

Planning & Heritage Statement



**Address: Land at Cobhambury Court Cobhambury Road Cobham
DA12 3BT**

Client: Mr. S. Montila

**Proposal: Retention of Detached timber dwelling and incidental
hobby room.**

Prepared on behalf of: S. Montila

12 February 2026

1.0 Introduction

1.1 This Planning and Heritage Statement has been prepared on behalf of Mr S Montila in support of this retrospective planning application to Gravesham Borough Council for the retention of a detached timber dwelling with ancillary hobby room on land at Cobhambury Cobhambury Road Cobham Kent DA12 3BT.

1.2 In addition to the application form and certificates the following documents are submitted;

Application plans:

- Floor Plan
- Elevation Plans
- Block Plan 1:200
- Location Plan

Documents:

- Planning Statement

2.0 Site Surroundings and Proposal

2.1 Cobhambury Court is located on the east side of Cobhambury Road to the south of Cobhambury House and Cobnamburt Barn. It is accessed via along drive which also serves the site which serves the commercial storage area located to the east.

2.2 Cobhambury Court is part of a historic farm cluster adjacent to the settlement boundary of the village of Cobham, approx. 5 miles south of Gravesend. The farm lies within the Conservation Area although the proposed site for development falls outside the Conservation Area boundary.

2.3 The landscape immediately around Cobhambury Court is primarily orchards to the west with a pattern of large arable fields and woodland to the east and south. The site enjoys panoramic views eastwards over fields and woodland, but is contained to the south, west and north by vegetation.

2.4 The village of Cobham is located in the Green Belt and is located in the north-west part of the Kent Downs Area of Outstanding Natural Beauty (AONB). The West Kent Downs landscape is typically characterised by deciduous woodland surrounding large arable fields, thick deciduous shaws and hedgerows, village settlements contained by woodland and a network of small country lanes.

2.5 Access to the site will be from the existing access off Cobhambury Road. The existing access drive is now divided into two with a northern access serving Cobhambury Farmhouse and Cobhambury Barn and the southern one serving Cobhambury Court.

Heritage Context

2.6 The application site is located outside of the defined village boundary of Cobham and immediately abutting the edge of the Cobham Conservation Area. There are a number of listed buildings within the Conservation Area but none immediately adjacent to the application site. The nearest listed buildings is Cobhambury House, the original farmhouse to the Cobhambury farm cluster. The application site sits some 250m south of the listed War Memorial at the junction of Cobhambury Road with Halfpenny Lane. There is a scheduled Monument to the east of the application site.

2.7 The application site is located in open land in the southern part of the Cobhambury Court holding so any impact on the setting of Cobhambury House, the nearest listed building, is limited. The application building is a timber clad structure which, because of its location further down the slope, would not be seen in the same plane as the listed building and would have no impact on it.

2.8 The proposal would have no impact on the Scheduled Monument which is the site of a WWII anti-aircraft battery.

Planning History:

2.9 Cobhambury Court has an interesting history having been part of the Cobhambury Barn site. The most relevant to this application being:

20180257 – Being a LDC application for the continued use of buildings as a 3 bed dwelling with extension.

20180270 – Being an LDC application in respect of the use of land as commercial storage and distribution(B8).

2.10 Both of these applications showed the whole of the Cobhambury Court site and consequently the whole site as being previously developed land. As part of the development associated with the two LDC approvals the applicant installed a new septic tank further down the slope, immediately in front of the application dwelling, further supporting the ‘previously developed land’ claim.

3.0 Planning Policy Context

3.1 Section 70 of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that, when making a determination under the Planning Acts, the determination shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Article 35 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, requires that, when issuing a decision, councils must also include a statement explaining, whether, and if so how, in dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

National Planning Policy

3.2 National planning policy is enshrined within the revised National Planning Policy Framework (NPPF) issued in December 2024 and its accompanying revised the Planning Policy Guidance (PPG). The PPG seeks to set out how to implement the strategic vision contained within the NPPF.

3.3 With regards to decision-taking, the revised NPPF advises that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems. Decision-takers at every level should seek to approve applications for sustainable development where possible.

3.4 Paragraph 7 of the NPPF states that, “the purpose of the planning system is to contribute to the achievement of sustainable development”. It goes on at paragraph 8, that there are three dimensions of sustainable development as: economic, social and environmental. Paragraph 10 of the NPPF states that a “presumption in favour of sustainable development” which is at the heart of the Framework to ensure that sustainable development is pursued in a positive way. Issued in December 2024 the overarching principle is contained within Paragraph 11 which states that there is a **‘presumption in favour of sustainable development’**. Para.12 goes on that the presumption in favour of sustainable development does not change the status of the development plan and states that where a development that is contrary to an up to date development plan that permission should not be granted.

3.5 Paragraph 131 says that the Government attaches great importance to the creation of high quality and sustainable buildings and that good design is a key aspect of sustainable development, which creates better places in which to live and work. This is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 135 states that planning policies and decisions should ensure that developments:-

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- Are sympathetic to local character and history Including surrounding built environment and landscaped setting
- establish a strong sense of place, using streetscapes and buildings to create attractive, welcoming and distinctive places to live, work and visit;
- create places that are safe, which promote health and wellbeing with a high standard of amenity for existing and future users.

3.6 Chapter 13 of the NPPF refers to the protection of Green Belt land where Paragraph 152 explains “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 153 sets out the five purposes of the Green Belt:

- 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;
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

3.7 Paragraph 153 states that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 does go on to say that: “...local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. ... ‘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 sets out that Development in the Green Belt is inappropriate unless one of number exceptions applies that would not effect the openness of the Green Belt.

3.8 Other forms of development are accepted provided they preserve its openness and do not conflict with the purposes of including land within it. These are: mineral extraction;

- a) engineering operations;
- b) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- c) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- d) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);
- e) and development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.”

3.9 Paragraph 155 sets out that: “The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- 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 (Including Gypsy/Traveller Needs);
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework (Including Paragraph 13 of the PPTS);
- c. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157. The NPPF should be read in conjunction with the Planning Policy for Traveller Sites 2024 (PPTS) and forms a material consideration for development of the type proposed.

Local Development Plan

3.10 The relevant Development Plan is the Gravesham Local Plan Core Strategy (September 2014) and the saved policies of the Gravesham Local Plan First Review 1994. The following policies were taken into consideration in the determination of this application and are the main concerns within this statement:

Gravesham Local Plan Core Strategy (September 2014)

3.11 The following policies are considered to be relevant in the context of this proposal:

- Policy CS01 - Sustainable Development - This policy merely reaffirms the application of the approach to sustainable development as set out in the Framework.
- Policy CS10 Physical and Social Infrastructure – This policy states that the Council will support proposals that protect, retain, or enhance existing physical and social infrastructure or that lead to the creation of additional infrastructure that improves the well-being of the community. Where there is threat of loss of existing infrastructure, consideration will be given to the viability and whether alternative provision is available. Additionally, all new development is expected to make the most efficient use of new and existing infrastructure.
- Policy CS11 Transport – refers to the potential impact on highways and the public transport network, caused by new developments and the importance of mitigating that impact using appropriate measures. It recognises the importance of providing sufficient parking in accordance with adopted parking standards. It also explains how the Council will support proposals which improve public transport provision and lead to improvements in walking and cycling facilities.
- Policy CS12 Green Infrastructure - states there will be no loss of biodiversity in the Borough, with emphasis being given to designated sites.

- Policy CS14 Housing Type and Size - indicates that the Council will protect the mix of housing in the existing housing stock, while new housing is expected to provide a range of dwelling types, taking into account the existing character and local need of an area, in order to secure sustainable and balance communities.
- Policy CS19 Development and Design Principles - states that new development will be visually attractive, fit for purpose and locally distinctive. It also states that development should conserve and enhance the character of the local built, historic and natural environments, integrate well with the surrounding local area and meet anti-crime standards.
- Policy CS20 Heritage and the Historic Environment - states that the Council will accord a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource, central to the regeneration of the area and the reinforcement of sense of place.

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact on the Highway Network

Supplementary Planning Guidance

- Design for Gravesham – Design Code (2024)
- Technical Housing Standards – nationally described space standard (2015);

4.0 Planning Considerations

4.1 We are of the opinion that the main considerations of this application are whether the proposal is inappropriate development in the Green Belt, if the site can be considered to be a Grey Belt site, whether it has any detrimental visual impact on the host dwelling and street scene generally and if it has any detrimental effect on the amenity of neighbouring properties. Whilst the proposal is retrospective for the retention of a timber cabin it was erected on the site Over 6 years ago and could be considered to be 'lawful'. It and the ancillary hobby room, which is used by the tenant as a sewing room and for her child's toy storage, have until recently been unchallenged by the Council.

Inappropriate Development & Impact on the Green Belt:

4.2 Whilst there is still a general presumption against inappropriate development in the Green Belt we regard this site as being 'previously developed' land. The application site sits within the residential curtilage of Cobhambury Court. We are satisfied that this and the commercial buildings

are permanent structures within the Green Belt and the proposal can be considered to be previously developed land.

4.3 Inappropriate development is now considered in the light of the recent Court of Appeal case of *Dartford Borough Council V SoS for Communities and local Government & Ors 2017 (EWCA Civ 141)* where the Court considered the definition of 'previously developed land'. We take the view that this proposal meets the Courts criteria as being within the curtilage of a permanent structures at Cobhambury Court.

4.4 We are satisfied that the site accords entirely with the Courts view as it is part of the curtilage of Cobhambury Court and as such is previously developed land whose development would preserve the openness of the Green Belt and would not conflict with the purposes of including the land in the Green Belt. The Green Belt in this area is clearly defined by the topography of the site in that the developed land outside the curtilage of Cobhambury Court, and the application site in particular, sits at a different level. We are satisfied that the proposal would not be in conflict with the general principles of the NPPF or the policies of the Council's adopted Local Plan Core Strategy. Whilst policies seek to protect the openness of the Green Belt and ensure that it remains open. We are satisfied that the proposal would according with the NPPF and that as 'previously developed land' it would not be in conflict with policy. It is immediately adjacent to other residential development and must be considered to be sustainable and in accord with policies in Councils Local Plan and would be in line with the policies of the NPPF for protecting the undeveloped Green Belt outside the M25 boundary.

4.5 In December 2024, a revised National Planning Policy Framework (NPPF24) was published. Among its key changes, were a new method for calculating housing need and the headline-grabbing concept of the 'Grey Belt.' In summary, the Grey Belt allows development in less significant areas of the Green Belt, provided certain criteria are met. Grey Belt includes land that 'does not strongly contribute' to Green Belt purposes (a), (b), or (d) as set out in Paragraph 143 of the NPPF.

- The five purposes of the Green Belt and their specific wording remain unchanged in NPPF24, but because of the introduction of Grey belt and the way it is identified, purposes a, b and d have been given a newfound importance. When making judgements as to whether land is Grey Belt, LPAs should consider the strength of the contribution that the site

makes to Green Belt purposes (a), (b) and (d) as follows:

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

4.6 A site which is considered to be Grey Belt Land and which also satisfies all of the conditions set out in paragraph 155 of the NPPF (which are that the development does not undermine the remaining Green Belt, is a type of development for which there is a demonstrable unmet need, is in a sustainable location, and meets the Golden Rules requirements in paragraphs 156-157 of the NPPF) will no longer be treated as inappropriate development in the Green Belt – meaning that there will be no need to consider whether very special circumstances apply and there would be no strong reason for refusal of the development in accordance with Green Belt planning policies a site which is considered to be Grey Belt Land and which also satisfies all of the conditions set out in paragraph 155 of the NPPF (which are that the development does not undermine the remaining Green Belt, is a type of development for which there is a demonstrable unmet need.56-157 of the NPPF) will no longer be treated as inappropriate development in the Green Belt – meaning that there will be no need to consider whether very special circumstances apply and there would be no strong reason for refusal of the development in accordance with Green Belt planning policies

4.7 We are satisfied that the site meets the test of grey land in that it is sustainable and would not result in the expansion of the urban area. It is previously developed land and adds little to the Green Belt and the contribution of it. As such we are satisfied that it complies with the revised NPPF and not considered to be inappropriate development.

Impact on the area and Neighbours Amenity

4.8 We are satisfied that the proposed dwelling will would not have any adverse impact on the visual amenity of the area as it would not be visible from outside the site or from any vantage point to which the general public have a right of access. Apart from sharing the vehicular access neither Cobhambury Court and the commercial use would be effected by the proposal. The site is screened by a mature woodland band on the Cobhambury Road frontage and will be barely visible at all. We are satisfied that it cannot be considered to be visually obtrusive and would be a significant

enhancement to the setting of the existing street scene. The detail provided clearly shows that the site is capable of accommodating the proposed development without having any detrimental effect on existing residential amenity or being detrimental to the street scene. We are satisfied that the site is within a sustainable location with public transport links to all local amenities within Cobham Village itself.

4.9 It is acknowledged that the site not readily visible from the public highway or any point to which the general public has a right of access and it is felt that the new dwelling would be sustainable and would not be out of character with the location. We are satisfied that the site is capable of accommodating an additional dwelling in the same way as the other residential dwellings in the immediate locality.

Impact on Residential Amenity

4.10 The layout shows that the proposed dwelling would not result in any overlooking or loss of residential amenity to the host dwelling or any of the immediate neighbours. The proposal would have all its main windows in the front and rear elevation and do not look towards the host dwelling. The nearest other residential dwelling would be Cobhambury Barn and at a higher level. We are satisfied that the separation distances and variance in level are such that the proposal could utilise the site without prejudicing the privacy and amenity of its immediate neighbours.

4.11 The proposal would have its own curtilage which is enclosed by existing fences and tree screening. Overall the site would have an amenity area of approximately 300sq.m. The dwelling was orientated so its principle elevations are towards the front and rear with views to the south over the adjacent farm land. It is considered that there will be no material loss of amenity by way of overlooking or loss of light.

Impact on Future Occupiers

4.12 The dwelling was designed to ensure that the main habitable rooms would look out onto open space and the main orientation would be north/south. The main views are to the front onto a proposed patio and garden area with open land beyond. The lounge and ground floor bedroom would have direct access to the main amenity area. We are satisfied that the proposal would provide a satisfactory unit of accommodation in terms of internal layout and access to amenity land would not be prejudiced in any way.

4.13 The internal layout meets all nationally accepted space standards and the overall amenity space for the new dwelling is well in excess of the Council's specified amenity space..

4.14 There are no immediate neighbours that would be materially affected by the residential proposal and has no impact on the setting of other buildings on the site. We are satisfied that there is no conflict with the NPPF and would be of a good design in keeping and character of the area and will appear visually attractive relative to the current uses.

Access & Parking

4.15 Access to the proposal will be via the existing driveway that serves Cobhambury Court and space for the parking and turning of vehicles is made on the front forecourt of the dwelling. The new dwelling will have off-street parking for 4 vehicles in addition to turning space. The parking provision for the other residential and commercial units on the site will be unaffected and the access will remain 'common' and will enable vehicles to turn within the site to ensure entry and exit in a forward gear through the existing electronic gates.

4.16 It is our understanding that the TRICS database states that the average detached dwelling would generate 8 vehicular movements a day and this level of movement is unlikely to have any significant effect as to materially effect on the two neighbouring properties that share the common access.

5.0 Conclusion

5.1 The applicant has taken on board all the National & Council policies to provide a sustainable solution for the beneficial use of this vacant plot within an existing residential enclave and is located in what is considered to be Grey Belt. We regard it as previously developed land as it falls within the curtilage of Cobhambury Court, a permanent and substantial residential dwelling. It is our assertion that the site is sustainable in terms of its location, its proximity to local transport modes and the prospective layout and house design is in keeping with the good design principle outlined in the NPPF. It would provide a boost to local housing supply, albeit of only a limited amount, and provide additional housing within the existing area.

5.2 It is a site that fulfils the requirements of Paragraph 14 of the NPPF in supporting a presumption in favour as well as Paragraph 17 bullet point 8 in making the effective use of land that is previously developed (brownfield

land). The proposal would not be out of character or at odds with the area. There would be no adverse impact on the amenities of nearby residents and therefore it is our view that the application should succeed.

James Barron BA(Hons) DipTP MRTPI