



25 September 2025

Planning Application 20250864 Retrospective Change of use of the land and buildings to offices with hard surfacing to create additional parking delivery area. Walnut Hill Nursery.

Please Register this letter as my OBJECTION to this Application

1. Property History

The Planning Approval for the main building permitted in 2001 provided for the replacement of temporary buildings with a Barn which would provide facilities to support the agricultural use of the property, with the condition that the existing portacabin buildings and sheds were removed, and no additional or replacement structures or portable buildings were erected or placed without prior planning permission. The main barn had offices to the first floor and workshops on the ground floor in keeping with its required use to support the Agricultural use of the land. A parking area was sited to the front of the building.

Since the property was sold early 2024 this site has been used as a 24 hour commercial depot. First4Drains, Lawday Civil Engineering, Flo Well Drainage, Lawson FM Ltd, CIA Lawson Ltd plus a number of additional companies, have the Registered Office address of Walnut Hill Nursery. Mr Lawson is a director of each of these companies. First4drains is the primary company operating from the site along with Lawday Civil Engineering. Whilst some of these Companies are either of a low trading level or Dormant they could become active at any point, or in fact further companies formed.

2. Planning History since change of ownership

8 July 2024 - Prior Approval for proposed conversion of a building to Class E - REFUSED
21 Nov 2024 - Recladding reroofing of existing Steel Frame- REFUSED – **Frame still fully clad and in use as a parking area for track cars**
27 Nov 2024 - Retrospective erection of a detached outbuilding- REFUSED- **Building remains in full built form and in full use**
21 Nov 2024 – Retrospective erection of a front porch- APPROVED
3 Sept 2025 – Permission in Principle for the erection of up to 9 dwellings- PENDING
1 Sept 2025 – Retrospective change of use of land and buildings to offices with hard standing to create additional parking/delivery- PENDING

A Planning Enforcement Notice was issued on 4 December 2024 to take effect from 8 January 2025, **as a material change of use or the land(which includes the buildings) from an agricultural use to a mixed usein relation to the operation of a drainage Company....** This Enforcement Notice was appealed on 9 January 2025 resulting in a Planning Inspectorate Public hearing 8 April 2025. The Planning Inspectorate decision issued 2 June 2025 refused the Appeal and the Enforcement notice was upheld.

The Enforcement Notice therefore required Compliance in 2 Stages:
28 days – (30 June 2025) – to Remove all HGV Tankers from the land
3 Calendar Months (2 September 2025) to cease the use of the land, remove all plant and machinery, equipment and vehicles in connection with the unauthorised use.

Non-compliance was confirmed by GBC at both stages with formal cautions issued and prosecution proceedings possible.

3. Outbuilding Included in this Application

Very soon after the property was purchased by the new owners, multiple mobile buildings were brought onto site, and it was understood that these were temporary for use whilst the refurbishment of the offices took place. Nearly 2 years later these buildings are still on site and are sited on the east boundary. **No Planning Permission has ever been sought for these buildings.** One of these buildings directly behind the main barn is included within the site plan for this planning application. This building has been wooden clad and connected to the sewers and had power and water connections. Previous Planning Application Block plan drawings have identified this building as existing, but this is not the case. This mobile building has multiple showers/ toilets and changing facilities. Given the nature of the Drainage business/ civil engineering, it is likely a facility for the commercial operational staff. The Plant Nursery had all its staff facilities in the main Barn with no outside toilet or staff facilities outside the main barn.

Retrospective Application 20241055, for the erection of a detached outbuilding 27 Nov 2024, was refused permission as it was considered inappropriate and harmful development in the green belt with no special circumstances that would outweigh the harm. This would infer that this out building should also be refused Planning Permission, it is also permanent.

The main Barn has been refurbished and the two ground floor workshops converted to offices with extensive bathroom and staff facilities.

Why would an office need an outbuilding with toilet/wash and restroom facilities?

Why has planning permission never been sought?

4. Vehicle Movements

The Planning Inspectorate decision to uphold the Enforcement Notice Para 9 acknowledged that **the commercial vehicles are a main part of the business and without these vehicles the business would not be able to be undertaken. Accordingly, I am not persuaded that the office is the primary use of the site.....**

We strongly feel that the current position of submitting two separate Planning Applications for Walnut Hill Nursery and dividing the site into 2 separate areas is purely an attempt to manipulate the planning system.

The front of the property as identified for this application is still very much used as a commercial depot. Van movements are extensive and occur throughout the day every day. The site still does adhere to any defined hours as you would expect with an office. Commercial Vehicles have been seen attending the site(24 Sept 2025) as early as 00:45am. As an Example, on 23 Sept 25 commercial van movements started at 05:40am and then 22 commercial van movements occurred during the course of the day. This was in addition to all the movements of cars and a Flatbed truck on that day. This level of van movement is the norm and 2 Large flatbed trucks used to carry the civil engineering equipment/barriers and mini digger stored on site, also regularly attend the site. On 22 Sept there were a total of 9 Flatbed truck movements of either F4D or Lawday Lineage. There are also regular stock and equipment deliveries, such as lining supplies, as well.

It should be borne in mind that this commercial activity has continued after cautions had been issued By Planning Enforcement Officers for noncompliance with the Enforcement Notice.

This site is still a commercial operation, removing the land from the application has simply, on paper, removed the vehicle storage from the rear of the site, the commercial depot is just being concentrated and confined to the front of the site as defined by the red line on the site plan.

5. Block Plan – Proposed

On the Proposed Block Plan, I would like to make the following comments:

- Why relocate the car park to the rear of the building – the parking has always been to the front with a few spaces on the east boundary but still in front of the building line– we feel this is just an attempt to give the area at the rear a defined purpose to secure the use of this area for Depot use. To leave the front parking area with just 4 parking spaces given its size and previous capacity is questionable.
- The parking of vehicles behind the building would have a greater impact on the neighbouring property and their enjoyment of their property as the vehicles would be parked and manoeuvred further into the line of their garden.
- The outbuilding is a portacabin(s) brought onto site soon after the change in ownership. It was clad in wood, doors and windows added and has been connected to power/water/sewer – why would an office require an outbuilding with toilets/showers and rest room facilities when the main building has been refurbished to include extensive facilities? – I strongly believe that this is for the continued use by the on road commercial operatives employed or contracted by the Applicant
- Why would an office need an allocated parking space for an LGV unless there was an intention for LGV/HGV vehicles to regularly visit? This would not correlate to an Office.
- The Parallel Parking Space sited on the West Boundary is noted as being conveniently placed next to where currently vans and trucks are still being washed(without any ground receptors) , loaded, unloaded and also any rubbish possibly from jobs completed, thrown into permanently sited skips. This is also where the bulk tanks of AdBlue are located. None of this can be associated to an office.
- The area to the rear of the building is currently also used for the storage of multiple Track cars – these have also been repaired on site, revved -and driven at speed on the site, and spray painted without filtration.
- Securing the use of area to the rear of the main barn would not add any additional benefit to the office. But securing authorisation to use this area would be intrinsic to the continuation of the commercial operations, vehicle storage and other activities currently being undertaken, all of which are not related to administrative offices.

6. Transport Statement

I would like to make the following response matters raised in the Transport Statement - comments numbered against the appropriate Transport Statement Numbers.

- 2.2 On the change of ownership early 2024, the site was developed and a commercial depot operating 24hrs 7 days a week was established and the volume of vehicles attending the depot raised extensive comments and concerns regarding highway safety. Highway safety concerns have been raised in response to each planning application submitted, and at the Planning Inspectorate Enforcement Notice Appeal hearing. The matter was also published in Kent Online News. The front entrance gates are also only single vehicle width so only one vehicle can enter/leave through the gate at a time.
- 2.4 Walnut Hill Nursery was a Growing on Nursery, it was not a commercial plant nursery with regular deliveries or a quick turnover of stock, some of the plants were decades old and any plant deliveries were maybe once a year. The vehicle volumes relating the plant nursery had minimal to no impact at the site and on the local area and generated no complaints over a significant number of years.
- 2.6 The traffic Generation Statistics calculated for the plant nursery have been produced using incorrect assumptions and TRICS data and based on a retail nursery and not a growing on Plant Nursery. Interestingly the TRICS calculated weekday Vehicle movements for the Plant Nursery per this Planning Application are reported as 102, but the TRICS Calculated weekday Vehicle Movements in Planning Application 20250876 is 74. The huge discrepancy in the calculated figures between the 2 Transport reports for the same Walnut Hill Plant Nursery proves these statistics are skewed and unreliable. I can categorically state that the weekday vehicle movements for the plant nursery were nowhere near as high as either of these figures.
- 2.9 The transport report states that an Audit of Walnut Hill Road and Nash Bank identified 17 passing places available between the site and the A227. This is not correct. Of the identified spaces on Walnut Hill Road 6 are private driveways or access points, these are private property. Having driven these roads for many years there are minimal highway passing points along these lanes. Driving up verges and into the hedgerows does not constitute a safe passing point. Both roads are rural, winding, single track with no pavements. Reversing on the lanes to enable two vehicles to pass or multiple vehicles manoeuvring simultaneously due to multiple vehicle converging at the same time is unsafe and unsustainable. The edges of road are also showing serious signs of deterioration in places due to size of vehicles and the increase in traffic volumes due to this depot.

- 2.11 Incidents/accidents and near misses have occurred since the operation of the Commercial Depot. Just because they have not been reported on Crashmap do not mean they haven't happened.
- 2.12 Walnut Hill Road was lightly trafficked, and a quiet rural road enjoyed by walkers, cyclists and Horse riders until the Plant Nursery closed. Since the change of ownership, the volume of vehicle movements has increased substantially. Even excluding the HGV's the number of cars, Vans and Trucks associated with the Commercial Drainage Depot is extensive.
- 2.16 The Plant Nursery operated for a number of years without any neighbour complaints or highway safety concerns. Since the change of ownership and change of use to a commercial depot concerns regarding safety on the lanes and local roads, relating to the high volumes of vehicle movements, the vehicle sizes, and the increase in frequency of having to reverse and manoeuvre on the lanes, have been constantly raised. This site has placed enormous pressure on the local roads. The Commercial Depot is not sustainable and cannot on any level be compared to the plant nursery. This Depot has caused huge stress and misery to neighbours and the local area.
- 3.5 The Proposed office Vehicle Trip Generation estimates this proposal will generate a total of 64 vehicle movements each weekday. Whilst not accepting any accuracy of these statistics 64 vehicles movements on the rural lanes each day would be wholly unsustainable and far exceeds the traffic that the Plant nursery generated. To state that this proposal would result in a significant reduction in site traffic, by 38 movements every weekdays, shows how implausible these statistics are and that no weight should be given to them.
- 3.10 The actual reality is that this is not just a typical office with staff arriving and then leaving with minimal vehicle movements for defined office hours, but a head office for multiple companies within a commercial depot. The majority of the generated vehicle movements being commercial vans and trucks visiting the site for operational reasons connected to the drainage and civil engineering works, and not the office. The Statistics from the Transport Report therefore cannot be given any weight at all.

7.Acoustic Report Comments:

The Acoustic Report concludes that the noise levels resulting from the office would have no impact and therefore there cannot be any harm. Ned Johnson Acoustic Consultants were appointed by the Applicant. The report states that the survey was conducted over a 2 hour period 08:00 - 10:00 on 5 February 2025 which was when HGV movements were still occurring, but the report says vehicle movements are of staff cars arriving and leaving, no mention of HGVs or

vans/trucks using the depot are mentioned. On site Vehicle noise was the subject of extensive discussion at the Inspectorate Hearing 8 April 2025. This report should be given no weight. Not only is the time period of the monitoring limited, but any activities could easily have been controlled by the applicant during this time. I can confirm that noise from the site is not that of an office but a depot. The boundary fence to the west is not closeboard but open battens and material which does not have noise cancelling qualities and does not fully obscure vehicle headlights.

8. Summary

- We strongly object to this Planning Application. We strongly believe that the use of the office is not the sole intention of this application but to secure an authorised use of the site and then continue the use of the site as a Commercial Depot, thus attempting to sidestep the Enforcement Notice, the appeal of which was refused by The Planning Inspectorate. The Applicant has also subsequently been cautioned for non-compliance. Prosecution by Gravesham Borough Councils may also follow.
- As the Enforcement Notice covered the whole site, we feel the applicant by dividing the property into two separate areas and submitting separate planning Applications for each, is hoping to secure the use of the front of the site by removing the land from the equation. However, the current activities and vehicles movements within the reduced red line remain that of a commercial depot and not an office. As such this Planning Application should be refused and the Enforcement Notice robustly enforced.
- Due to the nature of the Business(s) it is still as reported by the Planning Inspectorate that the commercial vehicles are a main part of the business as without these vehicles the business would not be able to be undertaken. Accordinglythe office is not the primary use of the site. This site is still a depot, and this is evidenced by the daily volume of vans and other trucks attending site at any hour of the day or night including weekends. Commercial vehicles are still being loaded/unloaded, washed and prepped, with the storage of equipment and civil engineering materials still evident on site and the regular deliveries of materials/stock associated with the commercial operations. The noise associated with these activities is that of a depot and not an office and as per the enforcement notice is not appropriate to its rural residential location. Therefore, the main building still cannot be viewed as the primary use in isolation and as such none of the concerns have been addressed.

- The retention of the outbuilding as detailed above , Section 3 – Outbuilding included in this application - is more aligned to the commercial depot than as an unnecessary addition to the already extensive offices in the main brick building. This outbuilding should not be awarded planning Approval but refused permission in line with all the other outbuildings that have been refused. An outbuilding for storage in relation to an office seems excessive.
- Whilst the land to the rear of Walnut Hill Nursery is not included in this application and the site has been divided by the submission of 2 Separate Planning Applications the site still currently exists as one site with one access to the highway and we believe the ownership of the whole site hasn't changed. It would not be unreasonable to be concerned that this land could be used in some capacity to support the activities from the front of the site, particularly as access to the land will still be required from the one Highway access point and through the front Depot. No decision on the Planning in Principle Application has yet been made.
- Our concerns over the proposed change to the site layout are detailed earlier in - Section 5 – Block plan proposed. The car parking for this property has always been to the front of the main building without issue. Moving the parking behind the main building would have a greater impact on neighbouring properties. Securing the use of the area behind the main barn we believe is pivotal to enabling continuing commercial operations. This is supported by the fact that extensive efforts were made at the Planning Inspectorate hearing to secure the use of this area when discussing possible conditions should the Appeal have been successful.
- Given the green belt location of the site on rural country lanes it is essential that the traffic volumes are within sustainable limits. Whilst the HGVs were eventually removed from the site of Walnut Hill Nursery, the interim Licence issued by the Traffic Commissioner for 14 HGVs at this property still exists. Although a Public Inquiry by a Deputy Traffic Commissioner decided that the site was unsuitable as an Operating Centre based primarily due to the lack of availability, this decision was Appealed. This meant the date given to remove the HGVs was suspended and the HGVs were still using the site after the Planning Enforcement deadline. The appeal to the upper tribunal is still pending and hasn't been retracted even though an alternative Operating Centre has now been secured and has an interim Operators licence.
- The continued washing of vehicles at the same point that the HGV's were cleaned, no consideration or soil samples have been taken to identify any contamination of the soil in this Ground Source Protection Zone 1.

- Buildings have been constructed without permission and have continued to be used even when retrospective planning permission has been refused
- Buildings still remain on site that have not been subject to any planning applications, including the outbuilding included in this Application.
- Buildings refused retrospective planning permission are still being used – even Enforcement action has been met with non-compliance. Appeals and New Applications have consistently been made at the final hour to prolong Planning Processes and suspend any actions from being taken to bring matters to a conclusion.

Throughout all this the commercial operations have continued relentlessly, and neighbours and residents of the local area have been subjected to the misery caused by this commercial depot for nearly 2 years. We feel this Planning Application should be refused as there is an obvious intention to continue using the site as a depot and the primary use is not that of an office.

Please record our **OBJECTION** to this Planning Application

Regards