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**GSP PROJECT REF: [3599.PN](#)**

**PLANNING STATEMENT**

**Application for removal of conditions 3 and 4 of planning permission 20220470 for the  
use of land for the siting of a caravan**

**WHITE HORSE RIDING CENTRE, WHITE HORSE LANE, MEOPHAM,  
GRAVESEND, DA13 0UE**

**DECEMBER 2022**

## 1.0 INTRODUCTION

- 1.1 This Statement is prepared following the decision of Gravesham Borough Council (GBC) to grant planning permission for the use of land for the siting of a caravan for use by the head groom and his partner who is also a groom, at White Horse Riding Centre.
- 1.2 The applicants now wish to apply to remove conditions 3 and 4 of planning permission 20220470, which required the following:

*3. Within six months of the date of this permission the existing caravan (mobile home) shall be painted dark green (NCS Colour System S 7020- G50Y) or dark brown (NCS Colour System S 8010-Y10R) and maintained as such.*

*REASON: In the interests of local visual amenity and in order for the mobile to more successfully harmonise with its location set between large agricultural type buildings which externally exude similar dark cladding finishes and having regard to the location of the mobile adjacent to a conservation area and within the Kent Downs Area of Outstanding Natural Beauty (AoNB) and where it is policy within the adopted Kent Downs AoNB Management Plan to conserve and enhance the scenic and landscape beauty of the AoNB. This would also accord with paragraph 176 of the National Planning Policy Framework (NPPF) and policies Policy CS19: Development and Design Principles and CS20: Heritage and the Historic Environment of the Gravesham Local Plan Core Strategy (September 2014).*

*4. Within six months of the date of this permission a landscaping scheme for the wider application site shall be submitted for the approval of the Local Planning Authority and such scheme as may be approved shall be implemented in full within the first planting season following approval and thereafter be maintained to ensure establishment for a period of five years. Any new plantings that die, are damaged, removed or become diseased within five years from the date that the landscaping scheme is fully implemented shall be replaced with plantings of a similar size and species during the next available planting season.*

*REASON: the interests of visual amenity and safeguarding the character and appearance of the area and in accordance with Policy CS12: Green Infrastructure and Policy CS19: Development and Design Principles of the Gravesham Local Plan Core Strategy (September 2014) and the National Planning Policy Framework (NPPF), and to accord with policy within the adopted Kent Downs AoNB Management Plan to conserve and enhance the scenic and landscape beauty of the Area of Outstanding Natural Beauty (AoNB) in which the site is located.*

## 2.0 SITE CONTEXT

- 2.1 The application site forms part of some 15 hectares of land used as the riding centre and is located on the east side of White Horse Lane just to the east of Harvel Village within the existing complex of buildings that comprise former farm buildings that

have been adapted for equestrian purposes together with the original relocated indoor arena and a storage barn.

- 2.2 To the north of the complex of buildings is Harvel Green separated from the site by a well established hedge. To the west, the complex has a frontage to White Horse Lane where the main access to the site is located. To the south is a further dwelling together with outbuildings also owned by the applicant. To the east, the complex adjoins fields forming part of the site with a boundary to a bridle path.

### 3.0 RELEVANT HISTORY

- [Continued use of land for siting of a caravan.](#)

Ref. No: 20150962 | Status: Application Permitted subject to a single condition restricting occupation of the caravan to groom(s) employed at White Horse Riding Centre and limited to a period expiring on 20 November 2020.

- [Retrospective application for the use of land for the siting of a caravan](#)

Ref. No: 20220470 | Status: permanent permission granted. This permission is the subject of this application.

### 4.0 POLICY CONTEXT

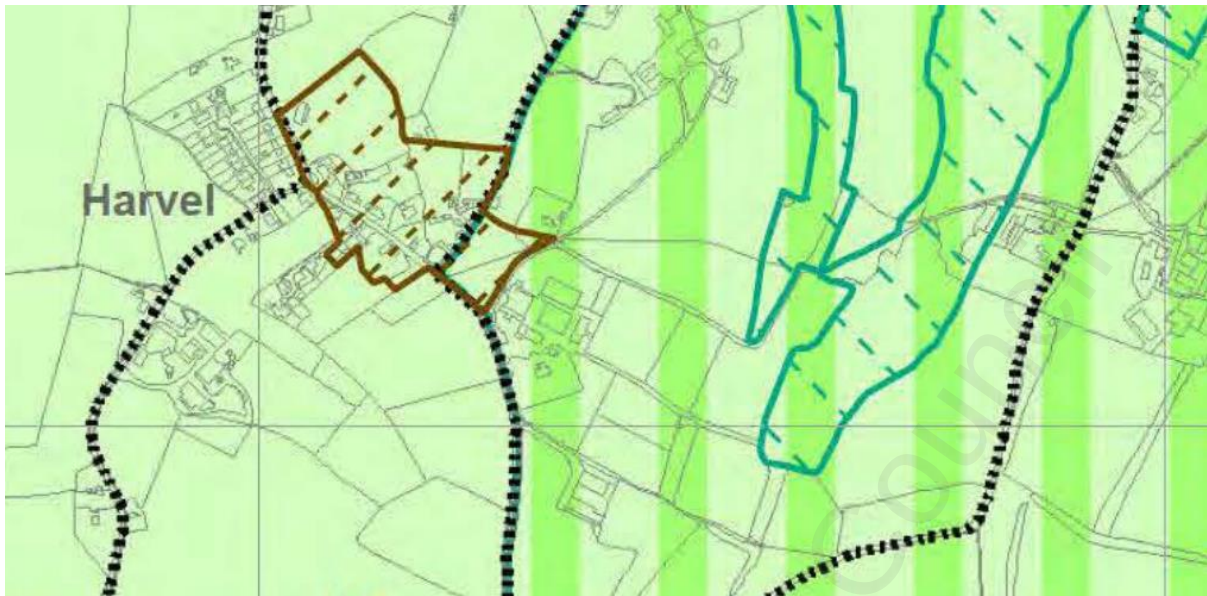
- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Court of Appeal has clarified that for a decision maker this means establishing whether a proposal is in accordance with the development plan as a whole. The question of compliance with one policy should not dictate the outcome of a proposal in the absence of considering compliance with all other relevant policies. Decision makers are therefore tasked with identifying and understanding all relevant policies and material considerations in order to reach a properly informed planning judgment on a proposal, and to avoid an irrational or vulnerable decision that may be subject to criticism in a public law challenge.
- 4.2 Paragraph 2 of the National Planning Policy Framework ('the Framework') reiterates what is said in Section 38(6), whilst paragraph 12 of the Framework is clear that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 4.3 Paragraph 38 of the Framework encourages local planning authorities to approach decisions on proposed development in a positive and creative way. It also encourages working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, adding that

decisionmakers should seek to approve applications for sustainable development where possible.

- 4.4 Annex 1 of the Framework confirms that for the purposes of decision-taking, the policies in the plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. It adds that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with greater weight being given to those policies that are closer to the policies in the Framework.

### Development Plan

- 4.5 It is understood that the Development Plan for the area within which the application site is located comprises the Gravesham Local Plan Core Strategy (CS) (adopted September 2014) and the Saved Policies of the Gravesham Local Plan First Review (LPFR) (adopted November 1994). There are also a number of supplementary policy documents to consider, including the Vehicle Parking Standards (July 1996). It is also necessary to have regard to the guidance in the Framework.
- 4.6 Relevant CS policies appear to include, with the policies referred to in the reasons for the conditions that are the subject of this application highlighted in bold:
- CS01: Sustainable Development;
  - CS02: Scale and Distribution of Development (Green Belt);
  - **CS12: Green Infrastructure (AONB, Landscape Character);**
  - CS14: Housing Type and Size;
  - CS15: Housing Density;
  - CS18: Climate Change;
  - **CS19: Development and Design Principles;**
  - **CS20: Heritage and Historic Environment.**
- 4.7 Relevant LPFR policies appear to include:
- T1: Development outside the Built-up Area;
  - P3: Vehicle Parking Standards.
- 4.8 A relevant extract from page 14 of the CS policies map is as follows:



- 4.9 The above indicates that the site is within the Green Belt (CS02), the North Downs **Area of Outstanding Natural Beauty (CS12)** and the Harvel Wooded Downs Landscape Character Area. The site is also close, but not within, a Local Wildlife Site to the SE, whilst nearby to the NW is the Harvel Conservation Area.

### **Other Material Considerations**

#### *The Framework*

- 4.10 Paragraph 56 confirms that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 4.11 Paragraph 84 seeks to support a prosperous rural economy and particularly seeks to promote the development and diversification of agricultural and other land based rural businesses.
- 4.12 Paragraph 149 of the Framework sets out a number of exceptions where certain forms of development, excluding the construction of new buildings, are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include (amongst others): (e) material changes in the use of land.
- 4.13 Paragraph 174 indicates that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. **Paragraph 176** adds that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 4.14 The following are also material considerations:

- Nationally Described Space Standards (NDSS) (March 2015);
- National Design Guide (NDG) (October 2019);
- Kent County Council Parking Standards SPG4 (2006);
- Gravesham Landscape Character Assessment (May 2009) (a technical document which underpins policy CS12) (Harvel Wooded Downs);
- Kent Downs AONB Management Plan.

## 5.0 PLANNING ASSESSMENT

### Condition 3 – colour of the caravan

- 5.1 This condition requires the painting of the caravan in either a dark green or dark brown colour. However, the existing beige colour of the caravan is more in keeping with the white breezeblock construction of the bottom third of the adjacent building that is used to store carriages in connection with the equestrian use of the site. The dark roof, edging and window and door frames closely match the colour of the remainder of the adjacent storage building as is shown in the officer's own photograph that was included in the delegated report relating to permission 20220470:



- 5.2 Furthermore, the applicant's plans and own photographs supplied with the original application demonstrate how only limited views of the caravan are possible from the wider area. The first, as reproduced below, shows an existing residential outbuilding that is inclusive of a double garage to the south of the site that screens views looking northwards to the caravan from the adjacent red roofed White Horse Farmhouse site (formerly Upper Marsh Croft):



- 5.3 The second photograph shown below faces northwards that confirms there is very limited visibility through, with containers, vehicles and mature trees and vegetation blocking any views from that direction:



- 5.4 The next is an aerial photograph extracted from Google Earth that is dated April 2020 and appears to be the same photograph as included within the officer's previous delegated report:



- 5.5 The subject caravan is located in the centre of the screenshot on pre-existing hardstanding & is clearly surrounded by existing permanent built form, much of which is on a much greater scale. This point does not appear to be in disagreement with GBC, given that the previous officer in their delegated report described its siting as being “hedged between large modern structures” & uses the following photograph to demonstrate this point, which is a wider version of the photograph above. The siting of the caravan had been deliberately chosen to minimise any visual impact:



- 5.6 There are public rights of way surrounding the site, beyond the north, west and south of the site, but due to the intervening planting and built form it is not considered that clear and sustained views of the caravan are possible. An extract from Google Streetview is included below and shows what can be seen, at an elevated level, from the adjacent public highway, White Horse Lane. It is noted there is no caravan present, but it is possible to detect the incidental outbuilding and double garage at White Horse Farmhouse. Were it possible to view the caravan, it would be located to the left of the double garage:



- 5.7 Referring back to the reason for condition 3, this is firstly tied to it being in the interests of visual amenity, but it is evident that whatever colour the caravan is, it will not have an effect on visual amenity either within it, or beyond it, as is proven by the above photographs and aerial photography. Its existing colour is already considered to be in harmony with the existing built form that it sits between. It is the view of the applicant that by painting it a dark green or dark brown would disrupt that harmony, but even if GBC disagree, if it cannot be seen beyond the site (and further into the AONB) then there is no valid reason for the condition. It is not needed to make the development acceptable and fails to meet the tests of paragraph 56 of the Framework.
- 5.8 There is also reference to policy CS20 in the reason for the condition's inclusion. However, the accompanying delegated report confirms that the Council's conservation architect both noted that the caravan was "concealed by existing buildings" and "raised no adverse comments in respect of the setting of heritage assets in the vicinity." There is no suggestion therefore that in the absence of condition 3, there would be a conflict with policy CS20. Equally, there is inconsistency in the reason as no reference to policy TC3.

#### **Condition 4 – landscaping**

- 5.9 Having noted the above photographic evidence of the presence and backdrop of the caravan from within the site and beyond its boundaries and the fact that both the planning officer and conservation architect accept that the caravan's siting is either "hedged between large modern structures" or perhaps more important "concealed" it then follows that there is no need for any landscaping to make this development acceptable.
- 5.10 It appears to the applicant that condition 4 was simply added 'by default' reflective of the fact that the site is within the AONB without any consideration of the individual merits of the proposal. The applicant is of the view that the inclusion of this condition also fails to meet the tests of paragraph 56 of the Framework.

#### **6.0 CONCLUSIONS**

- 6.1 The included photographs from both within and beyond the site, the aerial and streetview photography, as well as the previous views of multiple GBC officers as set out in the previous delegated report confirms that GBC did not need to include conditions 3 and 4 to make the development that was the subject of application reference 20220470 acceptable in planning terms. The two conditions fail to meet the three tests set out in paragraph 56 of the Framework.
- 6.2 As such, the Council are respectfully requested to agree to the removal of these conditions.