



Delegated Report

Full Planning Application

Application No:	20230942
Location:	Starwood, Pear Tree Lane, Shorne, Gravesend, Kent, DA11 7PF
Description:	Demolition of existing stables and removal of containers and hardsurfacing and conversion of existing concrete framed structure to form detached bungalow with three bedrooms plus single storey rear extension, front porch and use of existing access.
Applicant:	T Russell
Site Visit:	23 rd October 2023

Submitted Documents/Plans

- Application Form - dated 7 September 2023;
- Planning, Design and Access Statement (ref 3925.PN) - dated September 2023;
- Preliminary Ecological Appraisal (PEA) (ref 0920_R01_PEA) - dated 10 March 2022;
- Ecological Impact Assessment (ECIA) (ref 0920_R02_EcIA) - dated 22 April 2022;

- Supplementary Information - Appeal Decision (APP/G2245/W/19/3236750);
- Supplementary Information - Appeal Decision (APP/K2230/W/20/3255704);

- Drawing no. 3514 01 - Site Location Plan (dated 4 September 2023);
- Drawing no. 3514 02 - Existing Block Plan (dated 4 September 2023);
- Drawing no. 3514 03 - Existing Stables Floor Plan (dated 4 September 2023);
- Drawing no. 3514 04 - Existing Stables Elevations (dated 4 September 2023);
- Drawing no. 3514 05 - Existing Outbuildings Elevations (dated 9 December 2022);
- Drawing no. 3514 06 - Proposed Block Plan (dated 4 September 2023);
- Drawing no. 3514 07 - Proposed Floor Plan (dated 4 September 2023);
- Drawing no. 3514 08 - Proposed Elevations (dated 4 September 2023);
- Drawing no. 22/07/A - Topographical Survey (dated 04 March 2022).

Relevant Planning History

Reference	Description	Decision	Decision Date
20230491	Application for a Lawful Development Certificate in respect of the existing concrete framed barn in the rear garden.	CERTIFICATE GRANTED	10.07.2023
20221342	Demolition of existing stables and removal of containers and conversion of existing framed structure to form separate bungalow with three bedrooms plus erection of detached double garage, additional single storey rear	REFUSED	15.02.2023

	extension, front porch and use of existing access		
20220531	Demolition of existing stables and removal of containers and conversion of existing framed structure to form separate bungalow with three bedrooms plus erection of detached triple garage, additional conservatory, porch and use of existing access.	REFUSED	30.09.2022
20210376	Application for a Lawful Development Certificate in respect of the existing use of land and for residential purposes, falling within Use Class C3(a) of the Use Classes Order 1987 (as amended).	CERTIFICATE GRANTED	15.10.2021
20171122	Formation of an additional vehicular access and driveway onto a classified road.	PERMISSION	04.04.2018
20130450	Formation of an additional vehicular access onto a classified road.	PERMISSION	05.02.2014
20060227	Construction of a sand ménage.	WITHDRAWN	07.03.2007
20050912	Variation of condition (iii) of planning permission reference number GR/74/472 for erection of a detached garage; to allow the store in the roof space above the garage to be used as a hobby room and construction of dormer extensions in both side roof slopes of garage to provide enlarged roofspace for the hobby room/store.	PERMISSION	15.12.2005
20050675	Application for a Lawful Development Certificate in respect of the proposed construction of a dormer extension in both of the side roof slopes of the detached garage at the front.	CERTIFICATE REFUSED	20.10.2005
20050529	Application for Lawful Development Certificate in respect of the proposed erection of a stable block with tack and feed store and a hay barn within the residential curtilage.	CERTIFICATE GRANTED	22.08.2005
20010321	Erection of a detached double garage in the front garden with storage in the roof space and external staircase on the side elevation.	REFUSED	17.08.2001
	Erection of an open porch on the front elevation	PERMISSION	
19910714	Demolition of s/s lean-to on east elevation; erection of 1st floor extension on west elevation to form bedroom; construction of eyebrow dormer in the south roof slope & 2no dormer windows in the north roof slope & erection of single storey infill extension on the north elevation to form enlarged kitchen.	PERMISSION	10.01.1992
19910379	Conversion of and single storey extension to the existing car port at the side to form lounge/ dining area, kitchen, wc and entrance hall.	PERMISSION	16.07.1991

19910126	Conversion of the existing detached double garage at the front into a dwelling incorporating the construction of dormer extensions in the northern and southern roof slopes and erection of a covered walkway linking it to the existing dwelling.	REFUSED	26.04.1991
19910032	Section 64 determination as to whether planning permission is required for the use of part of the ground floor as a guest house for 3 no. paying guests.	PLANNING PERMISSION NOT REQUIRED	14.02.1991
19870855	Formation of a vehicular access on to a classified road.	WITHDRAWN	16.03.1989
19820776	Retention of car port at the side.	PERMISSION	04.02.1983
19800995	Erection of a two-storey rear extension to form enlarged lounge with two bedrooms at first floor level.	PERMISSION	13.01.1981
19750472	Alterations and additions to provide additional living accommodation and erection of a detached garage.	PERMISSION	19.08.1975
19750235	Demolition of existing lean to and conservatory and erection of 2 storey extension at rear and single storey extensions at side for garages and workshops and formation of rooms in roof space.	REFUSED	08.07.1975
19600015	Erection of bungalow and garage.	PERMISSION	26.02.1960
19570315	Stationing of a caravan for storage purposes.	TEMPORARY PERMISSION	09.02.1960
19570314	Stationing of a caravan for weekend use. (Date App. Rec. 15.12.1956)	PERMISSION	16.01.1959
19570254	Stationing of caravan for week-end use.	PERMISSION	23.12.1957
19480151	Erection of a dwelling.	PERMISSION	23.06.1949

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
- CS16 - Affordable Housing
- CS18 - Climate Change
- CS19 - Development and Design Principles
- CS20 - Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994):

- T1 - Impact of Development on the Highway Network
- T2 - Channel traffic to the Primary and District Distributor Network
- T4 - Development outside the Built-Up Area
- T5 - New Accesses onto Highway Network
- P3 - Vehicle Parking Standards

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 (2021):

- Section 2 - Achieving sustainable development
- Section 4 - Decision Making
- 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
- Section 16 - Conserving and Enhancing the Historic Environment

Supplementary Planning Guidance:

- SPG 2 - 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)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

External Consultees

KCC Heritage - The site lies within an area of multi-period archaeological potential and c.100m north-west of the site of the discovery in 1935 of a Romano-British cremation burial.

I recommend that if planning permission is granted the following condition is applied to any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

- (i) an archaeological watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority and;

- (ii) a report on the findings of the watching brief which has been submitted to and approved in writing by the Local Planning Authority.

Reason To ensure that features of archaeological interest are properly examined and recorded.

KCC - Biodiversity - reused from 20220531 (ecology reports unchanged).

"Regarding 20220531 (Starwood), I have looked at the ecology report (which has been produced by Native Ecology – a highly reputable consultancy) and am satisfied that protected species are unlikely to be impacted. The trees which have bat roost features are to be retained. If planning permission is granted, we advise that informative and conditions below are attached.

A lighting condition is recommended because the site is in close proximity to ancient woodland/a Local Wildlife Site and, therefore, nocturnal wildlife and invertebrates associated with these sites could be adversely impacted by any external lighting. Additionally, the report makes some excellent recommendations for enhancement of biodiversity, some of which should be incorporated (in alignment with paragraph 180 of the NPPF).

- *Breeding Bird Informative - The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.*
- *Biodiversity and Lighting - Prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.*
- *Ecological Enhancement - Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include incorporation of recommendations in section 11 of the Ecological Impact Assessment (Native Ecology April 2022). The approved details will be implemented and thereafter retained.*

Shorne Parish Council - This is a reapplication of refused Applications Ref 20220531 and 20221342 with minor alterations, so effectively almost the same. Hence the reasons for refusal will also be the same.

The Parish Council again has to OBJECT STRONGLY to this application for the following reasons and comments:

1) Plots of land, land ownership, access - The land area shown is composed of parts of two parcels of land however the ownership remains confused:

- the rear land of Starwood K424735, stated previously and presently as being in the ownership of the applicant
- the narrow access track on the west side that is part of K654169, this was established previously to be in the ownership of the applicant's children but is again now stated to be in the ownership of the applicant.

The actual situation requires verification.

The manner in which proper and permanent access is to be maintained to the rest of K654169 needs to be clarified as no proper route of access is shown. It is not appropriate for access to be via a residential garden, or a route that might come to be in different ownership. As the existing accumulated structures, including the barn structure, are said to be redundant and are to be removed, we suggest that the original track on K654169 should be reinstated.

2) Green Belt Location; Landscape character - The proposed property is located in the Green Belt where a new dwelling would not normally be permitted due to detrimental impact on openness. It remains the case that no valid "very special circumstances" have been cited that might override this restriction.

The proposed location would also cause harm to local Landscape Character.

3) Backland development and precedents - The proposal would be a backland development which is by definition undesirable. Contrary to the applicant's statement that ("There are many examples of long access roads providing access to backland dwellings along this stretch of Pear Tree Lane", see applicant's point 6.19), there are in fact no backland residential buildings on the entire north side of Pear Tree Lane. On the south side there are only two: one purpose-built residential property, "Furze Bank" which was permitted in the 1950's, and "Sunridge" which is a mixed-use building, previously related to the historic Bushylees Farmhouse and which was converted from genuine stable use.

Permission of this proposal would create a precedent in the area, particularly as Starwood is already set well back on its plot, which could lead to other backland proposals being impossible to resist.

4) Out of character with the area; Amenity of neighbouring dwellings - The area is characterised by single detached houses built on large plots, this proposal would be out of character with the area.

The proposal will be detrimental to the amenity of neighbouring dwellings, especially "Colesmead" to the east.

5) Proof of redundancy of existing buildings - It is claimed that the hay barn and various stable and storage structures are all redundant however further information is required proving this in case removals and any conversion might lead to pressure for more barn and stable structures to be built elsewhere on the properties owned by the applicant and his children, so leading to further erosion of openness of Green Belt land.

However, if they are all truly redundant then there is no valid reason why they should not anyway all be removed.

6) Suitability of structure for conversion - The barn structure was built on (at the time) non-residential land that was previously orchards. It appears to be merely a concrete frame with some timber posts. There does not appear to presently be a floor or any existing services. We question whether the existing structure can be regarded as a building suitable for conversion and whether conversion to a residence can be achieved without considerable engineering works.

7) Other points about plans, layout and design/changes since the previous applications:

- A double gate is still shown in the northern boundary fence, clarification is required over the need for and proposed use of this non-residential feature (see Point 1 above).
- The layout remains the "wrong way round" on the site, with the "front door" at the rear so not relating to the roadway but rather to the open countryside. In our opinion the layout should be turned round by 180 degrees.
- The previously proposed two car garage at the back of the site has been replaced by three open air parking spaces further south, towards the roadway.
- The plans do not indicate how surface drainage and sewerage needs will be met.

- The Applicant references other planning decisions however these relate to very different locations and circumstances.
- The Applicant considers that their proposal can be regarded as “infilling” however the site is outside the village/settlement envelope and there is no other property at the rear of the Starwood curtilage. There is also local precedent against their view as, at the land adjacent to The See Ho, Appeals were dismissed on two occasions, see the latest under ref APP/K2230/W/20/3258951.

The Parish Council OBJECTS STRONGLY to this application. We request that the application should be refused, and that enforcement action should be taken concerning the various buildings and structures that have been erected without planning permission, including the menage constructed in Starmore Wood, as discussed in a previous decision notice.

In view of the extent of built form proposed on the site, we also request that, should Officers be minded to permit the application, then Conditions should be attached withdrawing permitted development rights for the entirety of both the quoted Land Registry titles, to prevent further encroachment onto the Green Belt, open agricultural land and woodland.

However, should officers be minded to permit this application we would also request that the application should be called in to the Planning Committee to enable wider discussion and informed participation in any decision.

Dickens Protection Society - The Society would wish to object to the above application on the grounds that the site is in an area within which Green Belt policies apply where new residential development would not normally be permitted. No specialist circumstances have been put forward which would warrant overriding Green Belt Policy.

The introduction of a residential use in this location would impact on the openness of the Green Belt and attract residential paraphernalia.

There are no details other than indicative floor layout and elevations to demonstrate how the building might be converted.

Internal Consultees

GBC Environmental Protection (Regulatory Services) - No objection to this application but following to be considered:

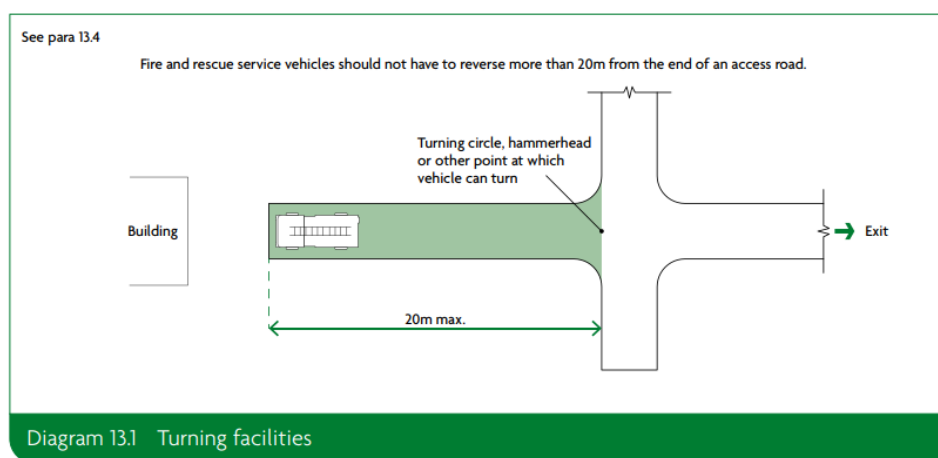
- **Watching Brief** - The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.
- **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.
- **Lighting** - Artificial lighting can cause a statutory nuisance under the Environmental Protection Act

1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

GBC Highways - In its current form I consider the proposal unacceptable, there is no on-site turning provision for visiting delivery vehicles or fire engines without moving potentially parked vehicles. The applicant needs to retain more of the hardstanding to provide an independent turning area and prove its viability by a tracked/swept path drawing for a fire engine. Extract from Building Regulations below.

13.3 Access routes and hardstandings should comply with the guidance in Table 13.1.

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1. Turning facilities should comply with the guidance in Table 13.1.



ONLINE VERSION

B5

Table 13.1 Typical fire and rescue service vehicle access route specification

Appliance type	Minimum width of road between kerbs (m)	Minimum width of gateways (m)	Minimum turning circle between kerbs (m)	Minimum turning circle between walls (m)	Minimum clearance height (m)	Minimum carrying capacity (tonnes)
Pump	3.7	3.1	16.8	19.2	3.7	12.5
High reach	3.7	3.1	26.0	29.0	4.0	17.0

NOTES:

1. Fire appliances are not standardised. The building control body may, in consultation with the local fire and rescue service, use other dimensions.
2. The roadbase can be designed to 12.5 tonne capacity. Structures such as bridges should have the full 17-tonne capacity. The weight of high reach appliances is distributed over a number of axles, so infrequent use of a route designed to accommodate 12.5 tonnes should not cause damage.

To comply with parking guidance, one secure cycle parking space should be provided per bedroom.

Neighbouring properties

A notice was displayed on site 27 September 2023.

In addition, ten surrounding properties were consulted and three objections were received, two of which were from the same address. The objections received have been separated into material and non-material planning considerations:

Material Planning Considerations

- Inappropriate development in the Green Belt
- Backland development
- No very special circumstances
- Out of character
- Impact on amenity
- Increased traffic

Non-Material Planning Considerations

- Precedent for other properties

Please note only the material planning considerations form part of this decision.

The consultation period expired 20th October 2023.

Preliminary Matters

This application follows two similar refused applications (refs. 20221342 / 20220531). The recently refused application proposed the “demolition of existing stables and removal of containers and conversion of existing framed structure to form separate bungalow with three bedrooms plus erection of detached double garage, additional single storey rear extension, front porch and use of existing access”, and was refused for the following reasons:

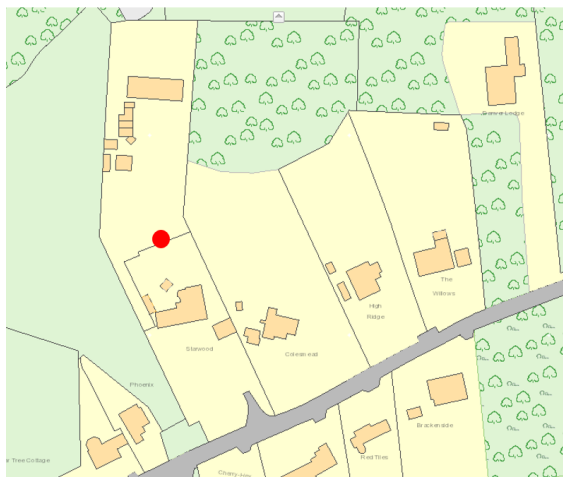
1. *The site lies within the Metropolitan Green Belt where the construction of new buildings is inappropriate development unless it is for one of the excepted forms of development set out in paragraph 149 or 150 of the National Planning Policy Framework (NPPF), 2021. The proposal is for a separate dwelling and not as an annexe and results in the splitting of the residential curtilage. The building of a dwelling, whether as conversion or otherwise would still by definition result in a form of encroachment in the countryside by reason of the nature of the development and the paraphernalia and associated development that goes with what will be a separate dwelling from the existing dwelling on the site. The development does not, in the opinion of the Local Planning Authority, fall within the exceptions to inappropriate development in the Green Belt in the NPPF. No very special circumstances have been put forward to outweigh the harm to the Green Belt or any other identified harm and therefore the proposal is contrary to Policy CS01 (Sustainable Development) and Policy CS02 (Scale and Distribution of Development) of the Gravesham Local Plan Core Strategy (2014) and section 13 of the National Planning Policy Framework (2021) (Protecting Green Belt Land).*
2. *The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 180 and 181 of the NPPF (2021), and the requirements of the Conservation of Habitats and Species Regulations 2017.*

In order to receive a favourable decision, this proposal must be considered to overcome the reasons for refusal attached to the previous application.

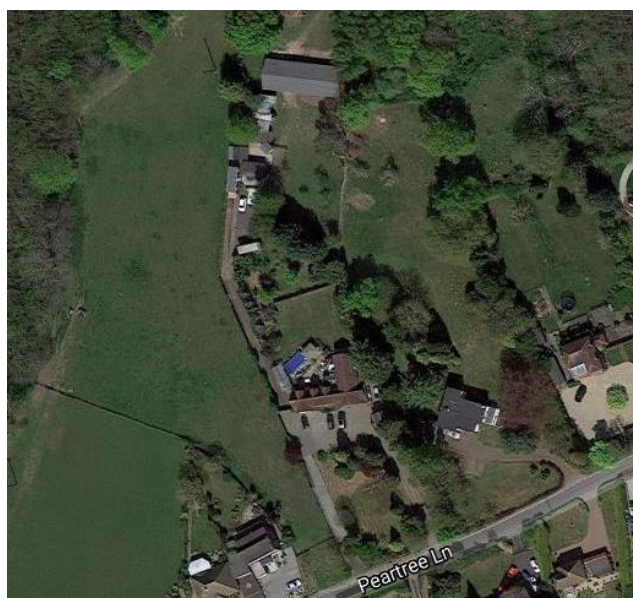
Officer's Analysis

Site Context

Starwood is a detached dwelling located on the north side of Pear Tree Lane Shorne set within large grounds and located within a ribbon of housing in the countryside and Green Belt outside of the rural settlement of Shorne (see site location plan below).



It is located within a 0.6-hectare plot of residential land, which forms part of the applicant's wider site ownership that extends to another 10.2 hectares in total, inclusive of a 7-hectare woodland and 2.2-hectare paddock to the north.



(Google Earth - April 2022)

The whole of the application site (Starwood, its curtilage, the stable area and the paddocks and woodland) is shown as being within a **Green Belt area** (Policy CS02) in the Gravesham Local Plan Policies Map. Immediately to the north of the paddock/stable area of the site the land and woodland is within a **local wildlife site** (Policy CS12). Pear Tree Lane is a **local distributor road** (Saved Policies T1-T5)

An extract from the Local Plan Policies Map is shown below (*Application site shown shaded blue*)

GRAVESHAM LOCAL PLAN POLICIES MAP



- Plan Area: Borough Boundary (CS01)
- Opportunity Areas (CS03-CS06)
- Key Sites (CS03-CS06, CS21)
- Highways Network Primary Distributor (T1-T3)
- Highways Network District Distributor (T1-T3)
- Highways Network Local Distributor (T1-T5)
- Highways Safeguarding (T6)
- Crossrail Safeguarding (CS11)
- High Speed 1 Safeguarding (CS11)
- Wharves Safeguarding (CS07, CS11)
- Rural Settlements Inset from Green Belt (CS02)
- Special Protection Area (CS12)
- Special Area of Conservation (CS12)
- Ramsar Site (CS12)
- Sites of Special Scientific Interest (CS12)
- Area of Outstanding Natural Beauty (CS12)
- Local Wildlife Sites (CS12)
- Urban/Rural Areas Boundary (CS02)
- Green Belt (CS02)

Existing Site Description

Starwood is a detached chalet style bungalow which is set back some 50m from the highway.

The paddock/grassed area beyond the immediate rear garden of the dwelling, is a broadly rectangular plot of land measuring approx. 0.14 hectares. There are a number of stable buildings (4) and metal containers (2), along with a portacabin and trailer caravan.

The large hay barn building (which forms the key part of this application) is located to the rear of the other structures, running across the plot measuring 22m x 7.75m.

A detailed assessment of the existing site is provided in the previous delegated reports, available in Appendices 1 and 2.

Proposed Development

This application proposes the demolition of buildings and removal of containers from the site, with the existing open barn being converted into a three bedroom bungalow. The new dwelling will have the same height as the existing open barn (4.6m) but its footprint would be enlarged through a front porch extension and rear extension. The two extensions would result in an overall footprint of 210m² and will have the following dimensions:

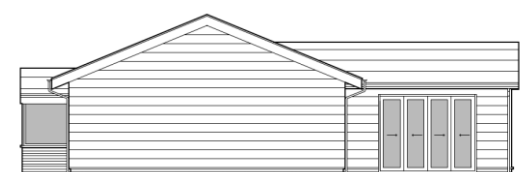
Rear Extension

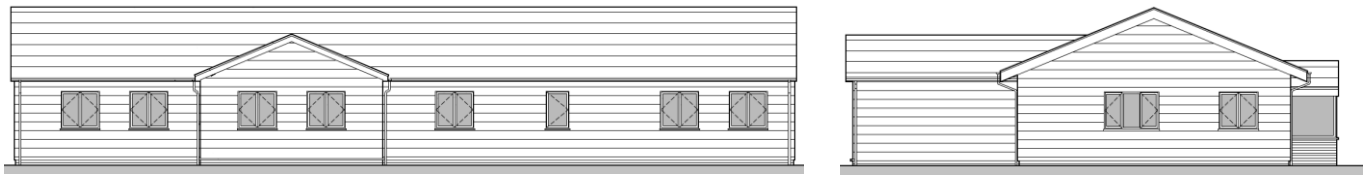
- Depth - 4.8m
- Width - 5.4m
- Height (max) - 3.8m
- Height (eave) - 2.7m

Porch

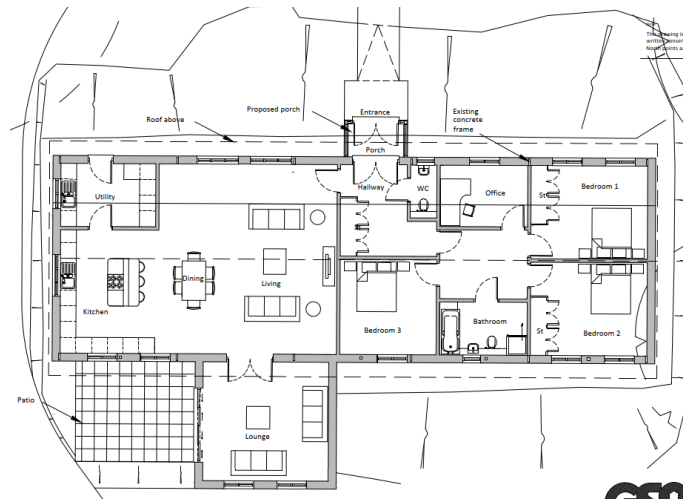
- Depth - 1.35m
- Width - 2.35m
- Height (max) - 3.05m
- Height (eave) - 2.5m

The dwelling would have an overall depth of 14m (including the porch and rear extension), a width of 23m and an eave height of 2.95m.





It would be constructed using black/grey weatherboarding, red brick lower plinth, slate roof and upvc windows and doors. Internally the dwelling would include a large open plan kitchen/living/dining room, a separate lounge, utility room, wc, three double bedrooms, a family bathroom and a home office.



The proposed layout of the development is shown in the screenshot below (with the new dwelling / garage highlighted in red). The existing access to the stables will be utilised for the new dwelling, with a reinforced grass driveway running up to and behind the new dwelling to access the garage at the rear.



Changes from Refusal (20221342)

It is important to highlight the alterations made to the proposal from the refusal. The planning, design and access statement (ref. 3925.PN) highlights the changes in paragraph 4.2:

“This application differs from the previously refused application by virtue of the following:

- *Revised design of the single storey rear extension to include more features that relate to the barn;*
- *Omission of the detached double garage meaning no built form will be built further north than already exists;*
- *Clarification on the removal and reduction in the amount of existing hard surfacing;*
- *Removal of external lights and associated poles that exist next to the containers and the stables;*
- *Reflective of the differences, revised calculations confirming the reduction in the amount of built form.”*

These are considered minimal changes following the refusal, and therefore most of the previous delegated report remain relevant to this application (attached as appendices 1 and 2). In addition, to the minor changes to the development this application is accompanied by appeal decisions to support the proposal, which will be considered at relevant parts of this report.

Moreover, the Local Planning Authority contest that the single storey extension has been redesigned.

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 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 at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 182)
- Sites of Special Scientific Interest
- Green Belt
- Local Green Space
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68)
- 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 considers 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.

Green Belt

As aforementioned, the application site is located in the Green Belt and as such 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.

There are five principle issues in determining this application;

1. Is the proposed development appropriate in the Green Belt?
2. The effect of the proposal on the openness of the Green Belt;
3. Any very special circumstances?
4. Impact on the landscape;
5. The effect on the character and appearance of the area; and
6. Other matters.

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

There are strict policy considerations within the Green Belt whereby paragraph 147 of the NPPF 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 (paragraph 149) exceptions to this are: -

- (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 applicant argues that the development would constitute exception (e) of paragraph 149 of the NPPF (2023), with (e) being for limited infilling in villages. However, the applicant argues that if the LPA do not accept the other exceptions, that the assessment should consider exception (g).

This argument differs from the previous applications, which set out exceptions (c) and (d), with a fallback of (g). The previous delegated reports (attached as appendices) cover these exceptions and the development was considered inappropriate development in the Green Belt.

The assessment below will consider the merits of each argument:

(e) limited infilling in villages

In line with the applicant's suggestion that the development constitutes exception (e) of paragraph 149 of the NPPF, an assessment is required for 'limited infilling in villages'.

It is noted that neither the NPPF or the LPCS define the terms 'limited', 'infilling' or even what constitutes a 'village'. On this basis, the Local Planning Authority consider that the following points need to be addressed to determine whether the proposal should be considered as an exception or be deemed 'inappropriate' development.

These points are:

- Whether Shorne is a village?
- If Shorne is a village, where its boundary lies relative to the application site?

- Whether the proposal subject to this application can be considered 'limited'?; and
- Whether the proposal constitutes 'infilling'?

For the proposed development to constitute an 'exception' rather than be classed as 'inappropriate' development, it is contended that all of the above criteria need to be met.

Is Shorne a village?

The adopted Gravesham LPCS at 4.2.4, Table 2 and at 4.2.6 sets out a settlement hierarchy with 13 rural settlements inset from the Green Belt and two others (Harvel and Luddesdown) that are 'washed over'. None are specifically identified as 'villages'.

It is stated at 4.2.6 that where the rural settlements have been inset, the boundaries do not define the full extent of each settlement but relate to a coherent and established built up area where infilling would not adversely affect local character and identity or impact on the openness of the Green Belt.

This settlement hierarchy is reproduced below:

First Tier Settlements	Gravesend, Northfleet, Ebbsfleet, i.e. the urban area
Second Tier Settlements	Istead Rise, Hook Green Meopham, Higham
Third Tier Settlements	Culverstone Green, Meopham Green, Vigo
Fourth Tier Settlements	Cobham, Shorne, Sole Street
Other Settlements	Harvel, Lower Higham, Luddesdown, Lower Shorne, Shorne Ridgeway, Three Crutches

Source: Settlement Hierarchy Technical Paper (December 2009)

As aforementioned, there is no definition of a 'village' in either the NPPF or the LPCS. Whilst the boundaries and status of individual rural settlements may be subject to review in the context of the emerging Site Allocations and Development Management Policies, the boundaries shown on the policies map derive directly and are unchanged from those shown on the Gravesham Local Plan First Review proposals map (1994) as villages under now defunct policy V1.

As paragraph 149 of the NPPF only allows 'villages' to be excluded from the Green Belt by way of an inset designation and all of the above rural settlements are inset, it is accepted that they must by definition be treated as villages.

As Shorne is a village, where does its boundary lie relative to the application site?

For the purpose of this application Shorne is considered a village, and therefore the next criteria to assess is where the boundary of the village lies on the ground in relation to the application site.

Without a clearly defined village boundary, reference should be made to previous appeal decision and high court judgment in the area, following a refusal and dismissed appeal for land to the east of the See Ho public house (APP/K2230/A/12/2186760 - Appendix 3). The See Ho is located on the southern side of Pear Tree Lane and to the west of the application site. The Inspector concluded that the "site appear to lie on or very close to the boundary between the village and the Green Belt" and took conclusions from a 1991 appeal decision that the Ridgeway Bungalows, which lie opposite the See Ho, were included in the defined village envelope.

When considered matters on the ground, the Ridgeway Bungalows are a logical point in establishing the eastern edge of Shorne village. These bungalows are approx. 255m to the west of the application site and by this rationale the application site would be outside of the village boundary and in the Green Belt (as demonstrated in the map below):



Nevertheless, the physical connection to the village of Shorne should be considered. A useful consideration in this argument was presented by an Inspector when dismissing an appeal in Cobham (APP/K2230/W/21/3282506 - Appendix 4) where reference to other appeal decisions that considered the links to villages, the physical connection of built frontages and infilling:

“Reference is made to an appeal decision at School Lane, Higham (Ref: APP/K2230/W/20/3255704). In that case the Inspector found a strong physical connection between the site and the village as it was directly opposite and visible from the built-up area of Higham. That is not so here. My decision at Wrotham Road, Culverstone Green also considered similar issues (Ref: APP/K2230/W/21/3273757). However, that site was immediately adjoined by development and was part of a long-established and continuous built frontage. Those circumstances do not obtain in this appeal which can therefore be distinguished from both of those cases. Whilst there may be functional links to Cobham, the appeal site is physically outside the village. Therefore, irrespective of whether it would be “limited infilling”, the proposal would not take place in a village. As such, it would not comply with the exception allowed for by paragraph 149 of the Framework and would be inappropriate development in the Green Belt.”

The Inspector in the above appeal considered that a location outside of the village would mean that even if the proposal were infilling, it would be inappropriate development. In this case, Starwood does not form part of a continuous built frontage from the Ridgeway Bungalows, with a physical interruption in built form of open Green Belt land, which provides a clear distinction between Shorne village and the more sporadic finer grain development within the Green Belt and east, and as such the proposal would fail to meet the exception criteria set out in paragraph 149 of the NPPF (2023).

Whether the proposed development considered ‘limited’?

The proposal only comprises a single detached dwelling it could be considered to be ‘limited’, even though the dwelling is a significant size.

Whether the proposal constitute ‘infilling’?

There is no definition for ‘infilling’ within either the NPPF or the LPCS, however there is Case Law evidence (Wood v Secretary of State for Communities and Local Government [2014] EWHC 683), whereby infilling was interpreted as development in a gap within an otherwise built-up frontage. This application proposes a back land development, significantly set-back behind the built-up frontage on properties on the north-

eastern side of Pear Tree Lane. The proposed dwelling would be set-back 143m from Pear Tree Lane and is set-back 82m behind the application property, which provides a clear separation from established built form and would be clear encroachment into the countryside and Green Belt. Therefore, this development cannot be considered to be infill.

The applicant has provided an appeal decision from Higham (GSP1), as evidence that development outside the village boundary and not between existing buildings within the Green Belt. However, this appeal decision in isolation is not considered to be substantial evidence in support of this application, with numerous dismissed appeals to the contrary, some of which are included below and clearly define infilling as being within a gap within a built up frontage. Moreover, this sites context is materially different to the appeal site in Higham and therefore has minimal weight in this decision.

- APP/P2365/W/22/3294427 (Appendix 5) - the Inspector considered other factors that impact 'infilling', stating that "while the properties to the north of the site share such a frontage, this is not the case for those immediately to the south. This is due to their setback and orientation relative to the street, with the dwellings sitting back from and perpendicular to Bescar Lane". Moreover, the "spacing and boundary treatments between the properties contribute to a visual and physical separation from neighbouring development". These factors lead the Inspector to conclude that the proposal not to consider the proposal infill development and the site not being a gap within a built up frontage.
- APP/P3420/A/14/2227000 (Appendix 6) - Land adjacent to Wall Farm House, Nantwich Road, Audley ST7 8DL - site comprised a plot lying in the Green Belt set within an area of ribbon development outside the defined settlement boundary. The Inspector considered this in light of paragraph 89 of the NPPF and whether it could be accepted as an exception as limited infilling in a village. No view was expressed on whether the site was in the village because the Inspector came to the conclusion that the width of the plot taken together with the fact that the adjoining property to the east was well set back and screened from the public highway accentuated the gap to such an extent that the development could not be considered as infilling.
- APP/X1925/A/13/2205699 (Appendix 7) - Land adjacent to 20 Maydencroft Lane, Gosmore, Hitchin, Herts SG4 7QB - site lies within Green Belt on the edge of small village of Gosmore. Application considered in the context of paragraph 89 of the NPPF and whether it constituted limited infilling in a village. Inspector concluded that the site did not lie within the built up core of the village and, although the frontage comprised a high brick wall, it was at a point of transition where the character changed from a built up to an open frontage. Because the nursing home was set back from the frontage and this part of the lane was not built up, the Inspector concluded that this would not be filling a small gap and could not be considered to be infill.

The above appeals different characteristics to this application but highlight that the density and pattern of development, as well as the physical connection with the village, are important considerations in the assessment of a proposal being infilling. Therefore, the location and positioning of the dwelling in this case cannot be infilling.

In conclusion the Local Planning Authority is of the view that the proposal does not constitute infilling under the terms of paragraph 149 of the NPPF, and has been clearly supported by appeal decisions.

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 first stage of this assessment is to determine whether this site is previously developed land, in line with the definition set out in Annex 2 of the NPPF, which states:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

The lawful development certificate was granted by the LPA in 2021, confirming the existing lawful use of the entire plot as residential (ref. 20210376) and as such the entire site falls under a residential use. Therefore, in the absence of evidence to the contrary, it is considered that the site is previously developed land. However, as stated within exception (g) of paragraph 149 of the NPPF (2023), the redevelopment of previously developed land would still be inappropriate development if it would result in, or have, a greater impact on the openness Green Belt, or cause substantial harm to the openness of the Green Belt. This will be assessed later in this report.

Therefore, the openness is a key consideration of exception (g) of 149 and therefore openness and permanence are key considerations for this application. However,

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. The new dwelling would create a new residential unit and associated paraphernalia on the site. The development will be beyond the established building line of properties along Pear Tree Lane, which encroaches onto the countryside both visually and spatially eroding the openness of the Green Belt. Therefore, the open appearance of the site would be lost, and the visual openness of the Green Belt eroded.

The planning, design and access statement has provided a quantitative and qualitative assessment of the openness. The quantitative assessment provides floor area and volume calculations of the existing and proposed site, presenting a reduction by 31.3% and 32.8% respectively. The qualitative assessment highlights a number of points relating to the visual impact on the openness and references an appeal in Sevenoaks (GSP2). The Inspector, concluded in the Hazeri decision (GSP2) that the dwelling would be in an unobtrusive location, would involve the removal of existing built form and hardstanding and “would not appear visually less open from the perspective of a public view from the main highway”. The Local Planning Authority would argue key differences between this proposal and the Hazeri appeal, being the significant set back from the highway and established built form in this case.

Below is an assessment of the harm that the proposed development will have on the Green Belt:

Permanent loss of openness - Openness and permanence are the essential characteristics of the Green Belt. The application site currently contains a collection of single storey buildings and containers, as well as the open barn structure.

The large dwelling with the parking spaces, residential paraphernalia and lighting will permanently and irrevocably harm the Green Belt through loss of openness. Whilst it is acknowledged that the quantity of

buildings and hardstanding would be reduced, and would mitigate this impact somewhat, this cannot overcome the adverse impact on openness that a new residential dwelling would have, being so far set-back from the established built form and within the countryside.

Encroachment of the countryside - This is a stated national purpose of the Green Belt at paragraph 142 of the NPPF (2023). The construction of a new dwelling on the site would introduce urbanising features (car parking, light pollution and residential paraphernalia) that would adversely affect the character of the settlement at a point of transition from the denser built form fronting Pear Tree Lane, to the open Green Belt and local wildlife site to the West (as demonstrated in the Gravesham Local Plan Policy Map (2014).



As stated in the previous report (ref. 20220531 - Appendix 1), *“the building of a dwelling, whether as conversion or otherwise (see below) would still by definition result in a form of encroachment in the countryside by reason of the nature of the development and the paraphernalia and associated development that goes with what will be a separate dwelling from the existing dwelling on the site. It is not indicated as being a residential annexe.”*

Although the visual impact on the new dwelling would be somewhat mitigated by its backland location and the lack of visibility, the development would represent the encroachment of built form which would result in a reduction in openness.

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. As noted above, the Local Planning Authority considers the proposal subject of the application to represent an encroachment of 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 the applicant in relation to the assessment of ‘very special circumstances’.

Final Balancing Exercise on Green Belt Issues

The application site lies within the Green Belt and would meet the criteria of exception (g) of paragraph 149 of the NPPF (2023), as a permanent construction on previously developed land. However, the structure is not substantial and would involve a considerable works to create a residential dwelling which would be inappropriate development in and would be harmful to the open permanence of the Green Belt and encroachment on the countryside.

Therefore, the proposal is not considered to have overcome ground of refusal (1) attached to ref. 20221342. The additional information, in the form of the appeals, are not sufficient to justify the development and the Local Planning Authority would question the relevance of some of the appeals, specifically GSP1. The appeals provide insufficient evidence that is directly relatable to this proposal and offered different situations on the ground.

4. Impact on the Landscape

In addition to being within the Green Belt, the site is located within the Shorne Woodland landscape character area. This area is characterised by an undulating topography, chestnut coppice woodland and a strong sense of enclosure. The developments are often located around traditional village greens, are buildings have varying styles and ages with chequered brickwork and ornamental brickwork.

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.

It is acknowledged that the site is within what has been considered as being part of the overall residential curtilage and has been used for stabling of horses for many years by the applicant. This part of the curtilage is screened from public views at the front in Pear Tree Lane by reason of its distance back with the plot some 90m back and the actual dwelling about 145m from the road. Therefore, although the proposed development would be out of character with the established landscape, by virtue of being a backland development, it is not sufficient grounds to refuse the application against Policy CS12 (LPCS).

5. 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 newly published Householder Extensions/Alterations Design Guidance SPD (2021) set out key principles for new developments. Generally, the SPD 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 surrounding properties on Pear Tree Lane are large detached two storey dwellings on large plots. Although the single storey residential property would be out of character with the large dwellings fronting Pear Tree Lane, it is significantly set-back at the rear of the curtilage which serves to screen the bungalow from public vantage points. Moreover, the single storey building located to the rear would be similar to other outbuildings in the rear gardens of other properties along Pear Tree Lane. As such, the proposed dwelling is not considered to impact on the street scene or the character of the area.

The new dwelling would be constructed using timber weatherboard cladding and a slate roof, which would be considered acceptable materials. The garage building would be constructed using similar materials to the dwelling.

Overall, the design of the proposed dwelling and garage are considered to be acceptable, will have no impact on the street scene or character of the area, and are in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

6. Other matters

Amenity of Future Occupiers

Policy CS19 (LPCS) and Section 12 of the NPPF (2023) require developments to provide adequate living conditions for future occupiers, which is reinforced by the Council's Residential Layout Guidelines (2020) and the Nationally Described Space Standards (2015). These provide minimum requirements for room sizes and amenity space.

The rooms in the proposed dwelling are in accordance with Gravesham's Residential Layout Guidelines (2020) and will receive sufficient natural light. The garden size is also in accordance with the RLG. Therefore, the development is considered to safeguard the amenity of future occupiers in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Impact on amenity of surrounding properties

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of neighbouring properties and land and Section 12 of the NPPF (2023) requires development to have a high standard of amenity for existing users (In this case surrounding properties).

The proposed dwelling will be approx. 82.7m from Starwood, located to the south. The other nearest properties are 95m from the new dwelling, which is a single storey bungalow. As a result, there would be no impact in terms of loss of light, overlooking, sense of enclosure or loss of outlook, and the proposal is considered to safeguard the amenity of surrounding properties in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Parking and Highways

The development should provide an acceptable amount of parking, not be detrimental to the highway network and promote sustainable transport methods, to accord with saved policy T1 and P3 of Gravesham Local Plan First Review (1994), Policy CS11 (LPCS) and Section 4 of the NPPF (2023).

The new dwelling would be accessed using the existing vehicle access to the left of Starwood, which was granted in 2018 to serve the stables. The previous report raised no objection to the access, however did highlight that conditions were attached to the permission for the access that were not complied with and if the development were to be permitted that new conditions could address highway concerns. As such, there is no objection on highway grounds.

7. Any Other Material Planning Considerations

Ecology and Biodiversity (Bird Mitigation)

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering water birds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites, which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £314.05 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

In this instance, the proposed development would result in the creation of an additional residential property and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £314.05 per new dwelling unit.

The applicant has not paid the SAMMS Mitigation Contribution Agreement tariff and therefore failed to accord with the requirements of the Habitat Regulations, as well as Section 15 (specifically paragraphs 180 and 181) of the NPPF (2023) and Policy CS12 (LPCS).

Planning Balance and Conclusion

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

It is recognised that the proposal would provide a small contribution towards increasing housing numbers within the borough, but the development has not been substantially changed following the previous refusal in order to overcome the reasons for refusal attached to that decision. Therefore, the development is considered harmful to the Green Belt and failed to meet the requirements of Habitat Regulations, and as such the grounds of refusal remain relevant:

1. *The site lies within the Metropolitan Green Belt where the construction of new buildings is inappropriate development unless it is for one of the excepted forms of development set out in paragraph 149 or 150 of the National Planning Policy Framework (NPPF), 2021. The proposal is for a separate dwelling and not as an annexe and results in the splitting of the residential curtilage. The building of a dwelling, whether as conversion or otherwise would still by definition result in a form of encroachment in the countryside by reason of the nature of the development and the paraphernalia and associated development that goes with what will be a separate dwelling from the existing dwelling on the site. The development does not, in the opinion of the Local Planning Authority, fall within the exceptions to inappropriate development in the Green Belt in the NPPF. No very special circumstances have been put forward to outweigh the harm to the Green Belt or any other identified harm and therefore the proposal is contrary to Policy CS01 (Sustainable Development) and Policy CS02 (Scale and Distribution of Development) of the Gravesham Local Plan Core Strategy (2014) and section 13 of the National Planning Policy Framework (2023) (Protecting Green Belt Land).*
2. *The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 180 and 181 of the NPPF (2023), and the requirements of the Conservation of Habitats and Species Regulations 2017.*

As such, it is recommended that planning permission is refused.

Recommendation

Refusal

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

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	R Hart
Dated:	6 th November 2023	Dated:	6 th November 2023

