



Delegated Report

Removal of Condition Application

Planning Application No: 20260653

Location: Marlings Dean Lane Harvel Gravesend

Description: Application for removal of condition 7, 8, 9, 10 and 11 attached to planning permission reference number 19990800 for Erection of a detached three bedroom replacement bungalow with detached garage at the side and the laying out of associated driveway and manoeuvring area; to allow reinstatement of permitted development rights.

Applicant: Mr Sebastian Ferrari

Site Visit Date: 21 July and 2 September 2026

Submitted Documents/Plans

Application form
Planning Statement (29 April 2026)
Appendix 1 Trinity House and The Kebles Appeal Decision
Appendix 2 Starwood Appeal Decision

Relevant Planning History

Reference	Description	Decision	Decision Date
20110350	Erection of a conservatory at the side.	Permitted	13.06.2011
19990800	Erection of a detached three bedroom replacement bungalow with detached garage at the side and the laying out of associated driveway and manoeuvring area.	Permitted	28.01.2000

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS19 – Development and Design Principles

Gravesham Local Plan: First Review (1994)

- C13 – Extensions to Dwellings in the Countryside
- T1 – Impact of Development on Highway Network
- P3 – Policy for Vehicle Parking Standards

As set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012 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

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 (2026), the Council will also seek to replace these.

National Planning Policy Framework (2026)

- Section 3 – Decision-making policies
- Section 4 – Achieving sustainable development
- Section 12 – Making effective use of land
- Section 13 – Protecting Green Belt land
- Section 14 – Achieving well-designed places
- Section 19 – 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 (NDSS) (2015)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)
- Gravesham Landscape Character Assessment (2009)

Emerging Local Plan as a Material Consideration

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (Planning and Compulsory Purchase Act 2004) and section 70(2) of the Town and Country Planning Act 1990 (Town and Country Planning Act 1990) make it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise.

Decision Making Policy DM4 of the Framework sets out that when considering development proposals, relevant policies may be given weight, however, this is subject 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 compliance of the relevant policies in the emerging plan with the policies for plan-making in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given to them).

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 of the Framework, which from 17 August 2026 Decision Making Policy DM4 of the Framework.

The Council's emerging Local Plan has reached the Regulation 19 Consultation stage, with the consultation having ended on 18 August 2026. The emerging Local Plan does not form part of the Development Plan. The Council is aware that third parties have raised objections to the wider emerging Local Plan and specific policies within it. Therefore, at present the Council cannot categorically state that the emerging Local Plan can be considered sound and consistent with the National Planning Policy Framework (2024) [as an emerging Local Plan being brought forward under the legacy system, it would be examined under the 2024

Framework]. 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

Dickens Country Protection Society

The Society would wish to the application on the grounds that the site is in an area where Green Belt Policies apply and the North Downs National Landscape Area. If it is proposed to replace the original bungalow, a full planning application should be made in order that impact of the proposal on the Green Belt and North Downs National Landscape area can be assessed.

The documents submitted under ref. 2026/0653 are, in the Society's view, grossly inadequate for the purpose of applying for planning consent.

Kent Downs National Landscape Team

The Kent Downs National Landscape team has seen a recent uplift in the number of consultations on planning applications. In accordance with the agreed Kent Downs Planning Protocol, which sets out that the Kent Downs Landscape team will only have a limited land use planning role and will prioritise its involvement in planning to planning policy matters, we will not normally provide bespoke comments on more minor applications such as this. This does not imply support for, or objection to, the proposal. If our input would be particularly valued in this instance, please get in touch and we endeavour to provide informal advice where our current planning capacity allows.

In determining the application, the local planning authority has a new statutory duty, as set out above, to seek to further the purpose of conserving and enhancing the natural beauty of the Kent Downs National Landscape. Further advice on the new duty is provided in Appendix 2 of this letter. The Kent Downs National Landscape team recommends that to help fulfil the new statutory duty, the Local Planning Authority should ensure that the decision is consistent with relevant national and local planning policy and takes into account the aims, objectives and principles set out in the Kent Downs AONB Management Plan and its associated guidance documents. Further details of these are provided in Appendix 1.

Meopham Parish Council

Following discussion by our Planning Applications Working Group; the Council wishes to provide the following response:

Meopham Parish Council recommends refusal of this application on the grounds that removal of some of the conditions could involve significant changes to the original property and its site in the greenbelt. We recommend conditions should not be removed and any proposed changes should be subject to a new planning application.

Neighbouring properties

The application has been advertised by individual neighbour letters to 1 property and on site. The overall consultation period expired on 24 July 2026.



No letters of representation have been received.

Local Ward Councillors were also consulted but no responses were received.

Officer's Analysis

Proposal

This application seeks permission for the removal of conditions 7, 8, 9, 10 and 11 attached to planning permission reference number 19990800, which was granted in 2000 for the erection of a detached three bedroom replacement bungalow with detached garage at the side and the laying out of an associated driveway and manoeuvring area.

Site photos take from 20110350 application:



The removal of these conditions would essentially allow the reinstatement of permitted development rights.

Conditions 7 to 11 of permission 19990800 state as follows:

7. Notwithstanding the provisions of Article 3 of and Class A Part 1 Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, or any Class in any Order revoking and re-enacting that Order, no enlargement, improvement or other alteration of the dwellinghouse shall be carried out, without the prior permission, in writing, of the District Planning Authority.

8. Notwithstanding the provisions of Article 3 of and Class B, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, or any Class in any Order revoking and re-enacting that Order, no enlargement of the dwellinghouse consisting of an addition or alterations to its roof shall be carried out, without the prior permission, in writing, of the District Planning Authority.

9. No outbuildings or garages, other than those identified on the approved plans, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, permission, in writing, of the District Planning Authority.

10. No hardstanding or other engineering works, other than those identified on the approved plans, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, shall be carried out on the site without the prior permission, in writing, of the District Planning Authority.

11. The garage hereby permitted shall be used only for the parking of a private motor car or cars and no development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that order, shall be carried out on the site in such a manner or in such a position as to preclude vehicular access into the garage.

The reason for conditions 7,8, 9 and 10 is as follows:

In order that any such proposal may be the subject of a separate planning application, which the District Planning Authority would wish to determine on its merits, having regard to this prominent open hillside site and the inclusion of the site within an Area of Outstanding Natural Beauty and the Metropolitan Green Belt.

The reason for condition 11 is as follows:

The development without adequate provision for the parking of private motor cars is likely to result in parking inconvenient to other road users and detrimental to amenity.

Principle Issues

The site lies on the northern side of Dean Lane, within an extensive plot that slopes up to the north from the road. The dwelling on the site is a detached 3 bedroom bungalow with a detached garage.

The site is within the Kent Downs National Landscape, the Harvel Wooded Downs Landscape Character Area, a Biodiversity Opportunity Area, the Strawberry Hill Pasture and Woodland Local Wildlife Site and in the Green Belt.

When considering the reasons for the removal of conditions 7-11, the main considerations are as follows:

- Impact on landscape and Green Belt
- Impact on parking and amenity

Landscape and Green Belt

The main reasoning for the original restriction of permitted development rights on this site related to its prominent location in an Area of Outstanding Natural Beauty (now a National Landscape) and in the Green Belt.

There are a number of relevant planning policies in this regard. Section 14 of the NPPF 2026 relates to promoting high quality places and sets out the Government's requirements in relation to design issues. Policy DP3 sets out the key principles for well-designed places, including that development proposals should respond to their context so they integrate with and enhance their surroundings. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well-designed and respects

the character and appearance of the surrounding area.

Policy N2 of the NPPF 2026 aims for development to contribute positively to the natural environment by considering the environmental qualities of land, including landscape character and the natural beauty of the countryside, and identifying opportunities for those qualities to be conserved or enhanced. The site lies within the Kent Downs National Landscape. Reflective of Policy N2 of the NPPF 2026, Policy SD2 of the Management Plan 2021-2026 recognises the need to conserve and enhance the local character, qualities, distinctiveness and natural resources of the National Landscape. Principle SD8 seeks to ensure that proposals do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the National Landscape.

The application site is located in the Harvel Wooded Downs Landscape Character Area and as such, Policy CS12 of the Core Strategy 2014 is also relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment (GLCA) will be taken into account in determining applications.

Policy CS02 of the Core Strategy 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 Core Strategy 2014.

Green Belts are of great importance. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open (Section 13 of the NPPF 2026). Policy GB6 of the NPPF 2026 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such 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. Development in the Green Belt is inappropriate unless it falls within one of the categories set out in Policy GB7 of the NPPF 2026.

In this case, the implication of the removal of permitted development rights is that development may be able to be undertaken without the requirement for planning permission. Alternatively, if planning permission were to be required, that development would be determined within the context of whether or not it was inappropriate in the Green Belt and would preserve the natural character and beauty of the landscape.

Two appeal decisions have been submitted to support the applicant's position on the removal of permitted development rights. The appeal ref. APP/K2230/W/25/3370656 relates to a site in Gravesham: Starwood, Pear Tree Lane, Shorne and a development consisting of the demolition of 4 No. stable buildings, 2 No. canopies and removal of 2 No. containers, 1 No. portacabin and hardsurfacing, and alterations and extension to existing concrete framed structure to form detached bungalow with three bedrooms and use of existing access.

At paragraph 35, the Inspector states the following:

I have not imposed the suggested condition to remove permitted development rights. Paragraph 55 of the Framework indicates planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Such a condition would not be necessary to make the appeal proposal acceptable in planning terms and would not comply with the Framework.

The relevant updated NPPF 2026 Policy DM6 (Use of planning conditions and obligations) states as follows:

...2. Conditions should not be used to:

...c. Restrict national permitted development rights unless there is clear justification to do so.

As already set out, the site is within a National Landscape. This is described under Schedule 1, Part 1, 1.(b)

of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) as *Article 2(3) land*, although the term 'area of outstanding natural beauty' is still used under this Part, rather than the updated 'National Landscape' term. In Schedule 2 *Permitted Development Rights* general limits are set out for carrying out development, and within this, there are additional restrictions set out for dwellinghouses on Article 2(3) land that regain a tighter control over the kinds of development not permitted. This applies to the following permitted development classes:

- Class A – enlargement, improvement or other alteration of a dwellinghouse (condition 7 relates),
- Class B – additions etc to the roof of a dwellinghouse (condition 8),
- Class E – buildings, etc incidental to the enjoyment of a dwellinghouse (condition 9),
- Class F – hard surfaces incidental to the enjoyment of a dwellinghouse (condition 10).

Engineering works are also mentioned in condition 10; engineering operations are included in the statutory definition of 'development' (as set out in Section 55 of the Town and Country Planning Act 1990) and would automatically require planning permission were any to be proposed.

There is no class of development relating to precluding vehicular access or parking to the garage; this will be discussed further below.

Essentially, since the development of the replacement bungalow was approved, permitted development right restrictions are consistently considered sufficient by Inspectors to control further development, as illustrated in the recent Starwood appeal. National Landscape and Green Belt designations are not reason enough to restrict permitted development; particularly as development in a National Landscape is subject to more restrictions than in other areas to preserve the natural character and beauty of the landscape. The location of the site within the National Landscape and the additional restrictions around development on such designated sites is considered to be adequate in terms of limiting any proposed extensions, outbuildings or hardstanding on this site. Anything outside the limits of permitted development would require planning permission and can then be considered on its own merits, particularly against the landscape and Green Belt policies mentioned above.

It is therefore accepted that conditions 7, 8, 9 and 10 can be removed.

Parking and Amenity

The relevant policies relating to these matters include Policy CS11 of the Core Strategy (2014), which states that new development should mitigate the impact on the public highway and that sufficient car parking in new developments will be provided in accordance with adopted standards which will reflect the availability of alternative means of transport accessibility to services and facilities. This is also reflected by saved Policy T1 of the Local Plan (1994), which requires proposed development to be adequately served by the highway network and Saved Policy P3, which sets out highways parking standards for development.

Section 12 of the NPPF 2026 seeks to promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions, Section 14 seeks to promote high quality, healthy, inclusive and sustainable places, and Section 17 focuses on the new development being appropriate for its location, taking into account the risks and impacts of pollution and other hazards. Policy P3 sets out that development proposals should provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life.

With regard to condition 11 and the potential for the existing garage to be used for anything other than parking, the reason given for this condition is that without adequate parking provision for the development there would be inconvenient parking and harm to amenity. The application site is very generous in size, with more than ample space for off-street parking, whether within the garage or outside it, and therefore it would be extremely unlikely that parking would be forced off site onto Dean Lane. The closest neighbouring properties are over 100m away and similarly unlikely to suffer from inconsiderate overspill parking. This

condition would not meet the planning tests set out in Policy DM6 of the NPPF 2026; if considered now, the condition would not have been necessary to make the development acceptable in planning terms.

It is therefore accepted that condition 11 can be removed.

Conclusion

The proposal to remove conditions 7-11 would be acceptable on the basis of the established and more constrained control of development within National Landscapes through permitted development rights, and in terms of the relevant national and local parking and amenity objectives. Therefore, a new permission can be generated for the development approved under application 19990800, with conditions 7-11 removed.

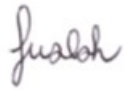
Remaining Conditions

With regard to the other remaining conditions on the planning permission, it would appear from the planning history of the site that none were ever discharged. Due to the passage of time, it would not be expedient to pursue enforcement action. As this application necessitates a new planning permission, condition 1 (time limit for beginning development) can be removed as the development has been carried out. This also applies to conditions 2 (demolition of existing dwelling), 3 (details of materials), 6 (removal of spoil from groundworks) and condition 12 (works to be carried out in accordance with approved details). Condition 4 (driveway and manoeuvring) should be altered to remove the reference to submitting details as the development has been carried out. Condition 5 (restriction on infilling porch) is not necessary to be reimposed, as if the porch were to be infilled it would have no impact on the site.

Recommendation

Remove conditions 7-11 and issue amended decision with alterations to remaining conditions as above.

(See draft Decision.)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	22 September 2026	Dated:	24 September 2026