerns, the Inspector found several factors mitigated potential impacts:

- The front entrance is positioned away from the common boundary with No. 5;
- The entrance is partly screened by the existing bay window;
- The access gate is physically separate from neighbouring entrances;
- The rear garden is significantly larger than many nearby gardens;

- The size of the garden allows a greater number of occupants without creating close proximity to neighbouring residents.

The Inspector concluded that:

- The proposal would not result in unacceptable noise;
- Disturbance levels would remain acceptable;
- Neighbouring living conditions would not be materially harmed.

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## **Final Remarks**

The appeal for the conversion of 3 Kingswood Road from a dwellinghouse to an 8-bedroom sui generis HMO was dismissed. Although the Inspector found that the proposal would not cause unacceptable noise or disturbance to neighbouring occupiers, he concluded that the development would worsen an existing concentration of HMOs in the area and result in the loss of a family home. Significant weight was given to evidence showing a clustering of HMOs around the appeal site and the changing nature of the surrounding neighbourhood. The proposal was, therefore, found to conflict with Policy H7 of the Medway Local Plan and the objectives of emerging Policy T8, leading to dismissal of the appeal.

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## **Appeal Decision MC/25/1453 – An application for an award of costs was refused**

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The appellant sought a full award of costs against Medway Council, arguing that the Council had behaved unreasonably during the determination of the planning application and that this had resulted in unnecessary expense.

The Inspector determined that Medway Council had not behaved unreasonably, had not caused unnecessary or wasted expense, and the threshold set out in the Planning Practice Guidance for an award of costs had not been met. Accordingly, the application for costs was refused.

## REPORT ON APPEALS COSTS

Appeals 2019/2020

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

### Appeals 2021/2022

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

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

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

### **Appeals 2023/2024**

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

|             |                                               |                                                                                                                                                         |                                                |             |                                                                                                                                                                                                                                                                                                                                                                          |
|-------------|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ENF/21/0237 | 89 Bryant Street, Strood                      | Without planning permission, the conversion and change of use of a single storey store to the rear of the property to a self-contained residential flat | Appeal dismissed and enforcement notice upheld | Partial for | Unreasonable behaviour resulting in unnecessary or wasted expense occurred in respect of the Council responding to some of the ground (a) appeal matters (namely outlook/privacy, NDSS, outside amenity space and SPA considerations), the ground (d) appeal (previous LDC appeal), and the ground (e) appeal (copies of notice not properly served). Paid £560 25/03/26 |
| MC/25/2401  | Land at Featherby Road, opposite Bredgar Road | Micro energy plant                                                                                                                                      | Allowed with conditions                        | Against     | The Council failed to provide evidence to substantiate their reason for refusal and in so doing prevented development that should clearly have been permitted                                                                                                                                                                                                            |