

Delegated Report

Prior Approval Application

Planning Application No: 20260568

Location: Barn North Of Abbey Farm Barn, Church Street, Higham, Kent

Description: Application to determine if prior approval is required for a proposed;
Change of use of an agricultural building into five holiday let
accommodation units, of the Town and Country Planning (General
Permitted Development) (England) Order 2015 (as amended) -
Schedule 2, Part 3, Class R.

Applicant: Mr Steve Naish

Site Visit Date: 11 June 2026

Submitted Documents/Plans

Application form
Covering letter
Site location plan
Floor plans and elevations
Topographical drawing
Structural Assessment by Alan Baxter Partnership LLP
Flood Risk Assessment and Drainage Strategy by create consulting engineers ltd
Photos

Relevant Planning History

20240139	Change of use of an agricultural building into Five Holiday Let Accommodation Units.	Application Refused, appeal dismissed.	03.06.2024
20230399	Change of use of an agricultural building into Five Holiday Let Accommodation Units.	Application Refused	21.08.2023

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11- Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highways Network
- TC3 – Development Affecting Conservation Areas

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 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic 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);
- Church Street, Higham – Rural Conservation Area Appraisal 2016
- 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

Thank you for consulting us on the above application which we received on 2 June 2026. As part of this consultation, we have reviewed the following documents:

- Flood Risk Assessment (FRA) and Drainage Strategy, ref. GB/VL/P22-2731/01, dated December 2022, by Create Consulting Engineers
- Proposed floor plans and elevations
- Site location plan

Environment Agency position

We object to the proposed development as submitted on the basis that the risk to life for occupants in the event of a breach of the tidal flood defences would be unacceptable.

Please refer to the following sections for our full response:

- Section 1: Reasons for, and how to overcome, our objection(s)
- Section 2: Advice to the Applicant / Local Planning Authority

Please note that our comments are based on the details available to us at the time of writing. If any subsequent changes are made to the application, please reconsult us.

Please be aware that we wish to be re-consulted on this planning application once the required information has been submitted. Please also note that our subsequent advice may concern other important environmental issues.

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

KCC Flood and Water Management

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.

KCC Highways

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped->

kerb/dropped-kerb-contractor-information

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

North Kent Marshes Water Level Management Board

The site is within the drainage district of the newly formed North Kent Marshes Water Level Management Board (NKMWLMB).

The Board has reviewed the submitted application and notes that it seeks a determination as to whether prior approval is required for the proposed change of use of an existing agricultural building under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Based on the information submitted, the proposal appears to relate to the change of use of an existing building only. It does not appear to involve alterations to any watercourse, surface water drainage infrastructure, or the extent of impermeable area. On this basis, the proposal does not appear to raise any matters that would materially affect the Board's drainage interests.

The submitted Flood Risk Assessment indicates that there is no formal existing arrangement for surface water disposal and that surface water currently either infiltrates or runs off informally to the surrounding area. The Local Planning Authority may therefore wish to consider whether sufficient information has been provided to demonstrate that suitable surface water drainage arrangements exist for the proposed use.

Similarly, the submitted Flood Risk Assessment indicates that foul drainage is likely to be via a private treatment system. The Local Planning Authority may therefore wish to satisfy itself that suitable foul drainage arrangements are available for the proposed use.

Should future proposals include alterations to drainage arrangements, works affecting an ordinary watercourse, or new discharges to a watercourse, the Board would like to be reconsulted.

Should the Local Planning Authority determine that prior approval is not required, or otherwise permit the development to proceed without further consultation, the applicant is advised to contact the Board directly before undertaking any works that may affect land drainage interests, as separate consent may be required under the Land Drainage Act 1991 and/or the Board's Byelaws.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information. The Board would be very grateful if its comments were used in their entirety.

Higham Parish Council

As a Parish Council, we feel it is in the best interest of our village and fellow residents to object to and provide comments for the planning application for 'Change of use of an agricultural building into 5 Holiday Let Accommodation Units.'

There were two previously submitted applications for this subject property, both refused by Gravesham Borough Council. One under reference 20230399 refused on 21.08.2023 and the second, 20240139 refused on appeal on 03.06.2024.

Higham Parish Council's concerns remain the same:

- The subject barn is situated within the Green Belt and councillors feel strongly about protecting such land from development, as well as not setting a precedent for similar land in the village and surrounding areas.
- The proposed holiday let would be accessible via a single-track road, which our councillors feel would be unsuitable for this type of business, where multiple vehicles would be accessing the property. Furthermore, during the build, there would be a considerable amount of construction traffic using this single-track road for access to the site.
- Concerns arise about the change of use of land, resulting in increased traffic volume through the village, which is an already busy village.
- Due to the current agricultural use of this barn, changing the use into 5 holiday lets would require extensive development and re-modelling, consequently altering the character within this conservation area.

Please consider our comments carefully when deciding on this planning application.

Dickens' Country Protection Society

The Society would wish to object based on Green Belt, Ramsar, traffic, amenity and limited time scale. Please refer to our letter dated 4th June 2026 which was based on previous objections from appeal representations.

The above application has come to the Society's notice, and the Society would like to make the following representations. The Society wishes to register an objection to the application on the following grounds:

- (a) The site is in an area within which Green Belt Policies apply where new residential development would not normally be permitted.
- (b) In the Society's view, the building of a light portal framed structure is not suitable for conversion to residential use and requires too much new building to be considered for conversion.
- (c) The site immediately adjoins an area protected under the International Ramsar Convention where any activity likely to impinge on wildlife life (intense human activity, disturbance from pets etc) should be avoided.
- (d) Church Street is approached by a single track road and any development likely to result in an increase in traffic should be avoided.
- (e) The Society would point out this application is not simply for a change of use of a basic disused building; it is for considerable works to be carried out to change the use of a structure in a relatively remote area adjoining an area internationally recognised for its wildlife interest, to an intensive multi-user residential use, with all the activity and paraphernalia that it is likely to entail.

The proposal does not compare favourably with the traditional farm buildings to the south which have previously been converted, and does not fit well with Church Street which is relatively remote, a conservation area and currently has a tranquil environment.

The Society notes this application is similar to those made under references 20230399 and 20240139 both of which were refused.

The Society further notes that an appeal was lodged in relation to application 20240139 and the appeal was heard in 2025 and Dismissed.

The proposed floor plan compared with the footprint of the building would suggest this would be redevelopment not a change of use. The Society would suggest the applicant has failed to demonstrate how the building would be converted.

On the grounds set out above, the Society considers that prior approval should be refused, and a full planning application required to which the Society would also object.

Neighbouring properties

The application has been advertised by site notice and individual letters to five neighbouring properties. 20 letters of objection have been received. The main concerns are listed below:

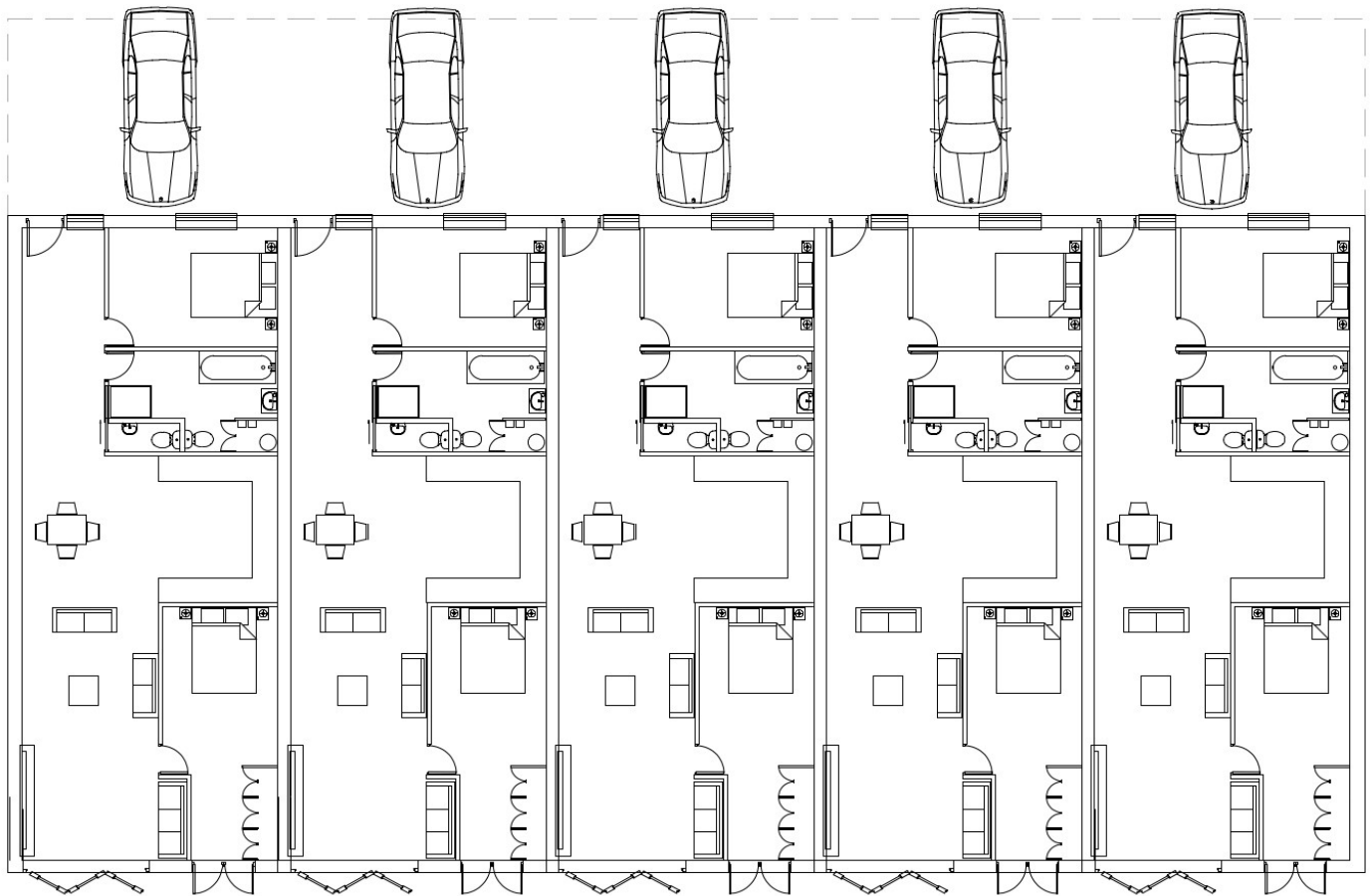
- This is the third application of the same proposal
- The Inspector dismissed the last appeal as it would cause harm to:
 - The Church Street Conservation Area
 - The setting of Grade I listed St Mary's Church
 - The Higham Arable Farmlands landscape
 - Protected species, including bats
 - The rural character of the existing farmstead
- Impact on wildlife, bats etc
- Will result in substantial commercial visitor use
- Highly sensitive location, proximity to SSSI
- Impact on quiet rural nature of the area/incompatible use
- Increase in levels of activity, noise, disturbance i.e. arrivals, departures, deliveries, servicing, BBQs, loud music etc
- Unrelated groups staying simultaneously
- Site is close to designated heritage assets and their setting
- Use would be heavily dependent on private vehicle use/no public transport
- Increased traffic along the lane, visitors, shopping deliveries, takeaway food deliveries
- Scale is out of keeping with farm diversification; more akin to commercial tourism
- Dead end road, more frequent vehicular movements
- Outdoor activity and paraphernalia
- The building contains asbestos
- The building would have to be substantially rebuilt so how can it be a conversion?
- Increase in on-site parking, only one parking space per unit is shown
- No mains drainage
- The barn is used to store wood
- A caravan has appeared in the barn
- National Grid lorries have been using the access and locking it causing traffic problems
- There is a scheduled ancient monument close to the site
- There does not appear to be the market for holiday lets as nearby wedding venues have closed/changed
- Noise from the railway line
- Type R includes hotels, not holiday lets
- Low water pressure, no gas, poor drinking water
- Site is within flood zone 3, no FRA
- Wear and tear on the verges
- How can they be controlled as holiday lets? If they were dwellings they would put strain on local services, GPs, schools etc
- Impact on residential amenity

- Loss of agricultural purpose and incremental development
- Harm to the landscape

Officer's Analysis

Proposal

This application seeks to determine if prior approval is required for a proposed; Change of use of an agricultural building into five holiday let accommodation units, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class R. The proposed layout is shown below:



Procedural matter

The plans show canopies to the front of the proposed holiday lets which are considered operational development and therefore require planning permission in their own right. The prior approval for a change of use does not allow for operational development.

Assessment

Class R of Part 3 of Schedule 2 of The Town and Country (General Permitted Development) (England) Order 2015 (as amended) relates to changes of use of 'agricultural buildings to a flexible commercial use' and permits development consisting of:

... a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use—

- (a) falling within one of the following provisions of the Use Classes Order—
- (i) Class B2 (general industrial) of Schedule 1;
 - (ii) Class B8 (storage or distribution) of Schedule 1;
 - (iii) Class C1 (hotels) of Schedule 1;
 - (iv) Class E (commercial, business or service) of Schedule 2; or
 - (v) Class F.2(c) (outdoor sport or recreation) of Schedule 2; or
- (b) for the provision of agricultural training.

Under the Class R conditions (R.2) the definition of 'curtilage' above is specifically set out as follows:

R.2

- (c) after a site has changed use under Class R, the planning permissions granted by Class E of Part 7 of this Schedule apply to the building, subject to the following modifications—
- (i) "curtilage" has the meaning given in paragraph X (interpretation) of this Part;

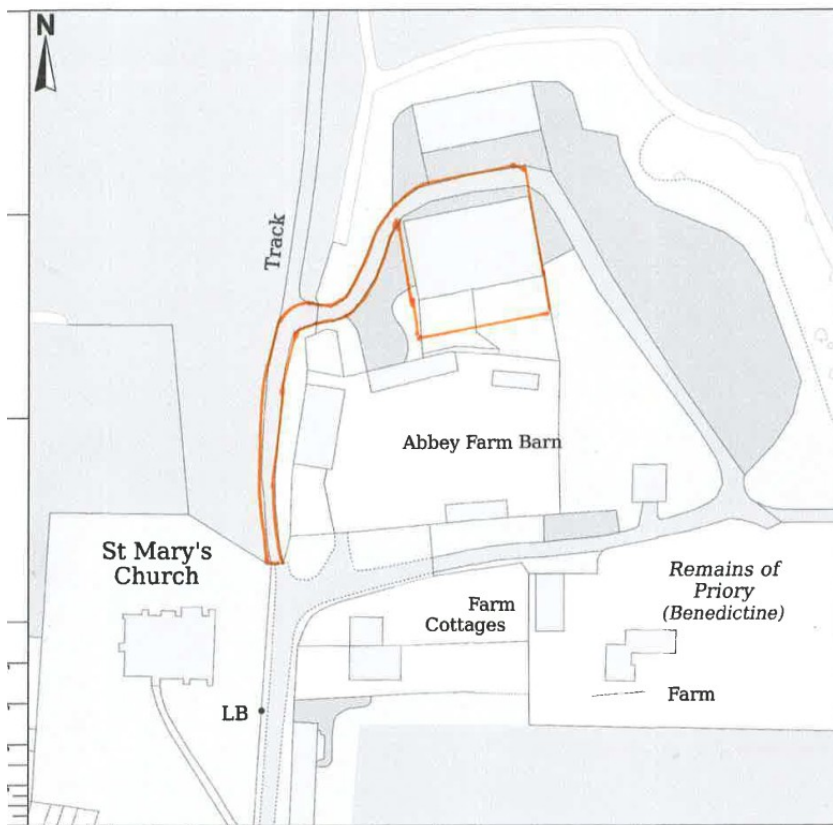
Interpretation of Part 3

X. For the purposes of Part 3—

"curtilage" means, for the purposes of Class Q, R or S only—

- (a) *the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or*
- (b) *an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser;*

In this case, the application site does not solely include the main building on the site where the use is sought to be changed to Class C1; the application site consists of the building and an area of land to the north and south:



As stated above, the definition is quite restrictive; the curtilage must be immediately beside or around the agricultural building and is limited to the lesser of:

- The land closely associated with and serving the building; or
- An area no larger than the footprint of the agricultural building itself.



As can be seen from the aerial photo above the land to the south of the barn is not used in association with the barn. Given the definition, the land to the south of the building is not considered to form part of the curtilage for the purposes of class R.

On this basis, the proposal would not be permitted development as it does not solely relate to the building and curtilage as defined within Class R. The application should therefore be refused, and planning permission should be sought.

For completeness, the proposal has been assessed against the permitted development criteria below.

Development not permitted by Class R:

R.1 Development is not permitted by Class R if—

(a) the building was not used solely for an agricultural use as part of an established agricultural unit—

(i) on 3rd July 2012;

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

(iii) in the case of a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins;

The building has been in situ since before the 1990s.

(b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 1000sqm;

The floor area to be changed to holiday lets equates to around 500sqm. However it is noted that the red line indicating the proposed change of use equates to 1,630sqm.

(c) the site is, or forms part of, a military explosives storage area;

(d) the site is, or forms part of, a safety hazard area; or

(e) the building is a listed building or a scheduled monument.

R.1 (c), (d) and (e) do not apply to the site.

Development is permitted subject to the following conditions:

- (a) a site which has changed use under Class R may, subject to paragraph R.3, subsequently change use to another use falling within one of the use classes comprising the flexible use;*
- (b) for the purposes of the Use Classes Order and this Order, after a site has changed use under Class R the site is to be treated as having a sui generis use;*
- (c) after a site has changed use under Class R, the planning permissions granted by Class E of Part 7 of this Schedule apply to the building, subject to the following modifications—*
 - (i) “curtilage” has the meaning given in paragraph X (interpretation) of this Part;*
 - (ii) any reference to “office building” is to be read as a reference to the building which has changed use under Class R;*
- (d) where the site is to be used for general industrial purposes within Class B2, it must only be used for the processing of—*
 - (i) raw goods, excluding livestock, which are produced on the site and are to be sold on the site, or*
 - (ii) raw goods mentioned in paragraph (i) together with goods ancillary to the processing of those raw goods.*

R.3— (1) Before changing the use of the site under Class R, and before any subsequent change of use to another use falling within one of the use classes comprising the flexible use, the developer must—

- (a) where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit does not exceed 150 square metres, provide the following information to the local planning authority—*
 - (i) the date the site will begin to be used for any of the flexible uses;*
 - (ii) the nature of the use or uses; and*
 - (iii) a plan indicating the site and which buildings have changed use;*
- (b) where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit exceeds 150 square metres, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—*
 - (i) transport and highways impacts of the development;*
 - (ii) noise impacts of the development;*
 - (iii) contamination risks on the site; and*
 - (iv) flooding risks on the site,**and the provisions of paragraph W (prior approval) apply in relation to that application.*

The proposed change of use exceeds 150 square metres and therefore the above (b) is applicable.

(i) Transport and highways impacts of the development

Saved policies T1, T5 and P3 of the Local Plan 1994, Policy CS11 of the Core Strategy 2014 and Paragraphs 110 and 115 of the NPPF 2024 comprise the relevant highways considerations for this proposal. These policies ensure that development has an acceptable amount of parking, is not detrimental to the highway network and promotes sustainable transport methods.

The site is accessed by a rural lane which is devoid of pavement and is unlit. Appeal reference 3356605 dealt with a planning application for holiday units at the site and said the following in relation to paragraphs 110 and 115:

11. Paragraph 110 encourages the management of patterns of growth to support the objectives of

promoting sustainable transport. Paragraph 115 requires that in assessing sites, it should be ensured that sustainable transport modes are prioritised taking account of the type of development and its location amongst other things.

12. The appeal site is in a very isolated location in the countryside, located some distance from the nearest village of Lower Higham. Although the walking distance to the village would not be excessive, access is along an unlit country road with no demarcated footway. The nature of this route would be likely to deter pedestrian and cycling access to the village, particularly in the evenings and during the winter months. Moreover, the submitted evidence does not provide details of the shops or services provided within the village.

13. On balance, the proposal would not be located where future occupiers would be able to rely on accessible local services and facilities to serve their everyday needs without having to travel some distance and in all likelihood by car. Drawing the above together, the proposal would not be in a sustainable location.

The situation has not changed and therefore the site is still considered unsustainable. On the basis of such highways concerns, prior approval would be required for the proposal, and due to the unsustainable location of the proposed development, would be refused.

(ii) Noise impacts of the development

The NPPF 2024 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 135f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity of its occupants, and those of neighbouring properties and land, and avoid adverse environmental impacts.

No information has been submitted in relation to the impact of noise from the proposed change of use on the neighbouring dwellings or the impact of noise from the nearby train line on the potential visitors to the proposed holiday lets.

On the basis of such noise concerns, prior approval would be required for the proposal, and due to the lack of noise information within this application, would conflict with policy CS19 of the Gravesham Core Strategy 2014 and paragraph 135f of the National Planning Policy Framework 2024 and would be refused.

(iii) Contamination risks on the site

As the building has been in agricultural use, there is the potential for contamination (through storage of chemicals, pesticides etc, fuel/oil storage, repair of agricultural machinery etc). Consequently, a contamination assessment will be needed.

This matter has not been addressed within the application, and due to the lack of such information about potential contamination from the activities on the wider site, prior approval would be required. Without this information the proposed development would conflict with Policy CS19 of the Core Strategy 2014 and paragraph 198 of the NPPF 2024.

(iv) Flooding risks on the site

The Environment Agency have been consulted on the application and have objected. The site lies within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. Notwithstanding the mitigation measures proposed, the risk to life and/or property, from fluvial inundation would be unacceptable if the development were to be permitted.

The supporting FRA suggests appropriate measures to mitigate the residual of flooding from a breach of

tidal flood defences, in particular recommending setting the finished floor levels at a minimum height of 4.55mAOD.

However, the FRA is vague about which of these mitigations will actually be implemented and the submitted plans do not confirm that these mitigation measures have been incorporated into the design. Especially, the proposed plans do not include the finished floor levels. As this is a prior approval application it is not appropriate to use a planning condition to secure the implementation of appropriate flood risk mitigation measures. The proposed development therefore is unacceptable and conflicts with paragraph 178b of the National Planning Policy Framework 2024.

Thames Estuary and Marshes Ramsar / Special Protection Area (SPA) – SAMMS Tariff:

As the application site is within 6km of the Thames Estuary and Marshes SPA/Ramsar Sites and would provide additional residential accommodation, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest.

In addition to the criteria of Class R the proposed development is subject to Regulations 73 to 76 of the Conservation of Habitats and Species Regulations 2010 (as amended), which require the Local Planning Authority to take into account whether the proposal would, either alone or in combination, have likely significant effects on a European Site (SPA/SAC/Ramsar site). Regulation 73 (1) of the Habitat Regulations states: "It is a condition of any planning permission granted by a general development order... that development which is likely to have a significant effect on a European site... (either alone or in combination with other plans or projects)... must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 75."

The proposed development is considered to have likely in-combination effects due to its recreational impacts. Thus, any successful application would need to satisfy the requirements of the Habitat Regulations and would require a financial contribution of £350.16 per unit to mitigate the adverse impacts.

An informative to this effect would be added if the application has been approved

Conclusion and Recommendation

The application fails to meet the permitted development criteria as set out in Class R of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), particularly with regards to the curtilage definition under condition R.2 (c)(i). Class R only permits the change of use of a building and immediate curtilage however the plans include a larger area than permitted. The proposal would not therefore be permitted development and this application for prior approval is refused.

Had the proposal otherwise constituted permitted development, prior approval would have been required and refused under paragraph R.3(1)(b) of Class R. Insufficient information has been submitted to demonstrate that the proposed use would not result in unacceptable transport and highway impacts, noise and disturbance, contamination risks or flooding and drainage impacts. The Local Planning Authority is therefore unable to conclude that the development would provide safe and suitable access, safeguard highway safety and the amenities of neighbouring occupiers, be suitable for the proposed use having regard to contamination risks, or remain safe from flooding without increasing flood risk elsewhere. The proposal is contrary to Policies CS11, CS18 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 115, 116, 170, 181, 187, 196 and 198 of the National Planning Policy Framework 2024.

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

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
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Signed:		Signed:	<i>R Hart</i>
Dated:	22 July 2026	Dated:	23rd July 2026