



Delegated Report

Planning Application

Planning Application No: 20260109

Location: Land North Of Dawes Cottage, Northfleet Green, Northfleet

Description: Demolition of barn and adjoining building and erection of a new 4 bedroom dwelling.

Applicant: Mr & Mrs M And P Lee

Site Visit Date: 24 March 2026

Submitted Documents/Plans

Application form
Preliminary Ecological Appraisal
Drainage Strategy Report
Planning Statement
Biodiversity Net Gain Report
Sustainability and Energy Report
Design and Access Statement
BNG Metric
Biodiversity Gain Statement
Preliminary Ecological Appraisal by KB Ecology
Baseline Habitats by KB Ecology
Drawing no. A101 (existing elevations and floor layout)
Drawing no. T1424-001 (site location plan)
Drawing no. T1424-002 (existing block plan)
Drawing no. T1424-003 (proposed block plan)
Drawing no. A102 (proposed elevations and floor layouts)

Relevant Planning History

20231189	Demolition of single storey side extension (north side) and erection of a two storey side extension.	Permitted	16.02.2024
20211535	Retention of existing games and family room, whilst carrying out alterations to reduce the size of the existing building.	Granted Temporary Permission	14.06.2022
20190280	Retention of a single storey building for leisure and a games room.	Application Refused, appeal dismissed	12.06.2019
20190268	Application for a Lawful Development Certificate in respect of the retention of a single storey	Certificate Granted	12.06.2019

	side extension on the southern side.		
20150007	Demolition of existing residential annexe and erection of a detached, four bedroom chalet bungalow.	Application Refused	24.06.2015
20140643	Application for a Lawful Development Certificate in respect of the existing hard surface area (poured concrete) in front garden with provisions to direct run-off water to a porous area.	Certificate Granted	15.09.2014
20140450	Continued use of the land for the keeping of horses and livestock including the erection of a hay barn and block of 2 stables with tack room, retention of vehicular access onto Northfleet Green Road and associated concrete hard standing and retention of 2m high close boarded fence to western boundary.	Permitted	22.12.2014
20120789	Application for Lawful Development Certificate for the existing detached outbuilding in the rear garden forming a games room.	Application Withdrawn	18.12.2012
20040462	Retention of the structure housing outdoor swimming pool/sauna.	Application Withdrawn	09.07.2004
20030661	Application for the variation of condition (v) of planning permission ref. no. TH3/70/248 relating to the erection of one detached and one pair of semi-detached houses for agricultural workers, which restricts the occupancy of the property to an agricultural employee.	Permitted	22.09.2003
19780040	Outline application for the erection of a single storey agricultural dwelling	Application Refused	07.02.1978

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Design
- CS15 – Housing Density
- CS18 – Climate Change

- CS19 – Design and Development Principles

Gravesham Local Plan: First Review (1994)

- C11 – Change of Use of Redundant Buildings in the Countryside
- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network
- T4 – Development outside the Built-Up Area

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- Design for Gravesham: Design Code (2024);
- SPG 4 - KCC Parking Standards (2006); and
- Gravesham Landscape Character Assessment (2009).

Emerging Local Plan as a Material Consideration

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be

given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.

The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan**. This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

Consultees

Environment Agency

We have no comments to make on this planning application.

Non planning consents

Although we have no comments on this planning application, the applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

The applicant should contact 03708 506 506 or consult our website (<https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>) to establish whether a consent will be required.

KCC Heritage

Thank you for consulting us on this application.

The application site lies within an area of multi-period archaeological potential and was formally part of the site of an historic farmstead. The application has been made without an archaeological desk-based assessment or heritage statement.

Historic mapping shows the area of the site as wooded, and it is suggested it may have formed part of an orchard associate with the farmstead to the south. Multiple medieval findspot are located within the surrounding fields and the road that bounds the site to the west intersects with the route of Roman Watling Street located c. 500m to the north.

The proposed development would potentially expose and impact archaeological remains, and whilst I do not think this would be a reason to object to development, I recommend that if planning permission is granted the following condition is applied to any forthcoming consent:

AR5 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

i. archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and

ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

I would be happy to discuss any of the above further and provide a brief for the necessary archaeological recording works.

KCC Biodiversity Officer

SUMMARY - ADDITIONAL INFORMATION REQUIRED

We have reviewed the information submitted in support of this application and advise that insufficient ecological information has been provided to determine the application. The following information is required prior to determination:

- Confirmation if the timber shed is to be removed from the site
 - o If it is to be impacted, then one night-time emergence survey of the timber outbuilding will need to be undertaken

Bats

The submitted ecological report has outlined that the proposed development has the potential to have detrimental effects on bats and that a further night-time emergence survey is recommended if the timber outbuilding is to be impacted. It is currently unclear if the timber shed is to be removed from the site or not.

Bats are fully protected through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Some species of bat (e.g., Bechstein's, noctule, soprano pipistrelle, brown long-eared) are also listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 as Species of Principal Importance (aka. Priority Species) for conservation. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including the local planning authorities, to conserve and enhance biodiversity. Government standing advice indicates that local planning authorities must have regard for the conservation of Section 41 species and all bat species as part of their planning decisions¹.

Therefore, to adequately address the potential effects on bats, we advise that further surveys will need to be undertaken (or reference made to available current data²) to ascertain the potential effects of proposals upon bats if the shed is to be impacted.

The necessary further surveys will need to be undertaken in accordance with best practice³ and by a suitably qualified and experienced ecologist⁴. Following further survey, the survey results, along with any necessary mitigation/compensation, will need to be submitted prior to determination of any planning application. This is in alignment with paragraph 99 of the Office of the Deputy Prime Minister (ODPM) Circular 06/2005⁵ which states, "it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision".

Recreational Disturbance and National Site Network Sites (Samms/Sammp)

The application site falls within the 6km zone of influence of the Swale Special Protection Area, Thames Estuary and Marshes Special Protection Area, Medway Estuary and Marshes Special Protection Area and their associated Wetland(s) of International Importance under the Ramsar Convention (Ramsar Site).

This type of development may cause additional recreational disturbance, and likely significant effects on birds using the SPA and Ramsar sites. As such, the North Kent Strategic Access Management and

Monitoring Strategy (SAMMS for Medway, Swale, Thames Estuary), applies and the applicant will be required to make a tariff payment which is based on the net number of additional dwellings proposed. The payment is to mitigate for additional recreational effects on the designated sites. The local planning authority must ensure that adequate means are in place to secure this mitigation before first occupation.

Gravesham Borough Council must consider the impact the proposal will have on these designated sites in accordance with the Conservation of Habitats and Species Regulations (CHSR) 2017 (as amended) and the National Planning Policy Framework (NPPF) 2024.

A decision from the Court of Justice of the European Union (CJEU: C-323/17) has detailed that mitigation measures cannot be considered when carrying out a screening assessment to decide whether a full 'Appropriate Assessment' is needed under the Habitats Directive. Therefore, we advise that there is a need for the local planning authority to carry out an Appropriate Assessment as part of a Habitats Regulations Assessment (HRA).

For this type of development, it is possible to obtain an autogenerated Natural England advice letter.

Biodiversity Net Gain

The applicant considers the proposals to be exempt from statutory biodiversity net gain under the self-build exemption. For this exemption to apply, the proposals must:

- consist of no more than 9 dwellings;
- on a site that has an area no larger than 0.5 hectares; and
- consist exclusively of dwellings that are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015

It is not within our remit to verify that the proposed dwelling(s) meet the definition of self-build or custom housebuilding as defined in the 2015 Act. The LPA should therefore ensure that the proposals meet the definition and that a mandatory 10% biodiversity net gain does not apply.

Government guidance on self-build and custom housebuilding indicates that "[in] considering whether a home is self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout ... Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing".

A recent appeal decision⁶ indicates that a "suitably robust mechanism such as a planning obligation/legal agreement or other means" is necessary to properly secure a development as self-build and to prevent it reverting to an open market dwelling where a mandatory 10% biodiversity net gain would otherwise apply.

Ecological Enhancements

The proposed development provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting and the installation of integrated bat/bird nest boxes. We advise that measures to enhance biodiversity are secured as a condition of planning permission, if granted. This is in accordance with Paragraph 193 of the NPPF that "opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity".

A metric has been submitted to ensure that a net gain outside of legislative net gain can be obtained. The metric currently only covers the southern part of the application site. Where the proposed building is larger than the footprint of the existing structures and will cause the loss of the vegetation on site, there is a proposed loss of -43.69% of area habitat. However, there is sufficient space within the red line boundary to ensure that a net gain can be achieved, including the measures set out in Biodiversity Net Gain Report of hedgerow planting, improving the existing grassland to incorporate more wildflowers, and integrating ecological faunal features into the site.

If planning permission is granted we recommend that a condition is included requiring an biodiversity enhancement plan – we will provide suggested wording once the requested additional information has been submitted.

Lighting

Lighting in the vicinity of a bat roost or along commuting/foraging routes could result in disturbance resulting in roost abandonment, which is an offence under Regulation 43 of the Conservation of Habitats and Species Regulations 2017 (as amended). Artificial lighting has been shown to be particularly harmful to bats along river corridors, near woodland edges and near hedgerows. Local authorities have a duty to ensure impacts upon legally protected species are avoided and impacts upon bats are a material consideration in any planning permission under the Natural Environment and Rural Communities (NERC) Act 2006 and through the National Planning Policy Framework (NPPF) 2024.

Therefore, to mitigate against potential adverse effects on biodiversity, the Bat Conservation Trust/Institute of Lighting Professionals 'Guidance Note 08/23 Bats and Artificial Lighting at Night' should be consulted in the lighting design of the development.

We advise that the incorporation of sensitive lighting design for biodiversity is submitted to the local planning authority and secured via an attached condition with any planning permission – we will provide suggested wording once the requested additional information has been submitted.

1 Bats: advice for making planning decisions - GOV.UK

2 European protected species policies for mitigation licences - GOV.UK (www.gov.uk)

3 Bats: advice for making planning decisions - GOV.UK (www.gov.uk)

4 Suitably qualified ecologists can be found using either the: CIEEM Registered Practice Directory or the Environmental Data Services Directory

5 odpm-circ-0605.qxd (publishing.service.gov.uk)

6 APP/P4415/W/24/3356246 - 38 Goose Lane, Wickersley, Rotherham, S66 1JS.

KCC Public Rights of Way Officer

Thank you for your letter dated 11th March regarding the above planning application.

Public Right of Way NU28 lies to the south of the development and will remain unaffected by the proposals. I enclose a copy of the Public Rights of Way network maps showing the line of the path for your information.

The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs.
- The duration of the closure is kept to a minimum.
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks' notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

KCC Flood and Water

Thank you for your consultation on the above referenced planning application.

As Lead Local Flood Authority, Kent County Council are required to provide technical advice and guidance

on the surface water drainage strategies, designs and maintenance arrangement put forward by developers to any new major development.

According to the Town and Country Planning (Development Management Procedure) (England) Order 2010, major development is defined in planning as any development involving any one or more of the following:

- a) The winning and working of minerals or the use of land for mineral-working deposits;
- b) Waste development;
- c) The provision of dwelling houses where:
 - i. The number of dwelling houses to be provided is ten or more; or
 - ii. The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c) (i);
- d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- e) Development carried out on a site having an area of one hectare or more.

The application under the above reference number therefore falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

Notwithstanding the above, please feel free to contact us again if you consider there to be local flood risk issues on this site that may require further consideration.

GBC Environmental Protection

Contaminated Land

The submitted information and also images from Google Earth indicates that the site has been used for storage including storage of cars/vehicles. This leads to a risk of contamination from chemicals, fuel oils etc. In addition, Google Earth shows evidence of a large bonfire on the site, the remain of which can also lead to contamination of soils. A contaminated land assessment is therefore needed, and this can be dealt with by a pre-commencement condition attached to any permission:

No development approved by this permission shall be commenced prior to a contaminated land assessment (in accordance with the Environment Agency's Land Contamination Risk Management (LCRM) guidance) and if necessary an associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval.

a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance). If during any works contamination is encountered which has not previously been identified then the additional contamination

shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Drainage/sewerage informative

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable. If foul sewage is to be removed using non-mains sewerage systems, a sewage treatment plant or septic tank system will be considered in preference to a cesspool. Such a system may require the prior consent of the Environment Agency under the terms of the Water Resources Act 1991. Applicants are therefore advised to discuss their requirements with the Environment Agency at the earliest opportunity. It should be ensured that the septic tank or cesspool is of adequate capacity to serve the proposed development and suitable access and hardstanding area shall be maintained to it on site.

Lighting

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

Neighbouring properties

The application has been advertised by site notice and individual letters to four neighbouring properties. No letters of representation have been received.

Officer's Analysis

Proposal

This application seeks planning permission for the demolition of barn and adjoining building and erection of a new 4 bedroom dwelling.

The existing and proposed block plan is shown below:

Existing:	Proposed:
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The property will be 19.7m wide, 15m deep and 8m high. Internally it will contain a kitchen/diner, butler kitchen, WC and lounge at ground floor and four en-suite bedrooms at first floor.

Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

“It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than “guidance” and as such a “material consideration” for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme.”

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in February 2025, it demonstrates that based on data up for the period 2024-2029, the Council can only demonstrate a land supply of 3 years.

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2024). This requires that in regard to housing development, planning 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 the development proposed; 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.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest;
- Land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75);
- and areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 129(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of '1' residential units would offer a minimum contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2024) which requires new development to be high quality, beautiful and create acceptable living conditions for future occupiers.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the National Planning Policy Framework (NPPF) and established local planning policy taken as a whole.

2021:



2026:



Green Belt

The application site lies within the metropolitan Green Belt where development is restricted.

Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) (2014) prioritises development in the urban area as a sustainable location for development. In the rural area it states that development will be supported within rural settlements that are inset from the Green Belt and defined on the Policies Map. Development outside those settlements (which is the case here), will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the LPCS.

Paragraph 142 of the National Planning Policy Framework 2024 states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 143 states:

Green Belt serves five purposes:

a) to check the unrestricted sprawl of large built-up areas;

- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 153 states:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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.

Paragraph 154 allows some exceptions listed below:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

The proposed dwelling does not meet a-d or f.

Consideration of 154 (e) – Does the proposal constitute limited infilling in villages?

Paragraph 154 of the Framework allows for a number of exceptions to normal restrictions, including the “limited infilling in villages” exception. While this phrase is not defined within The Framework and there is no official guidance regarding its application, several planning appeal decisions have, however, clarified how this exception should be interpreted and applied. The phrase “limited infilling in villages” is made up of four words, each of which has been used as ‘tests’ with which to judge applications.

The “four tests” against which applications are judged, therefore, are:

- (1) can the settlement in question be classified as a village (or as a settlement larger than a village);
- (2) is the application site within the settlement boundary of the village as judged on the ground;
- (3) does it comply with at least one legally established definition of infilling; and
- (4) it is limited, i.e. proportionate to the existing context.

If all four tests are passed the proposal can be regarded as “limited infilling in a village” and can, and should, be considered as appropriate development in the Green Belt, in accordance with the Framework.

Is Northfleet Green a village?

The adopted Gravesham Local Plan Core Strategy (2014) at 4.2.4, Table 2 and at 4.2.6 sets out a settlement hierarchy with 13 rural settlements inset from the Green Belt and two others (Harvel and Luddesdown) that are ‘washed over’. None are specifically identified as ‘villages’ and Northfleet Green is not listed.

It is stated at 4.2.6 that where the rural settlements have been inset, the boundaries do not define the full extent of each settlement but relate to a coherent and established built-up area where infilling would not adversely affect local character and identity or impact on the openness of the Green Belt.

This settlement hierarchy is reproduced below:

First Tier Settlements	Gravesend/Northfleet/Ebbsfleet, i.e. the urban area
Second Tier Settlements	Istead Rise, Hook Green Meopham, Higham
Third Tier Settlements	Culverstone Green, Meopham Green, Vigo
Fourth Tier Settlements	Cobham, Shorne, Sole Street
Other Settlements	Harvel, Lower Higham, Luddesdown, Lower Shorne, Shorne Ridgeway, Three Crutches

As noted above, there is no definition of a ‘village’ in either the NPPF or the development plan. Whilst the boundaries and status of individual rural settlements may be subject to review in the context of the emerging Local Plan, the boundaries shown on the policies map derive directly and remain unchanged from those shown on the Gravesham Local Plan First Review proposals map (1994), as villages under now-defunct policy V1.

This issue has been considered at appeal (APP/K2230/W/16/3161653), where the Planning Inspector) considered whether Culverstone Green is a village, and the Inspector stated:

Culverstone Green is defined in the Council’s Core Strategy (CS) 2014 as a 3rd tier settlement and it is inset from the Green Belt boundary. Paragraph 4.2.6 of the CS states that where settlements have been inset,

the boundaries do not define the full extent of each settlement but relate to a coherent and established built-up area where infilling would not adversely affect local character and identity or impact on the openness of the Green Belt. From what I have seen and read, it seems to me that Culverstone Green may be regarded as a 'village' for the purposes of this aspect of this appeal.

Northfleet Green has no characteristics of a village. It does not have a local centre or any facilities. It is a sporadic group of houses arranged in a mostly linear pattern in the rural area. Therefore, Northfleet Green is not a village and therefore the site does not meet the exception 154e.

Consideration of 154 (g) – Does the proposal constitute limited infilling or the partial or complete redevelopment of previously developed land and not cause substantial harm to the openness of the Green Belt?

Exception 154g allows limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

Is the proposal limited infilling?

The NPPF does not provide a definition of limited infilling and interpretation is made according to local circumstances and development plan definitions. Case law shows that 'limited infilling' involves one or two houses between existing buildings that already form a built-up area. In this case the frontage consists of a single property with a property opposite and another over 100m away to the north. The space upon which the proposed dwelling will be located is not considered an infill plot as it is too large and does not consist of a gap between houses.

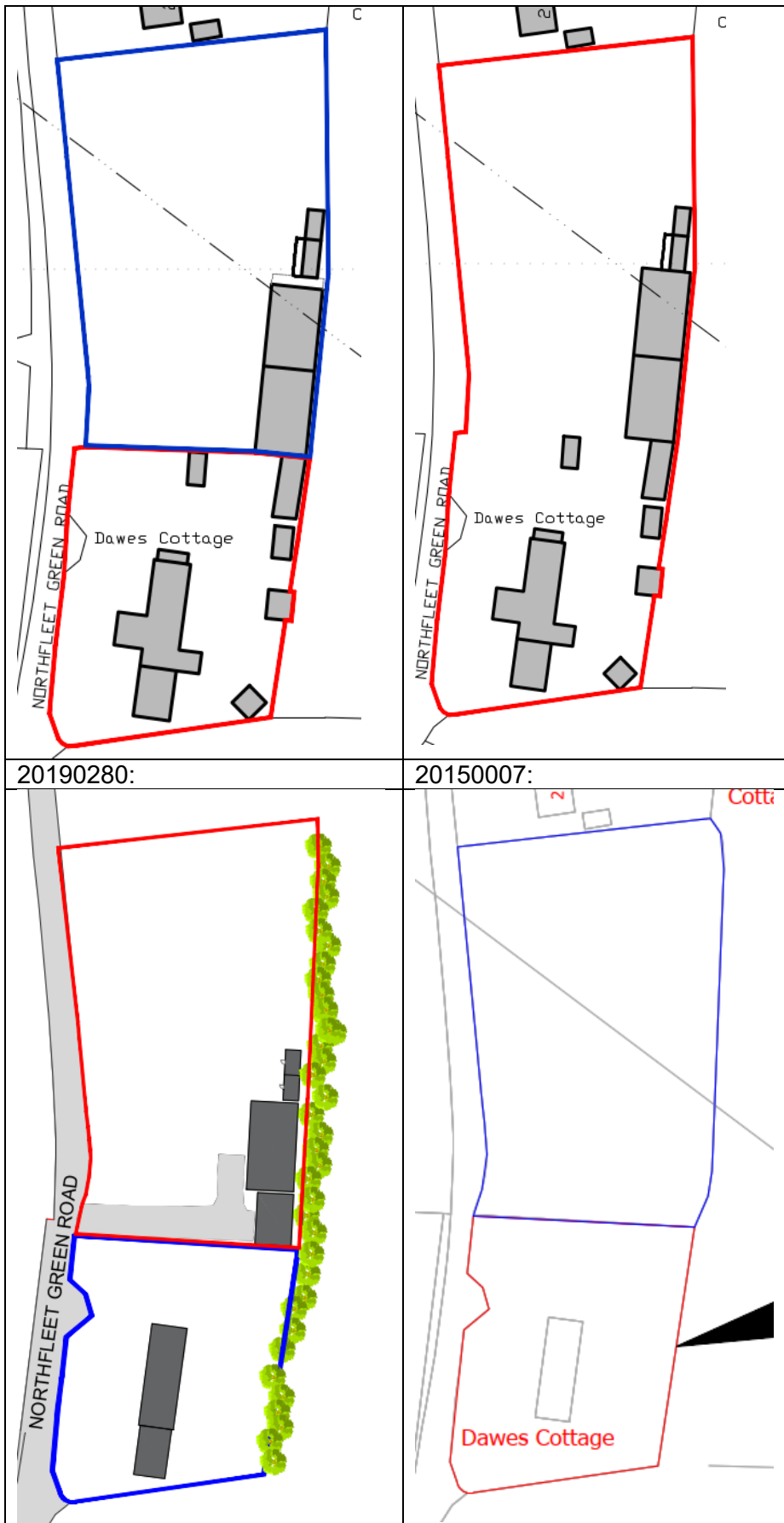
Is the site previously developed land?

The definition of previously developed land is:

Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

The site is split into two parts. The southern part is in residential use and the northern part has been used for the keeping of horses and livestock. The submitted block plan shows the split between residential curtilage and other land. This is corroborated by other block plans submitted in support of various applications as shown below (although it is noted that the red line is around the whole site under reference 20211535 as this involved a temporary residential use which expired on 1 September 2025):

20231189:	20211535:
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Planning application 20140450 granted permission for the continued use of around 1 acre of former agricultural land adjacent to Dawes Cottage, on part of which the existing buildings are sited.

This permission was for the keeping of horses and livestock incidental to the enjoyment of Dawes Cottage. An informative added to the permission, which also included the erection of 4 stables, a tack room, hay barn and 3 chicken coups, states that 'the land hereby permitted is for leisure and recreational use only and shall not be construed as granting planning permission for the extension of the residential curtilage of dwelling'. The conditions attached to this decision also clearly state that the use of the land shall be for the keeping of horses and livestock only and shall not be used for any other purpose.

The land has been used previously for the keeping of horses and is therefore agricultural land. Aside from the temporary use for residential which has now expired, the land has been used unlawfully when not being used for the keeping of horses. The exception 154g is therefore not met.

None of the exceptions listed under 154h are relevant to this application.

Paragraph 154 Summary

The proposed development is therefore inappropriate in the Green Belt and does not meet any of the exceptions in paragraph 154 of the National Planning Policy Framework 2024.

Paragraph 155 states that:

The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed;
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework⁵⁷; and
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.

The roads surrounding the site are single carriageway with no pavements and are unlit. There are no local centres nearby. The closest amenity is a public house and farm shop over 600m away via winding country lanes. There would be an overwhelming reliance on a private car for the development and therefore the site is not in a sustainable location and therefore does not meet the criteria of paragraph 155.

Very Special Circumstances

To conclude, the appeal proposal is inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. The Framework requires that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations

The applicant's have stated that the dwelling is required for their disabled son. The dwelling is shown to have a floor area (measured externally) of approx. 475sqm. The technical housing standards provide minimum standards for dwellings. The largest property listed is a 6 bed, 8 person dwelling which would have a minimum floor area of 138sqm. The proposed dwelling is over three times larger than this with no justification for its size. In addition to this, permission has been granted for an extension to the main dwelling due to the very special circumstances of the disabled son (20231189). This permission is still extant. There is no mention of this in the submitted documentation.

Very special circumstances to justify the development therefore do not exist.

Public Sector Equality Duty

Although there is limited information about the disability of the family member, due regard has been had to

the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Nevertheless, for the reasons set out above, it does not follow from the PSED that the application should succeed.

Human Rights Act 1998

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers

Within this application the needs of the dependent adult have been considered and it is felt that those needs can be accommodated within the already approved extended residential dwelling.

Equalities

The application has been considered in accordance with the Council's Equality Policy, which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

Design, Character and Appearance

Dawes Cottage is a detached dwelling set in spacious grounds. The site is generally surrounded by agricultural fields and open countryside. The development currently onsite consists of a single-storey detached building, currently being used as a games room, located outside the residential curtilage of the host dwelling and a barn building. The surrounding dwellings are modest rural properties with a street frontage.

The proposed dwelling will be substantial in size and out of scale with the property on the adjacent site (which is approx. 100sqm smaller in area). It will also be located to the rear of the plot with the garden to the side, out of character with the layout of the surrounding pattern of development. Whilst the street scene is mixed, the proposed dwelling will be of a substantial size and height with large glazed panels that bear no relation to surrounding properties. The proposed dwelling therefore neither conserves or enhances the surrounding area and will not integrate well with the surrounding area contrary to policy CS19 of the Gravesham Core Strategy 2014.

Landscape Character

The application site is located within the Istead Arable Farmlands landscape character. The key characteristics are:

- Gently undulating topography with open arable fields
- Fields divided by tracks, roads and occasional hedgerows
- Orchards to the east
- Minor native woodland clumps
- Few roads, which are open in character
- Istead Rise modern housing development
- Clusters of properties and farmsteads
- Large pylons

The condition of the landscape is poor and the sensitivity is moderate. The guidelines are to restore and

create.

The proposed dwelling constitutes additional built form, of a domestic appearance and use, in an area of open countryside. Accordingly, it has an urbanising effect on the open rural landscape which diminishes the character and appearance of the area. This was also the view of the Planning Inspector in appeal reference APP/K2230/W/19/3232367 (appendix 1) for the construction of the single storey building that currently exists on site.

The proposed development therefore conflicts with policy CS12 of the Gravesham Core Strategy 2014.

Amenity

Future Occupiers

The rooms all contain sufficient outlook, privacy and daylight and the garden is a sufficient size to serve the property.

Neighbouring Amenity

There are no neighbours within 25m of the proposed dwelling and therefore there will be no detrimental impact to any neighbouring property in terms of loss of outlook, privacy, sunlight or daylight.

Ecology and Biodiversity

SAMMS

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £350.16 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds. The applicants have not paid towards the mitigation.

The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and therefore the development conflicts with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 193 and 194) of the National Planning Policy Framework 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Bats

The submitted ecological report has outlined that the proposed development has the potential to have detrimental effects on bats and that a further night-time emergence survey is recommended if the timber outbuilding is to be impacted.

Bats are fully protected through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Some species of bat (e.g., Bechstein's, noctule, soprano pipistrelle, brown long-eared) are also listed under Section 41 of the

Natural Environment and Rural Communities (NERC) Act 2006 as Species of Principal Importance (aka. Priority Species) for conservation. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including the local planning authorities, to conserve and enhance biodiversity. Government standing advice indicates that local planning authorities must have regard for the conservation of Section 41 species and all bat species as part of their planning decisions.

Therefore, to adequately address the potential effects on bats, further surveys will need to be undertaken (or reference made to available current data) to ascertain the potential effects of proposals upon bats if the shed is to be impacted.

BNG

Biodiversity net gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development.

In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. This means a development will result in more or better quality natural habitat than there was before development.

The applicant considers the proposals to be exempt from statutory biodiversity net gain under the self-build exemption. For this exemption to apply, the proposals must:

- consist of no more than 9 dwellings;
- on a site that has an area no larger than 0.5 hectares; and
- consist exclusively of dwellings that are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015

In the event that an application is successful at appeal a legal agreement/planning obligation will be required to properly secure the development as self-build and to prevent it reverting to an open market dwelling where a mandatory 10% biodiversity net gain would otherwise apply.

Ecological enhancements

A metric has been submitted to ensure that a net gain outside of legislative net gain can be obtained. The metric currently only covers the southern part of the application site. Where the proposed building is larger than the footprint of the existing structures and will cause the loss of the vegetation on site, there is a proposed loss of -43.69% of area habitat. However, there is sufficient space within the red line boundary to ensure that a net gain can be achieved, including the measures set out in Biodiversity Net Gain Report of hedgerow planting, improving the existing grassland to incorporate more wildflowers, and integrating ecological faunal features into the site.

If planning permission is granted at a later date a condition would be recommended to require a biodiversity enhancement plan.

Lighting

Lighting in the vicinity of a bat roost or along commuting/foraging routes could result in disturbance resulting in roost abandonment, which is an offence under Regulation 43 of the Conservation of Habitats and Species Regulations 2017 (as amended). In the event that permission is granted at a later stage a condition would be recommended that a lighting scheme is submitted prior to the installation of any lighting.

Parking and Highways

The proposed dwelling would be accessed via an existing access and parking will be provided to level to meet the adopted standards and therefore no objection is raised on highways grounds.

Conclusion

The proposed dwelling will result in inappropriate in the Green Belt which does not meet any of the exceptions in paragraphs 154 and 155 of the National Planning Policy Framework 2024. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved where very special circumstances do not exist.

The proposed dwelling, by virtue of its size, position, scale and design, is considered out of character with the surrounding street scene and results in additional built form of domestic appearance and use, together with associated residential paraphernalia, in an area of open countryside resulting in an urbanising effect on the open rural landscape contrary to policies CS12 and CS19 of the Gravesham Core Strategy 2014.

The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and therefore the development conflicts with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 193 and 194) of the National Planning Policy Framework 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

The submitted ecological report recognises that the proposed development has the potential to have detrimental effects on bats and that a further night-time emergence survey is recommended if the timber outbuilding is to be impacted, however, in the absence of this survey work, it is unclear what impact the development would have on the bats which are fully protected through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) and therefore the proposed development is contrary to policy CS12 and paragraph 187 of the National Planning Policy Framework 2024.

Recommendation:

Refuse

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	3 June 2026	Dated:	5th June 2026