

## Delegated Report

**Application No:** 20240283

**Location:** Plot 19 Rhododendron Avenue Meopham Gravesend Kent

**Description:** Change of use of stable block to create detached dwelling plus associated residential curtilage and use of existing vehicular access.

**Applicant:** Mr A Sankey and Mrs A Thompson

**Site Visit Date:**

### Submitted Documents/Plans

The application comprises the following documents and plans:

- Application form.
- Drawing no. 3882-01 Site Location Plan.
- Drawing no. 3882-02 Existing Block Plan.
- Drawing no. 3882-03 Existing Floor Plan and Elevations.
- Drawing no. 3882-04 Proposed Block Plan.
- Drawing no. 3882-05 Rev A Proposed Floor Plan and Elevations.
- Ecological Impact Assessment (17 October 2024).
- Bat Survey Report (7 August 2004).
- Sitecheck Assessment (25 August 2023).
- Phase 1 Geo Environmental Desk Study and Preliminary Risk Assessment (October 2023).
- Planning, Design and Access Statement (March 2024).
- Structural Assessment (December 2023).

### Relevant Planning History

The planning history relating to this site is summarised below.

| <u>Application No.</u> | <u>Description</u>                                  | <u>Status</u>             | <u>Decision</u>          |
|------------------------|-----------------------------------------------------|---------------------------|--------------------------|
| 19970848               | Construction of manage in part of existing paddock. | Approved                  | 08.01.1998               |
| 19960762               | Construction of manage in part of existing paddock. | Refused                   | 20.12.1996               |
| 19940507               | Construction of sand manege.                        | Refused<br>Appeal Allowed | 28.10.1994<br>07.11.1995 |

|          |                                                                                                                                                                                                     |                               |                              |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|------------------------------|
| 19940453 | Variation of condition (iv) granted planning permission under GR/93/418 to allow a maximum of 6 jumps to be placed on the land for a maximum of 3 days per week for a temporary period of one year. | Refused<br><br>Appeal Allowed | 28.10.1994<br><br>07.11.1995 |
| 19930418 | Erection of a stable block comprising of hay store and two stables.                                                                                                                                 | Approved                      | 31.08.1993                   |

## Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Courts have held that it is a matter of planning judgement as to whether a proposal is in accordance with the development plan when 'read as a whole' and conflict with a particular policy or policies may not pass that threshold.

Where there are other material considerations, the development plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date.

In this instance the development plan for Gravesham currently comprises: -

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

### Gravesham Local Plan Core Strategy (September 2014):

- Policy CS01 – Sustainable Development
- Policy CS02 – Scale & Distribution of Development
- Policy CS11 – Transport
- Policy CS12 – Green Infrastructure
- Policy CS18 – Climate Change
- Policy CS19 – Design & Development Principles

### Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 – Vehicle Parking Standards.
- T1 – Impact of Development on the Highway Network.

Paragraph 33 of the NPPF (2023) 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 First Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

## National Planning Policy Framework (2023)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed and beautiful 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

- Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020.
- Technical Housing Standards – nationally described space standard (2015); and
- SPG 4 - KCC Parking Standards (2006).
- Design for Gravesham (2024).

## **Consultations, Publicity and Representations**

### Meopham Parish Council

Following discussion by our Planning Applications Working Group the Council wishes to provide the following response:

We would recommend refusal on the grounds that this would constitute inappropriate development in the green belt as no authorised dwelling had previously existed on the site and a dwelling would contribute to the erosion of the rural character of this part of the Valley area.

### Environment Agency

Due to the scale, nature and setting of this proposal and the supporting information submitted, we have assessed this proposal as low risk. We therefore do not have any specific comments to add.

### The Environment Agency's Approach to Groundwater Protection

We recommend the applicant/enquirer refers to our groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including:

Waste management  
Discharge of liquid effluents  
Land contamination  
Ground source heat pumps  
Cemetery developments  
Drainage  
Land contamination: risk management and good practice

We recommend that developers should:

Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination  
Refer to our Guiding principles for land contamination for the type of information that we require in

order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health

Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed

Refer to the contaminated land pages on gov.uk for more information

### Drainage and infiltration

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

### Discharge of treated sewage effluent

If you are proposing a non-mains drainage solution the following form should be completed:

<https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

The discharge of domestic sewage associated with this development may be subject to General Binding Rules (GBRs) under the Environmental Permitting (England & Wales) Regulations 2016, which provide a statutory baseline of good practice. You can find more information online at <https://www.gov.uk/permits-you-need-for-septic-tanks/permits> or contact us on 03708 506506. If your proposal cannot meet the GBRs then a permit will likely be required.

Please note that our advice is applicable for the information made available to us at this point. If, at any stage, this information changes, we will need to be informed and re-consulted.

### KCC Biodiversity

We previously requested additional information is sought from the applicant prior to determination of the planning application. This included further surveys for bats and further details of the impact on reptiles.

We are satisfied with the bat survey information provided and highlight that two day roosts were reported present within the building and a protected species licence will be required from Natural England for the works.

A mitigation strategy for reptiles has been provide but has omitted to provide information regarding permission from the adjacent landowner, if reptiles are to be pushed onto the adjacent land. Further information can be provided under condition.

### **Bats**

Bats are fully protected through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Some species of bat (e.g., Bechstein's, noctule, soprano pipistrelle, brown long-eared) are also listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 as Species of Principal Importance (aka. Priority Species) for conservation. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including the local planning authorities, to conserve and enhance biodiversity. Government standing advice indicates that local planning authorities must have regard for the conservation of Section 41 species as part of their planning decisions.

The application is a conversion of a former stables, in close proximity and connected to deciduous and ancient woodland. The building structure has wooden cladding and a tiled roof and as such was noted in the PEA, that it could support protected species such as bats. Further bat emergence surveys were conducted 14/5 to 17/7/24 and the building was found to support 2 common pipistrelle summer day roosts, under the timber cladding and tiled roof. A European protected species mitigation licence will be required for the proposed mitigation in the EclA appendix 1, Native Ecology.

If the loss of roosting space for bats is unavoidable, the applicant must demonstrate that there will be no net loss of roosting sites, roost types are compensated for in line with current guidance<sup>1</sup>, and the affected bat population can continue to function as before. The mitigation strategy proposes one bat box to be installed prior to works. As there should be no net loss to roosting spaces we would expect 2 boxes to be placed for mitigation within the site. The mitigation strategy should be included within a Construction Ecological Management Plan (CEcMP), detailed further below.

Government standing advice indicates, that the local planning authority must have enough information prior to determination to be confident that a Natural England mitigation licence will be issued. And any proposed mitigation and compensation measures must not conflict with the requirements of a Natural England mitigation licence.

A sensitive lighting strategy will be required for this site, detailed below.

## **Lighting**

Nocturnal animals (including bats) are likely to be using the site and surrounding area for foraging and commuting and any lighting associated with the proposal may have a negative impact, especially any light spill to hedgerow boundaries and trees on the site. We advise that a condition will be required for the external lighting and will require the following requirements:

- Plan showing location of lighting, light fittings and light spill
- Downward facing
- On a motion sensor (where possible)
- Follow the recommendations within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'

<https://www.bats.org.uk/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-note-update-released>

## **Breeding Birds**

We note from the PEA an existing bird nest within the building and so there is potential for breeding birds to make use of the buildings. Scrub removal will also take place and the timing will need to avoid or be mitigated against during the breeding bird season. To avoid breaches of legislation when the conversion to a dwelling and clearance works occurs, we would recommend that a breeding bird precautionary mitigation is included in the CEcMP. Suggested enhancement measures in the PEA have included bird box provision.

## **Reptiles**

The grassland and scrub have been noted in the PEA as suitable habitat for reptiles and the historic aerial imagery show visible grassland for a number of years. The PEA has covered a larger area than the development footprint and the majority of the area to be impacted is unvegetated. The PEA has made recommendations for a reptile survey, but it may not be required

for this application.

We recommended in our previous comments, Apr 24, that information is provided clarifying if a reptile survey is required for this application or if a precautionary mitigation approach to push the reptiles in to the adjacent sites can be implemented within the site. We noted that the applicant does not own the whole of the site included within the PEA and therefore we advised that a mitigation strategy is provided with landowner agreement, if required, prior to works commencing. We suggest the condition wording below

*Prior to works commencing, a reptile mitigation strategy must be submitted to and approved in writing by the Local Planning Authority which details all pre-works mitigation for reptiles, including any permission required from adjacent landowners. Any measures that are identified are in place and will be maintained, throughout the construction period in accordance with the approved details.*

We have received an updated EcIA which does give greater detail on the reptile mitigation, but we assume that as this has been amended, and no further surveys are detailed, that no further surveys are required. Unfortunately, the information we requested regarding permission to encourage the reptiles into the adjacent site, if proposed, has not been received. Therefore, we will require further information for reptiles which can be provided within a revised mitigation strategy for reptiles, to be included as part of the CEcMP, detailed below.

### **Construction Ecological Management Plan**

We suggest that the below wording is included as a condition for a Construction Ecological Management Plan (CEcMP – biodiversity) if planning permission is granted. This will mitigate for impacts to biodiversity and help ensure compliance with relevant legislation. The plan will include mitigation strategies, as outlined in the EcIA and bat mitigation strategy, and will include revisions noted above to clarify actions planned for reptiles.

*Prior to commencement of works (including site clearance), a construction environmental management plan (CEcMP) will be submitted to and approved in writing by the local planning authority. The CEcMP will be based on the recommendations in Appendix 1 of the EcIA, Native ecology, 17/11/24 report and include the following:*

- *Risk assessment of potentially damaging construction activities;*
- *Identification of 'biodiversity protection zones';*
- *Extent and location of proposed works (including receptor areas(s) in case animals are encountered during development) shown on appropriate scale maps and plans for all relevant species and habitats;*
- *Reference to the relevant, granted, protected species licences (e.g., bats) obtained in advance of site clearance/construction and any relevant mitigation measures required;*
- *Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of species or habitat-specific method statements);*
- *The location and timing of sensitive works to avoid harm to biodiversity features;*
- *The times during construction when specialist ecologists need to be present on site to oversee works;*
- *Responsible persons and lines of communication;*
- *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, and;*
- *Use of protective fences, exclusion barriers and warning signs.*

*The approved CEcMP will be adhered to and implemented throughout the construction period in*

accordance with the approved details.

## **Enhancements**

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system. As such, if planning permission is granted, we advise that a condition is included requiring an ecological enhancement plan to be submitted. We note that some enhancements have been outlined in the EclA and condition wording is suggested below.

*Within three months of works commencement, a detailed plan(s) showing how the development will enhance biodiversity, will be submitted to, and approved in writing by, the local planning authority. This will include a detailed landscaping plan, with native and wildlife-friendly planting, integrated wildlife features and durable bat and bird boxes aimed at species of conservation concern. The approved measures will be implemented and retained thereafter.*

## **KCC Public Rights of Way and Access Service**

I can confirm that I do not have any objections to the above planning application at Plot 19, Rhododendron Avenue. Access to Plot 19 is via Public Right of Way Bridleway NS293 and vehicles should be driven with care over the bridleway so as not to damage the surface. Any damage caused by construction traffic would need to be repaired at the applicants' expense, and contractors should be made aware that there will likely be frequent use of the route by pedestrians, cyclists and horse riders. I enclose a copy of the Public Rights of Way network map showing the line of the path for your information.

The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs.
- The duration of the closure is kept to a minimum.
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks notice is required to process any applications for temporary closures

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

## **GBC Environmental Protection**

There is no objection to this application. The Phase 1 Geo Environmental Desk Study and Preliminary Risk Assessment by R. Carr has been reviewed. The report does not highlight any contaminative uses of concern in the area, The site is assessed as low risk, and this is agreed with. However, it is recommended that a watching brief condition is attached to any permissions to ensure that any contamination found during the development is addressed correctly.

## **Watching Brief**

The applicant shall undertake a watching brief during construction in case any contamination issue

is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

### **Drainage/sewerage informative**

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable. If foul sewage is to be removed using non-mains sewerage systems, a sewage treatment plant or septic tank system will be considered in preference to a cesspool. Such a system may require the prior consent of the Environment Agency under the terms of the Water Resources Act 1991. Applicants are therefore advised to discuss their requirements with the Environment Agency at the earliest opportunity. It should be ensured that the septic tank or cesspool is of adequate capacity to serve the proposed development and suitable access and hardstanding area shall be maintained to it on site.

### **Lighting**

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new property in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

### **Neighbouring properties**

4 surrounding properties were consulted and a site notice displayed. One representation has been received which neither objects to or supports the application.

### **Analysis**

The application site lies on the western side of Rhododendron Avenue and comprises a stable building which accommodates two stables and a hay store. This building is located at the western end of the site.

The application site is defined on the Core Strategy Policies Map as lying within the rural area and the Metropolitan Green Belt.

This proposal involves the conversion of the existing building into a residential dwelling. Minor elevational changes are proposed to facilitate the conversion. The proposed dwelling would accommodate one bedroom, a living/kitchen area and a bathroom.

The main planning considerations relating to this proposal are:

1. Housing need and the principle of development.
2. Is the proposed development appropriate in the Green Belt?
3. The effect of the proposal on the openness of the Green Belt.
4. Five purposes of the Green Belt.
5. Design and visual impact.
6. Impact on landscape.
7. Impact on residential amenity.
8. Highway issues.
9. Cycle and refuse storage.
10. Impact on biodiversity.

These issues are assessed below:

## Housing need and the principle of development

Hopkins Homes Ltd v Secretary of State for Communities and Local Government [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

*It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than "guidance" and as such a "material consideration" for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme.*

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5-year housing land supply statement in March 2023. It demonstrates that based on data for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2023). This requires that in regard to housing development, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

The policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 7 (rather than those in development plans) relating to:

*...habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change.*

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the NPPF and established local planning policy taken as a whole.

Is the proposed development appropriate in the Green Belt?

The site is defined on the policies map of the Core Strategy as lying within the Green Belt and a rural area. In the consideration of this proposal, Policy CS02 of the Core Strategy is relevant. Development in the urban area is prioritised as the sustainable location for development. In the rural area, Policy CS02 states that development will be supported within rural settlements that are inset from the Green Belt and defined on the policies map. Development outside those settlements, i.e. in the Green Belt, will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the Local Plan Core Strategy. This site lies outside the confines of any rural settlements inset from the Green Belt.

National policies for protecting the Green Belt are set out in Section 13 of the NPPF.

Paragraphs 152 and 153 are particularly relevant in the consideration of planning applications within the Green Belt:

- 152. *Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*
- 153. *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

Paragraph 155 confirms that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of the land within it. This includes:

- d) *the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);*

The application is accompanied by a structural assessment of the building which has been carried out by TSC Consulting Engineers Ltd. The assessment provides the following conclusion:

*As previously stated, the purpose of this report was to establish whether the existing building could be converted for domestic use and qualify such conclusions with details of general repair. From our observations we are of the opinion that the proposed conversion is a viable undertaking and that the building is sound and not in need of major reconstruction and can remain standing as existing throughout the construction process. The drawings produced to date, including the existing and proposed layouts can be considered as a logical and sympathetic use of a redundant farm building without involving any major or substantial reconstruction works. As with any scheme of this nature certain elements of the work will be required to meet the building regulation requirements, but these will be primarily concerned with finishes and insulations. The primary structure of the building may be retained without any upgrading.*

As this indicates that the building is of permanent and substantial construction, in accordance with paragraph 155 d) and e) of the NPPF this proposal would not be inappropriate development in the Green Belt provided that it preserves its openness and does not conflict with the purposes of the land within it. These issues are discussed below.

#### The effect of the proposal on the openness of the Green Belt

Paragraph 142 of the NPPF refers to the open character of Green Belts:

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

In order to meet the requirements of paragraph 155 of the NPPF the proposal would also need to preserve the openness of the Green Belt.

This proposal does not include the extension of the existing building or the provision of any additional buildings within the site. In this respect there would be no impact on the openness of the Green Belt. A hardstanding area would be provided at the eastern end of the plot which would provide an on-site parking and turning area. It is considered that this would also not impact upon the openness of the Green Belt.

#### Five purposes of the Green Belt

Paragraph 143 of the NPPF defines the five purposes of the Green Belt as follows:

- 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.

An analysis as to whether the proposal would conflict with these purposes is set out below:

#### *To check the unrestricted sprawl of large built-up areas*

The proposal is located in a rural area and not in proximity to a large built-up area. Furthermore, no new built development is proposed and as such the proposal would not result in “the unrestricted sprawl of large built-up areas”.

#### *To prevent neighbouring towns merging into one another*

The proposal is located in a rural area and not in proximity to any towns. As such the proposal would not contribute to neighbouring towns merging into one another.

#### *To assist in safeguarding the countryside from encroachment*

This application relates to the conversion of the existing building. No new built development is proposed. As such there would be no encroachment of the countryside.

#### *To preserve the setting and special character of historic towns*

The application site is not located in proximity to any historic towns.

*To assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

The application site is not in the urban area and does not comprise urban land.

In light of the above, the proposal would not conflict with the five purposes of the Green Belt.

In summary the proposal would comprise a form of development that, in accordance with paragraph 155 of the NPPF, would not be inappropriate in the Green Belt. It would preserve the openness of the Green Belt and would not conflict with the purposes of the land within it.

### Design and visual impact

At a national level good design is one of the central requirements of the NPPF:

*The creation of high quality, beautiful and sustainable buildings and places is the fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. (paragraph 131).*

The aims set out in paragraph 131 of the NPPF are reflected in Policy CS19 of the Council's Core Strategy. This requires new development to be "visually attractive, fit for purpose and locally distinctive" and to "conserve and enhance the character of the local built, historic and natural environment". It also requires new development to "integrate well with the surrounding local area". In addition, Policy CS19 requires the following:

*....the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. Account will be taken of the scale, height, building lines, layout, materials and other architectural features of adjoining buildings.*

Design for Gravesham (2024) expands on the Core Strategy, and Policy CS19 in particular to provide additional clarity on what is expected of applicants when submitting design proposals, setting out the minimum requirements to achieve design quality.

Rhododendron Avenue is characterised by a mixture of dwellings, caravans and other structures. The dwellings are of differing architectural styles and tend to be located on spacious plots.

This proposal relates to the conversion of the existing building. No additional buildings or structures are proposed. There would be minor changes to the elevations of the building. These would comprise modest changes/alterations/additions to fenestration and door openings. They would be limited and would not have a significant or detrimental impact on the character and appearance of the building or the wider locality.

A hardstanding area would be provided at the eastern end of the plot adjacent to the highway. This would comprise a gravel impermeable surface to provide a small parking and turning area to serve the proposed dwelling. A macadam surface would be provided between the gate/fencing to the front of the property and the public highway. This would be acceptable in terms of its visual impact within this locality.

New boundary treatments are proposed which include timber post and rail fencing and timber close boarded fencing. An appropriate condition requiring details of boundary treatments to be submitted for approval would ensure that the design of all fencing is appropriate in this rural location.

In light of the above, the design and visual impact of this proposal is considered acceptable. The development would meet the tests set out in the NPPF and Policy CS19 of the Core Strategy.

#### Impact on landscape

Section 15 of the NPPF highlights the importance of conserving and enhancing the natural environment, one aspect of which is the protection and enhancement of valued landscapes. Policy CS12 of Gravesham Local Plan Core Strategy states that the overall landscape character and valued landscapes within the Borough will be conserved, restored and enhanced and that proposals will take account of the Gravesham Landscape Character Assessment.

The site is located within the Harvel Wooded Downs Character Area. The key characteristics are defined in the Gravesham Landscape Character Assessment as follows:

- *Varied topography with steep valley sides and plateaux*
- *Ancient woodland, chestnut coppice and small paddocks and pasture*
- *Traditional historic settlement of Harvel set around village green*
- *Occasional traditional farmsteads*
- *Haphazard mosaic of residential plots and small holdings set within the woodland*

The Gravesham Landscape Character Assessment states that the strong landscape elements within the Harvel Wooded Downs should be conserved, whilst design standards should be defined to halt the erosion of the area with inappropriate development.

In light of the considerations set out above under the sub heading “design and visual impact” it is considered that this proposal would not conflict with the characteristics of the Harvel Wooded Downs Character Area as identified in the Gravesham Landscape Character Assessment and would meet the tests set out in Policy CS12 of the Core Strategy.

#### Impact on residential amenity

Paragraph 135 of the NPPF requires planning decisions to, *inter alia*, provide “a high standard of amenity for existing and future users”. In addition, Policy CS19 of the Core Strategy requires new development to be located, designed and constructed to “safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land”.

The proposed dwelling is not located in immediate proximity to neighbouring properties. Due to the separation distance from the nearest residential dwellings and the modest size of this single storey dwelling, there would not be a detrimental impact upon neighbouring occupiers in terms of loss of privacy, sunlight, daylight or outlook.

The “Technical housing standards – nationally described space standard” was published by the Department for Communities and Local Government in March 2015. This document sets out requirements for the gross internal area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.

The proposed dwelling would comprise a single-storey, one bedroom, one person dwelling. The required minimum gross internal floor area for such units is 37.0m<sup>2</sup>. The gross internal floor area of the proposed dwelling is 37.0m<sup>2</sup>. As such it would meet the required standard. It would also meet the minimum standards for room sizes as set out in the Council’s adopted Residential Layout Guidelines.

The Gravesham Residential Layout Guidelines (2020) require a minimum garden area of 37.2m<sup>2</sup>

for a one or two bedroom property and a minimum depth from the rear wall of the house of 7.6m. The property would benefit from a substantial garden area that would significantly exceed the minimum required garden area. As the rear wall of the dwelling would be located in proximity to the western boundary of the site, it would not be possible to achieve a depth of 7.6m from the rear wall of the house. However, due to the generous size of the overall plot it is considered that a flexible approach can be taken in this particular case.

In light of the above, this proposal would not have a detrimental impact on the amenity of neighbouring occupiers and would provide an acceptable level of residential amenity for future occupiers of the proposed dwelling. As such it would meet the tests set out in paragraph 135 of the NPPF and Policy CS19 of the Core Strategy.

#### Highway issues

Policy CS11 of the Core Strategy seeks to ensure that new development mitigates its impact on the highway and that sufficient parking is provided in accordance with adopted parking standards, reflecting the availability of public transport provision and the accessibility of local services and facilities. Saved Policy P3 of the Gravesham Local Plan First Review requires development to make provision for vehicle parking in accordance with the Kent County Council Vehicle Parking Standards.

The submitted drawings indicate that sufficient on-site car parking would be provided to serve the development which would meet the requirements of existing car parking standards. In addition, there would be a sufficient turning area which would enable vehicles to enter and exit the site in a forward direction.

A 1.2m high automatic timber five bar gate would be provided in proximity to the eastern boundary of the site. This would be set back from the back edge of the highway by 6.0m. This would be sufficient to enable vehicles to park off the highway while the gates are opened and closed.

In light of the above it is considered that this proposal would be acceptable in terms of highway safety.

#### Cycle and refuse storage

The current Kent County Council Vehicle Parking Standards provide minimum cycle parking standards. For residential dwellings there is a requirement of one space per bedroom. Although the submitted drawings do not indicate any cycle storage facility, this can be secured through an appropriately worded planning condition.

Paragraph 32 of the Council's Residential Layout Guidelines (2020) relates to refuse storage and contains the following requirement:

*Refuse containers shall be provided on a hardstanding and within purpose built enclosures, which are readily accessible for collection.*

Although an area for bin storage has been shown, the level of detail provided is limited. A condition requiring the submission of full details of refuse storage has therefore been added to the recommendation.

#### Impact on biodiversity

Paragraph 180 of the NPPF requires that planning policies and decisions should contribute to and enhance the natural and local environment by, *inter alia*, "minimising impacts on and providing net gains for biodiversity".

In addition, paragraph 5.7.24 of Policy CS12 of the Core Strategy states:

*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 shown on the Strategic Green Infrastructure Network map and within new development.*

The applicant has submitted an Ecological Impact Assessment and a Bat Survey Report. The comments of KCC Biodiversity have been noted and the suggested conditions added to the recommendation below. It is considered that this will ensure that the requirements of the NPPF and Policy CS12 of the Core Strategy are met.

## **Conclusion**

In summary it is considered that the broad principle of this development is supported in policy terms at a national and local level. Furthermore, it has been shown that the development would not constitute inappropriate development within the Green Belt.

The limited alteration to the external appearance of the existing building would be acceptable and would not harm the openness of the Green Belt. Furthermore, it has been shown that the design and visual impact of the proposal together with its impact on the Harvel Wooded Downs Character Area would also be acceptable. The proposal has also been shown to be satisfactory in terms of its impact on residential amenity and highway issues.

It is acknowledged that the Council is currently unable to demonstrate a five-year housing supply and as the delivery of housing is substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Policy CS02 of the Core Strategy must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF. The proposed development for a net increase of one dwelling would offer a limited contribution towards meeting this local need and delivery and, accordingly, adds further weight in support of the application.

## **Recommendation:**

GRANT PLANNING PERMISSION subject to Conditions

**See draft Decision**

|                                                                                                    |                                                                                                     |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Case Officer: Gary Edwards</b>                                                                  | <b>Team Leader: Richard Hart</b>                                                                    |
| <b>Signed:</b>  | <b>Signed:</b>  |
| <b>Dated: 04/12/2024</b>                                                                           | <b>Dated: 6<sup>th</sup> December 2024</b>                                                          |