



Delegated Report

Condition Discharge Application

Planning Application No:	20260308
Location:	Gads Hill House School Gravesend Road Higham Rochester
Description:	Application for the partial approval of condition 3 (3. Repairs to garden walls) and (5. Gardener's Cottage Chimney) attached to planning reference number 20230281.
Applicant:	Gad's Hill School
Site Visit Date:	Desktop assessment

Submitted Documents/Plans

Application form
Photographic Record of Retaining Wall Condition 26/03/26 – Schedule of Repair Work
Photographic Record of Condition prior to the erection of scaffolding and post erection of scaffolding
26/03/26 – Schedule of work to make safe and Reconstruction Works
Drawing no. D-04 Rev. A (Reinstated Chimney Stack Detail)
Drawing no. D-05 (Low Level Retaining Wall between Mansion and EYFS Remedial and Repair Measures)

Superseded:

Drawing no. D-04 (Reinstated Chimney Stack Detail)

Relevant Planning History

Reference	Description	Decision	Decision Date
20230281	Application for Listed Building Consent for roof and ceiling repairs to classroom H1 and library extension; repairs to cupola and boundary garden wall; take down and rebuild garden shed; repairs to Gardener's Cottage chimney; and replacement self-supporting front boundary fence to Gravesend Road	Permitted	19.10.2023

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS19 – Development and Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC2 – Policy for Listed Buildings

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving well-designed places

- Section 16 – Conserving and Enhancing the Historic Environment

Emerging Local Plan as a Material Consideration

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.

The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan**. This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

GBC Conservation

The reconstruction of the chimney and adjacent parapet wall are now acceptable, following the revised drawing.

The repair of the retaining wall adopting Helifix crack stitching is acceptable.

Officers Analysis

Condition 3 (Detailed Methodology)

Condition 3 states as follows:

With the exception of the removal of the cupola, prior to the commencement of each item of works hereby approved, a detailed methodology shall be submitted to and agreed in writing by the Local Planning Authority. This shall include a full schedule of works and relevant drawings, which comprehensively addresses each item as follows:

1. Ceiling/roof repairs
2. Cupola repairs
3. Repairs to garden walls
4. Rebuild shed
5. Gardener's Cottage chimney
6. Repairs/replacement of fence to Gravesend Road.

Reason: *Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building, in accordance with the requirements of Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014.*

Photographic records, schedules of works and drawing no. D-04 Rev. A (Reinstated Chimney Stack Detail) and drawing no. D-05 (Low Level Retaining Wall between Mansion and EYFS Remedial and Repair Measures) have been submitted in relation to this condition.

The Council's Conservation Officer attended a site visit and following discussions about bricks for the chimney, salvaged and reclaimed bricks will be used. Revised details were submitted in relation to the chimney, including drawing D-04 Rev. A.

The Conservation Officer has confirmed the reconstruction of the chimney and adjacent parapet wall are now acceptable, following the revised drawing.

The repair of the retaining wall adopting Helifix crack stitching is also acceptable.

It is therefore considered that sufficient detail has been provided to satisfactorily discharge parts 3 and 5 of condition 3. The details accord with Policies CS19 and CS20 of the Gravesham Local Plan 2014, and the reason for condition 3.

Remaining Conditions

Part 2 of condition 3 was approved under condition application 20240889 relating to cupola repairs. Parts 1, 4 and 6 have not been approved. An informative on this should be added to the decision notice.

Conclusion

The Local Planning Authority is satisfied with the details for planning permission 20230281 for roof and ceiling repairs to classroom H1 and library extension; repairs to cupola and boundary garden wall; take down and rebuild garden shed; repairs to Gardener's Cottage chimney; and replacement self-supporting front boundary fence to Gravesend Road. It is considered that parts 3 and 5 of condition 3 of this permission can be discharged. The remaining details will be required to fully discharge the condition.

Recommendation

Approval of details.

(For informatives, see draft Decision)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Richard Hart
Signed:	<i>K. Parkin</i>	Signed:	<i>R Hart</i>
Dated:	2 June 2026	Dated:	3 rd June 2026

