



Delegated Report

Removal or Variation of Conditions

Planning Application No: 20250543

Location: Rockley House, Wrotham Road, Culverstone, Kent, DA13 0QN

Description: Application for variation of condition 2 attached to planning permission reference 20230700 for conversion and change of use of existing detached garage building to a two bedroom dwelling with provision of two parking spaces to allow minor changes to the roof

Applicant: Mr and Mrs Green

Site Visit Date: Desktop assessment

Submitted Documents/Plans

Application form

Drawing no 7456-PD1- 001 Rev B Site location plan

Drawing no 7456-PD-002 Rev B Site plan - existing

Drawing no 7456-PD1-003 Floor plan, roof plan and elevations – existing

Drawing no 7456-PD1-010 Rev D Floor plan, roof plan and elevations – proposed

Drawing no 7456-PD1-011 Rev D Site plan – proposed

Relevant Planning History

Reference	Description	Decision	Decision Date
20240579	Application for the removal of condition 10 of 20230700 for the conversion of the existing detached garage building to a two bedroom dwelling with provision of two parking spaces; to allow the restoration of the lawfulness permitted development rights.	Refused. Appeal allowed.	21.08.2024 23.04.2025
20230700	Conversion and change of use of existing detached garage building to a two bedroom dwelling with provision of two parking spaces.	Granted	21.02.2024
20210195	Conversion of existing garages and stores to a two bedroom single storey dwelling including new rooflights and fenestration changes. New vehicle access and driveway.	Refused. Appeal dismissed.	28.05.2021 24.01.2023
20190889	Conversion of the existing garage into a two storey 2no. bedroom dwelling.	Withdrawn	27.08.2019
21090641	Partial demolition to and extension and alterations of existing garage and store building including the insertion of dormers in the enlarged roof space in connection with its conversion into a three bed dwelling; provision of private garden area and parking areas.	Refused.	06.12.2019

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

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.

Other Material Considerations

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places

Supplementary Planning Guidance

- SPG 2 – Residential Layout Guidelines (2020)
- Technical Housing Standards – Nationally Described Space Standard (2015)
- Design for Gravesham – Design Code (2024)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Local Ward Councillors

No comments received

Neighbouring Properties

The application was advertised by way of letters to 13 neighbouring and surrounding properties and a site notice. No comments have been received. The overall consultation period expired on 11 July 2025.

Analysis

Background

Planning application reference 20230700 for the conversion and change of use of existing detached garage to a two bedroom dwelling with the provision of two parking spaces was approved on 21st February 2024.

This application seeks to amend condition 2 of permission 20230700 under Section 73 of the Town and Country Planning Act 1990 (as amended). For the purpose of this application, no fresh issues can be introduced into the determination, as only the issues relating to the variation of the condition are relevant.

Condition 2 of planning permission 20230700 reads as follows;

“The development hereby permitted shall be carried out in accordance with the following schedule of

approved plans:

Application form;

Drawing no. 7456-PD1-003 - Garage Plans & Elevations;

Drawing no. 7456-PD1-010 Rev. C - Garage Conversion Floor Plans and Elevations;

Drawing no. 7456-PD1-001 Rev. B - Site Location Plan;

Drawing no. 7456-PD-002 Rev. B - Site Plan;

Drawing no. 7456-PD1-011 Rev. C - Garage Conversion Site Plan;

Highways Technical Note; and

Design, Access and Planning Statement.

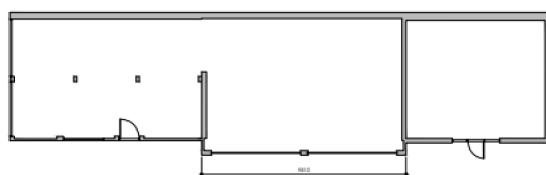
Reason: For the avoidance of doubt and in the interests of proper planning”.

The applicant has set out that the proposed change is being made to reflect the changes in Government policy and the land falling within the definition of Grey Belt, and they consider that the changes result in the development not having a substantial impact on the Grey Belt.

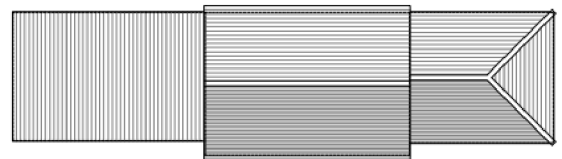
The proposed scheme for the site is the same as that which was applied for under ref. 20210195. This was refused by the Council on the grounds of adverse impact upon the openness of the Green Belt and that the development would, with domestic fenestration, associated garden area, parking area, lighting, boundary treatments, surfacing and general domestic paraphernalia, conflict with the purposes of including land in the Green Belt, representing encroachment and an urbanisation of the site. No very special circumstances were evident in the case to outweigh the harm that would be caused by the development.

The refusal was appealed and subsequently dismissed, with the Inspector opining that the changes involving the addition to the roof of the western store building, the creation of additional substantial sized floor to ceiling height openings and the more intensive use of the site, a greater amount of hardstanding, and likely more lighting to the building over a greater period of time than its use as a garage, would have a considerable impact upon the appearance of the building. This would increase the buildings presence in the open countryside. The Inspector considered *“when comparing the alterations to the building in terms of its height, volume, bulk and mass of the appeal scheme against the existing situation, these changes would be fairly modest. However, when taken together with the changes to the fenestration and the intensification of the use and increased residential activity, the proposal would clearly have a significantly greater impact upon the openness of the Green Belt and the purpose of including land in it”*. The Inspector therefore considered the development represented inappropriate development in the Green Belt.

The following images are of the (pre-) existing, approved and proposed plans;



Garage - Floor Plan



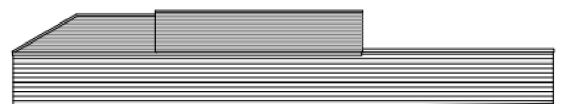
Garage - Roof Plan



Garage - South Elevation

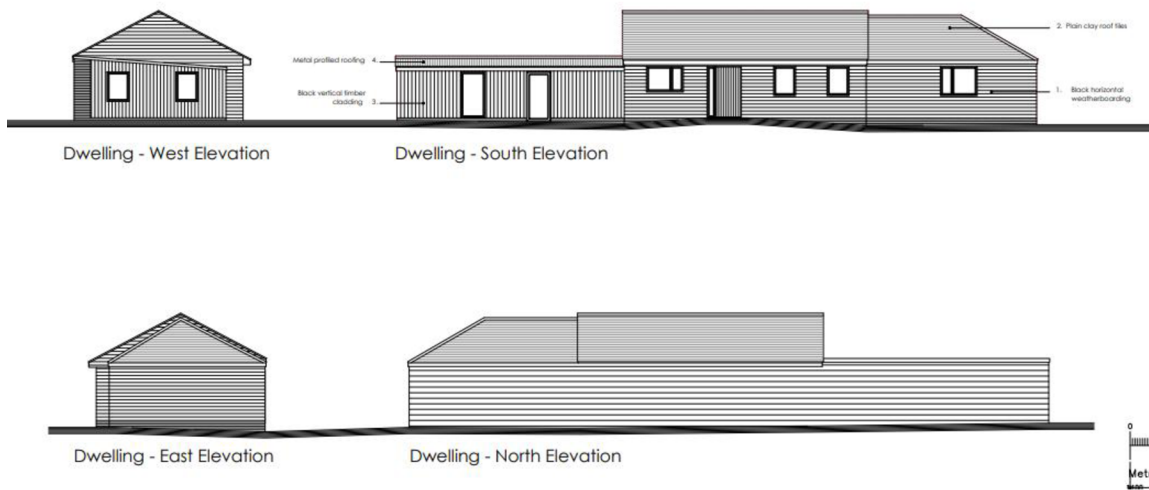
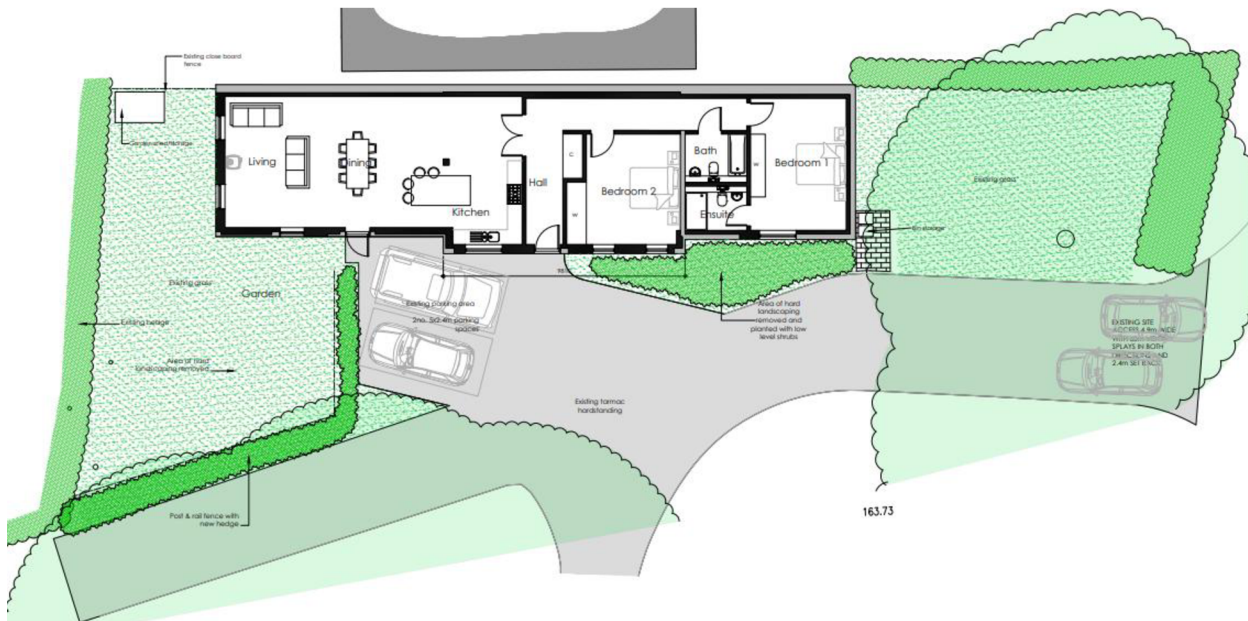


Garage - East Elevation



Garage - North Elevation

(Pre-) existing floor plan and elevation



Approved floor plan and elevations

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another; and
- (d) to preserve the setting and special character of historic towns.

The definition of previously developed land in the NPPF 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 Council considered the site as previously developed land at the time of the previous application on the site and there is no reason that this should not be the case now. It is not considered that the land contributes strongly to the purposes of including land in the Green Belt as it is a small parcel of land in a small area of development in the village of Meopham (though not at the edge of the village). Limited development on the land would not lead to the unrestricted sprawl of large built-up areas, or result in neighbouring towns merging into one another, or result in harm to the setting and special character of a historic town.

While the proposal would result in a development which would be the same as that refused by the Council and dismissed at appeal in 2021, it is not considered that the proposed shallow pitched roof (which would remain subordinated to the roof over the central, main element of the garage/ dwelling) would have an adverse or harmful impact upon the openness or visual amenities of the Green Belt, given the introduction of the term ‘Grey Belt’ into Planning.

The comments of the Inspector at the time of the appeal following the refusal of application 20210195 are noted – *“when comparing the alterations to the building in terms of its height, volume, bulk and mass of the appeal scheme against the existing situation, these changes would be fairly modest. However, when taken together with the changes to the fenestration and the intensification of the use and increased residential activity, the proposal would clearly have a significantly greater impact upon the openness of the Green Belt and the purpose of including land in it”.*

The Council’s decision and the Inspector’s comments were made in accordance with Policy CS02 (LPCS) and the guidance in the 2021 NPPF (that being the copy of the document relevant at the time of the application). However, while Policy CS02 is still the relevant Local Plan policy, the NPPF (2024) is the relevant version of the national planning guidance. Paragraph 149 (g) of the NPPF (2021) stated one of the exceptions to the construction of new buildings being inappropriate in the Green Belt was;

“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 greater impact on the openness of the Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”.*

The corresponding paragraph of the NPPF (2024) (paragraph 154 (g)) states one of the exceptions to inappropriate development in the Green Belt is;

“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”.

The current NPPF therefore has a more relaxed approach to development in the Green Belt than the 2021 version did. It is considered that, notwithstanding the Inspector’s comments at the time of the appeal following the refusal of application 20210195 on the site, the limited increase in the height of the roof over western store section of the building would not cause substantial harm to the openness of the Green Belt. In the context of the overall building, the 700mm increase in ridge height of this section of the building, remaining subordinated to the main height of the building, would not be significant. The impact upon the openness of the Green Belt would be acceptable.

The comments of the Inspector regarding *“the alterations to the building in terms of its height, volume, bulk and mass of the appeal scheme against the existing situation ... taken together with the changes to the fenestration and the intensification of the use and increased residential activity”*, and the proposal *“clearly have a significantly greater impact upon the openness of the Green Belt and the purpose of including land in it”*, are noted. However, as the site is now Grey Belt land, they are not considered to be relevant.

The proposed amendment would also not have any adverse impacts upon the amenities of the occupiers of the neighbouring dwellings, given its limited nature and siting away from them.

It is noted that in 2024, an application for the removal for condition 10 of permission 20230700 relating to Classes E and F of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 was dismissed but allowed at appeal. Therefore, it is not considered that such a condition should be imposed upon this permission.

Conclusion and Recommendation

The proposal complies with local and national planning policies and is therefore considered acceptable.

As this new permission or the original permission for the proposed development on the site may be implemented, it is considered necessary and appropriate to impose the same conditions on this permission as were imposed upon the original permission (subject to condition 10 – Classes E and F permitted development rights removal – and the amended plan numbers, and condition 11 – watching brief – as the development has commenced).

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Thomas Gabriel	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	11 th September 2025	Dated:	12 September 2025