

Delegated Report

Householder Planning Application

Planning Application No:	20250225
Location:	Furzy Lea, Bowesden Lane, Shorne, Gravesend
Description:	Retention of engineering and landscaping works with modifications and retention of gymnasium and summer house buildings with modifications.
Applicant:	Mr & Mrs Yarwinder Gill
Site Visit Date:	Desktop assessment (Pre-app site visit 28 January 2025)

Submitted Documents/Plans

Application form
Planning Statement
Drawing no. FL01 (Landscape Plan)
Drawing no. FL02 (Soft Landscape Plan)
Drawing no. 52412-P-0-01 (Site Location Plan)
Drawing no. 52412-P-0-02 Rev. B (Existing and Proposed Site Plans)
Drawing no. 52412-P-0-10 Rev. A (Existing Outbuilding Ground Floor Plan)
Drawing no. 52412-P-0-11 Rev. A (Existing Outbuilding Roof Plan)
Drawing no. 52412-P-0-12 Rev. A (Existing Summer Room Plans)
Drawing no. 52412-P-0-50 Rev. A (Existing Outbuilding Elevations)
Drawing no. 52412-P-0-51 Rev. A (Existing Outbuilding Elevations)
Drawing no. 52412-P-0-52 (Existing Summer Room Elevations)
Drawing no. 52412-P-1-10 (Existing Outbuilding Ground Floor Plan showing Proposed Removal Works)
Drawing no. 52412-P-1-12 (Existing Summer Room Plans showing Proposed Removal Works)
Drawing no. 52412-P-1-50 Rev. A (Existing Outbuilding Elevations showing Proposed Removal Works)
Drawing no. 52412-P-1-51 Rev. A (Existing Outbuilding Elevations showing Proposed Removal Works)
Drawing no. 52412-P-1-52 (Existing Summer Room Elevations showing Proposed Removal Works)
Drawing no. 52412-P-2-20 Rev. B (Proposed Outbuilding Ground Floor Plan)
Drawing no. 52412-P-2-21 (Proposed Outbuilding Roof Plan)
Drawing no. 52412-P-2-22 Rev. A (Proposed Summer Room Plans)
Drawing no. 52412-P-2-60 Rev. A (Proposed Outbuilding Elevations)
Drawing no. 52412-P-2-61 Rev. A (Proposed Outbuilding Elevations)
Drawing no. 52412-P-2-62 2 (Proposed Summer Room Elevations)

Relevant Planning History

Reference	Description	Decision	Decision Date
20240559	Engineering / landscaping works to enable terracing of the land including the building of concrete retaining walls dressed in face brickwork.	Refused	23.09.2024
20240558	Application for a Proposed Lawful Development Certificate in respect of the construction of a timber	Refused	23.09.2024

	building with consists of a summer house and shed, pitched roof with table top roof and an open canopy to the front.		
20230954	Demolition of existing conservatory and erection of a two storey side extension.	Refused	07.11.2023
20230240	Application for a Proposed Lawful Development Certificate in respect of the erection of a Gym	Certificate Granted	10.05.2023
20221191	Single storey rear extension with a depth of 8.00 metres, maximum height of 3.50 metres and eaves height of 2.40 metres.	Prior approval not required	29.11.2022
20220995	Single storey rear extension with a depth of 8.00 metres, maximum height of 3.50 metres and eaves height of 2.40 metres.	Prior approval required and refused	12.10.2022
20071061	Construction of new pitched roof to replace existing flat roof at rear and installation of new window in rear elevation at first floor level.	Permitted	18.01.2008
19940321	Erection of a conservatory at the rear.	Permitted	28.07.1994
TH/6/51/115 (19510115)	Erection of a dwellinghouse and garage.	Permitted	07.09.1951

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development and Design Principles

Gravesham Local Plan: First Review (1994)

- C13 – Extensions to dwellings in the Countryside

Paragraph 34 of the NPPF (2024) 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 (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 14 – Meeting the challenge of climate change, flooding and coastal change

- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG 2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Technical Housing Standards – Nationally Described Space Standard (2015)
- SPG 4 – KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)
- Gravesham Landscape Character Assessment (2009)
- Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes (December 2024)

Consultations, Publicity and Representations

Shorne Parish Council

The Parish Council has to **OBJECT STRONGLY** to this regrettably retrospective application, the applicant having demonstrably disrespected the planning application process. The site is located in the Green Belt and immediately adjacent to the National Landscape Area, so the constructions impact very adversely on both, in an area where openness should be preserved and new dwellings would not normally be permitted. The applicant has destroyed the natural form of the site and constructed two large buildings of unknown purpose, one having had a separate driveway created. The constructions cause material harm to the Green Belt and no “very special circumstances” have been put forward. The site is not “previously developed land”.

We note that there were pre-application discussions with GBC, to which the Parish Council was not party, so except for what is stated in the Planning Statement, we do not know what was actually discussed or possibly agreed/not.

Previous applications in 2022 and 2023:

The applicant has previously submitted several planning applications on this property in 2022 and 2023 (Refs 20220995, 20221191, 20230240 and 20230954), so is well aware of the planning application process.

Application ref 20230240, which was permitted, was for the gym building, but this was L-shaped and smaller than what has been built.

Actions and applications in 2024:

Despite the above, the applicant proceeded to undertake engineering and other works greatly exceeding what had been permitted, continuing this work after being visited by Planning Enforcement.

The Parish Council also **OBJECTED STRONGLY** to the two subsequent retrospective applications refs 20240558 and 20240589, as reproduced in Appendixes A and B. These two applications needed to be considered together in order to understand the full picture. Both were refused permission.

The present application 20250225:

- Gym building: This is now oblong and not built according to the previously approved plans, which were L-shaped. The applicants state that it is smaller than the previously approved design but that is not the case, it is both larger in overall dimensions (now oblong 9.5m by 6.5m, previously L-shaped max 9.0m by 5.85m), and, by virtue of the change of shape, has a much larger floor area being nearly 25% larger.
- “Summer house”: A very large additional building has been constructed at the bottom/southern end of the site. Despite its size, the applicants describe this as a “summer house”, however these are defined as “a small building in a garden, used for sitting in during fine weather”, and are said to typically be of wooden, shed type construction. This is clearly not the case here. The building is of excessive size and nature for the purpose suggested. Only very minor cosmetic change is

proposed compared to the previous plans. The previously separate tool store is now fused with the rest of the building.

- Other built forms: An extended patio area is shown to the north of the “Summer house” building. This is labelled as a “utility area” and the use and need should be clarified. Two new structures are shown in outline at the southern border of the site. These were also not on previous plans and are labelled as “raised vegetable beds”. It is a pity to place the vegetable area so far distant and downhill from where the intended older-age user will be sleeping, in the main house. There is also a “concrete pad for a shed” shown, which is yet another built form and which seems to contradict proposed use of the “summer house” for storing tools. These built forms/structures all need clarification, however they demonstrate that the applicant has further extended the built forms on the site, and further reduced openness, regardless of not having planning permission.
- Internal layouts and defined uses are lacking: The current plans do not contain any detail of the internal layouts or purposes of the buildings, although this was present in the previous applications in 2024. There is concern that this deliberate omission could be aimed at disguising their intended use.
- Services information lacking: The services being provided to the buildings, other than electricity, require detailed clarification as they would suggest possible intended uses of the structures.
- Engineering works: Very considerable, large scale and inappropriately extensive engineering works have been undertaken throughout the site.
- Additional driveway: This is not shown on the present plans. It should not be in regular use and no vehicles should be parked in the southern part of the site.
- Lighting Plan lacking: There has not been an exterior lighting plan submitted, which needs to be rectified. The “summer house” in particular introduces light pollution into an area where there was none previously.
- Residential (sleeping) occupation not permitted, not separate dwelling: The proposed usages of the buildings would need to be defined in Conditions should officers be somehow minded to grant permission. This would clarify that residential occupation is not permitted and that the buildings cannot be used as separate dwellings.
- Permitted Development rights withdrawal: We would also request that permitted development rights should be withdrawn so that, should the applicants propose another/replacement/extended/modified structures, this will be done with a planning application with confirmed designs being sought in advance.

Summary:

The Parish Council **OBJECTS STRONGLY** to this present application 20250225 as detailed above and considers that it should be refused permission and the applicant required to demolish the buildings, particularly the “summer house” (as one multi-purpose outbuilding is enough), and to restore the land to its previous state and contours.

Neighbouring properties

The application has been advertised by individual neighbour letters to 6 properties. The overall consultation period expired on 8 April 2025.

Nine letters of representation have been received from neighbouring properties, including seven in support. The comments in support are summarised as follows:

- A majority of neighbours have not objected, as has been stated.
- A small number of objections have been raised which are not representative of the broader sentiment in the neighbourhood. These are unfounded and motivated by personal grievance rather than planning concerns.
- The changes will be aesthetically pleasing and in keeping with the types of ancillary buildings found at neighbouring properties and that are sought after with modern family homes.
- The proposals will enhance the property and positively contribute to the quality and character of the area.

- The additional buildings and landscaping would help use parts of the plots that would otherwise not be used.
- The buildings are low level and ancillary to the main house.
- The applicant has gone to great lengths to correct the engineering works at considerable cost.
- Once established the garden will be much nicer than the original; it will look professional and modern.
- It should have been made clear that changes to the layout of the land would need permission; the landscaping had to be carried out to enable the gymnasium to be built.
- The progress of the build has been done with care and consideration and with good intentions.
- The build will include vast improvements to biodiversity and encourage wildlife.
- It would be tragic if the project could not be completed.

Two objections were submitted, which raised concerns on the following matters:

- Scale of development outrageous.
- Disregard for planning law and development by stealth.
- Significant engineering operations to the land, which is in protected Green Belt and next to a [National Landscape].
- With regards to the NPPF 2024 revisions, the site is not previously developed land; it was undeveloped garden space and development must not cause substantial harm to openness. The works have obliterated openness.
- Fundamentally altered shape, appearance and openness of the land, replacing a gently sloping garden with a multi-level concrete platform.
- The gym building has not been built lower, as claimed; the land around it was excavated and the base artificially raised on a concrete platform, increasing its visual impact and prominence, which is out of keeping with the character of the area and harmful to the landscape, as the Council recognised in a previous application.
- The summer house is of solid construction and built within 2m of the boundary, plus is more than 2.5m in height, breaching permitted development limits. The Council rightly rejected this and considered the summer house could not be subordinate or incidental.
- The applicant was seen moving the boundary fence, presumably to try to enable compliance with permitted development rights. This has not been set out in the current application, nor are there any accurate measurements or updated floor plans.
- Strong evidence the summer house is being used or intended as a self-contained bungalow for a relative. No floor plans. Concealed attempt at residential intensification.
- Driveway has been extended and a second driveway constructed, causing more loss of greenery and openness.
- There is no basis for asserting the works deliver economic productivity, as the application sets out; this is not relevant in terms of justifying the works.
- The proposed 389 trees to be planted is a distraction and does not mitigate the harm that has already been caused. Plus, there is no guarantee this will happen given the repeated failure to comply with planning conditions.
- Severe impact on community from attitude of applicant, lack of confidence in the planning process and feeling of helplessness as changes to a protected landscape are carried out without warning.
- Conduct of applicant should be taken into account as a material consideration.
- Use of householder application process is not the correct process for the scale and complexity of the unauthorised works; this should be a full planning application.
- The application is a harmful attempt at forcing through development that has already been found to be unacceptable. If allowed, it would set a harmful precedent. It should therefore be refused, followed by enforcement action.

Local Ward Councillors were also consulted but no responses were received.

Officer's Analysis

Proposal

This application seeks permission for the retention of engineering and landscaping works with modifications and the retention of gymnasium and summer house buildings with modifications.

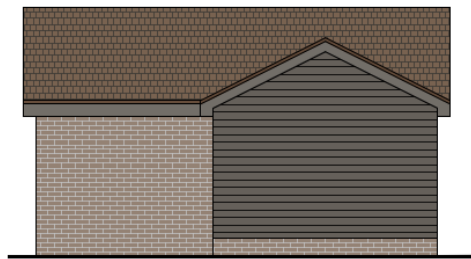
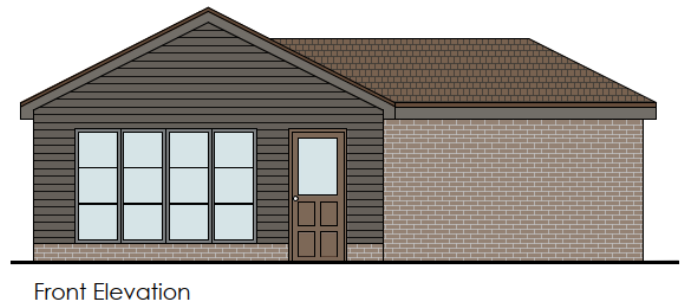
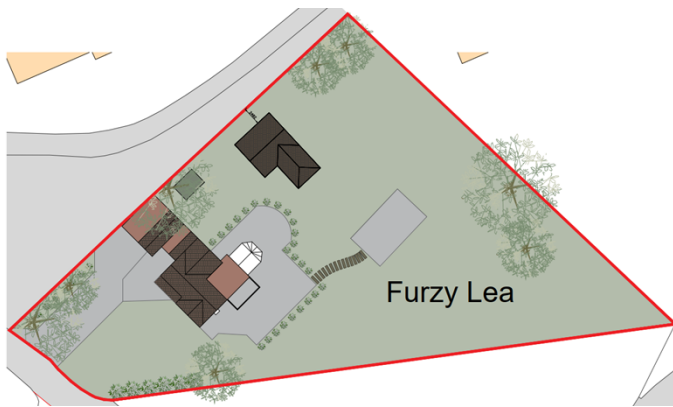
Various works have been undertaken without the appropriate permissions at Furzy Lea. The gym constructed under the Lawful Development Certificate application 20230240 was not built in accordance with the submitted plans, retaining walls and land level changes have been constructed and refused under planning application 20240559, and a further outbuilding has been constructed in the eastern corner of the site for which Lawful Development was also refused (20240558). Following these refusals, this planning application incorporates all the changes made to the site, with further modifications, to regularise the situation at the property and address the current enforcement matters. The modifications include:

- Hard landscaping and brickwork changes including:
 - Retaining wall to northern boundary to be extended with smaller planter walls.
 - Reduction in height of retaining wall around front of gym and stepped down.
 - Steps removed and redesigned.
 - Large steps, pillars and retaining wall to south of gymnasium reduced in height by 5 brick courses and pillars removed as well as all of the railway sleepers.
 - Railway sleepers and pillars removed.
 - Land level to front of gym to be lowered (over half a metre) to allow for the lower retaining walls. A deck will be built immediately in front of the gymnasium to allow a step down to the lower ground level, which will be laid to lawn.
- Introduction of a significant soft landscaping scheme to comprise native and wildlife benefitting planting, including wall planting, lawn and tree planting. The submitted landscaping plans also include 2 bat boxes, 2 hedgehog houses, and 3 bird boxes. In addition to the retaining walls, the hard landscaping would include a deck around the gymnasium and sandstone paving to the front and part of the side of the summerhouse

Existing and proposed site plans:



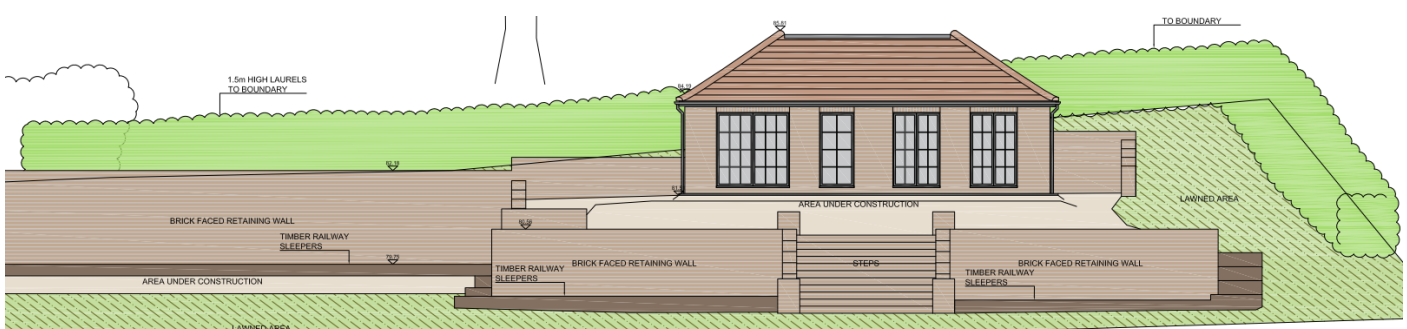
*Gymnasium
20230240 Approved Plans:*

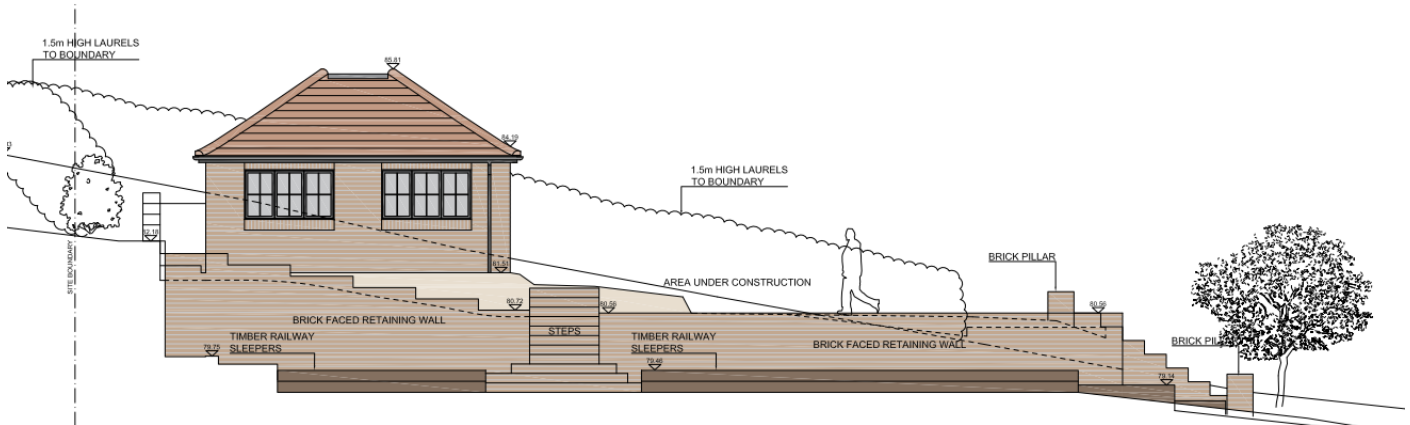


This outbuilding in the northern corner of the site was constructed following the grant of a Lawful Development Certificate under application 20230240 but was not built in accordance with the approved plans (see above plans). It has been built in a rectangular shape rather than an 'L' shape, and is 10m² larger in area. The submitted plans show the outbuilding as constructed and state that it is incidental, to be used as a gymnasium, and will not be used as accommodation separate to the main dwelling.

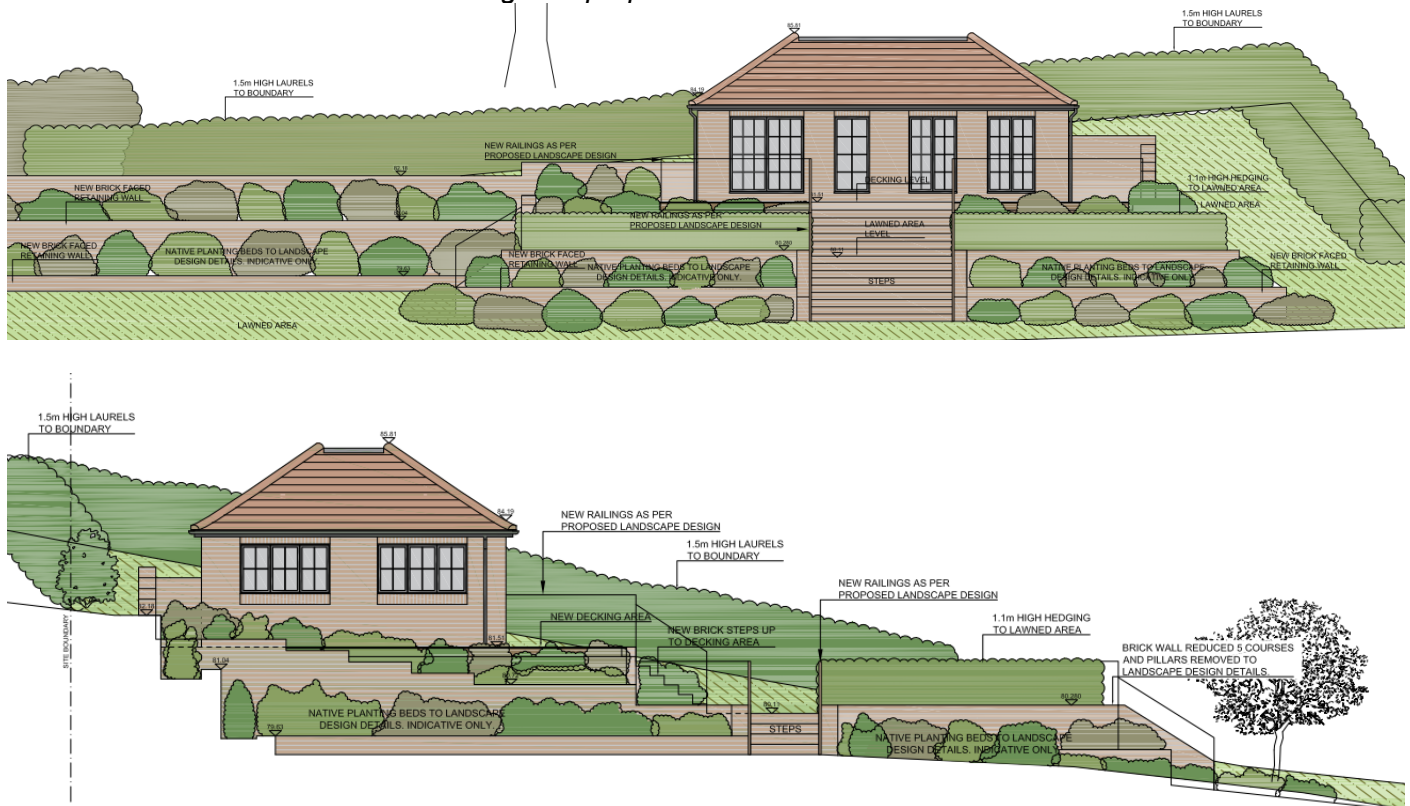
On its own, the outbuilding could fall within the limits of permitted development, though the height of the original ground level (and therefore the height of the outbuilding) is unknown. However, the outbuilding has been included in the planning application to cover as part of all the currently unauthorised works that have been undertaken at the site, and notably the engineering operations around the gymnasium outbuilding.

Front and side elevations of existing outbuilding:





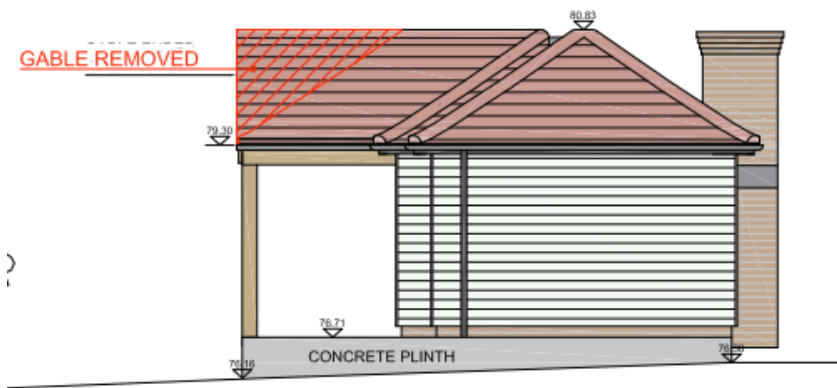
Front and side elevations of outbuilding with proposed modifications:



Summer house

This outbuilding has been constructed in the eastern corner of the site. It is also incidental to the main house and is intended to be used for garden storage and entertainment space. The submitted plans show that the building would be less than 2m from the boundary (1.75m at the narrowest point). The height of the building measures up to 4.67m to the top of the ridge including the raised platform, and 3.14m to eaves level.

The modified plans for the summer house include additional planting and screening around it, plus removing the gable to the open porch to the front of the building and replacing with a hipped roof.



Principle Issues

Furzy Lea is a large, detached two storey residential property located on the north-eastern side of Bowesden Lane, adjacent to the border of the Kent Downs National Landscape, which lies across Bowesden Lane to the south-east. It is also positioned within the Green Belt, is in the Shorne Woodland Landscape Character Area and in a Biodiversity Opportunity Area. The property lies on a sloping site, where the land falls away from north to south.

Taking these designations and the issues with the previous applications into account, the main issues for consideration with this application are as follows:

- Appropriateness of development in the Green Belt, including the effect on the openness of the Green Belt; and
- Impact the character and appearance of the surrounding area, including the impact on the setting of the Kent Downs National Landscape and the Shorne Woodland LCA.

Matters of residential amenity and highways/parking are not a concern with the proposals, due to the single storey nature of the buildings, their distance from neighbouring properties and the unaffected existing parking and access for the site. These matters have therefore not been assessed.

Principle of development in the Green Belt

Policy CS02 of the Core Strategy 2014 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 Core Strategy 2014.

Green Belts are of great importance. The fundamental aim of Green Belt policy is to prevent urban sprawl by preserving the open and permanent characteristics of Green Belts (paragraph 142 of the NPPF 2024). Paragraph 153 of the NPPF 2024 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.

Local Planning Authorities should regard development as inappropriate in the Green Belt, unless certain exceptions apply (paragraph 154 of the NPPF 2024). In the case of these proposals, which relate most relevantly to a partial redevelopment of the site (involving the outbuildings) and engineering operations, the following paragraph 154 development exceptions are applicable:

g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green

Belt.

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are: ...ii. engineering operations;

As existing residential land and curtilage, the site meets the definition of previously developed land (PDL). The key matter to be considered under exceptions (g) and (h) is the harm to and preservation of the openness of the Green Belt. However, footnote 55 of paragraph 153 of the NPPF 2024 states that harm to openness is excepted in the case of development on previously developed land, where development is deemed not inappropriate. On this basis, as the proposal site comprises PDL, redevelopment in the manner as set out would not be inappropriate in the Green Belt.

It must be noted that outbuildings can be constructed under permitted development on this site. In relation to the summer house, this would just fall outside permitted development limits:

- It is 0.15m under the 2m boundary distance limit (at the narrowest point);
- It is 0.67m over the 4m ridge height limit.
- It is 0.14m over the 3m eaves height limit.

Whilst this does confirm the outbuilding would not be permitted development, it is very close to the relevant parameters that any additional impact would be negligible. This is similarly the case with the gymnasium outbuilding; the height of the building alone is 4.3m to ridge, and 2.35m to eaves.

The outbuildings would be considered 'domestic adjuncts' considering their location and use in relation to the main dwelling; they are clearly within the residential curtilage of Furzy Lea and have a visual relationship to it. The outbuildings in terms of their stated use are incidental, and in terms of their form are subservient to the main house in respect of their single storey nature. Such buildings are common in their nature, including in neighbouring properties around the application site, and would not cause substantial harm to the openness of the Green Belt.

However, a key planning concern with such outbuildings is that there is the potential for them not to be ancillary to the main dwelling on the site, even when they are not within the Green Belt. In this particular case, there are no separate accesses to the buildings, though they are detached from the main dwelling. If the buildings were to be subdivided away from the main dwelling in any way, this could lead to additional parking requirements, hardstanding, boundary treatments, and other domestic paraphernalia that would all have a negative impact on the openness of the Green Belt. Such proposals would not be acceptable.

Planning permission is being sought for the incidental use of the outbuildings. It is helpful to consider whether this would be the case, or whether the buildings form a separate planning unit. Firstly, it has been made clear within the application that the buildings are for incidental uses, including a gymnasium, games/cinema room, laundry and garden storage. Whilst the outbuildings are detached from the main house, there is only one access into the site and dwelling, and this serves a parking area at the front of Furzy Lea. It is on this basis, as a matter of fact and degree, it is considered that a new planning unit would not be created at the application site, and the use would be an incidental one.

Nevertheless, given the concerns raised relating to the potential for plot severance in this Green Belt location, including from neighbouring representations received, it will be essential to impose a condition restricting the use of the outbuildings as incidental and related to the main dwelling. On this basis, the proposal would therefore not be deemed inappropriate under exception (g).

The modifications to the built development on and around the outbuildings are welcomed and will reduce their current obtrusiveness within the site. In terms of the engineering operations, which are separately considered to the redevelopment of PDL, there must be an assessment of the preservation of openness on the site, and a check on the compliance with the purposes of the Green Belt.

Openness

The previous application 20240559 for engineering works was refused on the following grounds:

1. *The proposed development introduces an incongruous and obtrusive development, completely at odds with its surroundings, which would detract from the visual and spatial quality of this open landscape and would significantly harm the rural character of this site within the Shorne Woodlands Landscape Character Area. The development is therefore contrary to the requirements of section 15 of the National Planning Policy Framework 2023, Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014, and the Gravesham Landscape Character Assessment 2009.*
2. *The proposal is considered to comprise an inappropriate development in the Green Belt that would introduce a significant expanse of built development and features into this open, site, causing substantial and permanent detriment to the openness of the Green Belt and conflicting with the purpose that this land is included within it. The development is therefore contrary to the requirements of paragraphs 142, 143 and 155 of the National planning Policy Framework (2023) and Policy CS02 of the Gravesham Local Plan Core Strategy 2014.*

The proposals set out within the application seek to modify the existing unauthorised hard landscaping and retaining walls/steps, to drop land levels to the front of the gymnasium outbuilding and to introduce a significant scheme of soft landscaping, in an attempt to overcome the above refusal grounds.

In relation to the existing retaining walls to the north of the site and on the northern boundary, it is understood that these cannot be removed as they are now an integral part of levelling and retaining the garden as well as the property to the north. It is intended to remove the railway sleepers at the base of the wall on the boundary and add two stepped smaller walls to create planters. One of these will continue around the retaining wall to the gymnasium outbuilding. Once established, the planters will screen and soften the walls. The current type 1 surfaced area to the rear of the dwellinghouse will be grassed.

The retaining wall around the gymnasium outbuilding will be reduced in height and will be stepped down in line with the land. The large steps facing the rear of the house will be removed and relocated. The pillars will also be removed. As a result of lowering the walls, the land level to the front of the gymnasium will also be lowered by over half a metre. Significant planting will be introduced around the entirety of the walling. In addition, further planting will be included around the summerhouse outbuilding.

Paragraph 142 of the NPPF 2024 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 2019 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 activity levels generated.

The majority of the engineering operations have been undertaken to the rear of the house and around the gymnasium outbuilding. The current works have introduced expanses of built development into what was previously open, undeveloped, and soft landscaped garden land. It is recognised that large outbuildings can be constructed under permitted development and whilst the constructed outbuildings have built into and affected the open space in the garden, the extent of engineering operations carried out has had a greater impact on the site, particularly in visual terms, as a result in particular of the excessive and imposing retaining walls. The proposed modifications to the retaining walls, together with land levels and the re-landscaping of the garden will much improve the level of openness in garden of this property, and will be more in keeping spatially with the level of development in similar surrounding properties.

Paragraph 143 of the NPPF 2024 sets out the five purposes of the Green Belt:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;

- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposed development would not strongly contribute to these purposes, as the site forms an existing residential curtilage.

Turning back to the requirements of paragraph 154 (h), the proposed modified engineering operations would be considered to preserve the openness of the site and would not conflict with the purposes the Green Belt, and therefore the development would not be inappropriate in relation to this criterion. This would therefore overcome the previous refusal ground.

The proposals have not been assessed against paragraph 155 of the NPPF 2024 (which considers other circumstances where homes, commercial and other development in the Green Belt should also not be regarded as inappropriate) due to the above judgements about the appropriateness of the proposal under paragraph 154.

Conclusions on Green Belt Issues

In summary, the revised proposals would not be inappropriate development in the Green Belt and would comply with the requirements of Section 13 of the NPPF 2024 relating to the protection of Green Belt land and Policy CS02 of the Core Strategy 2024.

Landscape Impacts

Paragraph 135 of the NPPF 2023 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well-designed and respects the character and appearance of the surrounding area.

Paragraph 187 of the NPPF 2024 aims for development to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

The site lies adjacent to the Kent Downs National Landscape (formerly AONB). There is now a duty on Local Authorities under Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 to seek to further the statutory purposes of Protected Landscapes such as National Landscapes. This duty is intended to facilitate better outcomes for Protected Landscapes.

Reflective of paragraph 189 of the NPPF 2024, Policy SD2 of the Management Plan 2021-2026 recognises the need to conserve and enhance the local character, qualities, distinctiveness and natural resources of the AONB. Principle SD8 seeks to 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 AONB. The Kent Downs National Landscape Position Statement states that scale, height, siting, use, materials and design are factors that will determine whether a development affects the natural beauty and special qualities of the Kent Downs National Landscape. Examples of adverse impacts on the setting of the Kent Downs National Landscape include: development which would have a significant impact on views in or out of the National Landscape and the introduction of an abrupt change of landscape character.

The application site is also located in the Shorne Woodlands Landscape Character Area within the Gravesham Landscape Character Assessment (GLCA) 2009 and as such, Policy CS12 of the Core Strategy 2014 is relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the GLCA will be taken into account in determining applications. The GLCA states that the character area is defined by undulating topography, chestnut coppice woodland and a strong sense of enclosure. The overall condition of the landscape is good and has moderate sensitivity. It is recommended that distinctive features and elements of the landscape should be reinforced, while areas in good condition should be conserved.

As set out in the previous officer's report for application 20240559, the length, width and area covered by the retaining walls and changes in surfacing was considerable and as such, the works created imposing features that are detrimental to the previously open landscape, which is highly visible from Bowesden Lane and the National Landscape to the south-east of the site. When considered alongside the outbuildings, development on this site had spread across the site and changed the character of the natural landscape in this location.

However, the proposed modifications to lower and soften the retaining walls, the reduction in land levels and the extensive re-landscaping, together with the decrease in the bulk of the porch element of the summer house, would all be considered to improve views into the site, increase the open appearance and restore the natural landscape character. It must be noted that the site is seen within the context of the existing and surrounding residential properties. The revised proposals for the site would impact less significantly on the wider landscape and setting of the National Landscape and Shorne Woodlands Landscape Character Area, and the submission is considered to overcome the previous refusal ground and be considered acceptable in landscape terms. Given the nature of the unauthorised works, the landscaping should be conditioned to be carried out within 6 months of any forthcoming planning permission to ensure that the landscape is restored as soon as possible.

Any Other Material Planning Considerations

Biodiversity

The NPPF 2024 in paragraph 187 states that planning decisions should contribute to and enhance the natural and local environment by protecting sites of biodiversity value. Policy CS12 of the Core Strategy 2014 reflects this stance and states that sites designated for their biodiversity value will be protected. There will be no net loss of biodiversity in the Borough, and opportunities to enhance, restore, re-create and maintain habitats will be sought, in particular within the Biodiversity Opportunity areas, where this site is located.

Considering these objectives, it would be important for the outbuildings to incorporate biodiversity features, such as bird boxes. The submitted landscaping plans include 2 bat boxes, 2 hedgehog houses, and 3 bird boxes as well as native and wildlife benefitting species to be planted across the site, and as these would form part of any forthcoming approval, these details would have to be carried out as permitted. Any associated external lighting (and, therefore, any increase in light spill) should also be considerate of the biodiversity designation and as this is not shown on the submitted plans, it should be conditioned.

Biodiversity Net Gain (BNG)

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

In this case, the proposed development is covered by an exemption as it is a householder application. BNG is therefore not required in this case.

Conclusion

Subject to conditions, the proposal is considered to have overcome the previous refusal grounds from application 20240559 in relation to the engineering operations undertaken at the site, and the development overall is deemed to be not inappropriate development in the Green Belt, plus it is acceptable in terms of the impact on the character and appearance of application site itself and on the of the surrounding rural landscape, including the Shorne Woodlands Landscape Character Area and the setting of the adjacent National Landscape.

The proposals would therefore comply with the requirements of Policies CS02, CS12 and CS19 of the Core Strategy 2014, saved Policies C13 of the Local Plan 1994, and paragraphs 131, 135, 142, 143, 153, 154, 187, 189 and 193 of the NPPF 2024.

Recommendation

Planning permission subject to conditions.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Mrs Faye Walsh
Signed:	<i>K. Parkin</i>	Signed:	<i>F Walsh</i>
Dated:	26th June 2025	Dated:	01 July 2025