

Delegated Report

Planning Application

Planning Application No: 20240139

Location: Barn North Of Abbey Farm Barn, Church Street, Higham,
Rochester ME3 7LS

Description: Change of use of an agricultural building into Five Holiday Let
Accommodation Units.

Applicant: Mr Steve Naish, Provectus Developments Limited

Submitted Documents/Plans

Preliminary Roost Assessment
Structural Report by ABP
Structural Report Photos
Flood Risk Assessment
Planning Statement
Heritage Statement
Proposed block plan
Site Plan
Topographical drawing
Proposed plans

Relevant Planning History

20230399 Change of use of an agricultural building into Five Holiday Let Accommodation Units.
Refused 21 August 2023

19791034 Erection of agricultural building for housing cattle
Permitted 31.12.1979

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS09 – Culture and Tourism
- CS10 – Physical and Social Infrastructure
- CS11 - Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- C11 - Policy for Change of Use of Redundant Buildings in the Countryside
- T1 – Impact of Development on the Highway Network
- TC2 – Policy for Listed Buildings
- TC3 – Development Affecting Conservation Areas

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 1st 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 6 – Building a strong, competitive economy
- Section 8 – Promoting healthy and safe communities
- 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
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- SPG 4 - KCC Parking Standards (2006);
- Gravesham Landscape Character Assessment (2009)
- Church Street, Higham Conservation Area Appraisal (2017)
- Management Plan – Rural Conservation Area Appraisal (2016)

Consultations, Publicity and Representations

Consultees

North Kent Marshes Internal Drainage Board

The site is within the Internal Drainage District (IDD) of the North Kent Marshes Internal Drainage Board (NKMIDB) and we note that the proposals are for internal changes only. It follows that the impermeable area of the Site will remain as existing, and the proposed surface water drainage system for the Site will also remain as existing, albeit with any necessary repairs/upgrades. Should this proposal alter, the Applicant is advised to contact the Board as a discharge of surface water to a watercourse or an increase in impermeable area may require land drainage consent in with the Board's Byelaws.

Given there is no formal existing arrangement for surface water disposal, it would be prudent to condition any permission that prior to development a detailed assessment outlining the existing arrangement for surface water disposal and any required alterations, is submitted to and approved by the local planning authority. It would also be prudent to formally condition any permission that prior to development a maintenance schedule for the surface water arrangement is submitted to and approved by the local

planning authority.

Similarly, a planning condition covering a scheme for the disposal of foul water should be considered detailing the 'private treatment system' proposed.

We note the Environment Agency has no objection to the development subject to it being in accordance with the Flood Risk Assessment (FRA) by Create Consulting Engineers and finished floor level being above 4.55 metres AOD. The EA go on to recommend that any site occupiers consider registering with 'FloodLine' and recommend that flood-resistant and resilient measures are incorporated into the design and construction of the development proposals. The LPA may wish to consider going further and condition any permission that prior to development a detailed scheme for flood resistance and flood resilience measures is submitted to and approved by the local planning authority, including details of the finished ground floor level, flow routing for flood water from rainfall events in exceedance of the drainage design capacity (i.e. the 100 year plus 40% climate change) and an evacuation plan formalised into a standalone document detailing a place of refuge given the potentially non-local nature of the occupants.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information. The Board would be very grateful if its comments were used in their entirety.

KCC Biodiversity Officer

SUMMARY – ADDITIONAL INFORMATION REQUIRED

We have reviewed the ecological information submitted in support of this application and advise that additional information is sought from the applicant prior to determination of the planning application.

Ecological Impact Assessment

The submitted information only addresses a preliminary appraisal of potential impacts to roosting bats and barn owls. There is no evidence submitted that the further survey work recommended for roosting bats has been undertaken. Additionally, submitted information does not address potential impacts to other protected species that may occur within the construction zone (e.g., in vegetation around the barn for conversion), neither does it address the potential impacts upon designated sites within 10-85m of the site.

The following sites are within 10m of the site: Thames Estuary and Marshes Ramsar Site, South Thames Estuary and Marshes Site of Special Scientific Interest (SSSI). The following sites are within 85m of the site: Thames Estuary and Marshes Special Protection Area (SPA). The applicant is required to submit sufficient information to allow the Competent Authority to carry out a Habitats Regulations Assessment.

The correct document for submission with a planning application is an Ecological Impact Assessment (EclA)¹ that addresses all potential impacts within the zone of influence of the site. We therefore request that prior to determination, an EclA be submitted.

The EclA should be based on final designs, and include the following:

- Details of the impacts of development proposals on the ecological baseline established via Preliminary Ecological Appraisal (PEA) and any additional surveys undertaken;
- Details of any appropriate and achievable ecological mitigation and/or compensation measures;
- Details of ecological enhancement measures; and
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

The above is in alignment with paragraph 99 of ODPM 06/2005 which states "it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision".

An EcIA prior to determination also helps ensure alignment with the National Planning Policy Framework (NPPF 2023) and the Natural Environment and Rural Communities Act (NERC) Act 2006. Under section 40 of the NERC Act (2006) and paragraphs 180 and 186 of the NPPF 2023, biodiversity should be maintained and enhanced through the planning system. As such, we advise that information is submitted within the EcIA to demonstrate that the development can achieve a biodiversity net gain. This can be via a qualitative or quantitative assessment carried out by suitably qualified ecologist.

North Kent Sites

The development includes proposals for holiday accommodation within the zone of influence (ZOI) (6km) of the Thames Estuary and Marshes Special Protection Area, and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Gravesham Borough Council must consider the impact the proposal will have on these designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework (NPPF) 2023.

Gravesham Borough Council will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMMS). This is to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full Appropriate Assessment is needed under the Habitats Directive.

1 CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.2. Chartered Institute of Ecology and Environmental Management, Winchester.

Therefore, we advise that due to the need for the application to contribute to the North Kent SAMMS, there is still a need for an appropriate assessment to be carried out as part of this application. The responsibility for carrying out a Habitats Regulations Assessment (HRA) Screening and Appropriate Assessment lies with the Competent Authority.

Consultation

The Natural England Impact Risk Zone for the site indicates that all planning applications (except householder) at this location will require consultation with Natural England.

The Conservation of Habitats and Species Regulations 2017 Regulation 63 (3) also indicates that for Special Areas of Conservation (SACs) and Special Protection Areas (SPAs): "The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies." The local planning authority (the "Competent Authority") must therefore consult with and take into consideration Natural England's advice in determining the application. The local planning authority also needs to be confident that proposals will not adversely affect these sites in line with the NPPF 2023.

Southern Water

Foul and Surface Water Drainage

The Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Dickens' Country Protection Society

The Society would wish to register an objection to this application on the grounds that the site is in an area within which Green Belt Policies apply where new residential development would not normally be permitted. No very special circumstances have been put forward to warrant overriding Green Belt Policy.

In the Society's view the barn building is not suitable for conversion. The building requires too much new building for it to be considered suitable for conversion.

The development, if permitted, is likely to result in associated changes and additions relating to its residential use to the detriment of the rural character of the area.

The site immediately adjoins an area protected under the International RAMSAR Convention where any activity likely to impinge on wildlife (by virtue of human activity and disturbance from pets, etc) should be avoided.

Church Street is approached by a single-track road and any development likely to result in an increase in traffic should be avoided.

Higham Parish Council

As a Parish Council, we feel it is in the best interest of our village and fellow residents to object to and provide comments for the planning application that has been submitted for the above property for 'Change of use of an agricultural building into 5 Holiday Let Accommodation Units.'

We have several reasons for objecting to this planning application. Firstly, the subject barn is situated within the Green Belt and our councillors feel strongly about protecting such land from development as well as not setting a precedent for similar land in the village and surrounding areas. Moreover, the proposed holiday let would be accessible via a single-track road, which our councillors feel would be unsuitable for this type of business, where multiple vehicles would be accessing the property. Furthermore, during the build, there would be a considerable amount of construction traffic using this single-track road for access to the site.

Secondly, there is a concern that the change of use of land would result in an increased volume of traffic through Higham, which is an already busy village.

Thirdly, because of the current agricultural use of this barn, the 'Change of Use' into 5 holiday lets would require extensive development and re-modelling work, consequently altering the character within this conservation area.

Finally, there was a previous refusal decision made on 21 August 2023, under planning application reference 20230399, due to various concerns including "The proposed change of use of barn to holiday lets will result in an increase in on-site parking and associated works such as the erection of boundary treatments and introduction of residential paraphernalia to a site that is currently undeveloped resulting in harm to the openness of the Green Belt."

"An increase in traffic and activity to this small rural conservation area and will contribute to the cumulative harm on this sensitive environment by changing the appearance of the barn resulting in harm to the character of the conservation area."

"Similarly, it would not accord with the aims of paragraphs 130 and 174 of the National Planning Policy Framework 2021 that seeks that developments should be sympathetic to the local character and landscaping setting and recognise the intrinsic character and beauty of the countryside."

Please consider our objections and comments carefully, as well as the previously refused decision, when reviewing this planning application.

Environment Agency

Thank you for consulting us on the above application. We have no objections subject to the following planning conditions being applied to any planning permission granted.

Flood Risk

We have reviewed the proposal as submitted, including the Flood Risk Assessment (FRA) by Create Consulting Engineers LTD (reference: GB/VL/P22-2731/01), dated: December 2022). The proposal will meet the requirements of the National Planning Policy Framework if the following measure detailed in the FRA is implemented and secured by way of a planning condition on any planning permission granted.

Condition 1 Finished floor levels

The development shall be carried out in accordance with the Flood Risk Assessment (FRA) by Create Consulting Engineers LTD (reference: GB/VL/P22-2731/01), dated: December 2022) and the following mitigation measures it details:

- The finished floor level of the proposed ground floor will be no less than 4.55 metres Above Ordnance Datum.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

The application site lies in within Flood Zone 3 defined by the National Planning Policy Framework as having a high probability of flooding. By providing 600mm of freeboard, or greater, to the 1% Annual Exceedance Probability (AEP) of flooding with allowance for climate change, the occupants of the application site will be at a reduced risk of flooding from the modelled tidal flood defence breach scenarios.

Flood Risk Informative 1

We recommend that any site occupiers consider registering with the Environment Agency's flood warning service, 'FloodLine', so that they may prepare themselves in case of a flood event. This can be done by calling 0345 988 1188 to register. We recommend that flood resistant and resilient measures are incorporated into the design and construction of the development proposals, where practical considerations allow, using guidance published central Government document 'Improving the flood performance of new buildings: flood resilient construction', as also recommended within the submitted Flood Risk Assessment (FRA).

The FRA recommends that residents should monitor Environment Agency online flood warning and sign up to the flood warning service. Although this is recommended by the Environment Agency, it should be noted that the site may be inundated by flood waters were sections of the tidal Thames flood defences to breach. Such an event would not be predictable and the flood warning service should not be relied on to react to such events. The correct National Grid Reference to use for this development is TQ7171174319.

Historic England

Thank you for your letter of 10 April 2024 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

KCC Public Rights of Way Officer

I can confirm that I do not have any objections to the above planning application at the above site. Public Right of Way Footpath NS138 lays to the west of the site, and 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.

KCC Flood and Water Management

As Lead Local Flood Authority, Kent County Council are required to provide technical advice and guidance on the surface water drainage strategies, designs and maintenance arrangement put forward by developers to any new major development.

According to the Town and Country Planning (Development Management Procedure) (England) Order 2010, major development is defined in planning as any development involving any one or more of the following:

- a) The winning and working of minerals or the use of land for mineral-working deposits;
- b) Waste development;
- c) The provision of dwelling houses where:
 - i. The number of dwelling houses to be provided is ten or more; or
 - ii. The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph
- (c) (i);
- d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- e) Development carried out on a site having an area of one hectare or more.

The application under the above reference number therefore falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee. Notwithstanding the above, please feel free to contact us again if you consider there to be local flood risk issues on this site that may require further consideration.

GBC Environmental Protection

As the building has been in agricultural use, there is the potential for contamination (through storage of chemicals, pesticides etc, fuel/oil storage, repair of agricultural machinery etc). Consequently, a contamination assessment will be needed. To address this and other matters, the following conditions and informatives are recommended:

Contamination:

No development approved by this permission shall be commenced prior to a contaminated land assessment (in accordance with the CLEA guidelines and CLR 11 methodology) and if necessary an associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval.

- a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.
- b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance). If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.
- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- f) Where applicable, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period of time, and the provision of reports on the same, must be prepared and approved in writing by the local planning authority.

Following completion of the measures identified in that scheme, and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the local planning authority.

Code of Practice on Construction and Demolition:

Please apply as appropriate.

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 properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

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.

GBC Waste

I have reviewed this planning application and there are no bin storage details within the application.

Under new regulations, the development will require provision for separate refuse, recycling and food waste collections. These new regulations come into effect from 1 April 2025.

As this will be a commercial venture, the quantity of waste storage and provision of waste collection service will have to be decided by the owner of the holiday lets.

KCC Archaeology

The site lies within an area of multi-period archaeological potential but with particular interest as it lies within the probable precinct of the medieval Benedictine priory but outside the scheduled area.

No doubt your Conservation Officer will provide advice in respect of the potential impact of the proposals on the Church Street Conservation Area, in which the site is located, and nearby designated buildings and sites.

In respect of archaeological interest, development of the site could impact below-ground archaeological remains and I recommend that if planning permission were to be granted the following condition should be applied to any forthcoming consent:

To ensure that features of archaeological interest are properly examined and recorded during development works:

- A) Prior to any development works the applicant (or their agents or successors in title) shall secure an archaeological watching brief so that excavations and other development groundworks are observed and heritage assets with archaeological interest are recorded. The watching brief shall be undertaken by an archaeologist approved by the Local Planning Authority and in accordance with a Specification which has been submitted to, and approved in writing, by the Local Planning Authority.
- B) The archaeological watching brief, recording, post excavation assessment, analysis and reporting shall be carried out in accordance with the agreed Specification.
- C) Within 6 months of the completion of the watching brief a Report shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure that features of archaeological interest are properly examined and recorded in accordance with local and national planning policy

Highway Development Management Officer (from previous application)

There appears to be some issues with this application.

1. The submitted drawings and the Satellite image on Google seem to suggest the spacing between buildings is different.
2. No provision is made for cycle parking, it is therefore suggested that suitable provision should be made for the secure parking for 4 cycles, which permits one unit to be occupied by people on a cycling holiday. (SPG4 issued by KCC suggests only one space per 10 units is necessary.)
3. Reference is made to foul drainage by a package treatment plant. This is a matter for others, but they can take up a considerable area for the drainage field and it is liable to require access by a tanker at intervals. Details of this treatment plant, its location and access should all be conditioned. It is doubtful that it could be accommodated within the existing red line but am happy to be corrected. Building Regulations give the following information regarding package treatment works,

1.11 Packaged treatment works – This term is applied to a range of systems engineered to treat a given hydraulic and organic load using prefabricated components which can be installed with minimal site work. They use a number of processes which are different in detail, all treat effluent to a higher standard than septic tank systems and this normally allows direct discharge to a watercourse.

1.12 Packaged treatment works discharging to a suitable watercourse will normally be more economic for larger developments than septic tanks. They should also be considered where space is limited or where other options are not possible.

I am not aware of any local watercourse that the treatment plant could discharge to, so a drainage field would presumably be required in which case the following applies,

Drainage fields and drainage mounds

1.26 Paragraphs 1.27 to 1.44 give guidance on design and construction of drainage fields and drainage mounds to provide secondary treatment to the discharge from a septic tank or package treatment plant.

Siting

1.27 A drainage field or mound serving a wastewater treatment plant or septic tank should be located:

- a. at least 10m from any watercourse or permeable drain;
- b. at least 50m from the point of abstraction of any groundwater supply and not in any Zone 1 groundwater protection zone;
- c. at least 15m from any building;
- d. sufficiently far from any other drainage fields, drainage mounds or soakaways so that the overall soakage capacity of the ground is not exceeded.

1.28 The disposal area should be downslope of groundwater sources.

1.29 No water supply pipes or underground services other than those required by the disposal system itself should be located within the disposal area.

1.30 No access roads, driveways or paved areas should be located within the disposal area.

Additional Comments 12th July 2023.

I note there have been several objections based on traffic and provision of parking.

The Council's adopted parking standards suggest that

54. Use Class C1 covers development providing accommodation for payment (including self-catering accommodation) which cannot be classed as residential and where there is no significant element of care provided. This includes self-catering accommodation grouped together, such as caravan or chalet parks, but not individual premises which will be regarded as dwellings under Land Use Class C3. Residential hostels are however excluded are an unclassified (*sui generis*) use. Developments within this Land Use Class would include:

- hotels, motels, boarding & guest houses
- holiday/touring caravan sites & campsites

Maximum Vehicle Parking Standards

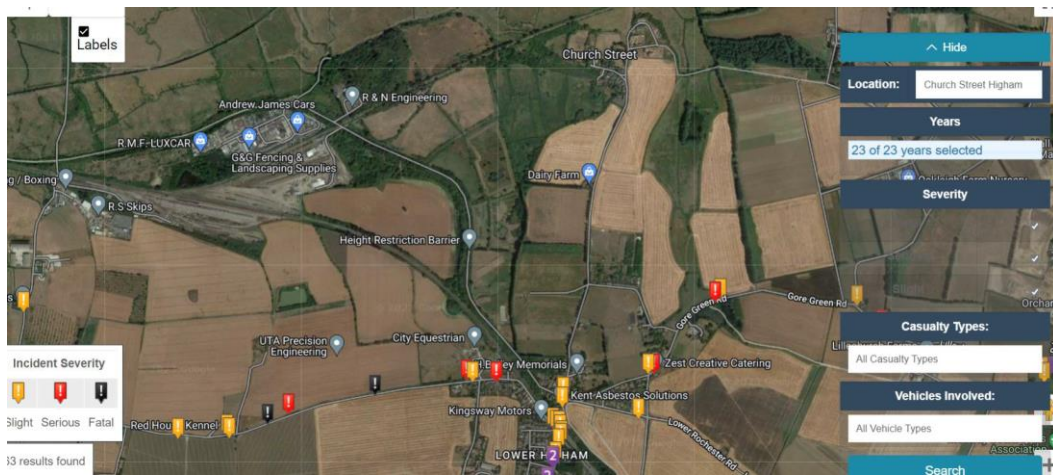
	Goods Vehicles & Coach Parking	Car Parking	
		employees	guests/visitors
Hotels, Motels, Boarding & Guest Houses	See Notes 1 & 2	1 space per 2 staff	1 space per bedroom (see Note 3)
All Other Forms of Development	see Note 1	1 space per 2 staff	1 space per unit/pitch + 1 space per 3 units of 5 person capacity or greater
Notes :	1. Adequate facilities should be provided to enable delivery vehicles to park and manoeuvre clear of the public highway. 2. For developments exceeding 20 bedrooms, suitable provision should be made for coaches. This should take the form of either: - (a) Facilities to drop-off and pick-up guests which may consist of a lay-by adjacent to the public highway or utilisation of the car parking area (exact details to be agreed with the Local Planning Authority), or (b) Coach parking provision of 1 space per 20 bedrooms contained within the allocated space for car parking. 3. An additional provision should be made where bars and restaurant facilities are open to the general public of one third of the appropriate standard contained under Class A3. For bars this equates to 1 space per 12m². for restaurants this would be 1 space per 15m².		

As the property have two bedrooms it has been assumed that the maximum capacity would be 4 people for each holiday let, but it has to be accepted that arrangements could be provided for additional people in the lounge area, resulting in 5 or 6 people being accommodated, applying the above guidance and rounding up, this would require an additional 2 parking spaces, or a limit on the number of people that can occupy each unit. In addition, there would be an argument for at least one staff parking space for maintenance and/or cleaning, although in the last instance this is liable to occur when the holiday lets are not occupied and there is space for a maintenance vehicle to park although there may not be an allocated space, a not unusual situation for this type of use.

With regards to traffic generation, paragraph 111 (now 115) of the National Planning Policy Framework states.

111 (now 115). Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Consulting Crashmap <https://www.crashmap.co.uk/Search> there is no injury accident record on Church Street (viewed 12th July 2023) and a few movements for the holiday lets will in part or total be offset by traffic movements associated with the previous use as a barn.



It is accepted that much of Church Road is single tracked with limited informal passing places. But vehicles can pass and the impact of 5 holiday lets can not be considered to be significant. The absolute maximum number of movements that I could envisage per unit, would be a return trip for breakfast, followed by return trips for a morning and afternoon excursion and an evening meal. Resulting in 8 vehicle movements per unit per day or 40 in total. This cannot be described as severe. In addition, from this total it would be necessary to subtract the number of vehicle movements associated with the use as a barn.

Depending on if there is a limit of 4 people that can be accommodated within each unit, it may be necessary to provide an extra couple of parking spaces to comply with guidance for guests. In addition, it may be desirable to provide for the parking of two maintenance and cleaning staff vehicles. The available space around the wider site would suggest this could be readily accommodated but may require some adjustment to the red line.

Neighbouring properties

The application has been advertised by site notice, press notice and individual letters to 41 neighbouring properties.

24 representations (3 from same person) have been received; 22 objections, one letter of support and one neutral. Main concerns:

- Overdevelopment and density. Five houses represents an excessive level of development, out of character
- Increase pressure on infrastructure
- Noise from increased human activity and traffic/large groups renting the properties
- Light pollution
- Inadequate provisions for traffic management and access, visitors, shopping delivers etc
- Loss of historic fabric
- Potential impact on local biodiversity/wildlife
- Lack of parking
- Lack of control over who is using the holiday lets
- Support of local economy is far fetched
- Extra waste/unsightly commercial waste bins
- Loop hole to lead to residential dwellings
- The site is within a conservation area and close to the RSPB, SSSI and RAMSAR site (the proposal wrongly states it is not in a conservation area)
- Adjacent to Grade I listed church
- Isolated location

- The proposed development would disturb the historic nature and atmosphere of the site and encourage future unwelcome development
- The barn is not derelict, it is used to support a tree surgeon's business
- One communal area will result in large bookings encouraging noise and nuisance
- The road often becomes blocked with visitors and walkers
- Boundaries should be secured to stop trespassing
- Proximity of the railway line
- There is no gas in the area which would result in tanks leading to more paraphernalia
- No mains drainage
- Main terrain is marsh
- Will do little to enhance the location
- Revised proposals do little to nothing to address the previous refusal reasons
- Residential paraphernalia
- The ecological survey was undertaken over 12 months ago
- Abbey Farm and Abbey Farm Barn are both listed
- Overlooking into Annex at Abbey Farm Barn due to elevated entrance
- Site is in the flood zone
- Site is in the green belt
- Building is not suitable to conversion as the roof purlins need replacing
- The proposed conversion would in fact be a new build due to the amount of material that would need to be removed
- The application incorrectly states there are no hedges or trees on site
- The proposal says 5 x 1 bed units but the plans show to double bedrooms

One letter of support:

- Holiday lets would not be used all the time
- People that stay in a tranquil area are there because they enjoy tranquillity
- The design of the barn should remain sympathetic

Officer's Analysis

Proposal

This application seeks planning permission for the change of use of an agricultural building into Five Holiday Let Accommodation Units. The plans are identical to the previous application (20230399) apart from now showing a communal garden surrounded by a post and rail fence.

One comment received raises concerns about the communal area being raised. However, it would appear from the plans, that the levels remain the same but the floor levels within the barn are higher than the outdoor space presumably due to the site being located within a flood zone. Steps are shown on the rear elevation however these have not been translated onto the elevational drawings.

Background

20230399 was refused for the following reasons:

1. The proposed change of use of barn to holiday lets will result in an increase in on-site parking and associated works such as the erection of boundary treatments and introduction of residential paraphernalia to a site that is currently undeveloped resulting in harm to the openness of the Green Belt contrary to policy CS02 of the Gravesham Core Strategy 2014, saved policy C11 of the Gravesham Local Plan 1994 and paragraphs 137 and 150 of the National Planning Policy Framework 2021.

2. The proposed change of use and associated works will create a form of development that will increase traffic and activity to this small rural conservation area and will contribute to the cumulative harm on this sensitive environment by changing the appearance of the barn resulting in harm to the character of the

conservation area contrary to policy CS20 of the Gravesham Core Strategy 2014, saved policies TC2 and TC3 of the Gravesham Local Plan 1994 and Section 16 of the National Planning Policy Framework 2021.

3. The proposed development, by virtue of the introduction of parking areas and other 'residential' paraphernalia conflicts with the overall aims of policies CS12 and CS19 that seek, amongst other things, to ensure all proposals for new development are visually attractive and locally distinctive, conserve and enhance the local natural environment and landscape character and integrate well with the surrounding local area. Similarly, it would not accord with the aims of paragraphs 130 and 174 of the National Planning Policy Framework 2021 that seeks that developments should be sympathetic to the local character and landscaping setting and recognise the intrinsic character and beauty of the countryside.

4. The applicant has failed to submit an Ecological Impact Assessment that addresses all potential impacts within the zone of influence of the site and therefore the proposed development fails to fully assess the impact the development on roosting bats and barn owls as well as other protected species that may occur. In addition to this the proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and therefore the development conflicts with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Principle

The site lies to the north of Church Street, Higham. It consists of a barn located within the Church Street Conservation Area close to two listed buildings and a scheduled ancient monument. To the north is another barn, more modern barn, and beyond this a railway line. To the south is a converted barn (to residential) and associated outbuildings.

The site lies within the rural area and Green Belt as defined on the adopted Gravesham Local Plan Core Strategy Policies Map.

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 National Planning Policy Framework (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.

Para. 154 deals with the construction of new buildings as inappropriate in the Green Belt. The applicant has referred to this paragraph (albeit the out of date NPPF) however as no new buildings are being constructed this is not applicable.

Para. 155 allows certain forms of development that are not inappropriate in the Green Belt provided they reserve its openness and do not conflict with the purposes of including land within it. These include the re-use of buildings provided that the buildings are of permanent and substantial construction.

The same letter as submitted with 20230399 has been submitted with this application from a structural engineer who was employed to undertake a non-intrusive inspection of the building and give an overall view on the general structural conditions of the barn with a view to domestic conversion. They were unable to advise on matters of timber decay and damp penetration. Overall the engineer surmises that the building is in good structural condition considering its age, type and use and its conversion to domestic use appears to be structurally feasible without any significant alterations to the primary structure. The opportunity to insert a first floor and new internal walls into the building would greatly increase the lateral stability of the building (it is noted however that the plans do not show a first floor). The Planning Statement says that the existing window and door openings are in need of repair and the barn will require new roof. Although not containing significant amounts of information the building therefore appears to be of permanent and substantial construction.

Openness

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.

For the reasons set out above paragraph 155(d) of the NPPF also require developments to preserve the openness of the Green Belt and not conflict with the purposes of including land within it. Aside from the barn buildings the site is undeveloped. The proposal involves the dividing of the southern most barn into five units together with five gardens.

The proposed plans show the accommodation arranged on the ground floor with parking to the front and gardens to the rear. It is acknowledged that the applicant has changed the layout to include a communal garden rather than individual gardens however the impact on the Green Belt is still considered to remain. The introduction of parking areas and cars to the front, together with a fenced off communal garden to the rear will impact on the openness of the Green Belt as there is no development currently in these areas.

Policy C11 of the Gravesham Local Plan 1994 is also relevant, albeit less so as it conflicts in part with the NPPF. This allows the conversion of farm buildings to other uses where:

- (i) It can be demonstrated that the building was originally erected as an agricultural building but is no longer needed for farming.
- (ii) The building is a substantial one, of permanent construction and is in an appropriate location in relation to roads and services.
- (iii) The building is attractive, in having some architectural, historic or landscape interest or being of a type representative of the Kent Countryside and the proposed alterations preserve that interest.
- (iv) The proposed use will diversify the rural economy and not result in the longer term dilution of farm viability*.
- (v) The curtilage is confined to the minimum necessary to operate the use.
- (vi) The nature and intensity of the proposed use is not detrimental to amenity or traffic safety.

Footnote:

* This will often rule out residential conversion

The increase in activity, car parking and boundary treatments to separate the units will ham the openness of the Green Belt in this location. The negative effect on the openness of the Green Belt would conflict with the requirements of paragraph and 155(d) of the NPPF and the aims of Green Belt policy as set out in paragraph 142 of the NPPF.

In light of this, this development must therefore be defined as inappropriate development in the Green Belt. Paragraph 152 of the NPPF advises that inappropriate development should not be approved except in very special circumstances. This issue is explored later in this report under the heading “very special circumstances”.

Design, Character, Appearance, Impact on Conservation Area and Listed Building

The site is set in attractive countryside where the land is relatively flat. It is accessed along a gravelled track leading from the public highway. Boundary treatments are low and consist of low flint walls and post and rail fences.

Church Street Conservation Area

Policy CS20 of the Gravesham Core Strategy 2014 states that proposals will be supported which preserve and, where appropriate, enhance the significance of the Borough’s heritage assets, their setting where it contributes to the significance of the asset and their interpretation and enjoyment.

The site lies within Church Street Conservation Area, adjacent to a Grade I Listed Building known as Church of St Mary and a Grade II Listed Building known as Abbey Farm Barn. The proposed development would have an impact on the setting of these heritage assets. It is noted that the planning statement says the site is not within a conservation area however this is incorrect.

In the assessment of this issue, Section 16 of the NPPF is relevant. This sets out requirements relating to conserving and enhancing the historic environment. Paragraph 200 is of particular relevance and requires the following:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 203 is also relevant and states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

Policy CS20 of the Council’s Core Strategy and saved Policy TC3 of the Gravesham Local Plan First Review 1994 are also relevant. Policy CS20 of the Core Strategy places a high priority on the preservation, protection and enhancement of the Council’s heritage and historic environment. In addition, saved Policy TC2 of the Gravesham Local Plan First Review 1994 relates to listed buildings and states that in the case of applications affecting the setting of listed buildings the primary consideration of the Borough Council will be the maintenance of the integrity of the original listed building. Saved Policy TC3 of the Gravesham Local Plan First Review 1994 requires that development within or affecting conservation areas will be carefully judged for its impact and will be expected to make a positive contribution to the conservation area.

The marshland setting of the conservation area and the Church of St Mary is open to distant views towards the Thames Estuary, between the 19C defences of Shornemead Fort (Scheduled Monument) and Cliffe Fort, which front the river. The Abbey Farm Barn and the church form key buildings within the northern section of the conservation area and the intervisibility of these buildings across open fields makes a positive contribution to their marshland setting.

St Mary's Church is known as "the church on the marsh", and its setting is most open to that marshland on its northern and western sides. It is considered that the development would alter the appearance of that setting, causing harm to the church and Abbey Farm Barn which are both listed buildings.

The Church Street, Higham Conservation Area Appraisal is relevant in the consideration of the impact of the proposal upon the setting of the conservation area. Paragraph 3.4 includes the following analysis of the character and setting:

The archaic character of the setting of the village is most evident when it is viewed from within the old reclaimed marshland fields of Higham Marsh – looking south from the railway crossing for instance. Many of the ditched and dyked fields of the marsh must retain their original forms.

The following features form the wider setting of the conservation area with the church a key feature in the landscape:

- *To the north of the village, the historic landscape of Higham Marshes*
- *To the south of the village, open arable landscapes rising to the wooded ridge running from west of Shorne east through Higham and beyond*

The proposed use would result in an increase in cars as well as activity on the site which will result in over intensification of the site and harm to the setting of the barn and peace and tranquillity of the conservation area and rural location.

Historic England's 'The Setting of Heritage Assets' (GPA 3) states that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. It is not fixed and may change as the surroundings evolve. All heritage assets have a setting and it may be more extensive than its curtilage. The setting is not just the views from the asset but can also be influenced by other environmental factors such as noise, dust and vibration from other land used in the vicinity. Likewise, some heritage assets may be only buried remains and may not be readily appreciated by a casual observer but they nonetheless retain a presence in the landscape.

With reference to the listed Barn and the Conservation Area, both are designated heritage assets. Page 11 of GPA 3 has a checklist where noise, tranquillity are listed. These are the intangible associations the Barn and Conservation area have with their surroundings and contribute to their significance. Page 13 goes onto offer a further list of wider effects including light spill, change of land use, traffic, car parking.

The Conservation Area Appraisal - Church Street Higham - refers to the associated public realm on page 12; "A very attractive highway feature is the consistent lack of kerbs to road edges. This works well because there is no through traffic and vehicle speeds are low. Thus grassed verges may abut directly onto the tarmac, stones and gravel may form a band between road and verge or garden wall, or front gardening may come quite unprotected right to the tarmac edge. Roadside parking on dirt and stones abutting the tarmac occurs in a few places, but again for the reasons just given, it is both practically and aesthetically acceptable. Workaday roughness is appropriate here."

In light of the above, it is considered that the proposal would result in harm to the setting of the existing listed buildings and the Church Street Conservation Area. Any increase of traffic in this small rural conservation area will have an adverse impact on its character. Such changes in the environment contribute to the cumulative harm on sensitive environments and will result in harm to the character of the conservation area contrary to Policy CS20 of the Gravesham Core Strategy 2014 and saved Policies TC2 and TC3 of the Gravesham Local Plan 1994.

Archaeology

The site lies within an area of multi-period archaeological potential c.50m north of the scheduled medieval Benedictine Priory of St Marys and immediately north of the area of the historic farmstead and within an enclosed area of agricultural land which, judging from historic mapping, may have traditionally been used as an orchard before the present barn was erected in the later 20th century. The site has some medieval archaeological potential but also has pre-medieval potential because of its location at the northern edge of a spur of drier bedrock surrounded by alluvial wetlands.

Groundworks associated with the proposed development may impact on below-ground archaeological remains at the site and therefore a condition is recommended to be attached to any forthcoming condition that an archaeological watching brief is secured prior to any excavations and the finding of the report submitted.

Landscape Character Area

The site lies within the Higham Arable Farmlands Landscape Character Area defined by a gently undulating topography with open arable farmland, hamlets and settlements and isolated farmlands and scattered properties with locally distinct styles and materials that contribute to the rural character of the area.

The site is located within the Higham Arable Farmlands Landscape Character Area. The key characteristics include flat grazing marsh with a lack of vegetation, sense of remoteness with extensive views across the marshes, no roads and limited development, features of historic interest and extensive views across the River Thames and to higher ground to the south. The condition is good and sensitivity is high. The guidelines are to conserve its traditional use, ecological and cultural interest, open character and the current very good condition of the marshes.

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 existing building is of an unexceptional, functional appearance. Although large, it is not out of place in a rural area. The building has been in existence since the late 1960's. It does not make a positive contribution to the character of the area but does not detract from it either, and there is consequently no imperative for its aesthetic improvement by conversion to a holiday let use.

The proposed use of the site for holiday accommodation and car parking area, would be highly visible from the surrounding area and as such would have an adverse impact on the landscape character.

The plans show the insertion of new window and door openings to the barn and gardens to the south and parking to the north. The proposal would notably change the character of the building from a barn to a 'residential' building. The converted building would be re-clad in timber and would need a new roof. Curtilage buildings could be controlled by condition, but a landscaped communal garden area with inevitable signs of domestic occupation such as patios, garden furniture, clothes drying etc would introduce domestic formality into this countryside location that would detract from the visual quality and would significantly harm the rural character of the area. Whilst it is acknowledged the applicant would be happy to ensure there was no residential paraphernalia, the nature of the use, would make this hard to control.

The introduction of openings for windows and doors would introduce lighting into the area at night where at present there is none. This would further add to the incongruity of the use against the rural appearance of the surrounding fields, countryside and conservation area.

The proposal therefore would result in significant harm to the character and appearance of the area,

including the Conservation Area and Landscape Character Area. The development conflicts with the overall aims of policies CS12 and CS19 that seek, amongst other things, to ensure all proposals for new development are visually attractive and locally distinctive, conserve and enhance the local natural environment and landscape character and integrate well with the surrounding local area. Similarly, it would not accord with the aims of the Framework that developments should seek to be sympathetic to the local character and landscaping setting (paragraph 135) and recognise the intrinsic character and beauty of the countryside (paragraph 180).

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”.

There are no set standards for amenity for holiday lets but it is notable that the rear gardens would never meet the adopted standards in terms of residential accommodation.

In terms of amenity for neighbouring properties, the new windows and doors are at ground floor and therefore will not result in any loss of privacy or overlooking. There is no new built form save for the boundary treatments and therefore there will be no loss of outlook. The building is not being extended and therefore there will be no loss of sunlight or daylight.

There will be an increase in residential activity on the site where there is currently none. There will also be an increase in vehicular traffic which is discussed in the Highways section of this report. Both are valid concerns however, the increase will not be significant and do not warrant a refusal on this basis alone. Concerns have been raised about the re-routing of the current entrance to the remainder of the yard however this has not been confirmed by the applicant and there is no reason why the access to the yard and the holiday lets could not be shared.

In terms of amenity the proposals accord with policy CS19 of the Gravesham Core Strategy 2014 and para. 135f of the National Planning Policy Framework 2023.

Economic and tourism benefits

In the assessment of this proposal, the economic and tourism benefits are a material consideration. Policy support for the economic and tourism benefits of the development can be found in the NPPF. Paragraph 88 is particularly relevant:

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The NPPF also provides support for business and tourism in rural areas. In particular, paragraph 84 requires that planning policies and decisions should enable, inter alia:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

b) the development and diversification of agricultural and other land-based rural businesses;

c) sustainable rural tourism and leisure developments which respect the character of the countryside;

At a local level Policy CS02 states that proposals to maintain and diversify the rural economy “will be supported where it is compatible with national policies for protecting the Green Belt and policies in this plan”. Similarly, Policy CS07 states the Council “will support proposals that promote the appropriate

expansion and diversification of the rural area economy”.

In light of the above, it can be seen that existing planning policy provides strong but caveated support for the proposal in terms of benefits to the economy and tourism but only insofar as this is compatible with Green Belt policy. These benefits must therefore be weighed against the relevant national and local policies for protecting the Green Belt as well as other material planning considerations. This is discussed later in this report under the heading “very special circumstances”.

Ecology and Biodiversity

The submitted information only addresses a preliminary appraisal of potential impacts to roosting bats and barn owls. There is no evidence submitted that the further survey work recommended for roosting bats has been undertaken. Additionally, submitted information does not address potential impacts to other protected species that may occur within the construction zone (e.g., in vegetation around the barn for conversion), neither does it address the potential impacts upon designated sites within 10-85m of the site.

The following sites are within 10m of the site: Thames Estuary and Marshes Ramsar Site, South Thames Estuary and Marshes Site of Special Scientific Interest (SSSI). The following sites are within 85m of the site: Thames Estuary and Marshes Special Protection Area (SPA). The applicant is required to submit sufficient information to allow the Competent Authority to carry out a Habitats Regulations Assessment.

The correct document for submission with a planning application is an Ecological Impact Assessment (EclA)¹ that addresses all potential impacts within the zone of influence of the site. We therefore request that prior to determination, an EclA be submitted.

The EclA should be based on final designs, and include the following:

- Details of the impacts of development proposals on the ecological baseline established via Preliminary Ecological Appraisal (PEA) and any additional surveys undertaken;
- Details of any appropriate and achievable ecological mitigation and/or compensation measures;
- Details of ecological enhancement measures; and
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

The above is in alignment with paragraph 99 of ODPM 06/2005 which states *“it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”*.

An EclA prior to determination also helps ensure alignment with the National Planning Policy Framework (NPPF 2023) and the Natural Environment and Rural Communities Act (NERC) Act 2006. Under section 40 of the NERC Act (2006) and paragraphs 180 and 186 of the NPPF 2023, biodiversity should be maintained and enhanced through the planning system. As such, we advise that information is submitted within the EclA to demonstrate that the development can achieve a biodiversity net gain. This can be via a qualitative or quantitative assessment carried out by suitably qualified ecologist.

North Kent Sites

The development includes proposals for holiday accommodation within the zone of influence (ZOI) (6km) of the Thames Estuary and Marshes Special Protection Area, and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Gravesham Borough Council must consider the impact the proposal will have on these designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework (NPPF) 2023.

Gravesham Borough Council will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMMS). This is to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place

to secure the mitigation before first occupation.

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full Appropriate Assessment is needed under the Habitats Directive.

1 CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.2. Chartered Institute of Ecology and Environmental Management, Winchester.

As there is a need for the application to contribute to the North Kent SAMMS, there is still a need for an appropriate assessment to be carried out as part of this application. The responsibility for carrying out a Habitats Regulations Assessment (HRA) Screening and Appropriate Assessment lies with the Competent Authority.

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £328.27 for every new holiday home provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds. The applicants have indicated that they are willing to pay towards the mitigation but the fee has not been paid to date. The fee has not been requested as there are other fundamental concerns with the proposal.

The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and therefore the development conflicts with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 186 and 187) of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Flood risk

Despite the Planning Statement clearly stating that the site is not in an area at risk of flooding, the site is located within Flood Zone 3. The NPPF confirms that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. This requirement is replicated in Policy CS18 of the Core Strategy:

Proposals in areas at risk of flooding must be accompanied by a Flood Risk Assessment (in accordance with national policy and Environment Agency standing guidance as appropriate) and a Flood Risk Management Plan (if required) to demonstrate that they are adequately defended and safe over their lifetime. Planning permission will be refused for schemes which do not pass the sequential and exception tests.

A flood risk assessment has been submitted with the application. The Environment Agency have commented on this and have raised no objection subject to conditions. If the application was to be approved at appeal a condition relating to finished floor levels would be recommended.

Drainage

If the application were allowed at appeal conditions relating to surface water and foul water would be

recommended together with a detailed scheme for flood resistance and resilience.

The proposals therefore accord with Policy CS18 of the Gravesham Core Strategy 2014 and para. 173 of the National Planning Policy Framework 2023.

Parking and Highways

There is no provision made for cycle parking. Concerns are also raised with regards to foul drainage and where this would be dealt with. This is not a planning matter per se but would have implications with regards to lorries accessing the site.

As the property have two bedrooms it has been assumed that the maximum capacity would be 4 people for each holiday let, but it has to be accepted that arrangements could be provided for additional people in the lounge area, resulting in 5 or 6 people being accommodated, applying the above guidance and rounding up, this would require an additional 2 parking spaces, or a limit on the number of people that can occupy each unit. In addition, there would be an argument for at least one staff parking space for maintenance and/or cleaning, although in the last instance this is liable to occur when the holiday lets are not occupied and there is space for a maintenance vehicle to park although there may not be an allocated space, a not unusual situation for this type of use.

With regards to traffic generation, paragraph 115 of the National Planning Policy Framework states.

115. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Consulting Crashmap <https://www.crashmap.co.uk/Search> there is no injury accident record on Church Street (viewed 12th July 2023) and a few movements for the holiday lets will in part or total be offset by traffic movements associated with the previous use as a barn.

It is accepted that much of Church Road is single tracked with limited informal passing places. But vehicles can pass and the impact of five holiday lets cannot be considered to be significant. The absolute maximum number of movements per unit, would be a return trip for breakfast, followed by return trips for a morning and afternoon excursion and an evening meal. Resulting in 8 vehicle movements per unit per day or 40 in total. This cannot be described as severe. In addition, from this total it would be necessary to subtract the number of vehicle movements associated with the use as a barn.

Depending on if there is a limit of 4 people that can be accommodated within each unit, it may be necessary to provide an extra couple of parking spaces to comply with guidance for guests. In addition, it may be desirable to provide for the parking of two maintenance and cleaning staff vehicles. The available space around the wider site would suggest this could be readily accommodated but may require some adjustment to the red line.

No objection is therefore raised on highways grounds.

Other matters

No details of waste collection have been provided or contamination. If an application were allowed at appeal conditions relating to waste and contamination would be recommended.

Very special circumstances

As set out above, the proposal is considered to be inappropriate development in the Green Belt. In accordance with paragraph 152 of the NPPF such development “should not be approved except in very special circumstances”. Paragraph 153 advises that 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”.

Although a case of very special circumstances has not been submitted with the application, it is noted above that the proposal could result in economic and tourism benefits. However, for the reasons set out above, existing planning policy only provides support for such uses insofar as they are compatible with Green Belt policy. This report has clearly demonstrated that the development would not be compatible with such policy and would be considered “inappropriate development. As such, it is considered that the proposed scheme does not provide the very special circumstances required to enable the development to be approved.

Conclusion

The proposed change of use of barn to holiday lets will result in an increase in on-site parking and associated works such as the erection of boundary treatments and introduction of residential paraphernalia to a site that is currently undeveloped resulting in harm to the openness of the Green Belt contrary to policy CS02 of the Gravesham Core Strategy 2014, policy C11 of the Gravesham Local Plan 1994 and paragraphs 152 and 155 of the National Planning Policy Framework 2023.

The proposed change of use and associated works will create a form of development that will increase traffic and activity to this small rural conservation area and will contribute to the cumulative harm on this sensitive environment by changing the appearance of the barn resulting in harm to the character of the conservation area contrary to policy CS20 of the Gravesham Core Strategy 2014, policies TC2 and TC3 of the Gravesham Local Plan 1994 and Section 16 of the National Planning Policy Framework 2023.

The proposed development, by virtue of the introduction of parking areas and other ‘residential’ paraphernalia conflicts with the overall aims of policies CS12 and CS19 that seek, amongst other things, to ensure all proposals for new development are visually attractive and locally distinctive, conserve and enhance the local natural environment and landscape character and integrate well with the surrounding local area. Similarly, it would not accord with the aims of paragraphs 135 and 180 of the National Planning Policy Framework 2023 that seeks that developments should be sympathetic to the local character and landscaping setting and recognise the intrinsic character and beauty of the countryside.

The applicant has failed to submit an Ecological Impact Assessment that addresses all potential impacts within the zone of influence of the site and therefore the proposed development fails to fully assess the impact the development on roosting bats and barn owls as well as other protected species that may occur. In addition to this the proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and therefore the development conflicts with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 186 and 187) of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

It is considered that the previous grounds of refusal from 20230399 have not been overcome.

Recommendation:

Refuse

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

Case Officer:	Mrs Alison Webster	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	3 June 2024	Dated:	03 June 2024

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