

**Subject:** Planning Appeals - Decisions  
**Director/Head of Service:** Head of Planning and Regeneration  
**Decision Issues:** These matters are within the authority of the Committee.  
**Decision:** Non-key.  
**Classification:** This report is open to the public.  
**Ward:** Northgate  
**Appellant:** Mr Simon Curtis  
**Application No:** CA/11/00968/FUL  
**Proposal:** Erection of garden shed (Retrospective application)  
**Location:** 55 Barton Mill Road, Canterbury, CT1 1BP  
**Application Decision Level:** Delegated  
**Planning Inspector:** Simon Miles  
**Appeal Decision:** Appeal allowed

Number 55 Barton Mill Road is one of a short terrace of historic houses adjoining the former Barton Mill at the bottom of Barton Mill Road close to the river. The houses were formerly occupied as offices by the Mill but have now reverted to residential use with the residential redevelopment of the mill site. The terrace of houses is listed as being of special architectural and historic interest. As part of the residential redevelopment small rear gardens were created for the houses between the rear of the buildings and the new access roadway that serves the riverside car parking area.

A “chalet” style garden shed was erected without the necessary permission in the rear garden of No. 55 where it is visible from the surrounding gardens and roadway; a retrospective permission was sought and refused on the grounds that the shed adversely affected the setting of the terrace of listed buildings. The Inspector determining the appeal against refusal was of the view that the shed was not dissimilar to others nearby and that being sited at the end of the garden and not proximate to the listed building it was neither unduly prominent or obtrusive, either in relation to the listed buildings or the wider locality and accordingly he allowed the appeal.

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**Ward:** Reculver  
**Appellant:** Mr A Sofocleous  
**Application No:** CA/11/00176/FUL  
**Proposal:** Erection of one detached bungalow  
**Location:** Land rear of 8 Seaville Drive, Herne Bay, CT6 6QU  
**Application Decision Level:** Delegated  
**Planning Inspector:** Ann Skippers  
**Appeal Decision:** Appeal dismissed

The Planning Inspector dismissed the appeal for the construction of a dwelling to the rear of No. 8 Seaville Drive; however, the Inspector was not satisfied with elements of the submitted unilateral undertaking to address the matter of development contributions. The Inspector

identified that the overriding characteristic of Seaville Drive is one of spaciousness and mature hedging and trees and that the subdivision of the prominent corner plot into two smaller plots would be at odds with the prevailing pattern and character of development. It was concluded that the development proposed would be isolated and unrelated to the properties around it and that the dwelling would appear cramped in its plot. With regard to the issue of the living conditions of future occupiers the Inspector concluded that the small garden would not reflect the typical garden sizes of neighbouring properties and the garden would not relate well to No.1 Pine Walk. It was also noted that the garden would be overshadowed by the new dwelling itself and that despite the intention to introduce high boundary fencing the garden would still be overlooked by the first floor. The Inspector concluded that two issues illustrate that the site is not suitable for a separate dwelling.

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**Ward:** Sturry North  
**Appellant:** Mr Steven Westley  
**Enforcement No:** ENF/10/00675  
**Breach:** Without planning permission the change of use of office to mixed use comprising of office and residential use on the land  
**Location:** Land at Boarded House Farm, Canterbury Road, Herne Common, Herne Bay, CT6 7LG  
**Planning Inspector:** R J Perrins  
**Appeal Decision:** Appeal dismissed and the enforcement notice upheld

This appeal was made against an enforcement notice issued by the Council requiring the discontinuance and thereafter cessation of residential use of a building that was granted planning permission for use solely as an office/toilet building in 2005. The appeal was under ground d) that, at the time the enforcement notice was issued, it was too late to take enforcement action because the residential use had become lawful due to the passage of time that had passed prior to the enforcement notice being issued. The Planning Appeals Inspector came to the conclusion based upon the balance of probability that the building subject to the enforcement notice was likely to have been used as solely residential rather than a mixed residential and office use because there is a large portakabin in the yard that lends itself to office use. The residential use requires a four-year period of immunity but the appellant submitted little by way of evidence to support his appeal, such as statutory declarations from witnesses, so given the insufficient weight of evidence the appeal was dismissed.

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**Ward:** Sturry North  
**Appellant:** Weybridge Homes Ltd  
**Application No:** CA/11/00440/FUL  
**Proposal:** Retention with alterations of dwelling on plot 1, erection of dwelling on plot 2, associated garaging and access road  
**Location:** Land adjacent to Calcott Hall, Calcott Hill, Sturry, CT3 4ND

**Application Decision Level:** Committee (In accordance with Officer recommendation)  
**Planning Inspector:** Richard McCoy  
**Appeal Decision:** Appeal allowed

The appeal was in respect of two houses, one of which is largely complete, on a site where there was formerly an unsightly cluster of old garages and workshops on the western side of Calcott Hill almost opposite the Punch Tavern. There exists a previous permission for four houses on the site but the house largely constructed was neither of an approved design nor in an approved location. The part completed house, the front roadside fence and the ornate brick wing walls at the entrance are all the subject of enforcement notices requiring their removal as they were erected without permission.

The application proposed the implementation of external alterations to the part completed house to improve its appearance and the erection of a second dwelling adjoining it. The Inspector felt that the design changes proposed would make the house acceptable, that the second house was acceptable and that the impact of the development on the Special Landscape Area and local residents would be acceptable as it would not be significantly different to the previously permitted scheme. The permission granted on appeal does not permit retention of the roadside fence or entrance walls. Conditions imposed require submission of additional constructional details and that approved works be carried out within a given timescale; they also remove permitted development rights for outbuildings, walls and fences in order to protect the Special Landscape Area.

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