

PLANNING SUPPORTING STATEMENT

Town and Country Planning Act 1990

Site Address: 356 Singlewell Road, Gravesend, Kent DA11 7RZ

Applicant: Mr Bal Chattha

Development: Retrospective planning permission for change of use of land to managed garden use with associated boundary treatment

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1. Introduction and Previous Application Details

1.1 This Statement is submitted on behalf of the Applicant, Mr Bal Chattha, in support of a resubmitted planning application under the Town and Country Planning Act 1990 following the refusal by Gravesham Borough Council as Local Planning Authority of a previous planning application ref 20240913, dated 9 December 2024. That application sought retrospective planning permission for the change of use of a very small parcel of land to managed garden lawn, together with associated boundary treatment, at 356 Singlewell Road, Gravesend.

1.2 The Council refused permission for two reasons: first, that the boundary fence is detrimental to the character and appearance of the area; secondly, that the development results in a significant and harmful reduction of open space said to have formed an important and integral part of the original Southfields development. Those reasons are set out verbatim later in this Statement.

1.3 That application concerned a site area of only 95 square metres. According to the application form, works commenced on 10 May 2024 and were completed on 30 September 2024. The application itself described the development as a 'change of use of the land from an unkept overgrown area to a garden lawn' and records that the land is owned by Kent County Council and occupied under a licence to occupy, dated 10 May 2024.

1.4 The application site sits within the wider former Southfields School redevelopment. The Southfields Village Design Statement records that the overall site extended to around 11 hectares, with a development area of just over 4 hectares, and that the open space component comprised playing fields and open meadowland. The reserved matters approval for phases 2 and 3, granted under reference GR/20070516, approved a mixed scheme of 134 residential units together with sports changing facilities, a multi-use games area, associated roads and parking, and detailed conditions regulating landscape and boundary treatment, including boundaries to playing fields and meadow areas. Based on the approved Southfields masterplan, the playing fields, meadowland and associated open-space areas extend to approximately 5.9 hectares (14.6 acres).

1.5 The purpose of this Planning Supporting Statement is straightforward. It demonstrates that the previous refusal was unsupported by evidence, that it failed to engage with the actual characteristics of the application site and the wider Southfields planning framework, and that it misapplied both local and national policy. It also demonstrates that the Council's reasons were conclusionary rather than analytical: they asserted harm but do not explain it. That is not enough in planning terms, particularly where the development in question is of such limited scale.

2. Executive Summary

2.1 This resubmitted application should be allowed. The proposal is modest. It relates to a parcel of land measuring only 95 square metres, brought into managed use as garden lawn, with a timber close-board

fence and trellis of ordinary domestic appearance. The Council's refusal characterises that development as both visually harmful and responsible for a 'significant and harmful reduction of open space'. Neither limb of the refusal survives scrutiny.

2.2 As to character and appearance, the Council had not undertaken, or at least had not disclosed, any site-specific visual analysis. The decision notice did not identify the viewpoints said to be affected, the character features said to be harmed, the aspect of the fence design that is supposedly unacceptable, or the reason why a domestic timber fence with trellis would be alien in a residential edge context. It simply stated a conclusion. That falls well short of a persuasive planning assessment.

2.3 As to open space, the allegation of 'significant' harm is disproved by the sheer scale of the figures involved. On the Applicant's evidence, the wider open space approved under the Southfields consents extends to approximately 14.6 acres, whereas the application site amounts to less than 0.024 acres. On that basis, the application site represents roughly 0.16%, or 1/600th of the wider open-space resource. Even if the comparison is made against the broader Southfields site context recorded in the design statement, the result is the same in substance: the land affected by this application is minute in proportion to the wider scheme. A decision-maker may dislike the proposal, but it is not rational to describe a change of that scale as 'significant' without compelling evidence of some specific functional consequence. None has been identified.

2.4 The planning history reinforces that point. The original Southfields scheme was justified and assessed by reference to the provision and enhancement of substantial playing fields, meadowland, sports facilities and community uses. Sport England's consultation response to the outline scheme recorded that any lost playing field land would be replaced by playing fields of equivalent or better quality and equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements. The centre of gravity in the original approvals was therefore the quality, quantity and management of the strategic recreational resource as a whole, not every incidental piece of residual or edge land within the former school grounds.

2.5 The current national policy position is also relevant. The Government's National Planning Policy Framework (NPPF) was revised on 12 December 2024 and amended on 7 February 2025. It continues to structure national planning policy around, among other things, promoting healthy and safe communities and achieving well-designed places. The policy themes relied on by the Council in its refusal therefore remain the same in principle, but they require evidence-led, proportionate decision-making. They do not support refusal on the basis of unparticularised assertions.

2.6 Finally, the legal framework matters. The House of Lords in *South Bucks District Council v Porter (No 2)* stated that the reasons for a planning decision must be intelligible and adequate, enabling the reader to understand why the matter was decided as it was and what conclusions were reached on the principal important controversial issues. The Supreme Court in *Tesco Stores Ltd v Dundee City Council* reaffirmed that decision-makers must proceed on a proper understanding of development plan policy and that the need for such an understanding follows from the statutory requirement to have regard to the development plan. The previous refusal did neither. It did not properly identify the harm it asserts, and it did not apply policy in an objective, proportionate or evidence-based way.

2.7 For all of those reasons, the resubmitted application should be allowed and retrospective planning permission granted.

3. The Development

3.1 The development before the Borough Council is the same development that was previously submitted to the Council. It is not a major redevelopment. It is not an encroachment into strategic public recreation land at any meaningful scale. It is the retrospective change of use of a small parcel of land from unmanaged overgrown ground to managed garden lawn, together with associated boundary treatment.

3.2 The previous planning application form records the following core particulars:

- Planning Portal reference: PP-13464196.
- Site address: 356 Singlewell Road, Gravesend, Kent DA11 7RZ.
- Site area: 95 square metres.
- Description of development: “Change of use of the land from an unkept overgrown area to a garden lawn. Land is owned by KCC and I have been given licence to occupy.”
- Date commenced: 10 May 2024.
- Date completed: 30 September 2024.

3.3 The licence to occupy entered into between Kent County Council and the Applicant is an important part of the factual background. It defines the premises as part of the old Southfield School site adjacent to 354 Singlewell Road, identifies the licenced area by plan, and grants the Applicant a licence ‘to use and maintain’ the premises. The purpose is expressly stated in those terms. The licence also requires the Applicant to keep the licence area clean and tidy and to maintain, repair and secure the licenced area at his own cost.

3.4 That matters for two reasons. First, it makes clear that the use of the land is not casual or unauthorised in landownership terms. Secondly, it demonstrates that active management of the parcel was not accidental; it was contemplated and formalised by the landowner. The planning issue is therefore not whether the land should be maintained at all, but whether the planning effects of the managed use and enclosure are harmful. The evidence shows that they are not.

3.5 The Applicant’s case, consistently advanced from the outset, is that the boundary treatment is a close-board timber fence with a 12-inch trellis and that, measured from within the curtilage, it does not exceed 2 metres. The Applicant also explains that the design is in keeping with the surrounding domestic context and that the site itself was previously overgrown and unmanaged. Those are not throwaway observations. They go directly to the issues of visual integration, ordinary residential character and whether the proposal causes any planning harm beyond bare change.

4. Site Description and Wider Planning Context

4.1 The application site forms part of the former Southfields School land. The Southfields Village Phase 2 and 3 Design Statement describes that wider site in some detail. It records that the site is located approximately 1.5 miles south of Gravesend town centre, accessed off Singlewell Road, with the A2 to the south. It states that the overall site area is 11 hectares, with a development area of just over 4 hectares, and that the open space areas comprise playing fields and open meadowland.

4.2 The same document presents the site as a comprehensive redevelopment opportunity balancing housing, community uses and strategic open space. It refers to an imposing entrance road lined by grassed verges and mature cherry trees, extensive open space and meadowland dotted with trees and hedgerows, playing fields along the east and south boundaries, and a pedestrian link across the site to Cedar Avenue. It also notes that a number of community groups used the site, including Gravesend Spartans Football Club and the MEAPA gym facility. The document is therefore explicit about where the principal open-space and recreation value of the site lay: in the playing fields, meadowland, pathways and community sports provision.

4.3 The design statement also explains the planning strategy for the broader site. It refers to the Council's earlier resolution to grant outline planning consent in August 2005 for a scheme of 210 new residential units and community uses, including a children's nursery, sports changing facilities and open space and playing fields. It then refers to phase 1 approval in July 2006 and explains the structure of phases 2 and 3. That context is crucial because the present application concerns a tiny parcel of peripheral land within a much larger planned environment. The correct planning question is therefore not whether all land within the former school boundary should remain visually or functionally identical to its former state, but whether this particular parcel performs a role of any significance within the approved open-space framework. The Council has not shown that it does.

4.4 The Sports and Open Spaces Statement submitted in support of the original Southfields redevelopment is also revealing. It explains that the statement was prepared to assess the sporting needs and demands supported by the scheme. It records that the Gravesham Playing Pitch Assessment identified, amongst other matters, an overall surplus of senior and junior football pitches in the borough, a surplus of rugby pitches at weekends, and a need to improve ancillary sports facilities. The Southfields scheme was then designed to provide one full-sized football pitch, junior pitches, changing facilities, a basketball court, meadow grassland, hedgerow planting and other landscape elements. Again, the point is plain: the original scheme's open-space value lay in strategic, planned facilities and habitat management areas, not every strip or remnant of land within the red line.

4.5 The application site, by contrast, is identified by the Applicant as having been part of an unnamed service road for maintenance vehicles servicing the former Southfields School. Whether or not the Council agrees with every element of that description, it has not produced any evidence to show that the land functioned as formal recreation space, as a strategic public route, as a designated habitat feature, or as a necessary part of the designed landscape structure relied upon in the original approvals. The decision notice simply labels it 'open space' and proceeds from there. That is not an evidence-based site assessment.

4.6 In short, the wider context assists the revised application. It shows a major mixed scheme in which strategic open space, sports facilities and meadowland were deliberately planned, assessed and

conditioned. It does not support the proposition that the application site, a 95 square metre parcel now under licence and active maintenance, is integral to the continued success or policy compliance of the larger Southfields development.

5. Planning History

5.1 The planning history can be summarised as follows.

- GR/2004/0814: outline planning permission for residential development and community uses at the former Southfields School site, including open space with changing facilities and car parking.
- GR/2007/0516: approval of detailed plans and particulars pursuant to the outline permission, relating to phases 2 and 3 of the development, including 134 residential units, associated estate roads and parking, sports changing facilities, and a multi-use games area.
- 20071086: outline application for detached five bedroom dwelling, permitted 5 February 2008
- 20080669: approval of detailed plans and particulars pursuant to outline planning permission 20071086, approved 14 October 2008
- 20240913: retrospective planning application for change of use of the appeal parcel to garden lawn, submitted in October 2024 and refused on 9 December 2024

5.2 The reserved matters approval under GR/2007/0516 for the wider development at Southfields School is particularly important because it shows how boundary treatment and open-space protection were intended to operate on the Southfields site. Condition 5 required full details of all boundary treatments to the house plots, including boundary treatments to the playing fields and meadow areas, to be submitted to and approved in writing by the Local Planning Authority. Condition 6 then restricted the erection, construction or alteration of any gate, fence or other means of enclosure beyond that shown on the approved master plan layout without prior written permission. Those conditions are instructive in two ways. First, they confirm that fencing and other boundary treatments were always part of the managed planning framework for the estate. Secondly, they show that the proper planning response to a boundary treatment outside approved detail is to assess it on its actual merits. They do not support an automatic assumption that a domestic fence at the edge of the site is, in itself, harmful.

5.3 The consultation responses to the original Southfields scheme reinforce the strategic focus of the planning balance. Sport England expressly recorded that, on the basis of improved pitch provision, enlarged sports space and conditions securing management and specification, it was prepared to withdraw its objection because the playing fields lost through the development would be replaced by playing fields of equivalent or better quality and equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements. That is a high-level policy and infrastructure judgement. It speaks to the importance of the wider sports and open-space package. It does not support the Council's present attempt to elevate this tiny parcel of land into a critical part of that strategy without any supporting analysis.

5.4 It should also be remembered that the planning system expressly accommodates retrospective applications. In *South Bucks District Council v Porter (No 2)*, the House of Lords noted that section 73A of

the 1990 Act expressly provides for the grant of retrospective planning permission for development carried out before the date of the application, and that the question for the decision-maker is whether the development as carried out is acceptable in planning terms. The retrospective nature of the application is therefore not, of itself, a reason to refuse it. The proposal must be evaluated on planning merits, and on those merits the refusal cannot stand.

6. Decision and Reasons for Refusal

6.1 The Council refused planning permission for application ref 20240913 on 9 December 2024. The refusal reasons are reproduced in full below because the adequacy and substance of those reasons are central to this resubmission.

6.2 Reason 1: “The proposed boundary fencing by reason of its height and design is considered to be detrimental to the character and appearance of area. As such, the proposal would be contrary to Policy CS19 of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 12 of the National Planning Policy Framework (2023).”

6.3 Reason 2: “The proposed development results in a significant and harmful reduction of open space which formed an important and integral part of the original development approved under 20040814 and 20070516. The loss of open space and the dilution of its overall quality is considered to be a factor which is detrimental to social and environmental sustainability of the development which is not outweighed by other material considerations. As such, the development is contrary to Section 8 of the National Planning Policy Framework (2023), and Policies CS13 and CS19 of Gravesham's Local Plan Core Strategy (LPCS) (2014).”

6.4 The problem with both reasons is not simply that the Applicant disagrees with them. The problem is that they are expressed at a high level of abstraction and are unsupported by analysis. In the first reason, the Council does not say what about the fence height is harmful, what about the design is harmful, from where any harm is perceived, or why ordinary timber boundary treatment is unacceptable in context. In the second, the Council does not explain why the reduction is ‘significant’, what function of the open-space network is impaired, how quality is diluted, or why social and environmental sustainability are affected by a change on such a tiny parcel of land.

6.5 Those deficiencies are not technical quibbles. They go to the heart of whether the refusal can be sustained in law and planning judgement. A refusal reason must do more than announce a conclusion. It must engage with the principal contested issues and explain the reasoning path taken. This refusal does not.

7. Main Issues in the Resubmission

7.1 The main issues for the Borough Council to reconsider are, in the Applicant’s respectful resubmission, the following:

- Whether the proposed boundary treatment, by reason of its height and design, causes material harm to the character and appearance of the area.
- Whether the retrospective change of use of the appeal site results in a significant and harmful reduction of open space, or a dilution of the quality of the wider Southfields open-space resource, sufficient to conflict with national and local policy.
- Whether the Council's reasons for refusal are supported by evidence, objective policy interpretation and a proportionate planning balance.

7.2 Although the Council cites policy conflict, the application is not, at root, a dispute about abstract policy wording. It is a dispute about real effects on the ground. The Borough Council's task is therefore to examine the actual site, the actual scale of the development, the actual planning history, and the actual evidence of harm. On that basis, the resubmission should succeed.

8. Statutory, Policy and Legal Framework

8.1 Section 78 of the Town and Country Planning Act 1990 provides the appeal route against refusal of planning permission. In determining such an appeal, the Inspector must have regard to the development plan and to all material considerations.

8.2 National planning policy is contained in the National Planning Policy Framework. The current Framework was revised on 12 December 2024 and amended on 7 February 2025. Government guidance summarises the document as setting out the Government's planning policies for England and how those policies are expected to be applied. The online guidance also identifies Section 8 as 'Promoting healthy and safe communities' and Section 12 as 'Achieving well-designed places'. The refusal notice itself cited Sections 8 and 12 of the then-current 2023 Framework. Nothing in the present application resubmission turns on any material divergence between those versions in relation to the broad policy themes relied on by the Council: good design, healthy communities and the proper assessment of harm.

8.3 The Council's development plan position is that the proposal conflicts with Policies CS13 and CS19 of the Gravesham Local Plan Core Strategy (2014). The Council's own website identifies the Core Strategy as the main document in the Gravesham Local Plan and states that its role includes providing a consistent basis for planning application decisions. The decision notice cites CS19 in relation to design and appearance and cites CS13 and CS19 in relation to the alleged loss of open space and social and environmental sustainability.

8.4 The legal principles governing the adequacy of planning reasons and the interpretation of policy are settled. In *South Bucks District Council v Porter (No 2)*, the House of Lords stated that the reasons for a decision must be intelligible and adequate. They must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the principal important controversial issues, disclosing how any issue of law or fact was resolved. The same passage explains that the reasoning must not give rise to substantial doubt as to whether the decision-maker erred in law by misunderstanding policy or failing to reach a rational decision on relevant grounds.

8.5 In *Tesco Stores Ltd v Dundee City Council*, the Supreme Court emphasised that a planning authority must proceed on a proper understanding of the development plan, and that the need for such an understanding follows from the statutory requirement to have regard to the provisions of the plan. That principle matters here because the Council cannot simply recite policy labels such as ‘open space’, ‘character’, or ‘social and environmental sustainability’ and assume that those labels answer the question. Policy must be applied objectively to the facts of the case.

8.6 There is one further point of relevance from *Porter*. The House of Lords expressly recognised that section 73A allows retrospective planning permission and stated that the question for the local planning authority is whether the development as carried out is acceptable in planning terms. The retrospective nature of the present application therefore adds no independent planning harm. The merits of the development remain the only proper focus.

9. Response to Reason for Refusal 1 – Character and Appearance

9.1 The first refusal reason should be given little or no weight. It is inadequately reasoned, unsupported by evidence, and inconsistent with the wider planning context of the Southfields development.

9.2 The Council’s criticism is said to be the fence’s ‘height and design’. Yet no attempt is made in the decision notice to identify an accepted or benchmark height against which the fence has failed, no description is offered of the local design language with which the fence supposedly conflicts, and no public vantage points or visual receptors are identified. The refusal does not say whether the perceived harm lies in enclosure, materials, visibility, prominence, rhythm, interruption of views, treatment of a corner, treatment of a frontage, or anything else. It is therefore impossible to see how the decision-maker moved from the site facts to the conclusion of policy conflict.

9.3 That is especially striking given the ordinary nature of the boundary treatment. The Applicant describes the fence as close-board timber with a 12-inch trellis, with a maximum height of 2 metres measured from within the curtilage. Whether or not the Inspector considers that measurement method decisive, the broader point is clear: this is not an exotic or industrial structure. It is a familiar form of domestic enclosure. It uses commonplace materials. It sits in a residential edge context. Nothing in the Council’s reasons explains why that ordinary boundary treatment becomes harmful here.

9.4 The wider Southfields planning framework points in the opposite direction. The reserved matters approval under GR/2007/0516 anticipated the need for detailed boundary treatment across the estate, including boundaries to the playing fields and meadow areas. Condition 5 required those details to be approved, and condition 6 restricted additional fences beyond the approved master plan without further permission. In other words, the Southfields scheme did not proceed on the basis that fencing was inherently harmful. It proceeded on the sensible basis that fencing is part of the ordinary design and management of the estate and must simply be assessed in context.

9.5 That history matters because it undermines the intellectual foundation of the refusal. If boundaries to playing fields, meadow areas and residential plots were always part of the controlled built form of the Southfields redevelopment, the Council cannot now treat a domestic timber fence as intrinsically or self-

evidently incompatible with the character of the area. It must explain why this fence, in this position, causes identifiable harm. It has not done so.

9.6 The Design Statement supports the same conclusion at a more general level. It presents the Southfields development as a mixed neighbourhood with a hierarchy of roads, greens, mews, lanes and private plots, with careful transitions between public and private space. It describes arrangements where rear gardens of new houses abut existing boundaries, where private plots sit alongside planted verges, and where housing fronts or edges onto open space. In a scheme of that nature, boundary treatment is not an anomaly; it is part of the spatial grammar of the place.

9.7 It is also telling that the refusal reason does not rely on any adopted supplementary design guidance, conservation policy, listed building setting, landscape designation or visibility study. There is no reference to a conservation area, no heritage harm, no protected view, no strategic frontage analysis and no urban design critique. The decision simply says that the fence is detrimental. That is not enough, particularly when the issue in dispute is one of ordinary domestic fencing.

9.8 The legal authorities sharpen the point. Porter requires intelligible and adequate reasons addressing the principal controversial issues. This case plainly involves one such issue: why does this fence, of this height and design, harm the character and appearance of this area? The Council has not answered that question. Tesco requires policy to be understood and applied objectively. Yet the refusal appears to treat design policy as though it permitted refusal based on little more than an unelaborated preference against the proposal. It does not.

9.9 The proper conclusion is therefore straightforward. No evidence of material visual harm has been identified. No meaningful analysis has been undertaken. No objective pathway from site facts to policy conflict has been provided. The first refusal reason is accordingly unsound.

10. Response to Reason for Refusal 2 – Alleged Loss of Open Space

10.1 The second refusal reason is the weaker of the two. It asserts a ‘significant and harmful reduction of open space’ and a ‘dilution of its overall quality’ detrimental to social and environmental sustainability. Those are serious planning allegations. They require serious evidence. None has been produced.

10.2 Start with scale. The appeal site measures 95 square metres, or 0.0095 hectares. On the Applicant’s evidence, the relevant open-space resource approved under the original permissions extends to approximately 14.6 acres. On that comparison, the land affected by the appeal represents roughly 0.16% of that wider area. Even if one adopts the broader figures recorded in the Southfields Village Design Statement, with an overall site area of 11 hectares including substantial playing fields and meadowland, the application site remains a minute fraction of the wider planning unit. It is impossible to describe such a change as ‘significant’ in any ordinary, objective or policy-relevant sense without evidence that the parcel performs some discrete function of importance. The Council has not identified any such function.

10.3 The deficiency is not merely quantitative. It is qualitative too. The Council has not shown that the appeal site forms part of a formal sports pitch, a natural play area, a public route, a strategic landscape

vista, a designated habitat corridor, or an area of ecological management identified in the original Southfields documents. The Design Statement speaks in explicit terms about playing fields, open meadowland, natural play areas, new informal pathways, cycle routes and sports facilities. The Sports and Open Spaces Statement does the same. Those documents reveal what counted, in policy and planning terms, within the larger scheme: strategically planned recreation and landscape elements, backed by evidence of need and management.

10.4 By contrast, the Applicant's evidence is that the application land formed part of an unnamed service road for maintenance vehicles associated with the former Southfields School and remains in the ownership of Kent County Council. That explanation fits comfortably with the small scale, edge condition and licenced occupation of the site. Even if the Council wished to challenge that factual account, it still had to show what open-space function the parcel currently performs. It did not do so.

10.5 The original Southfields planning material in fact undermines the Council's case. Sport England's response to the outline redevelopment makes clear that its concern was with the availability, quality and management of playing fields. It withdrew objection because the scheme would replace playing field land with equivalent or better quality and quantity provision in a suitable location. The Sports and Open Spaces Statement similarly approached the site through the lens of borough-wide need, playing pitch surpluses and deficits, ancillary facilities and managed habitats. In other words, the planning significance of Southfields open space lay in the wider system and its functionality. That is precisely why the Council cannot simply point to any undeveloped strip of land and call its change of use 'significant' without demonstrable effect on the wider system.

10.6 The decision notice also refers to a 'dilution of overall quality'. Again, that phrase is left unexplained. Quality of what, in what respect, measured by whom? Is the Council suggesting a visual dilution of meadow character? If so, where is the landscape analysis? Is it suggesting reduced recreational utility? If so, what recreational function has been lost? Is it suggesting ecological degradation? If so, where is the habitat evidence? Is it suggesting a social effect on residents? If so, where is the community-use evidence? None of those questions is answered in the refusal.

10.7 Nor can the refusal be rescued by broad invocation of 'social and environmental sustainability'. Those are not free-standing refusal formulas. They summarise planning objectives that still need to be linked to evidence. A 95 square metre change of use on licenced, managed land cannot rationally be said to undermine social or environmental sustainability without a reasoned explanation of the mechanism by which that harm occurs. The decision notice offers none.

10.8 National policy does not assist the Council. The current Framework, like the 2023 Framework cited in the refusal, addresses open space in the context of healthy communities. But it does so in a way that plainly requires substance rather than slogans. The policy purpose is to protect valued and functional open space, not to preserve every incidental fragment of undeveloped land irrespective of its role. The Council's approach would transform a policy of functional protection into one of absolute stasis. That is not what national policy says, and it is not how rational planning judgement operates.

10.9 The same applies at local level. Whatever the detailed wording of CS13 and CS19, the Council cannot rely on them without explaining the nature of the harm they are said to capture. A development plan policy is not a substitute for analysis. Tesco is clear on that point in principle: the authority must proceed on a

proper and objective understanding of the plan. Here, the Council appears simply to have treated the words ‘open space’ as dispositive, without asking whether the land’s actual role, scale and function justify the severe language of the refusal.

10.10 It should also be borne in mind that the land is not left unmanaged or degraded by the proposal. The licence requires the Applicant to keep the area clean and tidy and to maintain, repair and secure it at the Applicant’s own cost. The application itself describes the prior condition as unkept and overgrown. Bringing a small parcel of land into active maintenance may or may not be aesthetically preferred by all observers, but it is not self-evidently harmful. The Council has not shown that the change reduces access to any recreation resource, degrades any important habitat, or compromises any approved strategic landscape feature.

10.11 The second refusal reason therefore fails on every level: scale, function, evidence, policy application and legality of reasoning. The appeal site is de minimis in quantitative terms, unproven in strategic significance, and unmanaged harm is not demonstrated. The reason should be rejected.

11. Planning Balance

11.1 Once the refusal reasons are tested properly, the planning balance is short and clear.

11.2 Against the proposal, the Council has put forward two asserted harms. The first is visual harm from the fence; the second is significant and harmful loss of open space. For the reasons set out above, neither has been evidenced. The first is unsupported by any meaningful visual analysis. The second is contradicted by the miniscule scale of the site and by the absence of any demonstrated functional role within the wider Southfields open-space resource.

11.3 In favour of the development, the Borough Council can properly take account of the following matters. First, the site is under a formal licence from the landowner, Kent County Council, for use and maintenance. Secondly, the use brings formerly overgrown land into active management. Thirdly, the proposal is modest in scale and domestic in form. Fourthly, there is no evidence of harm to recreation, ecology, movement, landscape structure or visual character at a level capable of justifying refusal. Fifthly, the retrospective nature of the application is not itself a planning objection; the legal question remains whether the development as carried out is acceptable in planning terms.

11.4 There is also a broader point about proportionality. Planning control exists to address real planning consequences. It should not be used in a mechanistic or absolutist way, particularly where the development is minor and the alleged harm is abstract. Describing a 95 square metre change on licenced, managed land as a ‘significant and harmful reduction of open space’ is not merely an overstatement. It is a distortion of planning judgement. A refusal founded on that approach was manifestly incorrect.

11.5 The resubmission of this application therefore turns ultimately on a simple proposition: no material harm can be demonstrated. Once that is accepted, the application should be permitted.

11.6 There is a further consideration that the Borough Council needs to take into account in weighing the and balancing the actual merits of this application and that is precedent and whilst it is acknowledged that all applications are judged on their individual merits the applicant would argue that there has to be even handedness in how the Council evaluates proposals which involve the loss of open spaces within the Borough. The applicant can cite 3 recent cases for development proposals which could justifiably be argued that they have involved a 'significant loss' of open space and yet on the contrary all have been recommended for or granted planning permission by the Borough Council. They are:

- 20230102 - 145 Whitehill Road Gravesend (Land at Tesco Express and Whitehill Open Space) where permission has been granted for a new apartment building including a cafe (Use Class E) at ground floor level and comprising 14 no. new apartments. This will involve the loss of 0.081 hectares of amenity open space or 27% of the overall area.
- 20220207 - Ascot Arms, Central Avenue Gravesend where permission was given for demolition of the existing former public house building and redevelopment to provide a new 62 bed care home (Use Class C2) in a three-storey building together with associated access, car and cycle parking, structural landscaping and amenity space provision. This involved the loss of 0.079 hectares of amenity open space or 20% of the overall area.
- 20190833 - Garage Block And Part Of Amenity Space Adjacent To Constable Road And Rembrandt Drive Northfleet Gravesend, where permission was granted for demolition of 6 garages on Rembrandt Drive and erection of a 1no. one bedroom bungalow and erection of a terrace of 6no one bedroom bungalows along Constable Road with associated off street car parking and improvements to existing children's playground and amenity space adjacent to Constable Road. This involved the loss of 0.21 hectares of amenity open space or 40% of the overall area.

11.7 In the Council's assessment of just these 3 cases above it appears that it was argued that the loss of open space, even though quantitatively significant, could be justified due to the low quality of the amenity open space. In equal measure the applicant would argue that the loss of what is an insignificant amount of amenity open space at the former Southfields School site can be justified on the basis of the very low quality of unmanaged open space that is on offer for the general public use.

12. Conclusion

12.1 This resubmission of a previously refused planning application concerns a very small parcel of land within a much larger development. The site area is only 95 square metres. The use is managed garden lawn under licence from Kent County Council. The boundary treatment is ordinary domestic timber fencing. The Council's previous refusal alleges two forms of harm but provides no adequate analysis for either.

12.2 On character and appearance, the Council did not explain why the fence was harmful, from where the harm was experienced, or why the ordinary materials and form of the enclosure were said to conflict with local character. That omission is fatal to the first refusal reason.

12.3 On open space, the Council did not show how a site of this size could rationally amount to a 'significant' reduction when judged against the larger Southfields open-space resource, still less how the

proposal causes any measurable dilution of quality or harm to social and environmental sustainability. The Southfields planning history, design statement and sports evidence all point in the other direction: the strategic significance of the site lies in its substantial playing fields, meadowland and community sports facilities, not in every incidental piece of residual land.

12.4 National policy, local policy and settled legal principle all require more than the Council has done here. Reasons must be intelligible and adequate. Policy must be understood and applied objectively. Retrospective applications must be assessed on planning merits. On each of those tests, the refusal fell short.

12.5 For the reasons set out in this Planning Supporting Statement, the Borough Council is respectfully invited to reverse its previous decision and to grant planning permission for the resubmission of this planning application for retrospective change of use of land to managed garden lawn together with associated boundary treatment at 356 Singlewell Road, Gravesend.