



Delegated Report

Planning Application

Application no: 20220531

Location: Starwood Pear Tree Lane Shorne Gravesend DA12 3JU

Description: 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.

Applicant: T Russell

Site Visit Date: 22 October 2020 and 02 September 2022

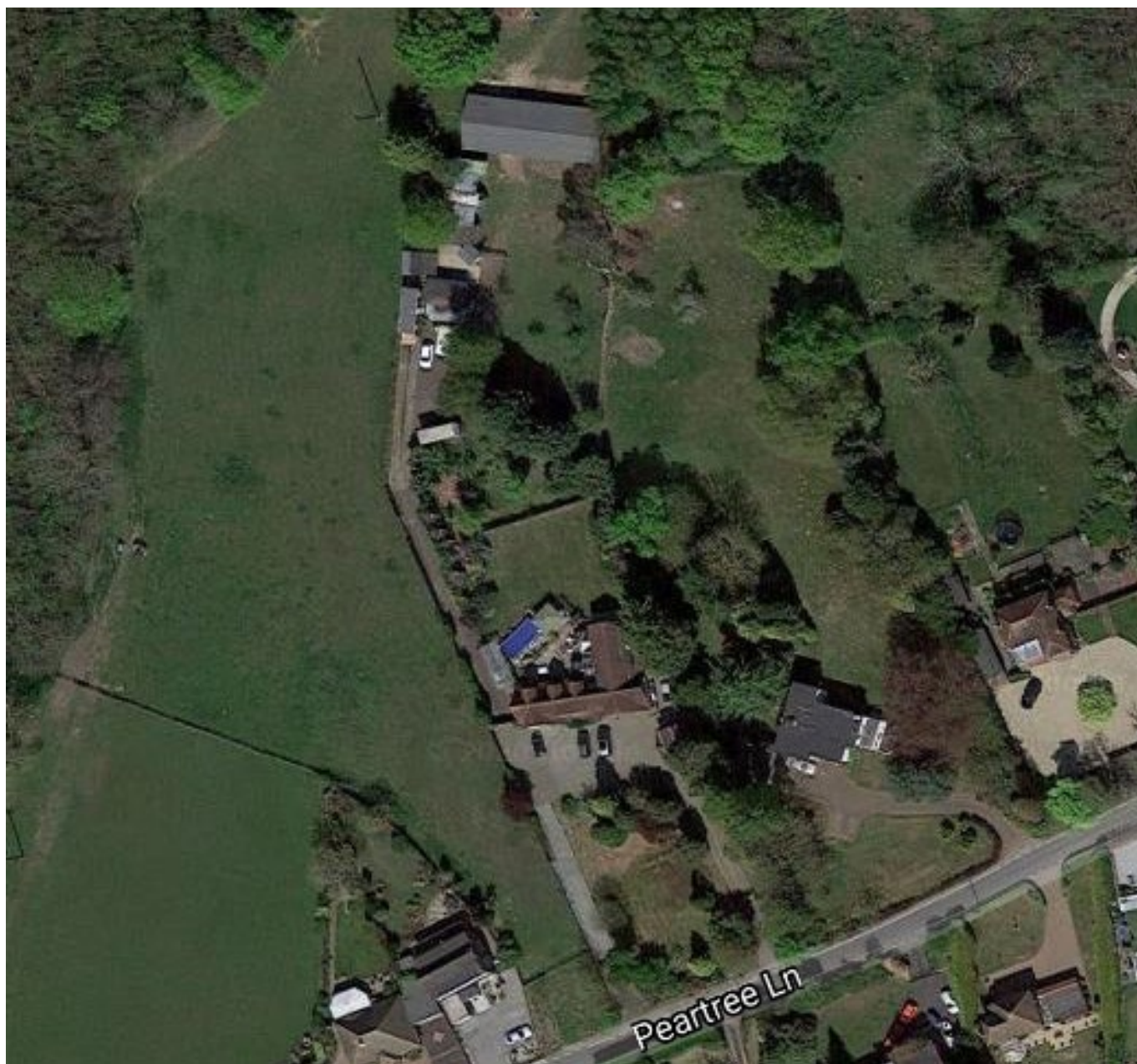
The Site and Surroundings

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.

The Google Earth aerial photo below shows the site in April 2020.



The existing dwelling is a large extended chalet bungalow with gable ends and a central eyebrow dormer at the front. It was originally built in the early 1960's. It is white painted with a plain tiled roof. There is a standalone double garage in front of the dwelling at its eastern side. The dwelling is set back 50m from the road. It is accessed by a gated tarmac and block paved drive and access on the east side of the frontage.

There also another gated access drive on the west side of the dwelling frontage that was constructed in 2018, that beyond the front of the dwelling is further gated and then continues as a tarmac drive to a paddock/grassed area beyond and behind the immediate rear house garden.

The paddock/grassed area beyond the immediate rear garden to the dwelling, is a roughly rectangular plot of land 58m by 25m (0.14 hectares). It is closely mown but there are some small trees including larger conifers within the grassed/paddock area, including an oak tree within the northwest corner. In the early 1960's it was laid out as an orchard.

On the left side of the paddock/grassed area there are a number of stable buildings (4), mostly timber with corrugated roofs but with one small, poorly constructed, brick stable with pitched roof. There are 2 metal containers both of which have canopies linking the containers to the stables.

There is also an old portacabin structure to the west of the stables and touring caravan to the south. The paddock area is an exercise area for the applicant's horses.

These are shown in the case officer photographs below from September 2022



There is a large hay barn building (circa 22m by 7.75m) to the north of the stables/containers, although indicated on the drawings submitted with this planning application as being stables, which is of more recent origins, built in around 2019, on this grassed area although there is no record of any permission for the building. The hay barn has been excavated into the ground, on the east side by over one metre and is open on all four sides. There is no flooring to the building having a sand base only. The building has a concrete frame and with a mix of concrete and timber stanchions/supports. The roof has a shallow pitch and is constructed of timber with a ply and felt covering.



There is a small hardstanding area in front of the stables and also next to the access drive, mainly scalings, where vehicles are parked and includes a concrete turning area. There is some lighting on poles next to the containers/stables on the site.

The paddock area is currently separated from the immediate garden area of Starwood by a close boarded fence. Whilst it forms a distinct area different in character from the more formal garden area to the dwelling and being based around the stabling of the applicant's horses, all of this area of land beyond the rear garden was determined as being part of the overall residential curtilage following the grant of a Lawful

Development Certificate in 2021 and which on the balance of probabilities, has been used for residential purposes for a period in excess of ten years (see photo below looking south to rear garden boundary fence)



Beyond this enclosed paddock to the north there are further open fields/paddocks, and with more undulating land and with clumps of woodland that are within the applicant's ownership. (see photo below looking north beyond the paddock and stable area)



Immediately to the west of the application site is an enclosed field at the rear of the adjoining dwelling (Phoenix) and to the east is woodland and garden land (rear of the existing dwelling at Colesmead).

Planning History

The planning history, in chronological order, relating to Starwood and the land to the rear is as follows:

Ref No	Description and Site	Decision	Date
19480151	Erection of a dwelling.	Permission	23.06.1949
19570254	Stationing of caravan for week-end use.	Permission	23.12.1957
19570314	Stationing of a caravan for weekend use. <i>(Date App. Rec. 15.12.1956)</i>	Permission	16.01.1959
19570315	Stationing of a caravan for storage purposes.	Temporary Permission	09.02.1960
19600015	Erection of bungalow and garage.	Permission	26.02.1960
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
19750472	Alterations and additions to provide additional living accommodation and erection of a detached garage.	Permission	19.08.1975
19770083	Erection of a carport.	Withdrawn	03.03.1977
19800995	Erection of a two-storey rear extension to form enlarged lounge with two bedrooms at first floor level.		13.01.1981
19820776	Retention of car port at the side.	Permission	04.02.1983
19870855	Formation of a vehicular access on to a classified road.	Withdrawn	16.03.1989
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
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
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
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
20010321	Erection of a detached double garage in the front garden with storage in the roof space and external	Refused	17.08.2001

	staircase on the side elevation. Erection of an open porch on the front elevation	Permission	
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
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
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
20060227	Construction of a sand ménage.	Withdrawn	07.03.2007
20130450	Formation of an additional vehicular access onto a classified road.	Permission	05.02.2014
20171122	Formation of an additional vehicular access and driveway onto a classified road.	Permission	04.04.2018
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

Proposal

This application is described as being for 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 triple garage, additional conservatory, porch and use of existing access.

Submitted Plans and Documents

Application Form and Certificates

Planning Statement by Graham Simpkin Planning Ltd (ref 3514.PN dated April 2022)

Preliminary Ecological Appraisal (PEA) by Native Ecology (ref 0920_R01_PEA dated 10 March 2022)

Ecological Impact Assessment (ECIA) by Native Ecology (ref 0920_R02_EcIA dated 22 April 2022)

Drawing No 3514 01: Site Location Plan

Drawing No 3514 02: Existing Block Plan

Drawing No 3514 03: Existing Stables Floor Plan

Drawing No 3514 04: Existing Stables Elevations

Drawing No 3514 05: Existing Outbuildings Elevations

Drawing No 3514 06: Proposed Block Plan

Drawing No 3514 07: Proposed Floor Plan

Drawing No 3514 08: Proposed Elevations

Drawing No 3514 09: Proposed Garage Floor Plan and Elevations

Drawing No 3514 10: Proposed Section

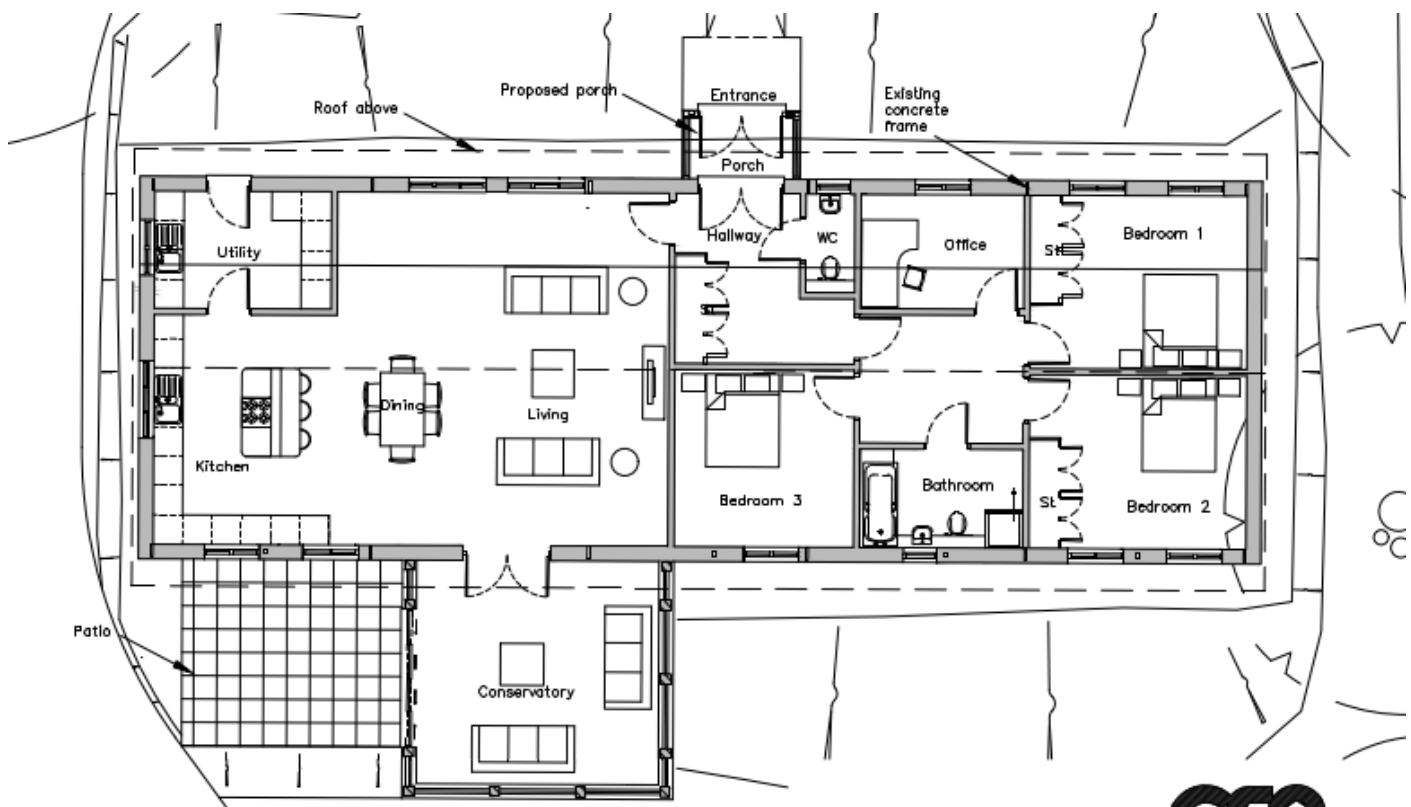
Details of the Application

It is indicated in the applicants Planning Statement:

The applicants wish to demolish buildings and remove containers within the subject northern part of the existing residential curtilage and convert the adjacent existing stable building frame to a separate bungalow with three bedrooms. A conservatory is also to be added to the rear, whilst a small entrance porch will be added to the front. In addition, they also wish to construct a detached triple garage to be sited along the northern boundary of the plot. The development will result in a reduced 0.25-hectare plot for Starwood.

The proposed dwelling is shown as having an external footprint of 23m by 7.8m (floor area of circa 179.5m²) and comprising entrance hall, wc, combined kitchen/living/dining room, a utility room, 3 bedrooms, bathroom and office. It is proposed to add an entrance porch 2.35m wide by 1.4m deep at the rear and front conservatory 5.5m wide by 4.85m deep and this will increase the building footprint externally to 210m².

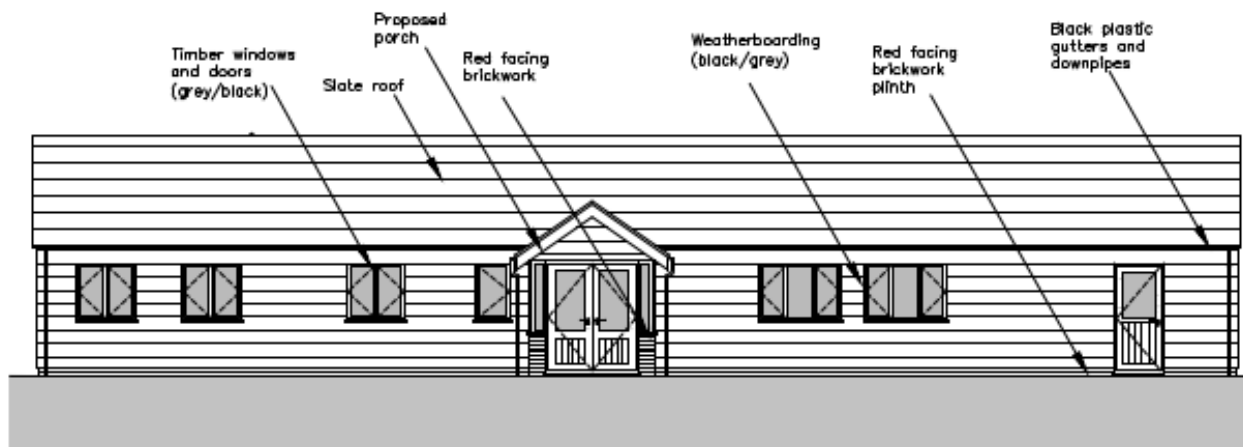
The floor plan is shown below



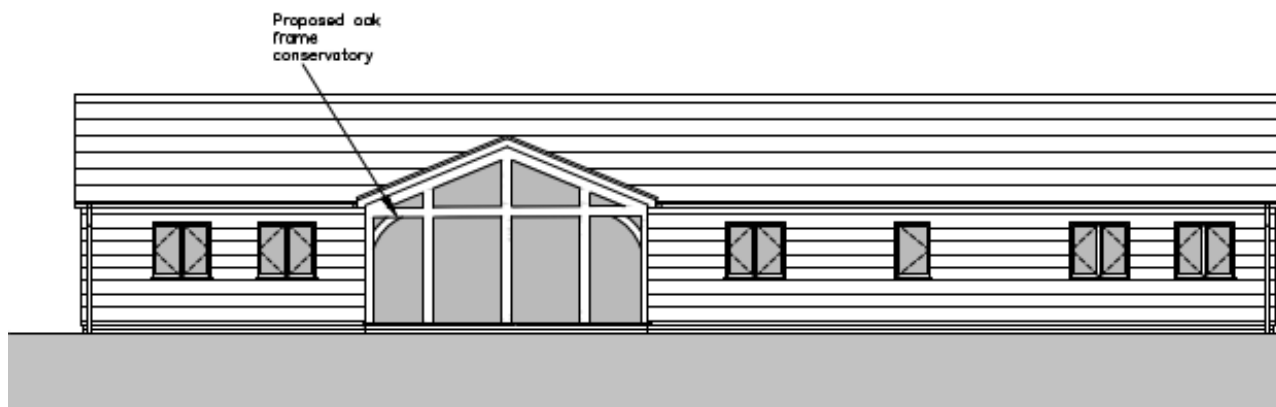
There is no structural survey submitted with the application or method statement as to how the building would convert and no details in relation to floor levels. The existing building has no floor area as such but based on the area formed by the stanchions this is marginally below that of the proposed footprint at 175m².

The ridge height would be the same at 4.6m.

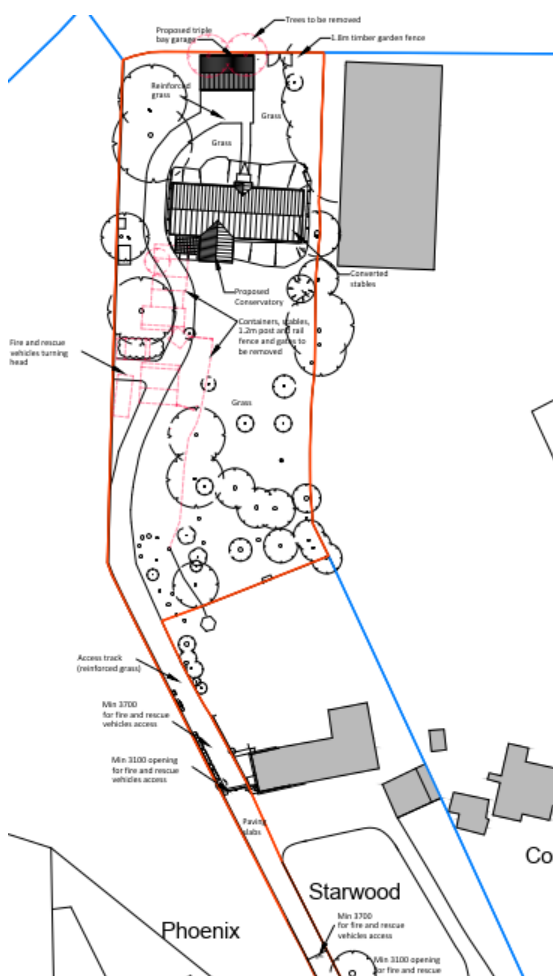
The elevations of the proposed dwelling are shown below. The dwelling would comprise weatherboarding externally and a slate roof.



Proposed Front (North) Elevation



Proposed Rear (South) Elevation



The proposed layout for the site is shown across the page.

The proposed triple garage is to be constructed of weatherboarded walls with a slate pitched roof to a height of 3.8m and with a width of 9.35m and a depth of 5.8m. This will be located at the rear of the site.

All the stable buildings are proposed to be demolished although it is not indicated the extent of the footprint of these structures.

The access to the site and to the garage is shown as being comprised of reinforced grass.

The proposed dwelling will have its own dedicated access utilising the current western access to the site and a new separate residential curtilage created.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Courts have held that it is a matter of planning judgement as to whether a proposal is in accordance with the development plan when 'read as a whole' and conflict with a particular policy or policies may not pass that threshold.¹ Where there are other material considerations, the development plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date.

The Development Plan for Gravesham comprises: -

- *The Gravesham Local Plan Core Strategy (September 2014)*
- *Remaining Saved Policies of the Local Plan First Review (1994)*
- *The Kent Minerals and Waste Local Plan 2013 - 2030 (July 2016, revised 2020)*

There are a number of other planning policy documents which are of some relevance to the consideration of planning applications and are material considerations, including national planning advice and guidance in the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), and supplementary planning guidance, and, where they exist, neighbourhood plans. There are currently no adopted neighbourhood plans. Previous decisions on planning applications and appeals relating to the site and relevant case law etc. are also capable of being material considerations.

Local Planning Guidance

Gravesham Local Plan Core Strategy, September 2014

The Core Strategy sets out the Council's spatial vision and strategic objectives for the Borough to 2028 and the policies which will deliver them. It identifies the main areas where major change is likely to take place and allocates sites which are key to achieving the strategy.

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*)



The following development plan policies in the Gravesham Local Plan Core Strategy are of relevance to the development:

Core Strategy Policy CS01: Sustainable Development

¹ See the Judgement in the Court of Appeal on R(on the application of William Corbett) and The Cornwall Council and others [2020] EWCA Civ 508 at <https://www.bailii.org/ew/cases/EWCA/Civ/2020/508.pdf>

Core Strategy Policy CS02: Scale and Distribution of Development
Core Strategy Policy CS11: Transport
Core Strategy Policy CS12: Green Infrastructure
Core Strategy Policy CS14: Housing Type and Size
Core Strategy Policy CS15: Housing Density
Core Strategy Policy CS16: Affordable Housing
Core Strategy Policy CS18: Climate Change
Core Strategy Policy CS19: Development and Design Principles
Core Strategy Policy CS20: Heritage and the Historic Environment

Gravesham Local Plan First Review 1994

The Gravesham Local Plan First Review was originally adopted in November 1994. A substantial number of policies of the Gravesham Local Plan First Review were saved by a Direction dated 25 September 2007 of the Secretary of State under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 as transitional arrangements pending adoption of the Core Strategy.

Those Local Plan First Review policies that remain in force are listed in Appendix 1 of the Local Plan Core Strategy. The remaining saved policies will be replaced following the adoption of the Site Allocations and Development Management Policies Development Plan Document.

The following remaining saved policies are relevant to the consideration of this proposal:

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

Review of Local Plan

Paragraph 33 of the NPPF (2019) sets out those 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 The review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) general conform with the National Planning Policy Framework (2019), the Council will also seek to replace these.

Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020

The Council published in 2020 a Regulation 18 (stage 2) consultation on its proposed Development Management Policies Document, replacing the 2018 Stage 1 version, which will in due course form part of and update the Gravesham Local Plan. Under paragraph 48 of the NPPF, policies in this document may be accorded weight in the decision-making process with this varying according to its stage of preparation; the extent to which there are unresolved objections; and the degree of consistency of policy with those in the Framework. As the Development Management Policies Document is at an early stage and the fact that the consultation has only recently concluded, the policies therein should at this stage be given very limited weight. It should be noted, in any event, that many of the relevant policies reflect those set out in the Framework and for the purposes of this pre-application these should be relied on instead.

The following draft policies from the Regulation 18 (Stage 2) Development Management Policies Document (2020) is considered relevant to the consideration of this pre-application enquiry, albeit the weight that may be accorded it is limited.

Proposed Policy INF 2: Transport Design Principles
Proposed Policy INF 3: Understanding and Mitigating Transport Impacts

Proposed Policy INF 4: New Accesses and Junctions
Proposed Policy INF 5: Electric Vehicle Charging Points
Proposed Policy GI 6: Biodiversity
Proposed Policy RES 2: Residential Space Standards
Proposed Policy AM 4: Sunlight and Daylight within New Development

National Planning Policy Guidance

The National Planning Policy Framework (NPPF)

The following paragraphs in the National Planning Policy Framework (NPPF) July 2021 are specifically highlighted as being of importance to the consideration of the development proposals, but it should not be taken that these are the only parts of the NPPF that need to be considered. Reference to the national planning guidance is also considered in the analysis section of this report.

Section 2, Paragraphs 7 - 14: Achieving sustainable development
Section 4, Paragraphs 38 - 59: Decision Making
Section 5, Paragraphs 60 - 80: Delivering a sufficient supply of homes
Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport
Section 12, Paragraphs 126 - 136: Achieving well-designed places
Section 13, Paragraphs 137 - 151: Protecting Green Belt land
Section 14, Paragraphs 152 - 173: Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 15, Paragraphs 174 - 188: Conserving and Enhancing the Natural Environment
Section 16, Paragraphs 189 - 208: Conserving and Enhancing the Historic Environment

The National Planning Practice Guidance (NPPG)

Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/>) supports and clarifies areas in the NPPF. It contains guidance on assessing housing need; design; public consultation; open space provision in new development; travel plans, transport assessments and statements in decision-taking; health and wellbeing; water supply, wastewater and water quality; light pollution; determining a planning application; the use of planning conditions and viability, amongst other things. The NPPG gives guidance on what is a material planning consideration in determining a planning application indicating that the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

The NPPG includes more detailed advice on the use of planning conditions (replacing the cancelled Circular 11/95). It indicates that when used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.

Supplementary Planning Guidance and other Documents

The Council has adopted a number of Supplementary Planning Guidance documents, Development Briefs and Conservation Area Appraisals. These elaborate on saved policies in the Gravesham Local Plan First Review and policies in the Gravesham Local Plan Core Strategy and are material considerations in determining planning applications.

In addition, the Council has adopted a number of documents that have been produced by Kent County Council also as Supplementary Guidance.

The following documents are relevant to the consideration of this development:

- Kent Design Guide (SPG 5 published December 2005, adopted July 2006)
- Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006)
- GBC Residential Layout Guidelines, SPG2, including Housing Standards Policy Statement October

2015, Adopted February 1996 - amended June 2020

- Technical Housing Standards: Nationally Described Space Standards, March 2015
- Vehicle Accesses on Classified Highways (SPG6 November 1992)
- Gravesham Landscape Character Assessment, May 2009, (a technical document which underpins policy CS12 of the Gravesham Local Plan Core Strategy).
- Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy by Footprint Ecology, July 2014

Consultations, Publicity and Representations

Internal Consultations

GBC Highways Development Management Officer

Note the comments in the application that suggest we shouldn't revisit the access that has been constructed, but this is necessary in terms of compliance with the conditions imposed.

Application 20171122 show visibility splays for the access of 43m x 2.4m x 43m and the condition says:

6. The vehicular access as hereby permitted and the associated vehicle driveway shall not be brought into use until the 2.4m by 43.0m visibility splays shown in the approved drawing (Drawing No 2113.WD.02 Rev B: Topographical Site Plan) have been fully formed and provided and any vegetation, fencing or other obstruction to visibility exceeding 900mm above ground level has been removed; thereafter no boundary wall, fence or other means of enclosure or obstruction exceeding 900mm in height shall be erected or placed within the approved visibility splays at any time.

Reason: *In the interests of highway safety and pursuant to Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and saved policy T5 of the Gravesham Local Plan First Review, November 1994.*

Looking at Google Street View for May 2021, it appears most unlikely that the sight line was ever provided, but if it was it has not been maintained.



In terms of the house itself, in terms of traffic generation a single dwelling will not be significant, the garage is adequate for the parking of cars, although independent secure cycle parking would be required. The proposed turning head for a fire tender would have to be proven by swept path/tracked drawings, I doubt very much that that shown is viable.

A refuse collection point should be provided on the highway side of the gates, and it should not encroach on the access

Overall, the recommendation at this stage would be refusal, although it is possible that all issues may be rectified, it is uncertain as the original permission for the access may require works on land outside the applicant's control.

Ward Councillors

Notes that this appears to be backland development on Green Belt land, with no exceptional circumstances, and by definition is harmful to the openness to the Green Belt. It appears to be part of a sustained strategy over a number of years to circumvent planning policies and regulations.

Objects to this planning application. If officers are minded to recommend permission, requests that it is referred to the Planning Committee for determination.

External Consultations

Shorne Parish Council

The Parish Council **OBJECTS STRONGLY** to this application for the following reasons and comments:

1) **Plots of land and land ownership:**

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 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 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 are said to be redundant, 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. No "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, there are no backland residential buildings on the entire north side of Pear Tree Lane. There are also not "many" (see applicant's point 6.22) on the south side, there being only 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 converted from genuine stable use.

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

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) **Lack of planning permission for “hay barn”/ “framed structure” building and other works**

The “framed structure” that is the subject of this application was referred to in the previous application as being a “hay barn”. It was built without planning permission between May 2018 and April 2020 (dated by Google Earth aerial views).

As reported previously in relation to our comments on Application Ref 20210376, a sand school/menage has been constructed in Starmore Wood, also without planning permission. This is first visible in a 2011 aerial view and was subsequently enlarged.

6) **Proof of redundancy of existing buildings**

It is claimed that the hay barn and stable buildings are all redundant however further information is required proving this in case 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.

7) **Suitability of structure for conversion**

The structure was built on 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. Suitable conversion of this structure to a residence would therefore require considerable engineering works.

8) **Other points about Plans, Layout and Design:**

- The plans show a structure to the east in the garden of “Colesmead” however this former tennis court cannot be identified in aerial views from 1990 onwards, since when the land there has become thickly wooded.
- A double gate is 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 is the “wrong way round” on the site as it should relate to the roadway and not the open countryside:
 - The proposed three car garage is at the very back of the site where it maximises visual impact and encroachment on the openness of the Green Belt, and unnecessarily increases the land area needed for driveway. Note that this placement also requires two trees to be felled.
 - The proposal puts the “front door” at the rear of the property.
 - The site layout should be flipped.
- The plans do not indicate how surface drainage and sewerage needs will be met.
- We note that the applicant refers to there having been a pre-application discussion in 2020 however the Parish Council was not involved in those “without prejudice” discussions and has not been provided with a copy of the report.

We suggest that an opinion should be sought from Rural Planning regarding appropriateness and suitability of this structure for residential conversion.

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 the previous decision notice.

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

Dickens Country Protection Society (DCPS)

DCPS object on grounds that the site is in an area within which Green Belt policies apply where new residential development would not normally be permitted. The introduction of a residential use in this location would impact on the openness of the Green Belt attracting residential paraphernalia.

KCC - Heritage and Conservation

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 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.

Reason: To ensure that features of archaeological interest (and in this case those potentially related to human remains) are properly examined and recorded.

KCC Biodiversity

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.

Publicity and Representations

The proposal has been advertised under Article 15 of the GPDO by a site notice and the owner/occupiers of 9 nearby properties and other interested parties were individually notified.

The final expiry date for the receipt of any representations was 24 June 2022.

No 'neighbour' representations have been received.

Planning Analysis and Appraisal

Introduction

In 2020 the applicant sought pre-application advice on proposals for the demolition of existing buildings to the rear of the existing residential property and the erection of a detached chalet bungalow. This was in the same location of the current proposal, which is where the stables and other buildings are currently located, although there were no specific details provided at the time of the design and siting of the proposed dwelling.

The submitted planning statement at the time said:

The applicants wish to demolish buildings within the subject northern part of the existing residential curtilage and erect a sensitively sited detached dwelling for them to live in. The applicants are keen to retire and live in a smaller property and within a smaller curtilage, by comparison to the large existing dwelling that sits within a 0.6ha parcel of land. As such, the applicants will also be reducing the extent of the stabling use within the application site and the associated grazing of horses that occurs within the paddock further to the north and beyond the identified application site (a designated Local Wildlife Site, subject to policy CS12). The siting of the dwelling is likely to reflect that of an existing barn, but on a larger footprint taking account of the buildings to be demolished (with one or two buildings retained for the continuing stabling/grazing uses).

The officer conclusion in the pre-application response stated:

This pre-application assessment and analysis does indicate that the proposal would not be infill development and would not fall within (what was then) paragraph 145 (d) of the NPPF as being the replacement of a building, as the new building would not be in the same use and although there is an absence of details at this stage of the proposed dwelling it is clear from an examination of the site and existing buildings it will inevitably be materially larger than the building(s) it replaces. It is noted that the intention is still to retain existing stables on the site but again there are no details of just what buildings are being retained. It is also clear that the current open barn was built only 2 years ago and was not the subject of any planning permission.

It might be argued that the proposal could comprise of the partial redevelopment of previously developed land, but as indicated in the analysis the stable area seems to be separate from the curtilage of the existing dwelling and as also highlighted there appears to be no authorisation for the open barn building.

Whilst there are no details of the proposed dwelling or dwellings at this stage this assessment is that such development would in any event have a greater impact on the openness of the Green Belt than the existing development and current uses and as such, would be inappropriate and contrary to the development plan.

Any future application would need to address the Green Belt policy issues and as the proposal is inappropriate development, a 'very special circumstances' justification might need to be provided.

The proposal could potentially undermine the open quality of the application site and be detrimental to landscape character. There is no visual analysis or landscape impact analysis.

In addition, any future application must ensure that the residential amenity of existing and future occupiers is protected, be of good design, effectively mitigate ecological, biodiversity and flood/drainage impacts and provide appropriate access and parking provision and meet sustainability principles.

A SAMMs contribution agreement form and payment would be required or adequate information to inform an Appropriate Assessment of the impacts to the North Kent Marshes SPA/Ramsar Sites.

The Main Issues

The principal issues in the consideration of this current planning application are:

- Principle of the Development and whether the proposal would be inappropriate development in the Green Belt, including its effect on openness and the purposes of the Green Belt
- Impact on the Landscape and the Character and Appearance of the Area
- The Impact on the Amenity of Neighbouring Properties
- Traffic Generation, Highway Safety, Access and Parking Issues
- Any Other Material Planning Considerations

Principle of the Development and Appropriateness in the Green Belt

At a local level Policy CS01 (Sustainable Development) of the Gravesham Local Plan Core Strategy (LPCS) indicates that when considering development proposals, the Borough Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF) and in the Core Strategy.

However, in the NPPF the presumption in favour of sustainable development does not override the application of policies in the Framework that protect areas or assets of particular importance including (as in this case) land designated as Green Belt.

Policy CS02 (Scale and Distribution of Development) 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 in 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 Local Plan Core Strategy. This site lies outside the confines of any rural settlement inset from the Green Belt in the Borough and lies within the Green Belt.

Government policy in relation to Green Belts is set out in Section 13 (Protecting Green Belt land) of the National Planning Policy Framework (NPPF). The NPPF indicates that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by preserving the open and permanent characteristics of Green Belts (paragraph 137 of the NPPF 2021).

Paragraph 147 of the NPPF 2021 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (Paragraph 148).

Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt (paragraph 149 of the NPPF 2021), though there are exceptions to this.

National Planning Policy in relation to Green Belt

Section 13 on Protecting Green Belt Land is particularly important in relation to this application.

The most relevant paragraphs are as follows.

Paragraph 137 of the NPPF indicates that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 138 advises that Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns, and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In addition to the above five nationally defined purposes of the Green Belt, Policy CS02 of the adopted Gravesham Local Plan Core Strategy states that the local purposes of the Green Belt will be maintained. Paragraph 4.2.7 of the document sets these purposes as being:

- to maintain the break in development between the eastern edge of Gravesend and the Medway Towns which is one of the few barriers preventing the further eastward sprawl of London and the merging of towns along the southern part of the Thames Estuary.
- to assist in safeguarding the countryside by minimising the expansion of the Borough's rural settlements; and
- to assist in concentrating development on underused, derelict and previously developed land in the urban area of Gravesend and Northfleet.

Paragraph 147 of the NPPF sets out that 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 of the NPPF advises that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Any development in the Green Belt is inappropriate unless it falls within one of the exceptions set out in the closed lists contained in paragraphs 149 and 150 of the NPPF.

Paragraph 149 states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. 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 in the Local 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
 - 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 an area of the local planning authority

Paragraph 150 states that other forms of development are also not inappropriate in Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction
- b) engineering operations

- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction, and
- e) the material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds), and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

The Applicants Arguments

The applicant argues that the development will not conflict with any of the 5 purposes for including land within the Green Belt (paragraph 138 of the NPPF), including safeguarding the countryside from encroachment because the development is within the residential curtilage of the existing dwelling (as proven through the grant of an LDC).

It is stated that the quantum of built form removed amounts to a volume of 351.7m³, while the proposed new built development is 257.5m³ (the garage, porch and conservatory) and this is a 27% reduction.

It is stated that the footprint of built development would be reduced by 70%, although it is assumed that this includes the assessment in relation to the containers on the site.

In terms of visual impact on the Green Belt it is suggested that this will be no greater and the height of the converted building will be no greater.

It is suggested that the house garden and residential activities are all screened by fencing etc., although it is acknowledged that the development does result in a separate residential curtilage.

It is pointed out that there are no public views of the site.

It is suggested that the development falls within the exceptions in paragraph 149 (c) - the extension or alteration of a building and (d) - replacement of a building, of the NPPF.

It will also be development of previously developed land and provides additional housing and therefore assists in meeting the Council's 5-year housing land supply.

Assessment

In respect of housing delivery Local Plan Core Strategy Policy CS02 sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for over 6,000 new dwellings in that time. Evidence now available shows that the Council is not able to currently demonstrate a five-year housing supply.

However, the presumption in favour of sustainable development as set out in the NPPF does not override the application of policies in the Framework that protect areas or assets of particular importance including (as in this case) land designated as Green Belt. Therefore, the fact that the development will provide an additional dwelling in support of the Council's 5-year housing land supply will carry only very limited weight in support of the development.

The applicant argument that the development will not conflict with any of the 5 purposes for including land within the Green Belt is not a convincing one. 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.

The applicant's arguments that the development falls within the exceptions to inappropriate development in paragraph 149 (c) - the extension or alteration of a building and (d) - replacement of a building, of the NPPF are also unconvincing. The application purports to be for a conversion of the existing hay barn (stable) building but this appears to run contrary to the argument that the development is a replacement building.

A conversion might fall to be considered under the exception in paragraph 150 (d) of the NPPF as being for

the re-use of buildings, but this carries the proviso that the buildings are of permanent and substantial construction, and in this case, it is hard to see that the hay barn which is a totally open building could be converted. In any event there is no structural survey submitted with the application or method statement to show how the building could be converted. The actual hay barn building itself has not been the subject of a planning application or specific lawful development certificate. If it were a Class E building, then it would have had to meet the limitations therein and may not have done so in view of its height (over 4m and proximity to neighbouring boundary). It might, through time, be immune from enforcement action but that is a separate issue. Under paragraph 149(d) the proviso is that the new building is in the same use and not materially larger than the one it replaces. Whilst the argument is that cumulatively there are a number of buildings that might be demolished the proposal is not in the same use and there are considerable doubts in any case in relation to the authorisation of the main building to be replaced/converted.

Added to this there is considered to be a greater impact on openness due to the extent of additional hardstanding even if indicated as being reinforced grass.

On balance the development as proposed is inappropriate development contrary to openness and in conflict with 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).

Impact on the Landscape and the Character and Appearance of the Area

Planning Policy

Paragraph 130 of the National Planning Policy Framework (NPPF) 2021 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. At a local level Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014, reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

Policy CS12 of the Gravesham Local Plan Core Strategy September 2014 is also relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment will be taken into account in determining applications. The policy also indicates that there will be no net loss of biodiversity in the Borough and opportunities to enhance, restore, re-create and maintain habitats will be sought.

The application site lies within the Shorne Woodlands character area in the Gravesham Landscape Character Assessment where the key characteristics are:

- Wooded ridge isolated by A2.
- Rural with significant woodland.
- Residential ribbon development and hard urban edge.

The key features are:

Undulating topography; Chestnut coppice woodland; Strong sense of enclosure; Traditional village greens; Varied building style and age; Chequered brickwork and ornamental brickwork; Few highways with busier roads along character area boundaries

The sensitivity of the landscape is categorised as moderate, and it states:

The aims are to conserve areas in good condition and reinforce the distinctive features and elements of the landscape.

- *Conserve and reinforce wooded character by continued coppice management.*
- *Conserve and reinforce ecological interest of the woodland.*

Applicant's arguments

The applicant's arguments on this matter are that:

- The existing buildings are residential (Class E) structures
- The design is typically rural
- The development will not be out of character on grounds of density being appropriate to the surroundings and compliant with policy
- The form and layout of the development are in keeping

Assessment

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.

Whilst the dwelling and the associated use and all the paraphernalia that goes with a residential dwelling have some impact on the landscape it is not considered that the proposal would result in overall material harm to the landscape such as to reject the proposal on that basis.

It is noted that there are concerns expressed in relation to this being a backland form of development out of character but there are no grounds to reject the proposals on that ground alone.

The Impact on the Amenity of Neighbouring Properties

In considering any proposals for development it is important to ensure that it does not cause demonstrable harm to the amenity of any existing residents or property such that it will materially harm their living conditions. Policies seeking to protect amenity and ensure acceptable future living conditions are included in the Gravesham Local Plan Core Strategy.

Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land.

Paragraph 130 of the NPPF (2021) requires development to have a high standard of amenity for existing users (in this case surrounding properties).

The applicants suggested that in terms of neighbour impacts or in relation to the future living conditions the development would result in no material impact. Having regard to the location of the development and the separation distances in this case it is considered that there will be no material conflict with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 or the NPPF although it is acknowledged that the development will result in additional residential activity on the overall site.

It is noted that there are no neighbour objections to the development

Traffic Generation, Highway Safety, Access and Parking Issues

At a local level Gravesham Local Plan Core Strategy Policy CS11 (Transport) states that new development should mitigate their impact on the public highway and that transport assessments should be provided and implemented to ensure delivery of travel choice and sustainable opportunities for travel. Furthermore, it states that sufficient car parking in new developments will be provided in accordance with adopted standards, which will reflect the availability of alternative means of transport accessibility to services and facilities.

This approach to development is also supported by saved policies in the Gravesham Local Plan First Review Policy T1 (Impact of Development on the Highway Network), Policy T4 (Development outside the Built-Up Area), Policy T5 (New Accesses onto the Highway Network) and Policy P3 (Policy for Vehicle Parking Standards) and in supplementary guidance in the adopted KCC vehicle parking standards (SPG4). The Kent standard for Use Class B2 (general industrial uses) is a single maximum value of 1 space per 50 m² with space for commercial vehicles

At a national level the National Planning Policy Framework (NPPF) in section 9 (Promoting Sustainable Transport) recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability objectives. It indicates that all development that generates significant amounts of movement should be supported by a Transport Statement or Transport Assessment and development should only be prevented or refused on transport grounds where there is an unacceptable impact on highway safety, or the residual cumulative impact of development is severe (paragraph 111).

The applicants suggest that the application is adequately served by vehicle access in this case which was granted in 2018 to serve the stables and included conditions in relation to its use, surfacing and visibility. However, it is noted that there were other restrictions that have not been complied with such as the installation of gates and the current development would conflict with a planning condition in relation to its use which indicates that the access and driveway shall at all times be used as a secondary means of access for the occupants of the existing dwelling and for access to the woodland and stables and not therefore in relation to a separate dwelling at the rear.

It is noted that the GBC Highways Development Management Officer has some issues in relation to visibility although it is recognised that if permission were to be granted this could be remedied by way of planning conditions.

Any Other Material Planning Considerations

Archaeology

The KCC Heritage and Conservation advice is to recommend that if planning permission is granted to impose a planning condition for the implementation of an archaeological watching brief.

Ecology and Biodiversity

Paragraph 177 of the National Planning Policy Framework (NPPF) 2021 requires planning decisions to ensure that the natural and local environment is enhanced by minimising impacts on and providing net gains for biodiversity.

Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy indicates that sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, and that there will be no net loss of biodiversity in the Borough.

Appropriate Assessment

The Habitats Directive protects certain species of plants and animals that are particularly vulnerable and requires a Habitats Regulations Assessment (HRA) to be undertaken by a competent public body, such as a local planning authority where any development has the potential to have an impact on a European protected site. The process of HRA involves an initial 'Screening' stage followed by an Appropriate Assessment (AA) if proposals are likely to have a significant (adverse) impact on a protected site - in this case the Thames Estuary and Marshes Special Protection Area of SPA (termed Natura 2000 site).

In the light of any such assessment, the Borough Council may only grant planning permission if it has been ascertained that the proposed development will not, either on its own or in-combination with other plans and projects, have an Adverse Effect on the Integrity (AEOI) of such a site, unless there is no feasible alternative or imperative reasons of overriding public interest apply.

Recreational Pressures on the Thames Estuary and Marshes Special Protection Area (SPA) and SAMMS

The Thames Estuary and Marshes Special Protection Area (SPA) is classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. It is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research

conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

The Local Planning Authority has mitigated out the impacts of this on each and every planning application for a new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £275.88 per dwelling). This approach is approved by Natural England for all new residential developments. For every planning application for a new dwelling (including new flats), the tariff contributions are secured through a Section 106 legal agreement or unilateral undertaking or if there are no other financial contributions this is secured through a contribution agreement. Where a developer is unwilling to make the SAMMS payment, sufficient evidence is required to be supplied to enable the Council to undertake an Appropriate Assessment to determine that it is unnecessary to mitigate any potential Likely Significant Effect.

The tariff has previously been accepted effectively in lieu of an Appropriate Assessment (AA). However, in a recent Court of Justice European Union (CJEU) ruling this approach was not considered to be valid, as the CJEU considered the first stage to be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. In this respect, the CJEU judgement made a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an Appropriate Assessment and that mitigation measures cannot be taken into account at the screening stage.

The applicants accept in their submitted Planning Statement that a Strategic Access Management and Monitoring Strategy (SAMMS) mitigation contribution would be required to offset any potential recreational impacts, and that with the adoption of this payment then the scheme will prevent any likely significant impact occurring. However, no such payment has been made to the Borough Council at the time of determination of this application and no alternative Appropriate Assessment provided.

The proposal therefore fails to comply with Paragraphs 179 and 180 of the NPPF 2021 and policy CS12 (LPCS), and the requirements of the Conservation of Habitats and Species Regulations 2017

Conclusions and Overall Balancing Exercise

Whilst it is acknowledged that the proposals result in development of previously developed land and will provide additional housing and therefore assists in meeting the Council's 5-year housing land supply, the overall conclusion is that this is not overridden by the fact that the site is within the Green Belt and the proposal would be inappropriate development contrary to openness and in conflict with 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).

The proposal is for a separate dwelling and not as an annexe and 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.

Whilst the argument is that cumulatively there are a number of buildings that might be demolished the proposal is not in the same use and there are considerable doubts in any case in relation to the authorisation of the main building to be replaced/converted.

The applicants accept in their submitted Planning Statement that a Strategic Access Management and Monitoring Strategy (SAMMS) mitigation contribution would be required to offset any potential recreational impacts, and that with the adoption of this payment then the scheme will prevent any likely significant impact occurring. However, no such payment has been made to the Borough Council at the time of

determination of this application and no alternative Appropriate Assessment provided. The proposal therefore fails to comply with Paragraphs 179 and 180 of the NPPF 2021 and policy CS12 (LPCS), and the requirements of the Conservation of Habitats and Species Regulations 2017.

Recommendation

REFUSAL on the grounds that:

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.

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt, the decision to refuse this application was taken in relation to the following plans and documents:

Application Form and Certificates

Planning Statement by Graham Simpkin Planning Ltd (ref 3514.PN dated April 2022)

Preliminary Ecological Appraisal (PEA) by Native Ecology (ref 0920_R01_PEA dated 10 March 2022)

Ecological Impact Assessment (ECIA) by Native Ecology (ref 0920_R02_EcIA dated 22 April 2022)

Drawing No 3514 01: Site Location Plan

Drawing No 3514 02: Existing Block Plan

Drawing No 3514 03: Existing Stables Floor Plan

Drawing No 3514 04: Existing Stables Elevations

Drawing No 3514 05: Existing Outbuildings Elevations

Drawing No 3514 06: Proposed Block Plan

Drawing No 3514 07: Proposed Floor Plan

Drawing No 3514 08: Proposed Elevations

Drawing No 3514 09: Proposed Garage Floor Plan and Elevations

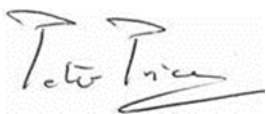
Drawing No 3514 10: Proposed Section

Drawing No 22/07/A: Topographical Survey 04.03.2022

2 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

In this instance, the application is not in accordance with the Development Plan for the area and cannot be supported.

Case Officer:	Mr Peter Price	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	18 September 2022	Dated:	30 th September 2022

File Location: F: Plan/Typing/General/Peter/Delegated Reports/Uniform - 20220531 - Delegated Report - Starwood Pear Tree Lane Shorne - conversion of existing framed structure to form separate bungalow