

Planning, Design & Access Statement

Starwood, Pear Tree Lane, Shorne,
Kent, DA12 3JU

Demolition of 4 No. stable buildings, 2 No. canopies and removal of 2 No. containers, 1 No. portacabin and hardsurfacing and alterations and extension of existing concrete framed structure to form detached bungalow with three bedrooms and use of existing access

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Project reference: PR4311

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1 Introduction

- 1.1 This Planning, Design & Access Statement has been submitted in support of an application for the following development at Starwood, Pear Tree Lane, Shorne, Kent, DA12 3JU (hereafter referred to as 'the Site'):

Demolition of 4 No. stable buildings, 2 No. canopies and removal of 2 No. containers, 1 No. portacabin and hardsurfacing and alterations and extension of existing concrete framed structure to form detached bungalow with three bedrooms and use of existing access

- 1.2 The proposed development affects the following Land Registry title(s):

Title Number	Description	Owner
K424735	<u>STARWOOD PEAR TREE LANE, SHORNE, GRAVESEND DA12 3JU</u>	TERENCE JOHN RUSSELL of Starwood, Pear Tree Lane, Shorne, Kent DA12 3JU
K654169	<u>LAND ADJOINING, STARWOOD PEAR TREE LANE, SHORNE, GRAVESEND DA12 3JU</u>	WAYNE TERENCE RUSSELL and GAVIN LEE RUSSELL and NATALIE YVETTE OWEN

- 1.3 The application is accompanied by the following plans and documents:

- **Planning, Design & Access Statement**
- **Preliminary Ecological Appraisal (Native)**
- **Ecological Impact Assessment (Native)**
- **4311 - 01 Site Location Plan**
- **4311 - 02 Existing Block Plan**
- **4311 - 03 Existing Floor Plan**
- **4311 - 04 Existing Elevations**
- **4311 - 05 Existing Outbuildings**
- **4311 - 06 Proposed Block Plan**
- **4311 - 07 Proposed Floor Plan**
- **4311 - 08 Proposed Elevations**

2 Site Context

- 2.1 The existing Starwood curtilage comprises a large detached property on the northern side of Peartree Lane set within a 0.6 hectare plot of land. Land within the family's ownership extends to another 10.2 hectares, inclusive of a 7 hectare woodland and 2.2 hectare paddock.
- 2.2 The existing dwelling is set back by a minimum of 50m from the highway and benefits from two vehicular accesses. One was recently constructed in 2018, as per planning permission 20171122, to provide a separate and direct access to the stables, tack room, feed store and storage containers that currently exist within the rear part of the recently lawfully certified garden that serves Starwood (application reference 20210376), which is also the land that is affected by the subject development. A concrete framed barn, which is also the subject of this appeal, is located towards the far rear end of the Site and was the subject of a recently issued certificate of lawfulness (application reference 20230491). This confirms the incidental nature of the structure and the fact that it has been present for longer than four years.
- 2.3 The two recently obtained certificates confirm that the subject land is entirely previously developed being a residential garden located outside a built-up area. The site is outside of the rural settlement of Shorne. A fence already divides the grassed garden from the incidental paddock and therefore marks the southern end of the appeal site (excluding the access).
- 2.4 Beyond the Site, there is the aforementioned paddock and woodland to the north that are both under the Applicant's family's ownership, whilst the existing built form is part of a ribbon of housing along Pear Tree Lane to the south, all set within generous plots of previously developed land.

2 Relevant History

2.1 The following planning applications are considered relevant to this application and relate to Starwood in its entirety:

- [Erection of bungalow and garage](#)

Ref. No: 19600015 | Status: Application Permitted

- [Alterations and additions to provide additional living accommodation and erection of a detached garage](#)

Ref. No: 19750472 | Status: Application Permitted

- [Section 64 determination as to whether planning permission is required for the use of part of the ground floor as a guest house for 3 no. paying guests.](#)

Ref. No: 19910032 | Status: Planning permission is required

- [Conversion of and single storey extension to the existing car port at the side to form lounge/ dining area, kitchen, w.c. and entrance hall.](#)

Ref. No: 19910379 | Status: Application Permitted

- [Demolition of s/s lean-to on east elev.; erection of 1st flr. extension on west elevation to form bedroom; construct. of eyebrow dormer in the south roof slope & 2no. dormer windows in the north roof slope & erection of single storey infill extension on the north elevation to form enlarged kitchen.](#)

Ref. No: 19910714 | Status: Application Permitted

- [Erection of a detached double garage in the front garden with storage in the roof space and external staircase on the side elevation Refused Erection of an open porch on the front elevation. Permitted](#)

Ref. No: 20010321 | Status: Split Decision

- [Application for Lawful Development Certificate in respect of the proposed erection of a stable block with tack and feed store and a hay barn within the residential curtilage.](#)

Ref. No: 20050529 | Status: Application Permitted. All built form was to be located within the residential curtilage. These buildings were to be located

along the western boundary line, towards the rear NW corner of the site. The main stable block building was to be 22m long, 10m deep and 4m high.

- [Variation of condition \(iii\) of planning permission reference number GR/74/472 for erection of a detached garage; to allow the store in the roof space above the garage to be used as a hobby room and construction of dormer extensions in both side roof slopes of garage to provide enlarged roofspace for the hobby room/store.](#)

Ref. No: 20050912 | Status: Application Permitted

- [Formation of an additional vehicular access and driveway onto a classified road.](#)

Ref. No: 20171122 | Status: Application Permitted. Constructed in 2018

- [Change of use of existing outbuilding for incidental purposes.](#)

Ref. No: 20241145 | Status: Application Permitted

3.2 A pre-application relating to the demolition of existing buildings to the rear of the existing residential property and the erection of a detached chalet bungalow was submitted in 2020. The Council's written response under reference PRE20200330 treated the existing buildings as not being in the same use class as the proposed, whilst they also noted that the replacement building would be materially larger than the building(s) it was to replace. Aside from Green Belt harm, the Council felt that the proposal could potentially result in harm to landscape character.

3.3 The following records followed the pre-application response:

- [Application for a Lawful Development Certificate in respect of the existing use of land and for residential purposes, falling within Use Class C3\(a\) of the Use Classes Order 1987 \(as amended\).](#)

Ref. No: 20210376 | Status: Certificate Granted. The application site related to the entire residential plot at Starwood and included the land that is the subject of this application. It certified that the lawful use of the land and existing buildings were residential

- [Demolition of existing stables and removal of containers and conversion of existing framed structure to form separate bungalow with three bedrooms plus erection of detached triple garage, additional conservatory, porch and use of existing access.](#)

Ref. No: 20220531 | Status: Application Refused on grounds relating to it being considered inappropriate development in the Green Belt. A secondary reason referred to the lack of a SAMMS payment to address the potential ecological impacts of the development.

- [Demolition of existing stables and removal of containers and conversion of existing framed structure to form separate bungalow with three bedrooms plus erection of detached double garage, additional single storey rear extension, front porch and use of existing access](#)

Ref. No: 20221342 | Status: Application Refused on grounds relating to it being considered inappropriate development in the Green Belt. A secondary reason referred to the lack of a SAMMS payment to address the potential ecological impacts of the development.

- [Application for a Lawful Development Certificate in respect of the existing concrete framed barn in the rear garden.](#)

Ref. No: 20230491 | Status: Certificate Granted

- [Demolition of existing stables and removal of containers and hardsurfacing and conversion of existing concrete framed structure to form detached bungalow with three bedrooms plus single storey rear extension, front porch and use of existing access.](#)

Ref. No: 20230942 | Status: Application Refused. Appeal dismissed on the grounds that it was found to have a greater impact on the Green Belt than the existing development, notwithstanding the proposed removal of existing built form that would have resulted in a 33% increase in the absence of built form. The subject application is a resubmission of this application seeking to address the reasons for the dismissed appeal.

3 Proposed Development

- 3.1 The Applicant wishes to demolish 4 No. stable buildings, 2 No. canopies and remove 2 No. containers, 1 No. portacabin, hardsurfacing, external lighting and associated poles within the subject northern part of the existing residential curtilage and convert the adjacent existing and lawful concrete framed barn structure to a separate bungalow with three bedrooms. A small entrance porch will be added to the front. The development will result in a reduced 0.25 hectare plot for Starwood.
- 3.2 The appeal proposal differs from the previously refused application that was later dismissed at appeal by virtue of the following:
- The omission of the single storey rear extension
 - Further clarification on the removal and reduction in the amount of existing hard surfacing
 - Reflective of the differences, revised calculations confirming the reduction in the amount of built form
 - Supporting statement that takes account of the revised National Planning Policy Framework, published 3 weeks after the appeal decision.

4 Planning Policy

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Court of Appeal has clarified that for a decision maker this means establishing whether a proposal is in accordance with the development plan as a whole. The question of compliance with one policy should not dictate the outcome of a proposal in the absence of considering compliance with all other relevant policies. Decision makers are therefore tasked with identifying and understanding all relevant policies and material considerations in order to reach a properly informed planning judgment on a proposal, and to avoid an irrational or vulnerable decision that may be subject to criticism in a public law challenge.
- 4.2 Paragraph 2 of the National Planning Policy Framework ('the Framework') reiterates what is said in Section 38(6), whilst paragraph 12 of the Framework is clear that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 4.3 Paragraph 39 of the Framework encourages local planning authorities to approach decisions on proposed development in a positive and creative way. It also encourages working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, adding that decision-makers should seek to approve applications for sustainable development where possible.
- 4.4 Annex 1 of the Framework confirms that for the purposes of decision-taking, the policies in the plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. It adds that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with greater weight being given to those policies that are closer to the policies in the Framework.

Development Plan

- 4.5 The Development Plan for the area within which the appeal site is located comprises the Gravesham Local Plan Core Strategy (CS) (adopted September

2014) and the Saved Policies of the Gravesham Local Plan First Review (LPFR) (adopted November 1994).

4.6 Relevant Development Plan policies in the CS include the following (those in bold feature in the previous reasons for refusal):

- **CS01: Sustainable Development;**
- **CS02: Scale and Distribution of Development (Green Belt);**
- CS11: Transport;
- **CS12: Green Infrastructure;**
- CS14: Housing Type and Size;
- CS15: Housing Density;
- CS18: Climate Change;
- CS19: Development and Design Principles.

4.7 Relevant Development Plan policies in the LPFR include:

- T1: Impact of Development on the Highway Network;
- T2: Channel traffic to the Primary and District Distributor Network;
- T3: Development not well related to the Primary and District Distributor Network;
- T4: Development Outside the Built-up Area;
- P3: Vehicle Parking Standards.

Other Material Considerations

The Framework

4.8 Paragraph 11(d) of the Framework states that for decisions, where the policies which are the most important for determining the application are out-of-date, permission should be granted unless:

- (i) *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing development; or*
- (ii) *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

4.9 At paragraph 61 the Framework confirms the Government's objective of significantly boosting the supply of homes and that it is important to ensure that a sufficient amount and variety of land can come forward where it is needed.

Paragraph 73 of the Framework acknowledges that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should (amongst others) support the development of windfall sites through decisions.

- 4.10 Paragraph 124 states that decision should promote an effective use of land in meeting the need for homes and making as much use as possible of previously developed land. Paragraph 125 expands on this point by promoting and supporting the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing. Paragraph 129 adds that decisions should support development that makes efficient use of land, taking into account (amongst others) the desirability of maintaining an area's prevailing character and setting.
- 4.11 It is noted that the application of paragraphs 61, 70, 124-125 and 129 all do not depend on whether an authority has a five-year housing land supply (5YHLS).
- 4.12 Paragraph 139 states that "development that is not well designed should be refused."
- 4.13 Paragraph 142 confirms that the Government attaches great importance to Green Belts and that the fundamental aim is to prevent urban sprawl by keeping land permanently open. Paragraph 154 confirms that the development should be considered as inappropriate in the Green Belt. An exception to this is set out under part (c) in relation to extensions and alterations to an existing building, which the concrete framed structure is. A further exception is set out under part (g) of this same paragraph that includes limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a substantial impact on the openness of the Green Belt by comparison to the existing development.
- 4.14 Paragraph 187 indicates that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.
- 4.15 The following are also material considerations:
- Nationally Described Space Standards (NDSS) (March 2015);
 - National Design Guide (NDG) (October 2019);

- Residential Layout Guidelines SPG2 (February 1996, amended June 2020);
- Kent County Council Parking Standards SPG4 (2006);
- Gravesham Landscape Character Assessment (May 2009) (a technical document which underpins policy CS12) (the Site lies within the Shorne Woodlands Character Area).

5 Planning Assessment

Key Issues

- 5.1 As part of the previous appeal, it was common ground between the Applicant and GBC that there were no issues relating to the effect of the development on protected species or the Thames Estuary and Marshes Special Protection Area (SPA). On the former, the preliminary ecological appraisal and ecological impact assessment have been resubmitted. These are less than 3 years' old and it is noted that the domestic use of the Site remains as it was. On the latter, the relevant Strategic Access Management and Monitoring Strategy (SAMMS) contribution has already been made as part of the dismissed appeal (reference PP-12442466) and, as such, it is expected that GBC will be able to 'transfer' that contribution to this application, should planning permission be forthcoming. An updated on the previously submitted reports will be added to the submission by the end of March. It is therefore assumed that GBC will raise no issues with the above approach in respect of ecological impact.
- 5.2 In addition, the design was found to be acceptable and would provide appropriate living conditions for future occupants, without leading to harm to existing neighbouring occupants. The Inspector also found that there would be no harm to the character and appearance of the area, nor would there be any significant risk to highway safety or excessive traffic generation.
- 5.3 Given the above policies and the previous appeal decision, it is considered that the key planning issues relevant to this appeal are as follows:
1. Whether appropriate development in the Green Belt
 2. Five-year housing land supply
 3. Very Special Circumstances.

1. Whether appropriate development in the Green Belt

- 5.4 It is accepted that development in the Green Belt is inappropriate unless at least one of a number of exceptions applies. Since the last appeal decision, a number of the exceptions have changed following the publication of a revised Framework in December 2024.
- 5.5 The first to note is the opening line of paragraph 154. Previously this specifically required LPAs to regard "the construction of new buildings as inappropriate in the Green Belt." The latest version of the Framework encapsulates a broader extent

of development where valid exceptions might apply, by simply referring to 'development'. In essence, proposals do not need to entail new buildings for the exceptions under paragraph 154 to be relevant.

- 5.6 As what is proposed is not a new building, but alterations to an existing one, given that the revised paragraph 154 references 'development' instead of 'new buildings' it seems reasonable to infer that paragraph 154(c) is also now an exception that can be applied to this development in respect of the alterations proposed to the concrete framed structure. There is no requirement for alterations under this exception to also meet a test on openness, and it is plainly obvious that the addition of a porch can equally be seen as a proportionate addition over and above the size of the original building, given it will add just 1.2% to the overall volume of the building. Despite still forming the subject of the application, the removal of the 9 other structures across the Site are not required to justify the development under the exception in paragraph 154(c). The Applicant contends that this Green Belt development is an exception under paragraph 154(c).
- 5.7 Furthermore, whilst the previous exception under paragraph 154(g) was subject to it not having a greater impact on the openness of the Green Belt than the existing development, that is no longer the case. Instead, exception 154(g) allows for up to (but not including) substantial harm to the openness of the Green Belt. The views of the Planning Inspectorate expressed by senior Inspector David Smith at an online Green Belt session for planning professionals, is that this allows for 'quite a lot of harm to openness.' The exception also specifically references the use of land for residential purposes.
- 5.8 The Applicant is unsure how the previous Inspector concluded that the development would not preserve openness given the removal of 33% of the built form that is spread across the Site, but, nevertheless, now that the single storey rear extension to the structure has been removed from the plans, the revised application proposes the removal of 40% of the built form within the Site. Even if GBC wish to uphold the previous Inspector's view that the development causes greater harm to openness, this has to be properly balanced against the removal of 40% of the built form across the Site (including the consolidation of the built form to just one structure instead of 10) and also the fact that the revised Framework allows for up to substantial harm to the Green Belt. The Applicant does not consider it reasonable to suggest the removal of 40% of built form coupled with the alterations to an existing structure and a modest porch can be held to cause substantial harm to the Green Belt. The Applicant contends that this Green Belt development is an exception under paragraph 154(g).

- 5.9 Finally, paragraph 155 of the revised Framework as published in December 2024 introduces a new exception and the concept of grey belt land where development in the Green Belt may not be considered inappropriate, subject to a series of criteria. It explicitly refers to housing. The definition of grey belt is set out in Annex 2.
- 5.10 Firstly, it has already been agreed that the Site is previously developed land.
- 5.11 Secondly, the Site must not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 of the Framework. The definition of purpose (a) refers to 'the unrestricted sprawl of large built-up areas'. Development near the Site does not comprise large built up areas and instead only comprises villages. The subject Green Belt is the Metropolitan Green Belt, which is part of the outer edge of Green Belt surrounding London. In this context, the Applicant considers that London is the most relevant large built-up area and consequently the Site does not contribute strongly to purpose (a).
- 5.12 The definition of purpose (b) refers to the need 'to prevent neighbouring towns merging into one another.' As stated above, only villages exist nearby, so it cannot be said that the Site contributes to this purpose.
- 5.13 The definition of purpose (d) refers to the need 'to preserve the setting and special character of historic towns.' Again, given only villages exist nearby and no heritage harm has previously been identified it is not expected GBC will identify a conflict with this purpose.
- 5.14 Thirdly, grey belt excludes land where the application of policies relating to areas in footnote 7 to paragraph 11(d)(i) (other than Green Belt) would provide a strong reason for refusing or restricting development. The Site does not fall within any of the designations referred to in footnote 7 and has not been raised as an issue relating to the previous applications.
- 5.15 Having established that the Site meets the definition of grey belt land, it is necessary to consider the second element of criteria (a) of paragraph 155, namely whether its loss would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
- 5.16 Paragraph 8 of the previous appeal decision confirms the Inspector's view that the previous development would not harm any of the purposes of the Green Belt, disagreeing with GBC's view that there would be encroachment into the countryside. That approach makes sense given the lawful use of the Site is already residential which can already bring about typical domestic paraphernalia

and outbuildings. Converting a building to an additional dwelling on previously developed residential land would not give rise to any additional material urbanising effects and will not result in further encroachment into the countryside. In any case, the Site is small in relation to the totality of the Green Belt, which covers approximately 50% of the Borough. It is therefore correct to suggest that the revised proposal of lesser built form would not fundamentally undermine the purposes (taken together) of the remainder of the Green Belt across the area of the plan. The Site therefore complies with criterion (a) of paragraph 155.

- 5.17 Criterion (b) expects a demonstration of the need for the type of development. The type of development in this case is housing, which is also explicitly mentioned in the opening line to paragraph 155. There can be no dispute that GBC does not have a five-year housing land supply. It is understood that this is currently 2.9 years. The scheme would therefore accord with criterion (b) of paragraph 155.
- 5.18 The final relevant criterion seeks to ensure that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. The recently updated NPPG states that: "whether locations are sustainable should be determined in light of local context and site or development-specific considerations."
- 5.19 The Site forms part of the area's rural character, but, due to the presence of other built form nearby, the proposal would not be within an isolated location. GBC has never sought to suggest as such. The highway connects the Site with nearby settlements including Shorne to the west and Higham to the east. Paragraph 110 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
- 5.20 As the proposal is for a single dwelling, any increase in the amount of peak time traffic movements will be small (the national TRICS database suggests a dwelling adds 0.5 of a trip during each of the AM and PM peak hours). The proposed development will utilise an existing vehicular access and there would remain space for the parking and turning of vehicles within the retained Starwood site.
- 5.21 Within the context of its rural residential location and given the modest extent of development proposed, the Applicant considers that the location is a sustainable one for a single dwelling, as required by criterion (c) of Framework paragraph 155 that complies with the objectives of paragraphs 110 and 115 of the Framework.

- 5.22 For the above reasons, the Applicant is of the view that the revised proposal would use grey belt land and would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan. It would help to meet the significant unmet need for housing within GBC (and nationally) and would be in a sustainable location for its purpose. It would therefore comply with the relevant criteria set out in paragraph 155 of the Framework. Criterion (d), which refers to the 'Golden Rules' to be applied to major housing development is not relevant to this case.
- 5.23 The Applicant therefore concludes that the scheme is not inappropriate development in the Green Belt.

2. Five-year housing land supply (5YHLS)

- 5.24 As noted above, it is understood that the Council cannot presently demonstrate an up-to-date 5YHLS when measured against its objectively assessed need, meaning that the presumption in favour of sustainable development, as set out in the updated paragraph 11(d) of the Framework, is engaged. For decisions this means:

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.*

- 5.25 Such areas of protection as referenced in paragraph 11(d)(i) include Green Belts. An assessment as to the impact on the Green Belt must be completed prior to determining as to whether the presumption in favour of sustainable development can be applied to this proposal. The wording within the Framework suggests that the measure and extent of any identified harm must amount to a *strong* reason for refusing proposed development, which is an update on the previous threshold, which was 'clear.'
- 5.26 In the Applicant's view, as a consequence of the assessment carried out above, there is no *strong* reason for refusing this development in connection with harm to the Green Belt having instead concluded that the development will have a positive effect on the openness of this part of the Green Belt.

- 5.27 Even if GBC concluded it was inappropriate they would still have to satisfy themselves that the harm to the Green Belt would result in a *strong* reason for refusing this development. The Applicant is of the view that it cannot be said that this threshold has been met by this modest development that would result in a reduction of 40% of built form spread across the Site. As such, it would be appropriate to assess the application against part (ii) of paragraph 11(d).
- 5.28 In applying paragraph 11(d), the extent of the shortfall in 5YHLS, whether a forthcoming action plan exists or whether the Council will, in the near future, have a 5YHLS, does not matter. When applicable, the starting point of the presumption is that permission should be granted reflective of the government's objective to significantly boost the supply of homes. The size of any housing land supply deficit does not obviate the need to address the provisions of paragraph 11(d), notwithstanding GBC's can only demonstrate a land supply of 2.9 years as of March 2023 (as confirmed in their delegated report).
- 5.29 The Applicant's full set of benefits are set out below:
- A social benefit with the addition to GBC's housing stock. At paragraph 14 of her decision, the Inspector gave moderate weight to the provision of additional housing, which is at odds with other appeal decisions involving new housing, where significant weight has been given reflective of the national significant need for housing, as confirmed in paragraph 61 of the Framework
 - It would result in a more effective use of previously developed land and increase housing densities in the area, as promoted by the Framework (which GBC previously agreed it does). At paragraph 12 of her decision, the Inspector said the development of one dwelling would not make a **materially** more effective use of land (and specifically in meeting the need for homes). Plainly, the test in paragraph 124 of the Framework does not require any increase in the effective use of land to be 'material.' It also specifically says a more effective use of land should be promoted with particular reference to meeting the need for homes, which is another matter that the Inspector fails to acknowledge
 - The provision of housing would bring economic benefits in the short term, through employment and investment related to construction activity, and the longer term, through the spending power of additional local residents that would benefit local shops and businesses
 - It would result in the removal of sporadic low-quality built form that is already under-used and is likely to become vacant in the near future

- Native landscaping and ecological enhancements can be secured as part of a planning permission, that would otherwise not be the case
- Framework support for this proposal is provided in paragraphs: 61 (significantly boosting housing supply), 73 (small windfalls), 124 (effective use of land for homes), 127 (taking a positive approach to re-use of buildings where this helps to meet needs).

5.30 It is therefore considered that there would be no adverse impacts of allowing the proposal and certainly not to the extent that these would "significantly and demonstrably outweigh the benefits" when assessed against the policies in the Framework taken as a whole.

3. Very Special Circumstances

5.31 To be clear, the Applicant's position is that the proposal constitutes appropriate development in the Green Belt.

5.32 Notwithstanding this position, which gives appropriate weight to the baseline lawful position of the Site, the lack of conditions controlling the Site, lack of secured ecological enhancements and landscaping, should harm to the Green Belt still be concluded by GBC, paragraph 153 notes that "'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

5.33 It is the Applicant's view that there are 5 other material considerations that should be considered collectively as very special circumstances. These are set out below:

1. **Use of entirely previously developed land:** This should be seen as a substantial benefit as the Framework (specifically paragraphs 124 and 125) seeks to encourage the effective use of land by re-using land that has been previously developed and specifically for housing. With such a large previously developed site with sporadic under or unused outbuildings, it is considered that a new, additional dwelling would help to reduce pressure to develop less appropriate greenfield sites. The reduction in hard surfacing will also result in a significant increase in the proportion of the Site that will become of a 'green' condition. Substantial weight should be afforded to this positive.

2. **Making effective use of land:** paragraph 124 of the Framework advises that decisions should promote an effective use of land in meeting the need for homes and other uses. Decisions are expected to make as much use as possible of previously developed land. The provision of an additional dwelling where a building already exists would result in a more effective use of this previously developed site. The objective of paragraph 128 of the Framework is also met in regards to taking a "positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs." The 0.6 hectare site is of a materially low housing density – this proposal would help to increase the density and make more effective use of previously developed land. Substantial weight should be afforded to this positive.

3. **Housing land supply:** the future position for general and affordable housing looks bleak in Gravesham. Based on the LPA's Housing Delivery Test results published in December 2023, just 53% of the total housing requirement has been delivered over the last 3 years. GBC currently has a housing land supply of just 2.9 years. Very substantial weight should be attached to the contribution of this scheme to the provision of housing. The Applicant is aware of the Written Ministerial Statement of December 2015 which indicates that unmet need is unlikely to clearly outweigh harm to Green Belt and any other harm so as to establish very special circumstances. However, this provision is not in the Framework, which has been updated multiple times since December 2015. This statement must therefore only be given little weight.

4. **Freeing up general housing:** one consequence of the national and local housing shortages and of the ongoing rise in property values, including in Gravesham, are that those older people who purchased their existing homes many years ago are likely to hold substantial equity as the result of rising property values and because they may have paid off their mortgages. Some of those homes are likely to have been purchased originally to accommodate families and may be poorly suited to the present needs of their occupiers due to their size, scale, internal layout or large gardens. It is not unreasonable to assume that these occupants may, if presented with an opportunity, be interested in purchasing an alternative, smaller form of accommodation, more suited to their needs and which can continue to be a source of security. As the Government has recognised in paragraphs 4.42 to 4.44 of the White Paper 'Fixing our broken housing market', helping older people to move at the right time and in the right way can help their quality of life as well as freeing up more homes for other buyers. Under-occupied homes could then be released

onto the market where they would be particularly attractive to those in younger age groups in need of larger houses to raise families. In this case, the Applicant and his wife are keen to take up occupation of the proposed bungalow, freeing up Starwood as a family sized, two-storey dwelling. This proposal would therefore make a valuable contribution to overall housing needs which should be weighed in the balance. The Applicant considers that significant weight should be given to this benefit.

5. **Biodiversity / landscape enhancements:** the removal of sporadic built form and the better and re-use of a 0.35 hectare previously developed and level site, coupled with additional native landscaping and the removal of non-native landscaping, controlled by conditions, can lead to a protected and enhanced landscape, something that the Site does not currently benefit from, which would be in accordance with paragraph 150 of the Framework that specifically requires LPA's to retain and enhance landscapes, visual amenity and biodiversity in the Green Belt. The removal of the sporadic built form along the western boundary will result in a significant visual uplift. The proposal would also result in net gains for biodiversity in accordance with paragraph 187 of the Framework. Without a permission the planning system cannot be used to secure any ecological enhancement or management of the appeal site. The Applicant considers that moderate weight should be given to this positive.

Conclusions on Very Special Circumstances

- 5.34 If the above position of the Applicant is not accepted by GBC in respect of this being appropriate development in the Green Belt, then the Applicant wishes to make a case for very special circumstances based on: the use of previously developed land; more effective use of land; provision of additional housing; the freeing up of larger, general housing, and; the landscape and biodiversity enhancements that would not be otherwise secured if a planning permission is not forthcoming.

6 Conclusions

- 6.1 The Applicant believes that the proposed development is not inappropriate in the Green Belt. Exception 154(c) applies in respect of the alterations and front porch extension to the existing building, which will not lead to disproportionate additions. Equally, it will not result in a substantial impact on the openness of the Green Belt meaning exception 154(g) of the Framework also applies to the proposed development. Finally, the new paragraph 155 exception relating to grey belt is a further valid exception that could be used to justify this development for much needed housing within Gravesham. With the SPA mitigation commuted sum having already been paid, no other harms can be demonstrated.
- 6.2 In case GBC find that the proposed development is inappropriate then a sufficient and substantial case of very special circumstances can be demonstrated.
- 6.3 In applying paragraph 11(d) of the Framework, the starting point of the presumption is that permission should be granted. Should GBC not accept this as appropriate development in the Green Belt and not agree that very special circumstances exist, then GBC must satisfy themselves that the development's inappropriateness amounts to not just a reason for refusal, but a strong reason for refusal. If it does not, then paragraph 11(d) applies, where it is quite clear that the benefits will significantly outweigh the disbenefits.
- 6.4 As such, in accordance with paragraphs 11 and 39 of the Framework, and in consideration of all relevant development plan policies and material considerations and the previous common ground between the Applicant and GBC, which is expected to remain the case with this resubmission, the proposed development should be viewed positively by GBC and it is respectfully requested that this application be approved.