

Delegated Report

Planning Application

Planning Application No: 20250806

Location: Orchard House, Thong Lane, Shorne, Gravesend

Description: Erection of a single storey extension to garage and erection of a first floor extension over the garage.

Applicant: Mr & Mrs T Jandoo

Site Visit Date: 28/08/2025

Submitted Documents/Plans

Application form
Planning, Design and Access Statement
Drawing no. 25/468/01 rev A (existing plans)
Drawing no. 25/468/06 (proposed plans)
Drawing no. 25/468/07 (location and site plans)

Relevant Planning History

20250773	Application for a Proposed Lawful Development Certificate: erection of a single storey rear extension.	Certificate Granted	24.09.2025
19800630	Erection of an extension at first floor level to form a bedroom and bathroom	Permitted	23.12.1980

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- TC3 – Development Affecting Conservation Areas
- C13 – Policy for Extensions to Dwellings in the Countryside

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as

necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- Design for Gravesham: Design Code (2024);
- SPG 4 - KCC Parking Standards (2006);
- Thong Rural Conservation Area Appraisal;
- Householder Extensions/Alterations Design Guide (2021); and
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Consultees

Shorne Parish Council

The Parish Council previously commented on Application Ref 20250416 which was withdrawn before determination, and has also commented on Ref 20250773 (a recent LDC for a rear extension).

This present application has some similarities to Ref 20250416, hence our comments are also similar. Welcome changes have been made to reduce the increase in bulk, introducing a barn hip and flat roofed dormers but including two of these at the front of the property.

The existing property has 3 bedrooms and is of modest size for the size of the plot it occupies. The proposal will add a first floor master suite in the new extension. There will be enough parking on site to serve the enlarged house.

The site is located in Thong Conservation Area with listed/heritage buildings to 3 sides, where it stands out presently as being of incongruously modern design. The bulk of the property, easily seen from the roadway, is being increased.

The Parish Council has no objection in principle to this proposal but has but has some comments about design and colour scheme:

- Glazing: The proposal includes over two-storey height glazing at the front entrance, actually extending above the eaves. This will be visually intrusive among mostly period properties. This feature should be modified – more conventional window at first-floor level could be preferable.

- Flat-roofed dormers at the front: It is preferable to avoid having these – the design should be reviewed. The flat-roofed dormer above the over two-storey height glazing at the front increases its adverse visual impact.
- Proposed black cladding: The colour of the cladding is a difficult call. The property is currently white clad, and is nearly opposite the Listed, currently white clad White Horse Cottage. However, many other properties in the immediate area are at least presently clad with black.
- Brickwork/rendering: The proposal is to retain and match the existing brickwork but if any rendering should be considered needed (for example where windows are being moved/blocked up), this should be white/off-white.
- Withdrawal of Permitted Development Rights: In view of the overall size of the total proposed extensions to the building, and the forthcoming Lower Thames Crossing landscaping to the rear, we request that PDR's should be withdrawn for this site.

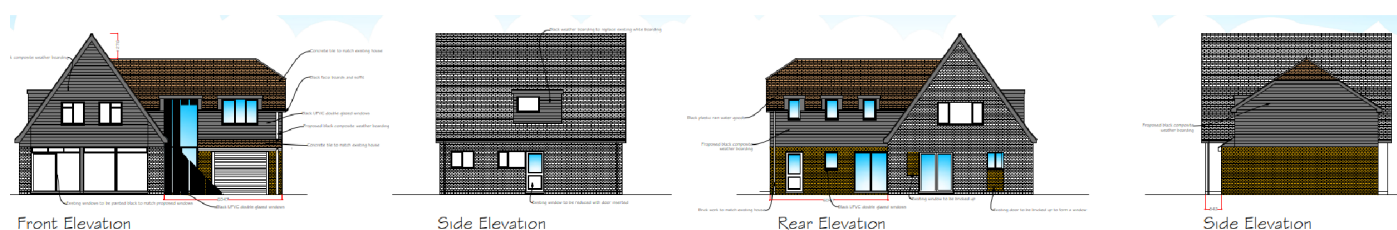
Neighbouring properties

The application has been advertised by site notice, press notice and individual letters to six neighbouring properties. No letters of representation have been received.

Officer's Analysis

Proposal

This application seeks planning permission for the erection of a single storey extension to garage and erection of a first floor extension over the garage as shown below:

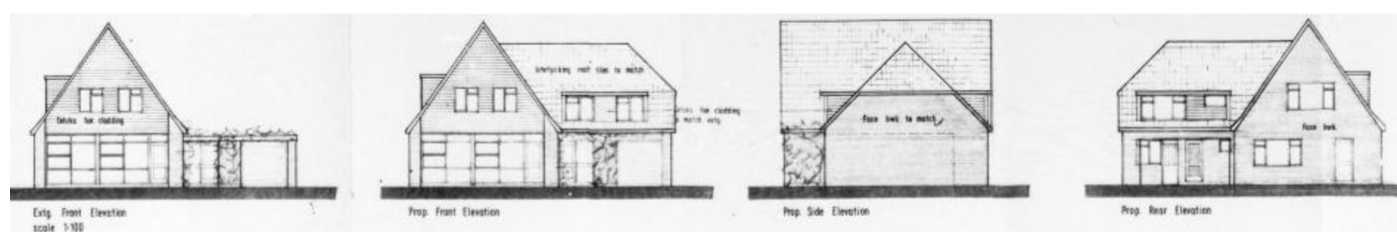


The side extension/garage will be approx. 7.7m deep, 6.05m wide and 7m high (it is currently 6.5m deep, 5.5m wide and 2.5m high). The extension will provide a garage, utility room at ground floor and an additional bedroom, en-suite and dressing room at first floor.

The building will be finished in black weatherboarding and brick work will match. The new windows will be black and the existing windows will be painted black to match. The concrete roof tiles will match the existing tiles. A new side door will be inserted and existing window narrowed. To the rear a window will be bricked up and a rear door changed into a window. Rainwater goods will be black upvc.

Background

Permission for a first floor side extension was granted in 1980 but not implemented. The plans are shown below:



Principle

Green Belt

The application site is located within the Green Belt.

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.

Paragraph 153 of the NPPF states that:

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

Paragraph 154 states:

Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - i. mineral extraction;*
 - ii. engineering operations;*
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*

iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;

v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

The proposal to extend the building may fall under exception 154c. The original dwelling has a floor area (measured externally) of:

Ground floor: 106sqm

First floor: 52sqm

Total: 158sqm

The dwelling as proposed would have a floor area (measured externally) of:

Ground floor: 116sqm

First Floor: 114sqm

Total: 230sqm

This is an increase of approx. 45% over the original floor area which is considered a disproportionate addition to the original dwelling.

The 1980 application allowed for an additional 5.5sqm extension to the ground floor and approx. 37sqm at first floor. $158+5.5+37 = 200.5\text{sqm}$ which equated to a 27% increase over and above the original floor area which is considered more proportionate and met the requirements of policy C13 below.

Policy C13 of the Gravesham Local Plan 1994 allows for extensions to dwellings in the countryside with a limit of one third of the gross floor area of the original dwelling unless the increased floorspace has no overall effect on the existing bulk and appearance of the dwelling. An increase of 45% is significantly larger than the allowed 1/3 and therefore the proposal conflicts with this policy. It is noted however that this policy is not completely aligned with the NPPF and therefore does not carry significant weight.

Paragraph 155 of the NPPF allows for certain other development however this would not be applicable to this application as there is no demonstrable unmet need for the extension.

Very Special Circumstances

Fall-back

A 'fall back' position is what could be built without requiring planning permission. In order to be considered as a "fall back", the alleged fall back development has to be a use or development that is possible/can be implemented without the need for further planning permission, for example a current lawful use or change of use (i.e. does not fall within the definition of development in the Planning Act or permission has already been granted but not yet implemented) and/or development permitted by way of permitted development rights (i.e. the GPDO or a development order).

If there is a genuine "fall back" then there must be a possibility that this development will be implemented if the current application is not permitted.

If both these factors are evidenced, then the fall back can be a material consideration in determining an application. The weight to be attached to it is a matter for the planning authority.

The case of *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314; [2019] PTSR 1452 (highlighted in bold are most important parts) explains this issue:

“27. The status of a fallback development as a material consideration in a planning decision is not a novel concept. It is very familiar. Three things can be said about it:

- (1) Here, as in other aspects of the law of planning, the court must resist a prescriptive or formulaic approach, and must keep in mind the scope for a lawful exercise of planning judgment by a decision-maker.
- (2) The relevant law as to a "real prospect" of a fallback development being implemented was applied by this court in *Samuel Smith Old Brewery* (see, in particular, paragraphs 17 to 30 of Sullivan L.J.'s judgment, with which the Master of the Rolls and Toulson L.J. agreed; and the judgment of Supperstone J. in *R. (on the application of Kverndal) v London Borough of Hounslow Council* [2015] EWHC 3084 (Admin) , at paragraphs 17 and 42 to 53). As Sullivan L.J. said in his judgment in *Samuel Smith Old Brewery* , in this context a "real" prospect is the antithesis of one that is "merely theoretical" (paragraph 20). The basic principle is that "... for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice" (paragraph 21).

Previous decisions at first instance, including *Ahern and Brentwood Borough Council v Secretary of State for the Environment* [1996] 72 P. & C.R. 61 must be read with care in the light of that statement of the law, and bearing in mind, as Sullivan L.J. emphasized, "... "fallback" cases tend to be very fact-specific" (*ibid.*). The role of planning judgment is vital. And "[it] is important ... not to constrain what is, or should be, in each case the exercise of a broad planning discretion, based on the individual circumstances of that case, by seeking to constrain appeal decisions within judicial formulations that are not enactments of general application but are themselves simply the judge's response to the facts of the case before the court" (paragraph 22).

- (3) Therefore, when the court is considering whether a decision-maker has properly identified a "real prospect" of a fallback development being carried out should planning permission for the proposed development be refused, there is no rule of law that, in every case, the "real prospect" will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case in hand."

So, taking this into account, the factors in the determination of the fallback are:

1. It is a genuine lawful fall back development?

The current dwelling is still in its original form. No additions have been made to it and there is no evidence that it does not have full permitted development rights intact. The applicant's submitted an application for a lawful development certificate for a single storey rear extension (20250773 – approved 24 September 2025) which could provide an additional 52sqm of floor area resulting in an increase in floor area of 32%. It is also possible that outbuildings could be built under permitted development. It is clear to see that additions can be made without planning permission.

2. Is there a "possibility" that the fallback would be implemented?

Given that the applicants have applied for a lawful development certificate for a development that would increase the dwelling by 32% there is a possibility this fallback would be implemented.

3. If it is accepted that there is a genuine lawful fallback then the current proposal needs to be assessed against the benefits or harm of that fall back being implemented.

This is a matter of planning judgement based on the facts of the case. The proposed extensions will be built on top of existing development whereas the lawful position would result in a greater footprint and a

more sprawling development, albeit single storey. Given that the fallback would result in more open space being built upon, the fallback is considered more harmful. As stated above it is likely that outbuildings could also be built without requiring planning permission and therefore causing further harm. The proposed extensions with a condition removing permitted development rights would have less of an impact on the openness of the Green Belt.

4. If a fall-back argument is not to prevail, reasons for rejecting it should be given:

Coln Park LLP v Secretary of State for Communities and Local Government [2011] EWHC 2282 (Admin)

Notwithstanding the above, the weight that should be attributed to the fall-back position is a matter of judgement relative to the specific development in question. Details need to be provided of a potential fall-back and it is for the applicant to demonstrate a fall-back position.

As stated above, the applicant has demonstrated a single storey rear extension can be built under permitted development rights. It is accepted that there is a fall-back position and therefore 'very special circumstances' do exist. Openness has been discussed above but is discussed further below.

Openness

The Framework confirms that inappropriate development is by definition harmful to the Green Belt. The essential characteristics of Green Belts are their openness and permanence.

Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

In this case, a similar, but smaller, extension was granted permission in 1980 but not implemented. The proposed scheme, on balance, is not considered to have a more significant impact on the openness of the Green Belt than the 1980 permission. It is also considered to have less of an impact on openness than the lawful single storey rear extension which would occupy a larger footprint.

Taking account all of the above, 'very special circumstances' exist and the proposed development, subject to a condition removing permitted development rights, accords with policy CS02 of the Gravesham Core Strategy 2014 and Section 13 of the National Planning Policy Framework 2024.

Design, Character and Appearance

Thong Conservation Area

The application site lies within the Thong Conservation Area. Thong is a very small settlement developed around three once traditional farmsteads. It was extended in the 20th century by the addition of a number of smallholder steadings and within these a further, later, group of modern farm buildings. It has a few modern houses and a pair of substantial modern agricultural sheds facing onto a very extensive modern concrete apron. Orchard House is a more modern dwelling within the Conservation Area located on a generous plot. Opposite the site to the north is White Horse Cottage which is a Grade II listed building which has white weatherboarding. The buildings directly to the south of this are a mixture of brick and pebble dash render

and to the north is a converted barn finished in black weatherboarding. Black weatherboarding is a feature of the area and the barn buildings to the north of the converted barn are currently being rebuilt and will also be finished in black cement board cladding. The application site is an anomaly within the Conservation Area due to its design and age. The proposed finishes of black cladding and windows relate well to other design features in the vicinity but overall this building will remain anomaly. The materials used on the existing property relate to the listed dwelling opposite however the proposed materials relate well to other surrounding buildings and therefore the proposal is considered to preserve the character of the conservation area and accords with Policy CS20 of the Gravesham Core Strategy 2014.

Shorne Woodland Landscape Character Area

The application site is located within the Shorne Woodland Landscape Character Area where the key characteristics are:

- Undulating topography
- Chestnut coppice woodland
- Strong sense of enclosure
- Traditional village greens
- Varied building style and age
- Chequered brickwork and ornamental brickwork
- Few highways with busier roads along character area boundaries

The condition of the landscape is good and the sensitivity is moderate. The guidelines are to conserve and reinforce. The proposed extensions will be confined to the existing building and within the residential plot. They will not impact on the wider landscape and therefore accord with policy CS12 of the Gravesham Core Strategy 2014 which seeks to conserve the overall landscape character of the area.

Amenity

Future Occupiers

The proposed extensions will result in sufficiently sized rooms that contain adequate outlook and privacy for future occupiers and therefore no concerns are raised.

Neighbouring Amenity

The nearest residential properties are Cheney's Cottages approx. 24m to the north of the application site. All the proposed extension works are to the south of the application site and therefore the opposite side to these neighbours. the proposed extensions therefore will have no detrimental impact on these neighbouring in terms of loss of outlook, privacy, sunlight or daylight.

The proposed extensions therefore accord with Policy CS19 of the Gravesham Core Strategy 2014 and paragraph 135f of the National Planning Policy Framework 2024 in relation to amenity.

Parking and Highways

The proposed extensions will result in the creation of one additional bedroom and an increase in size to the existing garage which will make it more useable for modern vehicles. There is ample parking within the plot and the access remains the same. No objections are therefore raised on highways grounds.

Conclusion

The proposed extensions will have no detrimental impact on the openness of the Green Belt, character of the area, amenities or highway safety and therefore accord with the abovementioned Policies and are recommended for approval.

Recommendation:

Permit

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

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	1 October 2025	Dated:	1st October 2025