



Delegated Report

Householder Planning Application

Planning Application No: 20221106

Location: Luxon Farm Luxon Road Luddesdown Gravesend

Description: Erection of single storey side extension with hipped tiled roof.

Applicant: Mrs Miranda Tubb

Site Visit Date: None (desktop assessment only)

Submitted Documents/Plans

Householder Planning Application form;
Drawing no. MT/22/011 Red/blue line site boundary plan;
Drawing no. MT/22/01 Existing elevations, layouts and roof plans as submitted under previous permission;
Drawing no. MT/22/04 Existing elevations, layouts and roof plans;
Drawing no. MT/22/05 Proposed elevations, layouts and roof plans;
Existing block plan;
Proposed block plan;
Design and Access Statement; and
Email from the agent dated 20 October 2022.

Procedural Issues

It has not been possible to arrange a site visit for this application. However, as the case officer has visited the property before (on 26 April 2022), a desktop assessment has not undermined the determination of the application.

Following a request from the case officer, the applicant has confirmed (in an email dated 20.10.22) that the proposed development would be constructed separately to, and after, the works that were permitted under planning permission reference 20220215.

Following the receipt of comments from the KCC Biodiversity Officer and an initial assessment of the proposed development, an ecological impact assessment was requested. The applicant has indicated on several occasions that they will provide the assessment but to date, it has not been submitted.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220215	Proposed External and Internal Alterations to provide small rear infill extension and porch, Alterations to first floor walls and new roof. Alterations to provide new red brick walls and window locations.	Permitted	26.05.2022
20200727	Application for the retention of fence and erection of 20 new fence panels with new gates to enclose the frontage	Refused	05.11.2020

	of the site		
20180271	Reconfiguration and alterations to dwelling including two storey front extension with dormer; single storey rear extension; extension to the main roof on south western side; two dormers and two roof lights in rear roof slope; new chimney on the eastern side; conversions of the loft space to habitable rooms and replacement windows and finishes.	Refused	14.06.2018
20080058	Application for Lawful Development Certificate for the existing/continued use of the dwelling without complying with the agricultural occupancy condition attached to planning permission reference number TH6/73/594.	Certificate Granted	18.03.2008

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- C13 – Extensions to dwellings in the countryside
- TC7 – Other Archaeological Sites

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places
- 13 – Protecting Green Belt land
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Technical Housing Standards – nationally described space standard (2015)
- Householder Extensions/Alterations Design Guide (2021)
- Gravesham Landscape Character Assessment (2009)
- Kent Downs Area of Outstanding Natural Beauty (AONB) Management Plan 2021-2026

Consultations, Publicity and Representations

KCC - Biodiversity Officer

No ecological survey information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records), and the information submitted with the planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts to arise as a result of the proposed development.

Habitats and features (including buildings, woodland, rough grassland, and scrub) are present on and around the site, indicating ecological value and the potential for protected species presence that must be taken account of in the planning decision. There are local records of bats, badger, hazel dormouse, harvest mouse, hedgehog, common toad, common lizard, slow worm, grass snake and adder. Tom Lotts/Molehill/Bottomfield Ancient Semi-Natural Woodland (ASNW) lies 10m to the north of the existing property to be extended, and Luxon Wood, Great Buckland Local Wildlife Site (LWS) lies 40m to the east. Potential impacts of the proposed construction of a single storey extension on the south-west elevation include loss/damage of trees and other vegetation for machinery access, groundworks, and temporary materials storage. In addition, artificial lighting and hard and soft-landscaping proposals must also be taken account of in the planning decision. As such, an Ecological Impact Assessment (EclA) (informed by a preliminary ecological appraisal (PEA)) should be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines.

The EclA should consider the potential of the site to support protected species, particularly regarding the following:

- Roosting bats within the existing building
- Reptiles and/or amphibians within the adjoining grassland, scrub, and woodland edge
- Badger and/or hazel dormouse within the adjoining woodland and scrub habitats.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the EclA should be sought prior to determination of the planning application. This is in line with paragraph 99 of ODPM 06/2005 which states “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.

Ancient Woodland

The proposed development will be undertaken adjacent to an area of designated ancient woodland. As such, we highlight paragraph 180 of the NPPF which states that “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists”. As well as actual tree loss, this guidance relates to tree root protection areas (RPA's) and the disturbance or removal of ASNW soils. Natural England and the Forestry Commission's standing advice states that there should be a minimum 15m buffer-zone (residents' gardens and curtilage excluded) between a development and ancient woodland.

The submitted EclA/plans need to demonstrate how the development will avoid impacts upon the nearby ancient woodland during construction and post-development.

Biodiversity Net Gain and Enhancements

Under section 40 of the NERC Act (2006), paragraph 174 of the NPPF (2021) and the Environment Act (2021), planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged. As such, we advise that information is submitted with the EclA and submitted plans to demonstrate that the development can achieve biodiversity net gain.

Luddesdown Parish Council

The Council objects to this application on the grounds of inappropriate development in the Green Belt. We can find no evidence of special circumstances to justify this occurring in the Green Belt.

Kent Downs AONB Management Unit

No response received.

Neighbouring properties

The application was publicised by a site notice. No representations have been received. The consultation period expired on 18 November 2022.

Officer's Analysis

The application site lies within the Green Belt and as such, Policy CS02 of the Gravesham Local Plan Core Strategy September 2014 is relevant. Policy CS02 prioritises development in the urban area as a sustainable location for development. In the rural area it 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 (which is the case here), will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the Local Plan Core Strategy.

The principle issues in the determination of this application are;

- Is the proposed development appropriate in the Green Belt?
- Effect on the openness of the Green Belt
- Effect on the character and appearance of the area - including landscape character
- Other matters

Is the proposed development appropriate in the Green Belt?

Paragraph 137 of the National Planning Policy Framework 2021 (NPPF 2021) sets out that the essential characteristics of Green Belts are their openness and permanence and paragraph 138 lists the five purposes that the Green Belt serves. At the application site, the Green Belt assists in safeguarding the countryside from encroachment. 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.

Paragraph 149 of the NPPF 2021 states that the construction of new buildings should be regarded as inappropriate development in the Green Belt but lists certain exceptions. These exceptions are set out in sub-paragraphs 149(a) to 149(g). Sub-paragraph 149(c) identifies 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.

Saved Policy C13 of the Gravesham Local Plan First Review (November 1994) relates to extensions to dwellings in the countryside. It sets out a number of criteria that should be met when considering proposals for domestic extensions. As the policy pre-dates the NPPF 2021, the weight attached to the policy must be considered carefully; with greater weight being given where the approach is consistent with paragraph 149 of the NPPF 2021.

In particular, Saved Policy C13 places an overall limit on extensions of one third of the gross floor area of the original dwelling unless the increased floor space has no overall effect on the existing bulk and appearance of the dwelling (criteria (ii)). It also requires the massing, scale and form of any extension to be appropriate to the existing dwelling and the Green Belt setting (criteria (vi)). It is considered that these factors are relevant in determining whether the size of an extension is proportionate and as such, these aspects of the policy are broadly in line with the NPPF 2021 and should be afforded weight.

The original building, for the purposes of assessing whether the proposed extension is disproportionate, is the current dwelling on the site, which is a two storey building with a variety of roof pitches and designs (including cat slide, two planes and dormers) and was built pursuant to planning permission references TH/6/73/594 (outline) and TH/6/74/269 (details pursuant). It has a floor area of some 335 square metres

over two floors.

In May 2022, planning permission was granted for a small extension to the footprint of the application building and the building up of existing walls to create extended floor space at first floor level (application reference 20220215). In the delegated report which relates to that application it is stated that the proposal would result in an increase in floor area of some 20 square metres or 6% above the original building. However, following further assessment, it should be noted that this figure is incorrect and the increase would actually be some 33 square metres or 10% above the original building.

The proposed development would result in an increase in floor area of some 51 square metres or 15% above the original building. Cumulatively, with the extension permitted under 20220215, there would be an increase in floor area of some 84 square metres or 25% above the original building. The proposed extension would elongate the building, adding some bulk and mass to the south western side of the building. However, the increase in built form would not be significant in the context of this large, existing dwelling.

It should be noted that the applicant's Design and Access Statement states that the increase in floor area resulting from the current proposal would be 45 square metres. However, it would appear that the applicant's figure is an internal floor area measurement and as such, it does not comply with Policy C13 of the Gravesham Local Plan First Review (1994), which requires an external measurement.

Overall, it is considered that the proposed development would not result in a disproportionate addition to the original building. As such, the proposal would be appropriate development in the Green Belt and in line with Policy CS02 of the Gravesham Local Plan Core Strategy September 2014, Saved Policy C13 of the Gravesham Local Plan First Review and paragraph 149(c) of the NPPF 2021.

It is noted that Luddesdown Parish Council considers the proposal to be inappropriate development in the Green Belt, which is not justified by any special circumstances. However, for the reasons outlined above, it is considered that the proposed development is not contrary to Green Belt policy and does not need to be justified by special circumstances.

Effect on the openness of the Green Belt

Paragraph 137 of the NPPF (2021) 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. Paragraph 001 of the Planning Practice Guidance on Green Belts looks to assess the impact of a proposal on the openness of the Green Belt by taking into account the spatial and visual aspects of a development, its duration and remediability, and the degree of activity levels generated (Reference ID: 64-001-20190722).

The proposed development, by its nature as an additional form of built development at the property, would erode the openness of the Green Belt. However as the proposal would be subservient in size to the original building, it would not add significant size or bulk to the property and would not be widely visible from public vantage points (due to the screening provided by mature vegetation on the site boundaries), the harm to openness would not be material.

Effect on the character and appearance of the area

Paragraph 174 of the NPPF (2021) requires development to contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes and sites of biodiversity value (in a manner commensurate with their statutory status or identified quality in the development plan).

The application site is located in the North Downs Area of Outstanding Natural Beauty (AONB) and the Luddesdown Downs Landscape Character Area (LCA). As such, Policy CS12 of the Local Plan Core Strategy is 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.

In relation to the Luddesdown Downs Landscape Character Area, the Gravesham Landscape Character Assessment states that the overall condition of the landscape is good and that it has high sensitivity. It recommends that the key landscape elements (i.e. woodland blocks and hedgerows, characteristic narrow lanes, sparse and distinctive built development) should be conserved.

The Kent Downs AONB Management Plan sets out that the local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development (Principle SD2). That development should conserve and enhance the character and qualities of the Kent Downs AONB rather than detracting from it (Principle SD3). Furthermore, the Plan will ensure that proposals do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB (Principle SD8).

The area surrounding the application site is rural and wooded in character. The site itself contains grass and vegetation which surrounds the existing dwelling and there are numerous trees on the site boundaries and for large areas of the wider Luxon Farm site. The land is relatively flat and the mature trees and vegetation located on the frontage, largely screen the existing dwelling from public view.

It is noted that there would be no loss of woodland character and that the residential nature of the application site would be retained. The proposed development would result in an increase in the size and bulk of the application property, which would consolidate and extend the level of built development on the plot and in the wider area. However the extensions would not be especially visible from public vantage points and the changed appearance of the dwelling would not be harmful to overall landscape quality. Therefore it is considered that the proposed development would cause no adverse impact to landscape character within the Kent Downs AONB.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 sets out that new development will be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the built environment and take account of the scale, height, building lines and other architectural features of buildings. Account should also be taken of strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place.

The proposed development would match with the design and external facing materials of the application building as it is currently being amended (under planning permission 20220215). The proposal would increase the size and bulk of the property but it would be subservient in size and scale to the building overall. Therefore, the proposal would not be visually detrimental to the character of the building or the surrounding area.

Overall, it is considered that the proposed development would be appropriate in terms of design, would not be detrimental to the character or appearance of the existing building or the surrounding landscape and would be in line with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Other matters

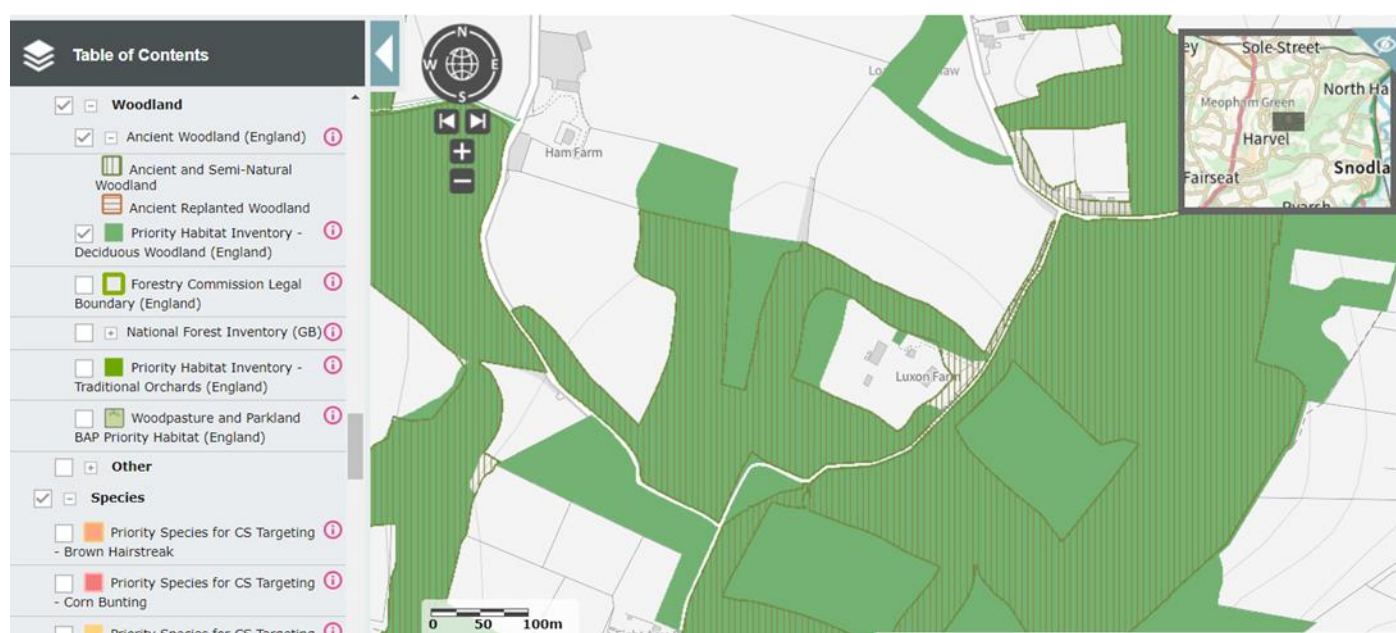
Ecology and Biodiversity

Paragraph 174 of the NPPF (2021) requires development to contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes and sites of biodiversity value (in a manner commensurate with their statutory status or identified quality in the development plan) and minimising impacts on, and providing net gains for, biodiversity.

Paragraph 180 of the NPPF (2021) sets out a number of principles that should be applied to the determination of planning applications in relation to protecting habitats and biodiversity. These include refusing development that results in the loss or deterioration of irreplaceable habitats (such as ancient woodland) unless there are wholly exceptional reasons and a suitable compensation strategy exists and ensuring opportunities to improve biodiversity in and around developments are integrated as part of their design, especially where this can secure measurable net gains for biodiversity.

Policy CS12 of the Gravesham Local Plan Core Strategy (2014) seeks to protect sites designated for their biodiversity value based on their level of importance and to enhance, restore, recreate and maintain habitats particularly within Biodiversity Opportunity Areas.

The application site is located within a Biodiversity Opportunity Area (BOA) and is surrounded on all sides by Ancient Woodland (including the Tom Lotts/Molehill/Bottomfield Ancient Semi-Natural Woodland, the proximity of which is illustrated below). The site is also located adjacent to a local wildlife site (Luxon Wood, Great Buckland).



Extract from Magic Map (magic.defra.gov.uk)

In relation to biodiversity, the KCC Biodiversity Officer has identified that the application site has habitats and features of ecological value and has the potential to support a variety of protected species. They highlight that the proposed development could result in loss/damage of trees and other vegetation for machinery access, groundworks and temporary materials storage. In addition, they suggest that any proposed artificial lighting and hard and soft-landscaping proposals could cause adverse ecological impacts.

Due to the close proximity of the ancient woodland and local wildlife site and because the application site is located in a BOA, it is imperative that any ecological impacts can be adequately assessed and mitigated as necessary. As such, the KCC Biodiversity Officer has requested the submission of a preliminary ecological assessment (PEA).

Despite the applicant agreeing on several occasions to submit a PEA, no such document has been provided. Furthermore, no details of the proposed hard and soft landscaping around the building have been submitted. Therefore, it is not possible to determine the impacts of the proposed development on existing ecological features or biodiversity or to outline any measures to mitigate any potential adverse impacts associated with the proposal.

It should be noted that in determining planning permission reference 20220215, it was considered that a PEA would not be required. In that instance, the proposed works only involved a very small increase in

the building footprint compared to the current proposal. To protect biodiversity, a landscaping condition was attached to the decision, which required measures to promote biodiversity enhancement (including the planting of native and wildlife attracting species and the installation of bat and bird nesting boxes) to be undertaken.

It should also be noted that the KCC Biodiversity Officer has raised concerns regarding development activities that have been taking place within the application site for some time (including the significant removal of trees and shrubs, significant disturbance of the ground, the removal of some outbuildings and the erection of a new building). These activities have been drawn to the attention of the Planning Enforcement Team and are not a material consideration in the determination of this application.

Overall, by virtue of the lack of ecological information, the proposal would have the potential to be detrimental to protected ecological features and biodiversity and as such, it would be contrary to Policy CS12 of the Gravesham Local Plan Core Strategy (2014) and to paragraphs 174 and 180 of the NPPF 2021.

Amenity of Future Occupiers

The proposed development would not harm the amenity of future occupiers and sufficient garden would be retained to comply with the Borough Council's Residential Layout Guidelines. As such, the proposal would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy September 2014.

Neighbouring Amenity

The application site is located a significant distance away from any residential properties and as such, there would be no adverse impacts to residential amenity. As such, the proposal would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy September 2014.

Any Other Material Planning Considerations

The application site is located in an area of multi-period archaeological potential. However, as the proposed development is within the confines of an existing residential garden and only a relatively small amount of groundworks would occur, then it is considered that there would be no adverse impacts to archaeology. As such, the proposal would be in line with Policy CS20 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy TC7 of the Gravesham Local Plan First Review November 1994.

Conclusion & Recommendation

The proposed development has the potential to adversely impact upon protected ecological features and in the absence of any ecological assessment, it is not possible to determine whether the proposal would protect the biodiversity value of these features. As such, the proposal would be contrary to Policy CS12 of the Gravesham Local Plan Core Strategy September 2014 and to paragraphs 174 and 180 of the National Planning Policy Framework 2021.

The positive features of the proposal (that it would be appropriate development in the Green Belt, that it would be appropriate in design, that it would not detract from the character or appearance of the existing building or surrounding landscape and that it would not be detrimental to residential amenity or archaeology) would not overcome the negative ecological impact and as such, planning permission should be refused.

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

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	27 April 2023	Dated:	27 April 2023

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