

Delegated Report

Planning Application

Planning Application No: 20230758

Location: Land Adjacent To Land Known As 'The Den' Rhododendron Avenue,
Meopham, Gravesend

Description: Erection of a 1 bedroom bungalow.

Applicant: Mr D Radu

Site Visit Date: 18.09.2023

Preliminary Matters

During the course of the application, it was noted that additional consultation was required. As such an extension of time until 27.10.23 was requested in order to cover this time period. On 19.09.23, confirmation of the extension of time was received from the agent.

Village Green

The application site forms part of a designated Village Green and Section 70(2) of the Town and Country Planning Act 1990 requires that a local planning authority in dealing with a planning application, shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations.

Section 12 of the Inclosure Act 1857 makes it an offence to interrupt the use or enjoyment of a village Green and Section 29 of the Commons Act makes all type of building an offence unless it is for the better enjoyment of the Green. Whilst the Village Green Designation is noted this is not a material planning consideration and would be covered by separate legislation.

Submitted Documents/Plans

Application Form;
Supplementary Information – Planning Statement;
Drawing No. LOC/ROHD/V1 – Site Location Plan;
Drawing No. PEBP/ROHD/V2 – Block Plans as Existing and Proposed;
Drawing No. DEN/A1PLANS/V1 – Elevations and Floor plans as Proposed; and
Drawing No. DEN/A1SITEPLAN/V1 – Plot Layout as Proposed.

Plan Notes

An ecological appraisal has not been received as part of this application. In addition, there appears to be some discrepancies with the plans and documents received. The planning statement appears to be requesting advice, rather than being part of this formal planning application, as indicated within the proposal; *“we are seeking the councils advice for our proposed 1 bedroom Bungalow to be sited on the plot”*. In addition, the proposal is described as both a 1 bedroom bungalow, and a family home. Although the specific dynamics of the proposed family home have not been provided, one bedroom could be considered insufficient for a property described as a family home. Furthermore, the full extent of the site is not reflected on the proposed plans.



However, as the Local Planning authority are not minded to permit the development, clarification, amendments and additional documents have not been requested in this instance.

Relevant Planning History

Reference	Description	Decision	Decision Date
TH/6/55/137 (19550157)	Erection of a chalet for weekend and holiday use	Refused	05.08.1955
19750466	Stationing of caravan	Refused	16.09.1975

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact on the Highway Network
- T5 – New Access onto Highway Network

Paragraph 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development

- Section 5 - Delivering a sufficient supply of homes
- Section 9 – Promoting Sustainable Transport
- Section 12 – Achieving Well-designed Places
- Section 13 - Protecting Green Belt Land
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Householder Extensions/Alterations Design Guide (2021); and
- Gravesham Landscape Character Assessment (2009).

Consultations, Publicity and Representations

Consultees

Environment Agency

We have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee.

KCC Biodiversity

Habitats and features (including woodland) are present on and around the site, indicating ecological value and the potential for protected species presence that must be taken account of in the planning decision. As such, an Ecological Impact Assessment (EclA) should be undertaken by a suitably qualified ecologist¹, in accordance with good practice guidelines.

The EclA will include the following:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Ecological Appraisal (PEA) and any additional surveys undertaken;
- Details of any necessary and achievable ecological mitigation and/or compensation measures;
- Details of ecological enhancement measures, and;
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

¹ Suitably qualified ecologists can be found using either the: [CIEEM Registered Practice Directory](#) or the [Environmental Data Services Directory](#).

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the EclA is sought prior to determination of the planning application. This is in alignment with paragraph 99 of ODPM 06/2005 which states *“it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”*.

The EclA will also ensure alignment with the National Planning Policy Framework (NPPF) 2023 and the Natural Environment and Rural Communities Act (NERC) Act 2006. Under section 40 of the NERC Act 2006 and paragraph 174 of the NPPF 2023, biodiversity should be maintained and enhanced through the planning system.

If you have any queries regarding our comments, please do not hesitate to get in touch.

Natural England

(Please also see full response)

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

KCC Public Rights of Way

I refer to your letter dated 14th September regarding the above planning application.

I can confirm that I do not have any objections to the above planning application at The Den. Access to the property involves driving along a Public Right of Way Bridleway NS293, and we would ask that any construction is done with this in mind. Vehicles should be driven with care over the bridleway so as not to damage the surface, and any contractors should be made aware that there will likely be frequent use of the route by pedestrians.

The liability to maintain the bridleway in a condition suitable for vehicles, to repair damage caused by vehicles, and to deal with issues that impact on accessibility by vehicles rest with the holders of those private vehicular rights, and not with the County Council. I enclose a copy of the Public Rights of Way network map showing the line of the path for your information.

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

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

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

Kent Fire and Rescue

Thank you for your documentation dated 14 September 2023 your reference 20230758 - SCON3, regarding means of access for the Fire and Rescue Service.

I can confirm that on this occasion it is my opinion that the emergency access requirements for the Fire and

Rescue Service under the above Act have been met.

Fire Service access and facility provisions are also a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

Meopham Parish Council

Meopham Parish Council objects to this planning application on the basis of inappropriate development and in accordance with the condition applied in decision GR/91/152W.

GBC – Environmental Protection

No objection to this application. The following conditions and informatives are recommended.

Code of Practice on Construction and Demolition: Please apply as appropriate to minimise the impact of the ground clearance works and construction on nearby residential premises.

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

GBC – Highways Officer

I have no objections as a single bedroom would have a insignificant traffic generation. It is noted that a new access is required and many accesses on this road have limited visibility, but looking at the Crashmap data base, there are no injury reported accidents on the road.

However, it is believed over time visibility at accesses can be improved, by requiring no boundary treatment, hard or soft landscaping over 850mm should be within 2.4 metres of the carriageway.

It is noted that the foul drainage will be by a septic tank, which requires visits by tanker at intervals to remove sludge. A tanker should be able to park clear of the carriageway, so it does not restrict the free flow of traffic along Rhododendron Avenue and the access needs to be proven by tracked/swept path drawings or a layby/passing place created to accommodate the tanker. A septic tank also requires a drainage field, which must be designed in accordance with Building Regulations and this must not conflict with the surface water drainage soakaway. Nor should any foul or surface water discharge onto the carriageway where it could become a hazard particularly in cold weather.

As a single bedroom dwelling at a minimum secure cycle parking space should be provided to comply with the requirements of SPG4.

Neighbouring properties

Five surrounding properties were consulted, a site notice was displayed on 18.09.23 and the application was publicised in the paper. The overall consultation period expired on 13.10.23. Two representations, objecting to the proposal were received as a result of the consultation process. The concerns raised have been summarised below:

- The planning application is being made on land designated as village green, registered under Kent County Council under registration number VG101; 10th August 1968. Unless this has been lifted or amended I believe it would be incorrect to allow this proposal to proceed.
- This is a Green Belt area and we moved here for privacy and seclusion.
- Privacy and concerns with overlooking.
- Generation of more traffic over an unmade road.
- Noise generated from another property.

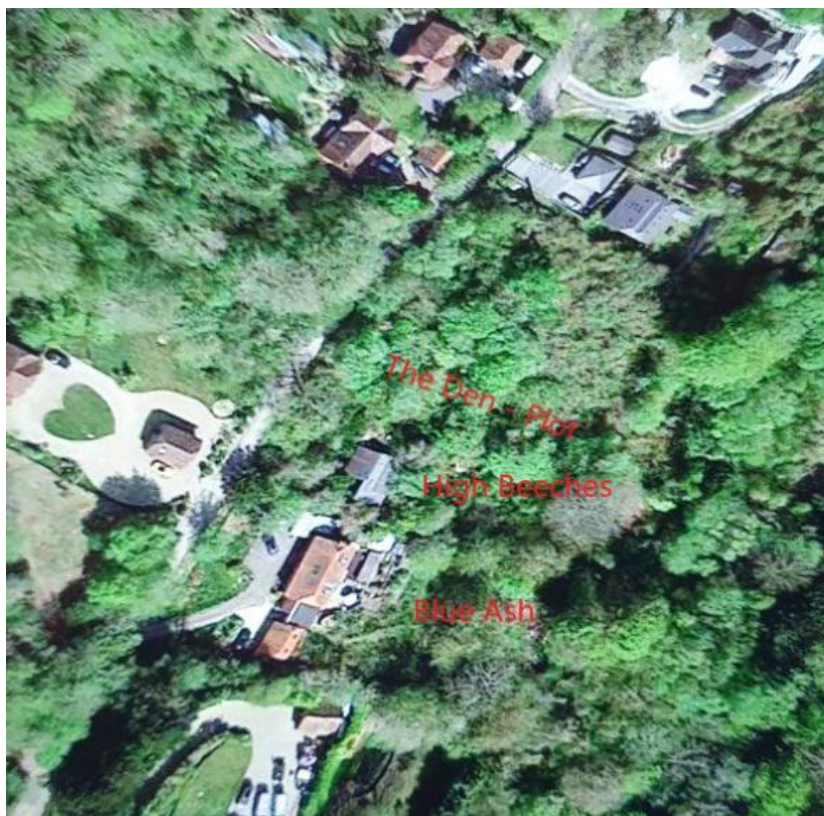
The above concerns, apart from the reference to seclusion and the Village Green, are considered to be material planning considerations and have been/shall be discussed in the relevant sections of the report.

Officer's Analysis

Site Description and Context

This site currently consists of densely overgrown vegetation and undeveloped woodland, and is located within the Green Belt and Harvel Wooded Downs Landscape Character Area. The surrounding area is characterised by similar areas of undeveloped woodland, and dwellings are predominantly detached properties set within large plots. The dwellings vary in design and are mostly set back from the road with driveways. There are some with detached garages, located to the front.

Aerial Image extract taken from Planning Statement



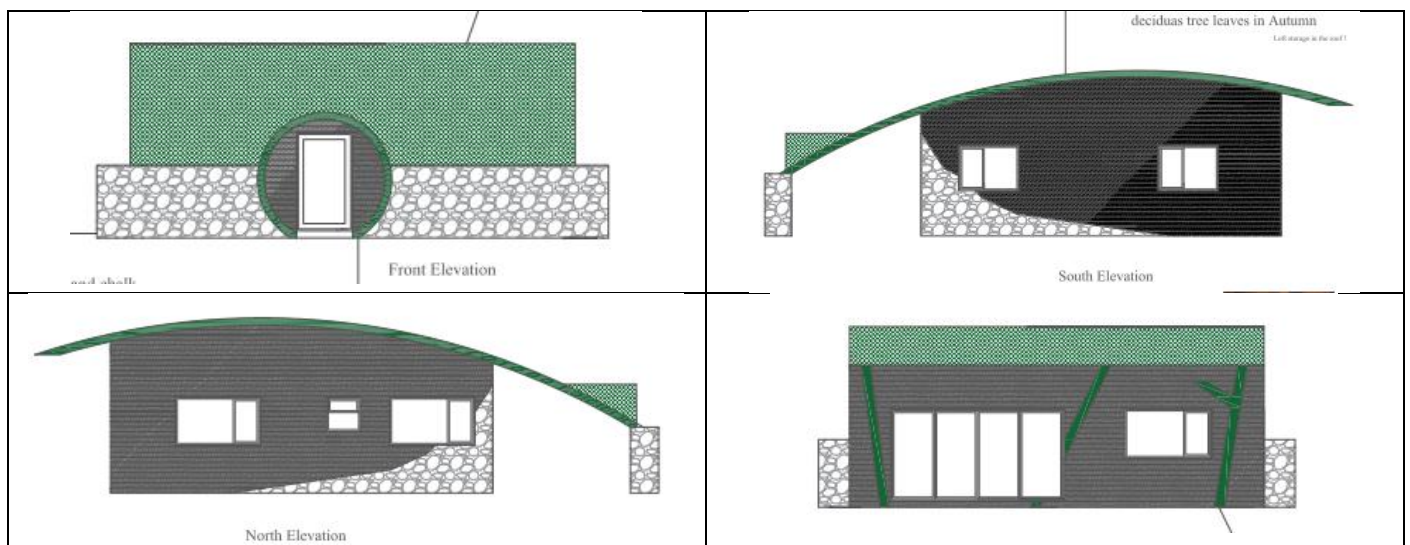
Photos of the site and surrounding area

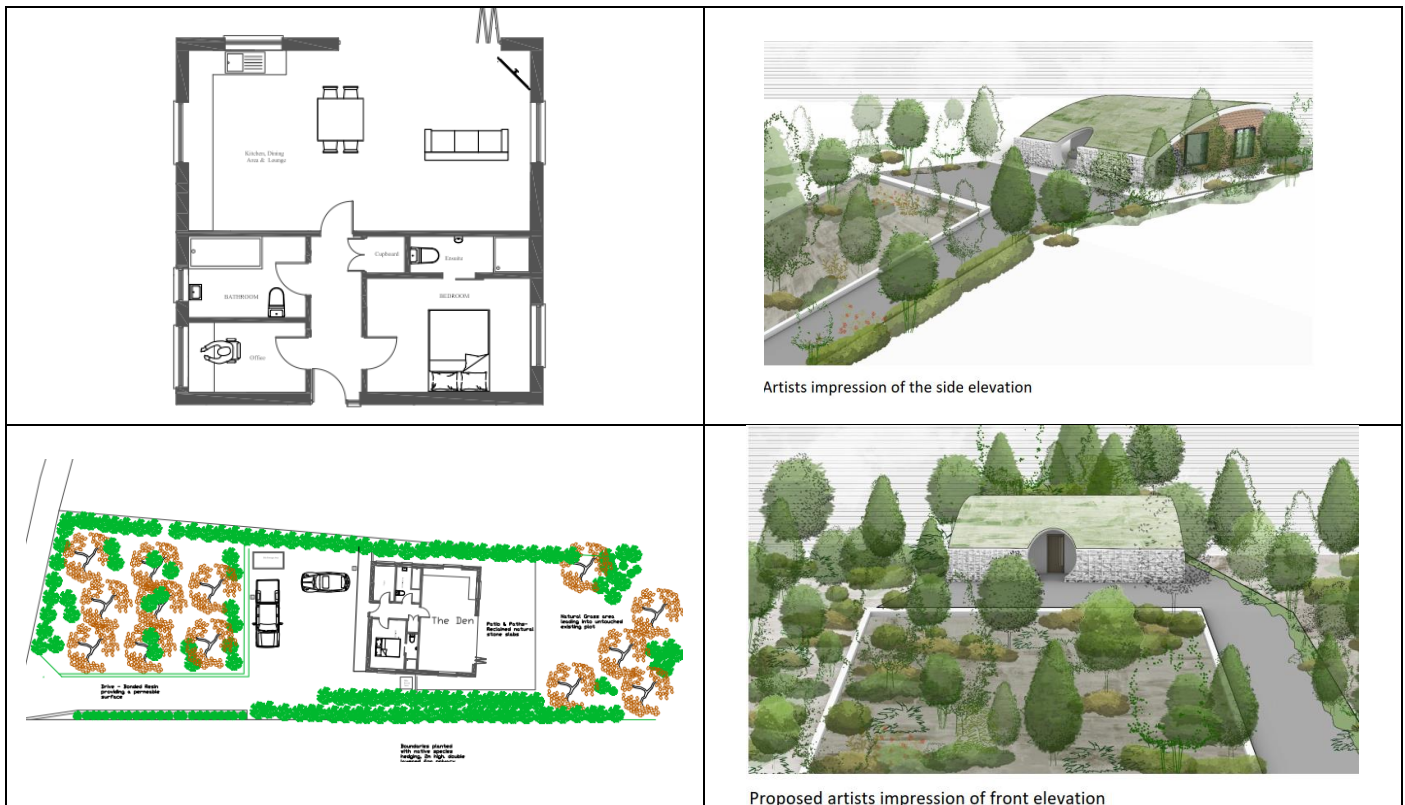


Proposed Development

This application proposes the erection of a 1 bedroom bungalow comprising of one bedroom, ensuite, office, bathroom and open plan kitchen/dining/lounge area. In addition, the proposal would incorporate an associated access drive and hardstanding area for vehicular parking. The bungalow would have the following dimensions:

- Height 4.15m
- Depth 9.00m
- Width 9.00m





Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF (2023) expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

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

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2023). This requires that in regard to housing development, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF (2023) at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 180)
- Sites of Special Scientific Interest;
- Green Belt;
- Local Green Space;
- Areas of Outstanding Natural Beauty;
- a National Park (or within the Broads Authority) or defined as Heritage Coast;
- Irreplaceable habitats;
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 125(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of '1' residential unit would offer a minimal contribution towards meeting this local need and, accordingly, officers consider that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2023) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

The key considerations of this application are:

- Green Belt
- Sustainability
- Impact on the Landscape
- The effect on the Character and Appearance of the area
- Amenity of Future Occupiers
- Neighbouring Amenity
- Highways and Parking
- Trees and Biodiversity

Green Belt

Paragraph 140 of the NPPF (2023) states that Green Belt boundaries should only be amended in exceptional circumstances, in the context of the preparation or review of a Local Plan, it is not for the current proposal to seek to amend such a policy designation.

On this matter, it is noted that the Inspector in finding the Gravesham Local Plan Core Strategy (LPCS) (2014) sound, was clearly of the opinion that a plan-led process should be followed rather than the ad hoc release of sites. The Inspector's report states at paragraph 48 that:

Nevertheless, a small element of total new housing supply would still need to come from the Green Belt to meet the overall requirements in the plan period, albeit in the latter part thereof. This should only reasonably and realistically be identified as part of a formal Green Belt review process that includes full public consultation and a comparative assessment of realistic opportunities, rather than through any "one off" releases in advance thereof. This should be conducted through a formal statutory process, as distinct from any ad hoc site by site decisions that would not necessarily identify the most suitable and sustainable

locations for any new housing that may be required in the Green Belt.

In addition, paragraph 70-74 of the Inspector's report deals specifically with the Culverstone Valley area in relation to Green Belt and stated:

70. What is not necessary for the soundness of this plan is to make any prejudgements about where, or even on what scale, such boundary changes may or may not be required in advance of the Council's Green Belt review, including full public participation, SA and the comparative consideration of alternative options within the process. Accordingly, site specific issues regarding particular areas of land or settlements (including Longfield Hill) are mainly matters to be considered through that process and not in this report.

71. The exception relates to the Culverstone Valley area where an individual policy of the previous plan (C14) adopted in 1994 differs from national Green Belt policy and treats it as a "special case", as it may be unique in its scale and character, at least on this side of the River Thames, as an extensive area of former rural leisure plot lands in the woods. The Council intends that the policy is saved under this plan but reviewed through the Part 2 plan process. However, it would be more logical if instead national Green Belt policies in the NPPF should apply in the Culverstone Valley area, augmented by the other relevant policies of the LPCS, in the normal way. This would make the current policies applicable to Culverstone Valley the same as those for the remainder of the Green Belt in the borough.

72. Whilst I have been impressed by the breadth and depth of evidence of the complex history of development in the Culverstone Valley and by the strength of the supporting arguments, I can see no real justification in planning terms for the retention of the former policy in the new plan as it would be an obvious anomaly. This conclusion is strengthened because policy C14 has been the source of friction between local communities and the Council and unnecessary complexities in the operation of Green Belt policy in the locality. It has, at best, outlived its usefulness as a development management tool, given that many of the former rural leisure plots have now been redeveloped with permanent dwellings, and it should not therefore be saved (MM 39).

73. Still less can I accept the need for that policy to be reintroduced in an amended, less stringent and/or temporary version that would simply introduce further complications, with greater potential for detailed disputes over each element in most if not all relevant applications. To that extent, I conclude that the plan is sound, as submitted, in respect of not including a new individual policy for replacement dwellings in the Culverstone Valley, whether significantly amended or not from the former version.

74. However, in my judgement, it also needs to be acknowledged that things have moved on materially in terms of the scale, form and nature of housing in this locality, including since the 1994 plan was adopted. Accordingly, I consider that the time has come, as part of the Green Belt review referred to above, for the Council to examine whether the inclusion of the Culverstone Valley strictly meets the national and local purposes thereof any longer and consider whether it should instead be included within an inset boundary for the settlement of Culverstone as a whole, rather than remain in the Green Belt.

It is therefore considered that the key issues in this application relating to the Green Belt are:

- Is the development appropriate in the Green Belt for the purposes of the NPPF (2023) and the Gravesham Local Plan Core Strategy (LPCS) (2014).
- Is any harm by reason of inappropriateness, and any other harm, clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

The site location within the Green Belt means that Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) (2014) is relevant. Development in the urban area is prioritised as the sustainable location for development. In the rural area, Policy CS02 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, i.e. in the Green Belt, will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the LPCS (2014).

1. Is the proposed development appropriate in the Green Belt?

There are strict policy considerations within the Green Belt whereby paragraph 147 of the National Planning Policy Framework (NPPF) (2023) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to say that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless it falls within the specified exceptions. The NPPF (2023) exceptions to this are set out in paragraph 149:

(a) Buildings for agriculture and forestry;

(b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building

(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

(e) limited infilling in villages;

(f) limited affordable housing for local community needs under policies set out the development plan (including policies for rural exception sites); and

(g) 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 NPPF (2023) also sets out other exceptions in paragraph 150. It states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

(a) mineral extraction;

(b) engineering operations;

(c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

(d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

(e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

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

In terms of this application, the existing site is undeveloped woodland and vegetation. It is considered that the proposal does not fall within any of the above listed exceptions, and it is further noted that the application provides no evidence to the contrary. As the development would not meet the exception criteria,

it therefore constitutes inappropriate development in the Green Belt, which is by definition harmful (as set out in paragraph 147 of the NPPF (2023) and should only be permitted where the applicant can demonstrate 'very special circumstances' that would clearly outweigh harm caused by inappropriateness and any other harm. In undertaking the balancing exercise to determine whether or not those 'very special circumstances' clearly outweigh such harm, substantial weight must be given to the harm caused to the Green Belt.

2. The effect of the proposal on the openness of the Green Belt

Paragraph 137 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also states that the essential characteristics of Green Belts are their openness and permanence.

The openness of the Green Belt has both spatial and visual aspects, and any new built form of development is harmful to its open character. Limited information has been provided with this application, including in terms of land levels and general site topography, yet it is clear that the new development would involve the removal of trees and vegetation to create space for the proposed bungalow, driveway and associated residential paraphernalia. The proposal includes the planting of 2.00m hedgerows in order to provide some screening and states the development would not be seen from the road. No evidence has been provided to substantiate this, and, it is considered that the development would likely be highly visible from the road. However, regardless of whether the development can be seen from the road or not, and is highly visible or not, the development would harm the appearance of the site and the visual openness of the Green Belt would be eroded.

Below is an assessment of the harm the development would have on the Green Belt:

Permanent loss of openness - Openness and permanence are the essential characteristics of the Green Belt. The application site currently serves as a dense undeveloped vegetation and woodland area. A new dwelling and associated access, including residential paraphernalia and lighting would permanently and irrevocably harm the Green Belt through loss of openness. Although it may be possible to mitigate visual impact to a very limited degree by screening, landscaping and selecting materials to compliment the land, this would not overcome the detrimental impact on openness which would be caused by the dwelling itself and its permanent nature.

Encroachment of the countryside - The stated national purpose of the Green Belt at paragraph 138(c) of the NPPF (2023) is to safeguard the countryside from encroachment. The urbanising features of the development would adversely affect the open nature of the Green Belt and would result in an encroachment on the countryside.

Safeguarding the countryside by minimising the expansion of the Borough's rural settlements -

This is a stated local purpose of the Green Belt as set out at paragraph 4.2.7 of the adopted LPCS (2014). As stated above, the proposal would result in an encroachment on the countryside.

Reference back to paragraphs 147 and 148 of the NPPF (2023) informs us that inappropriate development in the Green Belt should not be approved except in very special circumstances and that very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whether the development causes any other harm and whether there are any other relevant considerations to balance the overall planning argument, should now be considered.

3. Consideration of 'very special circumstances'

Having concluded that the development is inappropriate development, very special circumstances need to be considered as part of the Green Belt assessment. No specific arguments have been put forward by this application in relation to the assessment of 'very special circumstances'. As there are no 'very special

circumstances' that would outweigh the harm to the Green Belt caused by the inappropriateness of the proposal, the development should not therefore be approved.

Final Balancing Exercise on Green Belt Issues

The development proposed constitutes inappropriate development within the Green Belt. The new dwelling with associated access and hard standing would result in significant built form for residential purpose, which would adversely impact on the openness of the Green Belt. Therefore, it is considered that substantial weight should be accorded to the harm caused to the Green Belt in line with the NPPF (2023).

Sustainability

The NPPF (2023), taken as a whole, represents the Government's view of what constitutes sustainable development. Paragraph 79 of the NPPF 2023 sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 80 of the NPPF (2023) provides specific advice on sustainable development in rural areas and seeks to avoid new isolated homes in the countryside unless there are special circumstances, which are listed as follows:

- a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) The development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) The development would involve the subdivision of an existing residential dwelling;*
- e) The design is of exceptional quality, in that it:*
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

The development is not considered to meet any of the above exceptions.

In a recent appeal APP/K2230/W/19/3235446 (Appendix 1) for the erection of a chalet style bungalow and detached outbuilding on land between Tara and September Cottage on Ridge Lane in Meopham (application 20190125), the Inspector found that whilst the appeal site was situated away from services and facilities, it was not isolated for the purposes of the NPPF. The application site is in fairly close proximity to this appeal site and would be considered in a similar vein in terms of its isolation. However, the Inspector also noted that the narrow, unlit and enclosed country lanes that made up the local road network would discourage walking and cycling for day to day access to services, and the limited public transport options from the site would mean that it would be highly likely that future occupiers would access services by private car, which may also encourage travel further afield rather than locally. This would not achieve the social and environmental sustainability objectives set out in the Framework.

In the context of this application, the site is not considered to be a sustainable location for residential purposes. The bungalow would be located a substantial distance from shops and necessary amenities. The nearest bus stop is approximately a 12 minute walk with a limited service. In addition, the dwelling would be approx. 1.1km from the nearest (basic) facilities in the village of Culverstone Green. This would mean that future residents of the proposed dwelling would be likely to rely on the private car to reach essential local services and facilities, particularly as the country roads leading to them are not safe to walk on. It is

therefore considered that the proposal would result in an unsustainable home in the countryside, contrary to paragraph 79 of the NPPF 2023.

Impact on the Landscape

In addition to being within the Green Belt, the site also lies within the Harvel Wooden Downs Landscape Character Area. This area is characterised by varied topography, ancient wood and haphazard mosaic resident plots and small holdings. Policy CS12 (LPCS) seeks to protect the green infrastructure within the Borough and states at 5.7.26 the overall landscape character and valued landscapes will be conserved, restored and enhanced. Paragraph 174 of the NPPF 2023 seeks to protect and enhance such valued landscapes.

On the site visit, and as indicated on the artists impression drawings within the planning statement, the site slopes upward towards the east. As previously mentioned, limited information has been provided, however it is clear that the proposed development of this site for a dwelling and its associated residential paraphernalia would detrimentally impact the visual quality of the site and would significantly harm the rural character of the area, contrary to the objectives of the Landscape Character Area. It is noted there is 2.00m hedging proposed to offer some screening. Notwithstanding the argument that soft landscaping/boundary treatment conditions could be used to reduce the visual appearance of the dwelling, no amount of landscaping will be able to replicate the current appearance of the site, which is undeveloped woodland and vegetation; which is common feature within the countryside, and would not overcome the overall adverse impact on the character of the site and wider area from the development of this site. The proposed development is therefore considered to be unacceptable on the grounds of the failure to conserve or enhance the rural character of the site and surroundings. The proposal would therefore fail to comply with Policies CS12 and CS19 of the LPCS (2014) and paragraphs 130 and 174 of the NPPF 2023.

The Effect on the Character and Appearance of the Area

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. Moreover, Section 12 (Achieving well-designed places) of the NPPF (2023) sets out that developments should function well and add to the overall quality of the area, be visually attractive and sympathetic to local character.

Gravesham's Householder Extensions/Alterations Design Guidance SPD (2021) set out key principles for new developments. Generally, the SPD (2021) highlights the importance of new development complimenting and corresponding to existing character and the wider context. In this case, the rural character of the area and other surrounding dwellings should be considered.

The proposal has been put forward as a building of high quality design that is unique to the area and would be constructed of as much local and reclaimed materials as possible to include; burnt latch cladding, stone cladding, grey framed UPVC windows and doors and a meadow grass living green roof, in order to blend in to the location and to weather well.

However, although there are various concepts and aspirations set out in the Planning Statement, such as; the thermally efficient roof, the property being invisible from the road due to styling and design and the reference to the use of reclaimed materials, sufficient details do not materialise in the plans. For example land level plans, loft plan, roof plans or sections are not provided.

The design is considered to be distinctive but is considered it would be highly visible and incongruous against the predominant form and character of the area and there is little evidence put forward to justify deviation from this. There are no plans or information to show how the development would fit into the contours of the site and how it relates to its surrounding environment.

Overall, the proposal fails to meet the exceptional standards of design expected to align with the requirements of paragraph 80 of the NPPF (2023). The proposal does not include sufficient studies on

landscape visual impact, ecology, biodiversity, sustainability, materials, views and drawings to show the context and landscape. Furthermore, the proposal is considered to be contrary to Policy CS19 of the LPCS (2014) and Section 12 of the NPPF (2023).

Amenity of Future Occupiers

The proposal complies with the minimum gross internal floor area set out by the Technical Housing Standards – nationally described space standard (2015), which is 50.00sqm for a 2 person, 1 bedroom, 1 storey dwelling. In addition, proposed room sizes are set out under Gravesham's SPG2 – Residential Layout Guidelines (RLG) (2020). Office's are not specified within the guidelines, but 4.99sqm is considered sufficient space. However, both the bedroom and ensuite fall below the space requirements. In addition, although the garden area is not clearly set out on the plans, it is considered there would be sufficient space on site. The proposed development is for a new dwelling and as such should always meet the minimum requirements set out by the space standards. Therefore, the proposal is not considered to safeguard the amenity of future occupiers, contrary to Policy CS19 of the LPCS (2014) and Section 12 of the NPPF (2023).

Neighbouring Amenity

As aforementioned in this report, two responses were received as a result of the consultation carried out for this proposal. Impact on neighbouring amenity shall be assessed below.

Given the location of the proposed development, in situ, there is unlikely to be an adverse impact on neighbouring amenity in terms of light, privacy, outlook and causing a sense of enclosure. Although the property would be located on a higher land level than properties to the west, the only fenestration in the front elevation would be the front door, which would serve the hallway. In addition, the dwelling would be single storey, with 2.00m hedging planted along the site boundary to act as a screen. More information would be required to fully assess this, however, as the Local Planning Authority are not minded to permit the application, further information has not been sought.

Highways & Parking

A detailed access and parking layout plan has not been provided, but the submitted plans show there would be sufficient space for off-street parking. As highlighted by Gravesham's Highways Officer, drawings need to demonstrate space to accommodate a tanker to remove the foul drainage from site and show one secure cycle space in accordance with the requirements of SPG4 – KCC Parking Standards (2006). In addition, the height of landscaping would need to be limited to 850mm within 2.40m of the carriageway. However, it is considered that the above could be secured by condition, were the Local Planning Authority minded to permit the application. As such, there would be no concerns, in terms of highways and parking, that arise as a result of this proposal.

Biodiversity

The NPPF 2023 in paragraph 180(a) states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for, then planning permission should be refused. Policy CS12 of LPCS (2014) reflects this stance and states that sites designated for their biodiversity value will be protected and there will be no net loss of biodiversity in the Borough. Insufficient details regarding the impact of the development on the trees and on any biodiversity on the site have been provided. There is some reference to planting of native species and installation of nesting boxes within the planning statement, however this information is inadequate, and no ecological assessment has been submitted as part of this application. Therefore it is not possible to properly assess the impact of the proposal on these matters. Without this, the proposed development would fail to comply with the requirements of paragraphs 174 and 180 of the NPPF 2023 and would be contrary to CS12 of the LPCS (2014).

Conclusion and Overall Balancing Exercise

The application has been fully considered and is contrary to local and national planning policy.

The proposal would constitute inappropriate development in the Green Belt which should not be approved except in very special circumstances. It would also not preserve, and would have a harmful effect on, the openness of the Green Belt. In line with Paragraph 148 of the NPPF (2023), substantial weight should be given to any harm to the Green Belt. In addition, the proposal would represent encroachment of the countryside, adversely impact the landscape character of the area, be sited in an unsustainable location and fails to adequately demonstrate the impact on the trees and biodiversity on site. Furthermore, the development would be of an incongruous design that would fail to adequately safeguard the amenity of future occupiers.

Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations. The contribution of one dwelling to the supply of housing provides limited weight.

The proposals compliance with other provisions of the development plan, such as in relation to highways and parking (subject to condition) is a neutral factor and does not weigh in favour of the proposal.

Reference back to Paragraph 11(d) of the NPPF (2023) clarifies that permission should not be granted if:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

As set out above, the development would cause harm to the Green Belt and fails to accord with the Development Plan and the Framework as a whole. As such the development should be refused.

Appendix 1 - Appeal Decision

Recommendation

Refusal

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

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	20 th October 2023	Dated:	20th October 2023