

This Report will be made public on 12 May 2025

Report Number: **DC/25/08**

To: Planning and Licensing Committee
Date: 20th May 2025
Status: Non key Decision
Responsible Officer: Llywelyn Lloyd, Chief Planning Officer

Subject: Planning Performance Update & Appeal Decisions Received

SUMMARY: This report is for information only. It provides a planning performance update, sets out the appeals determined since the previous report to the Planning and Licencing Committee in December 2024, together with commentary on each, and reports appeal performance over the previous fiscal year.

RECOMMENDATION:

Members to note the report.

1. Planning performance update

- 1.1. Members will appreciate that the vast majority of planning applications are submitted by individual residents/households rather than large developers. It follows therefore that it is this same group that mostly likely represent the bulk of planning interactions for councillors as well. As a result, officers thought it may be useful to understand the experience that most applicants have when in interacting with the planning service.
- 1.2. In addition, the Council is required to ensure an adequate supply of new homes. The district's annual target for completed new homes is 1,212. It is therefore crucial that there are sufficient approvals of new homes. Figure 1 below sets out the new homes have been approved in the preceding month, as the year continues this will include a rolling snapshot of how many new homes have been approved in the financial year.
- 1.3. Whilst it is recognised that Key Performance Indicators are monitored by Councillors in Finance & Performance sub-committee and Cabinet, the following metrics are provided for Planning Committee members information in addition to the standard measures.



4 days

Average time to validate applications



98% householder applications determined in **less than 8 weeks**



79% of applications **approved**



0 new homes approved (Outline)



27 new homes approved (Full)

Figure 1 - Performance and housing

2. DECISIONS RECEIVED

2.1. The following appeals were determined by the Planning Inspectorate (PINs) on behalf of the Secretary of State since October 2024:

- A. 22/1664/FH – 5 Vinelands, Lydd – DISMISSED
- B. 24/0122/FH – 12 Cophall Gardens – DISMISSED
- C. 24/1049/FH – 22 Redoubt Way, Dymchurch – DISMISSED
- D. 24/1400/FH – 23 Hillcrest Road – ALLOWED
- E. 24/0834/FH – 37A Sandgate High Street, Sandgate - DISMISSED
- F. 24/0834/FH – 71 Dover Road, Folkestone – DISMISSED (COSTS CLAIM REFUSED)
- G. 23/1764/FH – Clifton Hotel, Clifton Gardens, Folkestone – ALLOWED (COSTS CLAIM REFUSED)
- H. 23/2038/FH – Ellington, Cowgate Lane, Hawkinge – DISMISSED
- I. 24/0179/FH – Flat 2, Riviera Court, Sandgate High Street, Sandgate – DISMISSED
- J. 22/1950/FH – Land rear of 38 Burrow Road, Folkestone – ALLOWED
- K. 24/0208/FH – Little Hemsted, Woodland Road, Lyminge – DISMISSED
- L. 23/1735/FH – Manor Farm, Aldington Road, Court-at-Street – DISMISSED
- M. 24/0194/FH – Oathill Barn, Aldington Road, Lympe – DISMISSED
- N. 24/1387/FH – Strawberry Cottage, Ashley Avenue, Folkstone –DISMISSED
- O. 14 appeals – Sites at Middleburg Square, Shellons Street, Guildhall Street (2 sites), Cheriton Road, Sandgate Road & West Terrace, Folkestone DISMISSED

A. 22/1664 – 5 Vinelands, Lydd – DISMISSED

1.4. The Inspector agreed with the Council that the proposed dwelling would amount to inappropriate development in an area at risk of flooding.

1.5. The decision is attached at **Appendix A**.

B. 24/0122/FH – 12 Copthall Gardens – DISMISSED

1.6. Full support for the Council's case that the development proposed would harm the character and appearance of the dwelling and wider area, and that it would give rise to significant harm to the outlook from the adjacent dwelling.

1.7. The appeal decision is attached at **Appendix B**.

C. 24/1049/FH – 22 Redoubt Way, Dymchurch – DISMISSED

1.8. The Inspector agreed that the external staircase constructed at this bungalow would give rise to significant harm to the residential amenity of occupiers of the adjacent dwellings

1.9. The appeal and costs decisions are attached at **Appendix C**

D. 24/1400/FH – 23 Hillcrest Road – ALLOWED

1.10. In allowing the appeal the Inspector concluded, contrary to the Council's decision, that the proposed balcony would not give rise to a harmful degree of overlooking to the adjacent dwelling.

1.11. The decision is attached at **Appendix D**.

E. 24/0834/FH – 37A Sandgate High Street, Sandgate - DISMISSED

1.12. A welcome decision, where the Inspector agreed with the Council that the use of poor-quality modern materials would harm the special character of the conservation area.

1.13. The decision is attached at **Appendix E**.

F. 24/0834/FH – 71 Dover Road, Folkestone – DISMISSED (COSTS CLAIM REFUSED)

1.14. A welcome decision. The Inspector concluded that the lack of private amenity space for family sized accommodation would result in poor quality accommodation, and that the failure to provide adequate bin and cycle storage was significantly harmful to the character and appearance of the area and would fail to promote active travel.

1.15. The appellants applied for an award of costs based on perceived unreasonable behaviour on the part of the Council. The Inspector concluded that the Council's decision was well founded and that the decision to refuse planning permission was

not inconsistent with how it had approached other applications in the vicinity. The application for costs was accordingly refused.

1.16. The appeal and costs decisions are attached at **Appendix F**.

G. 23/1764/FH – Clifton Hotel, Clifton Gardens, Folkestone – ALLOWED (COSTS CLAIM REFUSED)

1.17. A disappointing decision. The Inspector considered that the uPVC replacement windows caused less than substantial harm to the significance of the conservation area and concluded that the continued use of the building as a hotel amounted to a public benefit which outweighed this harm.

1.18. The appellant applied for an award of costs, on the basis that they considered the Council had behaved unreasonably in refusing the application. The Inspector did not share this view, despite allowing the appeal, and refused the costs application.

1.19. The appeal and costs decisions are attached at **Appendix G**

H. 23/2038/FH – Ellington, Cowgate Lane, Hawkinge – DISMISSED

1.20. The Inspector agreed with the Council that the proposed dwelling would be unacceptable, having regard to its location in the countryside and the lack of sustainable travel options available to future occupiers.

1.21. The decision is attached at **Appendix H**.

I. 24/0179/FH – Flat 2, Riviera Court, Sandgate High Street, Sandgate – DISMISSED

1.22. Full support for the Council's decision to refuse planning permission for this large balcony. The Inspector agreed with the Council that the balcony would harm the character and appearance of the building and the special character of the conservation area, and that it would cause demonstrable harm to the residential amenity of adjoining occupiers.

1.23. The decision is attached at **Appendix I**

J. 22/1950/FH – Land rear of 38 Burrow Road, Folkestone – ALLOWED

1.24. A disappointing decision. The Inspector concluded, contrary to the Council, that the proposed development would be acceptable in respect of its impact on highway safety and on visual and residential amenity.

1.25. The decision is attached at **Appendix J**.

K. 24/0208/FH – Little Hemsted, Woodland Road, Lyminge – DISMISSED

1.26. The Inspector that the proposed shepherds hut would be contrary to policies relating to the location of tourism accommodation and dismissed the appeal accordingly.

1.27. The decision is attached at **Appendix K**.

L. 23/1735/FH – Manor Farm, Aldington Road, Court-at-Street – DISMISSED

1.28. In dismissing the appeal, the Inspector agreed with the Council that it had not been demonstrated that the proposed dwellings would not have a harmful impact on ecology, nor that alternative commercial uses of these existing buildings had been properly explored and discounted. These issues were sufficient to warrant the dismissal of the appeal, despite the Inspector concluded that the buildings proposed to be converted were of sufficient merit to be retained and that the proposed development would not harm the scenic beauty of the Kent Downs National Landscape.

1.29. The decision is attached at **Appendix L**.

M. 24/0194/FH – Oathill Barn, Aldington Road, Lympne – DISMISSED

1.30. The Inspector considered that the appellant had not adequately demonstrated that continued commercial use of the building was not achievable and concluded that the proposed conversion to a dwelling would give rise to the unacceptable loss of a rural employment site.

1.31. The decision is attached at **Appendix M**.

N. 24/1387/FH – Strawberry Cottage, Ashley Avenue, Folkstone –DISMISSED

1.32. The Inspector concurred with the Council that the proposed parking space was undersized and would result in parked vehicles overhanging the pedestrian footway, significantly harmful to highway safety.

1.33. The decision is attached at **Appendix N**.

O. 14 appeals – Sites at Middleburg Square, Shellons Street, Guildhall Street, Cheriton Road, Sandgate Road & West Terrace, Folkestone DISMISSED

1.34. In mid-2024, the Council received applications at 7 sites in Folkestone for a “communication kiosk with integrated advertisement display” at each. Each site was the subject of applications for planning permission and advertisement consent – a total of 14 applications. Each application was refused.

1.35. The Inspector, in dismissing each of the 14 appeals, agreed with the Council that the kiosks would harm visual amenity and the character and appearance of the various street scenes in which they were proposed.

1.36. The decisions are attached at Appendix O.

3. PERFORMANCE MONITORING

- 2.1. Over the period April 2024 to March 2025, 52 appeals were determined. Of these, 39 were dismissed and 12 were allowed (although one of these is the subject of a judicial review) – 75% dismissed, 25% allowed.
- 2.2. The performance by fiscal year is shown in the table below:

Fiscal Year	Total Decisions	Dismissed	Allowed
2021-22	45	28 (62%)	17 (38%)
2022-23	31	21 (68%)	10 (32%)
2023-24	33	23 (70%)	10 (30%)
2024-25	51	39 (75%)	12 (25%)

- 2.3. The most recently published national figures for appeals dismissed and allowed (for the period April 2023 – March 2024) show 71% of appeals for non-major applications were dismissed.
- 2.4. Council performance for 23/24 was broadly in line with the national figure, with performance for 24/25 exceeding the national average.