

# Delegated Report

## Planning Application

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**Planning Application No:** 20250660

**Location:** Luddesdown Court, Luddesdown Road, Luddesdown Gravesend

**Description:** Alteration of boundary wall at Luddesdown Court and other associated works.

**Applicant:** Vineyard Farms Ltd

**Site Visit Date:** 16 July 2025

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### Submitted Documents/Plans

Application form  
Covering letter  
Arboricultural Implications Assessment  
Heritage Statement  
Drawing no. J66.85/02 rev A (tree protection plan)  
Drawing no. J55.85/01 rev A (tree constraints plan)  
Drawing no. DHA/35870/05 (proposed wall details)  
Drawing no. DHA/35870/04 (proposed site layout plan)  
Drawing no. DHA/35870/03 (existing wall details)  
Drawing no. DHA/35870/02 (existing site layout plan)  
Drawing no. DHA/35870/01 (site location plan)

### Relevant Planning History

None relevant to this application.

### Development Plan

#### Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- 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
- TC2 – Policy for Listed Buildings

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 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

#### Supplementary Planning Guidance

- Design for Gravesham: Design Code (2024);
- Gravesham Landscape Character Assessment (2009)
- Kent Downs National Landscape Management Plan

### **Consultations, Publicity and Representations**

#### Consultees

##### Historic England

No comment

##### KCC Public Rights of Way Officer

Currently, the legal alignment of Public Right of Way NS228 remains through the existing driveway gates at the property. Kent County Council has indicated their willingness to make a Highways Act S.119 Diversion Order, provided certain conditions are met.

Specifically, Kent County Council has confirmed they will proceed with a Diversion Order (and confirm if no objections are received) if the applicant can provide evidence that they are able to create the required 2.0 metre wide gap to the side of the existing gates without any conservation consent issues.

However, should the applicant fail to provide this information, and consequently, this planning application is refused, then no Diversion Order will be made. In this scenario, the legal alignment of the path will remain through the driveway gates as it currently stands.

I enclose a copy of the Public Rights of Way network map showing the line of the path for your information.

It is important to note that 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 eight 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.

### KCC Heritage

The site lies within an area of multi-period archaeological potential. I defer to your Conservation Officer with respect to the built heritage and Listed Building aspects.

Based on existing Historic Environment Record data for the area and the relatively limited extent of the proposed works, I consider it unlikely that these proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

### GBC Conservation Officer

The proposed re-alignment of the modern pedestrian side wall is acceptable providing the existing materials and design is matched in the rebuilt wall, and will have no adverse impact on the setting of the listed buildings or character of the area.

### Neighbouring properties

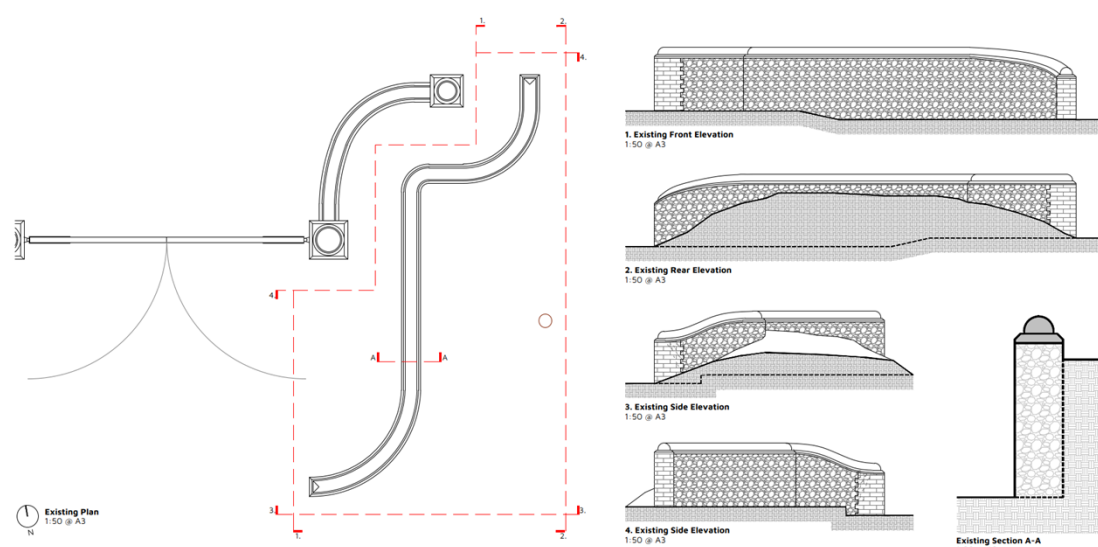
The application has been advertised by site notice, press notice and individual letters to one neighbour. No letters of representation have been received.

## **Officer's Analysis**

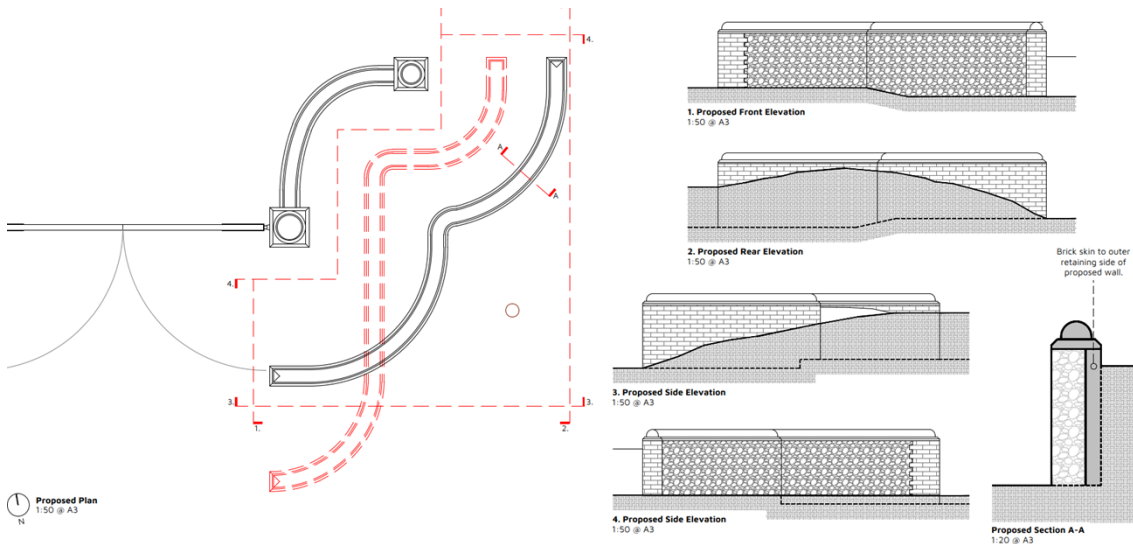
### Proposal

This application seeks planning permission for the alteration of boundary wall at Luddesdown Court and other associated works. The current pedestrian access is too narrow and so the gates are left open. The applicant wishes to close these gates for security reasons but the public right of way will need to be made wider. This application relates to the widening of the access to the pedestrian public right of way.

Existing wall arrangement:



Proposed wall arrangement:



## Green Belt

The application site is located within the Green Belt to which the government attaches great importance. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the National Planning Policy Framework 2024 allows exceptions to this. Exception (b) relates to the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, 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. The proposed development involves the demolition and construction of a wall to allow a more suitable arrangement. The impact on the openness of the Green Belt will remain the same and therefore the proposed development accords with Policy CS02 of the Gravesham Core Strategy 2014 and Section 13 of the National Planning Policy Framework 2024.

## Design, Character and Appearance

The application site is the entrance to Luddesdown Court which is a listed building. Adjacent to this is a church which is also listed. The entrance consists of flint and brick walls to each side and wooden gates in between as shown below:



This entrance was constructed sometime in the 1990s and is not curtilage listed.

#### *Luddesdown Downs Landscape Character Area and Kent Downs National Landscape*

Policy CS12 states that the overall landscape character and valued landscapes will be conserved, restored and enhanced. The greatest weight will be given to the conservation and enhancement of the landscape and natural beauty of the Kent Downs Area of Outstanding Natural Beauty and its setting. Proposals will take account of the Kent Downs Area of Outstanding Natural Beauty Management Plan, the Gravesham Landscape Character Assessment, and the Cluster Studies where relevant.

Policy SD2 of the Kent Downs National Landscape Management Plan states that the local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements.

The proposed rebuilding of the wall to increase the access to 2m, due to the relatively small scale of development and proposed re-use of materials, will have no detrimental impact to the wider landscape character or National Landscape.

#### *Heritage Assets*

In terms of design and appearance the proposed replacement wall will, wherever possible, utilise reclaimed materials and will match the existing wall and a condition is recommended to ensure this is the case. The

proposed development will have no detrimental impact on the setting of the adjacent listed buildings and no objections are raised.

The proposed realignment of the wall will have no detrimental impact to the character and appearance of the surrounding area or the setting of the adjacent listed buildings and therefore accord with Policies CS19 and CS20 of the Gravesham Core Strategy 2014, policy TC2 of the Gravesham Local Plan 1994 and paragraphs 212 and 215 of the National Planning Policy Framework 2024.

#### *Public Right of Way*

The public right of way is being altered, however the KCC PRoW Officer raises no objection to this and requests an informative to ensure the PRoW does not become blocked and therefore no objection is raised.

#### Amenity

##### *Neighbouring Amenity*

The proposed alterations will have no detrimental impact on neighbouring amenities in terms of loss of outlook, privacy, sunlight or daylight and therefore accords with Policy CS19 of the Gravesham Core Strategy 2014 in this regard.

#### Ecology and Biodiversity

The application site is located close to a SSSI and Biodiversity Opportunity Area. Two small self-seeded trees will need to be removed as they could adversely impact the condition of the wall. A tree protection plan has been submitted and a condition is recommended that works are undertaken in accordance with that. The rebuilding of the wall will result in no significant loss to existing biodiversity and therefore no concerns are raised.

No BNG is required due to the minimal nature of the application.

The proposed development therefore accords with policy CS12 of the Gravesham Core Strategy 2014 in this regard.

#### Parking and Highways

No changes are being made to the vehicular access and therefore no objections are raised on highways grounds.

#### **Conclusion**

The proposed realignment and rebuilding of the wall will have no detrimental impact on the character and appearance of the area, the Green Belt, the wider landscape, setting of the listed buildings, amenities, parking or highway safety and therefore accords with the abovementioned policies and is recommended for approval.

#### **Recommendation:**

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

|                      |                                                                                     |                     |                     |
|----------------------|-------------------------------------------------------------------------------------|---------------------|---------------------|
| <b>Case Officer:</b> | Mrs Alison Webster                                                                  | <b>Team Leader:</b> | <b>Richard Hart</b> |
| <b>Signed:</b>       |  | <b>Signed:</b>      | <i>R Hart</i>       |

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|---------------|-----------------------|---------------|------------------------------------|
| <b>Dated:</b> | <b>26 August 2025</b> | <b>Dated:</b> | <b>26<sup>th</sup> August 2025</b> |
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