

Our ref: 4305.SC
GBC ref: 20240600

Date: 13 December 2024

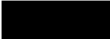
Ms Amanda Cue
Development Management
Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
Kent DA12 1AU

By email only

Dear Ms Cue,

20240600: Change of use of the land for the stationing of 2 static homes, 2 touring caravans and shared day room for Gypsy/Traveller occupation. Associated hard and soft landscaping.

Land South Of Pear Tree Lane (E of the See-Ho PH) Pear Tree Lane Shorne Gravesend Kent

Graham Simpkin Planning Ltd. has been instructed by 
 Pear Tree Lane Shorne DA12 3JS to review the above application and to prepare and submit representations on her behalf. Following this review I would advise that my client strongly **OBJECTS** to the above planning application.

It is clearly apparent from reviewing the application submission that there is a significant omission from the application in that it makes no reference to potential impact on Ecology or Biodiversity including nearby Special Protection Area (SPA) and Ramsar sites and the application also seeks to claim a Biodiversity Net Gain Exemption. No supporting surveys or information have been submitted alongside the application to address ecological/biodiversity impact or back-up the BNG claim.

We would comment that the BNG claim and lack of ecological assessment should be fully and properly addressed prior to any decision being made. If these issues are not addressed, in our view the omissions are sufficient in themselves for planning permission to be withheld on the grounds of a lack of information to enable proper assessment of the proposals.

- 1: The application seeks to claim an exemption from BNG on the grounds that any impact from the proposals is below the de-minimus threshold of 25m².

No BNG metric or habitat plan has been supplied with the application to support the claim that the proposals are de-minimus in terms of BNG requirements. The extent of the existing hardstanding shown on the submitted drawings is shown below.



Existing Block Plan taken from submitted drawing 2024-PPP028v1-LocBlock

Given the Google Earth Pro images dated 23 April 2020, 5 August 2022 and 8 March 2024 (reproduced below). It is likely, looking at the images that the extent of hardstanding on site has increased within the last four years (without the benefit of planning permission) and as such the de-minimus claim should be carefully examined and if necessary, a BNG Metric required.



23/04/2020



05/08/2022



08/03/2024

These same images seem to clearly indicate some ecological potential is likely within the site and yet, not even a Preliminary Ecological Appraisal of the site has been submitted. The site would appear to have less hard surfacing than suggested in the application.

2. Furthermore, and perhaps most importantly, the site is located within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar Sites. The development would in combination with other development, lead to increased recreational pressure on this internationally important and protected area. It is necessary for an Appropriate Assessment under the Habitat Regulations 2017 to

be undertaken by the Council as the competent authority (decision-maker) under the Regulations in assessing the current application. The onus is however, on the applicant to provide appropriate and sufficient information to enable the Appropriate Assessment to be carried out by the competent authority. As currently submitted, it is abundantly clear that there is insufficient information to inform the required Appropriate Assessment. This view is confirmed by the consultation response from Natural England dated 10 December 2024.

Turning to other issues it is necessary to consider whether the development is appropriate development in the Green Belt, as the site is located outside the defined settlement boundary of Shorne Ridgeway, and also whether it would result in harm to the character of the area.

A Planning Inspector in their 2021 appeal decision (relating to an application for two dwellings on the current site) assessed the character of Shorne Ridgeway and that of the site. They determined that there are two distinct character areas in the vicinity of the site and concluded that the development did not amount to infilling and as such was inappropriate development in the Green Belt.

'12. Taking into account these two distinctly different patterns of development which I saw on the ground, the appeal site, which contains only a limited amount of storage, falls squarely within the area characterised by loose-grained, sporadic, scattered development which lies outside the settlement. As the appeal site lies outside the settlement, the proposed development cannot therefore be considered as an exception to inappropriate development as described in paragraph 145(e) of the Framework'.

The Inspector's comments about a limited amount of storage in the context of BNG are also of note.

The characteristics and surroundings of the site have not materially changed in the interim period and it is contended that that the proposals still constitute inappropriate development under paragraph 154 e) of the NPPF 2024.

The 2021 Inspector also concluded that the development proposed at the time would have an unacceptable impact on the character of the area.

'31..... Nonetheless, given the size of the site, and even allowing for dwellings of very modest footprints, the development would in effect place development which is more typical of the tight-grained, built-up sections within the settlement of Shorne Ridgeway on a site clearly belonging to the looser-grained, more rural character of development beyond the settlement.

32. The effect of this misplacement would be to diminish the spacious character of the landscape outside the settlement, which includes development which generally shares far smaller footprint: plot area ratios than two dwellings on the appeal site. I saw that the character of the landscape between this settlement and its neighbours is finely balanced between the generally very spacious areas of land occupied by houses, and the rural character of the countryside, epitomised here by the large tracts of coppiced woodland and the agricultural fields between them.

33. Spaciousness is a characteristic of the pattern of development which makes the landscape outside the settlement distinctive, and which distinguishes it from the character of development within the settlement. Because of its diminishing effect on the spacious

character of the landscape, the proposed development would undermine that distinction, as noted in the LCA, and weaken the strong sense of place which it underpins.

34. I appreciate that the Framework promotes the development of under-utilised land in paragraph 118(d), but it also indicates in paragraph 127 that development should be sympathetic to local character, including the surrounding built environment and landscape setting, whose character this proposal would harm.

35. I conclude on this issue that the development would conflict with CS policies CS12 and CS19 which protect landscape character, and which require development to conserve and enhance the character of the local built and natural environment and to integrate well with the surrounding local area. It would harm the landscape character of the area with particular regard to the Shorne Woodlands Landscape Area. To this harm I attribute substantial weight.'

It is contended that the proposed siting of the two static caravan units and the two day rooms would also have a similar harmful effect on the character of the Shorne Woodlands Character Area in a manner similar to that identified by the previous Inspector.

The applicant has accepted that the proposed development constitutes inappropriate development in the Green Belt.

The newly re-issued NPPF does not change the advice in Planning Policy for Traveller Sites 2015, which provides very clear advice at Policy E (paragraph 16)

'16. Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.'

The determination of this application therefore turns on whether there are Very Special Circumstances (VSCs) sufficient to override this clear presumption against inappropriate development.

A number of personal circumstances and a discussion on unmet need within Gravesham Borough are set out in the applicant's planning statement as VSCs. The latter issue is set out as the principal justification for approving the proposals. The applicant has referred in their submission to a recent appeal decision dated 5 July 2024 relating to land at Heron Hill Lane, Culverstone (APP/K2230/W/24/3336250) in support of the needs case. Whilst noted, paragraph 29 of that decision clearly states;

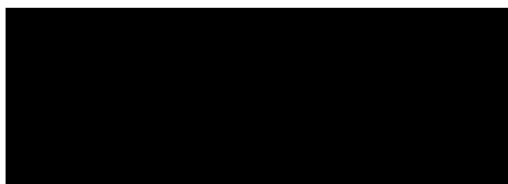
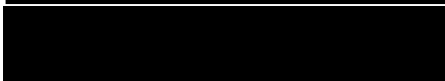
'In accordance with the PPTS, in these circumstances, lack of supply should be a significant material consideration in relation to a planning decision when considering the grant of a temporary planning permission. However, the PPTS makes it clear that this does not apply to sites within, amongst other things, the Green Belt. It also does not say that the lack of supply is a significant material consideration when considering permanent schemes.'

We acknowledge that it is for the Council as the decision-maker in this case to apply the 'planning balance' and determine whether the personal circumstances of the applicant and any unmet need are of sufficient weight.

This exercise must be undertaken with regard to paragraph 153 of the NPPF 2024 which advises that the VSCs must **clearly outweigh** (my emphasis) the harm to the Green Belt arising from inappropriateness and any other harm that would result.

We would suggest the specific circumstances of this case show that the benefits from the proposed development **do not** clearly outweigh the identified harms, and therefore request that planning permission should be refused.

Yours sincerely,

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