



Delegated Report

Planning Application

Planning Application No: 20211161

Location: Barn At Oaklands Leywood Road Meopham

Description: External and internal works to facilitate the conversion of the agricultural building to a guest house.

Applicant: Mr Ben Merchant

Site Visit Date: 12 May 2021 (photographs on 20210257 file)

Submitted Documents/Plans

Application form;
Red/blue line site boundary plan;
Existing block plan;
Plan with site access annotated;
Drawing no. BM 01 Existing southern, eastern and western elevations;
Drawing no. BM 02 Existing northern elevation and roof plan;
Drawing no. BM 08 Existing layout;
Drawing no. BM 01 Proposed southern, eastern and western elevations;
Drawing no. BM 05 Proposed northern elevation and roof plan;
Drawing no. BM 08 Proposed layout
Planning Statement September 2021;
Preliminary Ecological Appraisal 08 December 2021;
Email from the applicant dated 17 November 2021;
Email from the applicant dated 14 December 2021 and received at 13.07pm; and
Email from the applicant dated 21 January 2021.

Procedural issues

Following a request from the KCC Ecological Advice Service, the applicant provided a preliminary ecological appraisal.

Relevant Planning History

<u>Application No.</u>	<u>Description</u>	<u>Status</u>	<u>Decision</u>
20210257	Application for Lawful Development Certificate for proposed change of use of agricultural building to (C1) use specifically Guest House.	Certificate granted	27.05.2021
20210193	Application for a determination as to whether prior approval is required for the change of use of agricultural building to (C1) use	Prior approval not required	17.03.2021

specifically Guest House.

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Gravesham Local Plan: First Review (1994)

- T1 – Impact of Development on Highway Network
- C11 – Change of Use of Redundant Buildings in the Countryside
- TC7 – Other Archaeological Sites

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 6 – Building a strong, competitive economy
- 12 – Achieving sustainable well-designed places
- 13 – Protecting Green Belt land
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- SPG 4 - KCC Parking Standards (2006)

Other documents

- Nationally Described Space Standard 2015
- Gravesham Landscape Character Assessment 2009
- Kent Downs AONB Management Plan 2021-2026

Consultations, Publicity and Representations

KCC Ecological Advice Service

First response:

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the

planning application, we advise that further information is sought with regards to the potential for ecological impacts to arise as a result of the proposed development.

Habitats and features including building, trees and grassland are present on and around the site, indicating ecological value and the potential for protected species presence that must be taken account of in the planning decision.

In addition, the boundary of the proposed development site is adjacent to an area which has been designated as the Tom Lotts, Molehill, Bottomfield Ancient Woodland (AW) and as the Strawberry Hill, Pasture & Woodland, Meopham Local Wildlife Site (LWS). It is also located within 10 metres of the Luxon Wood, Great Buckland Local Wildlife Site.

As such, a preliminary ecological appraisal (PEA) must be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines and must be submitted prior to determination of the planning application. The PEA will assess the habitats and features within and around the site and identify if there is a need for further ecological surveys to assess ecological value and/or confirm protected species presence/likely absence. It will assess the impact the proposed development will have on the Ancient woodland and Local wildlife sites and provides recommendations to minimise any impacts from the construction or operational phase of the development.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the PEA report, OR, if further surveys are required, an Ecological Impact Assessment (EclA) report, detailing all surveys and outcomes, must be sought as part of the planning application. This is in accordance 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 is a process of identifying, quantifying and evaluating the potential effects of development on habitats, species and ecosystems, so providing all ecological survey information alongside any necessary avoidance, mitigation and compensation proposals within one document.

We are concerned by the Supporting Planning Statement stating that a separate application will be submitted for the management of waste water and services, and for access. There is a need to know that every potential impact arising from the proposed development will be considered into the ecological scoping survey. This will help to demonstrate that sufficient information has been provided to enable Gravesham Borough Council to make an informed decision when determining the planning application.

We are aware that prior notification for the proposed development has been granted but regardless of this planning approval for works the applicant still need to consider wildlife legislation.

Biodiversity and Ecological Enhancements

One of the principles of the National Planning Policy Framework is that planning policies and planning decisions should contribute to and enhance the natural environment, including by: "minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

We suggest that the PEA recommends biodiversity enhancements to benefit the LWS and AW.

Second response:

We have reviewed the information which has been submitted and we advise that sufficient ecological information has been provided for the determination of the planning application. We require no additional ecological information to be submitted prior to determination of the planning application but the detailed precautionary mitigation/enhancement requirements must be submitted and implemented as a condition of planning permission if granted.

Habitats

The boundary of the proposed development site is adjacent to an area which has been designated as the Tom Lotts, Molehill, Bottomfield Ancient Woodland (AW) and as the Strawberry Hill, Pasture & Woodland, Meopham Local Wildlife Site (LWS). It is also located within 10 metres of the Luxon Wood, Great Buckland Local Wildlife Site. With the implementation of safeguarding measures on site, the submitted Preliminary Ecological Appraisal (PEA) considers unlikely that the proposed development will have a negative impact on the ancient woodland and locally designated sites.

However, to avoid that the construction of the proposed development has a negative impact on the present habitats through an increase in dust and noise, and an increase in human disturbance, we advise that the Construction Environmental Management Plan incorporates measures to minimise/avoid impacts to the ancient woodland and locally designated sites during construction and operational phase of the development attached – suggested condition wording at the end of the report.

Protected species

The adjacent woodland offers good habitat potential for bats, dormice, badgers and reptiles. However it is our understanding that the trees and woodland are not going to be disturbed by the proposed development activities and as such no further survey is required.

However we recommend that the precautionary measures described in paragraph 8.1 General construction Safeguards of the PEA as well as measures to protect habitat and inform visitors of the high value of the area (such as fences and educational boards/leaflets) are incorporated in to the construction management plan – suggested condition wording at the end of the report.

Lighting

Adjacent trees offer bat roost potential and the site is likely to support foraging and commuting bats. Lighting can be detrimental to roosting, foraging and commuting bats, as well as other protected species. We advise that the Bat Conservation Trust's Guidance Note 8 Bats and artificial lighting in the UK is adhered to in the lighting design for the works undertaken and the converted building.

If planning permission is granted we suggest a lighting condition to be attached – suggested condition wording at the end of the report.

Breeding birds

The site contains suitable habitat for breeding birds and all nesting birds are protected under the wildlife and countryside act 1981 (as amended).

We advise that there is a need for a breeding birds informative to be attached to the planning permission if granted – suggested informative wording at the end of the report.

Separate planning application

We are still concerned by the Supporting Planning Statement stating that a separate application will be submitted for the management of waste water and services, and for access. There is a need to know that every potential impact arising from the proposed development will be considered into the ecological scoping survey.

We advise that if the separate application impacts on any tree or woodland area, an updated PEA is submitted with the separate planning application. This will help to demonstrate that sufficient information has been provided to enable Gravesham Borough Council to make an informed decision when determining the planning application.

Biodiversity and Ecological Enhancements

One of the principles of the National Planning Policy Framework is that planning policies and planning decisions should contribute to and enhance the natural environment, including by: "minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

Good recommendations in paragraph 8.8 Ecological Enhancement and Biodiversity Net Gain of the PEA for ecological enhancements have been made and we advise that if planning permission is granted details of what enhancements will be incorporated in to the site must be submitted as a condition of planning permission – suggested condition wording at the end of the report.

KCC Heritage

The site lies within an area of multi-period archaeological potential, however, I consider it unlikely that the proposed works will have a significant archaeological impact and have no further comments to make in this case.

Kent Downs Area of Outstanding Natural Beauty Unit

We note that a Lawful Development Certificate for Change of Use to a guest house has been Granted for the barn and that it has been determined that Prior Approval is not required for the use of the building as a Guest House under Use Class C1.

We raise an initial concern that the plans submitted under the current application appear to show the proposed change of use of the building to a self-contained holiday let unit, not a Guest House. It is our understanding that holiday lets are regarded to fall within Use Class C3 or occasionally Sui Generis, but not Use Class C1. As such we would query whether the proposed works fall within the remit of the Lawful Development Certificate. We would also point out that as the site lies within an AONB (Article 2(3) land), usual permitted development rights under Part Q of the GPDO for change of use of an agricultural building to Class C3 are not applicable.

The exiting building is of poor quality in architectural terms. Being of relatively recent construction and sited in an isolated location, it does not function as part of an historic rural land use, collection of other buildings or traditional farmstead and fails to make a positive contribution to the character of this part of the Kent Downs landscape. The proposed works would increase both the permanence of the building as well as introduce a new dwelling in an isolated location that would fail to be consistent with traditional settlement pattern in this locality and as such would not, in our view, either conserve or enhance the Kent Downs AONB.

However, should the Council be satisfied that the works are consistent with the Lawful Development Certificate and/or the principle is acceptable, we are of the view that the proposed use of timber cladding, timber soffits and retention of the metal roof is an appropriate design response to the site's rural setting.

Meopham Parish Council

No objection.

Neighbouring properties

The application was publicised by a site notice and to ten neighbouring properties by letter. No representations have been received. The consultation period expired on 12 November 2021.

Officer's Analysis

This application relates to proposed physical alterations (or operational development) to an existing agricultural building at the application site which will facilitate its conversion into a guest house. A lawful development certificate (reference 20200257) has been granted which relates to the change of use of the building to a guest house using the permitted development rights available under Class R, Part 3 of the General Permitted Development Order 2015 as amended (GPDO 2015).

It is noted that the Kent Downs Area of Outstanding Natural Beauty (AONB) Unit has raised concerns that the submitted plans illustrate the proposed use of the building as a self-contained holiday let (Class C3) and not as a Guest House (Class C1) and have queried whether the proposed works would fall within the remit of the Lawful Development Certificate. These issues were drawn to the attention of the applicant and clarification was requested regarding the nature of the proposed use. The applicant responded as follows on 17 November 2021;

We are planning on using the property as a class C1 guest house, there is relatively little clear definition of what constitutes c1 and c3 however the common approach seems to be surrounding the length of time that the property is occupied for not exceeding 90 days etc. I also don't believe that I have detailed any cooking / kitchen facilities within the application as it was unclear, so prior to finalising the internal layout and prior to using the property, I would have sought advice on what is / isn't allowed. I would think that if you have a clear definition of the constraints of C1 vs C3 and it comes down to cooking / kitchen facilities that this could be stipulated as conditions of a planning approval? Likewise this seems to be a source of much debate online so if you have a clear definition that Gravesham are working to then please share it and we will confirm back that we will conform with the requirements. To be clear though, we are planning on using the property as a Class C1 Guest House, not a Class C3 Dwelling.

The applicant also commented on this issue on 09 December 2021 as follows;

We are planning on using the property as a guest house which will be managed by the current owners, they are planning on using www.Airbnb.co.uk and www.booking.com to rent the property out to holiday makers looking to enjoy the Kent country side as well as guests of weddings at Dode church which is just down the road. The property will be rented at a nightly rate with a small security deposit and cleaning fee etc. They are planning on renting it through the holiday website for short duration stays, typically 2-3 nights. Any guests will be greeted on arrival, shown the property and facilities, provided with keys and contact details for the owners in the event of any issues. Both cleaning services and changing sheets / towels etc will be provided for guests. The current plan is to provide a small kitchenette for guests however the area is serviced by a number of takeways (Justeat.com) who will be able to deliver food to the door as well as local restaurants in the area.

As previously mentioned, it seems that councils have their own definition of what constitutes c1 so if any of the above is a cause for concern please let me know and we will adjust how it is managed / used, the main thing is that the current owners would like to rent it out as a guest house as a source of income for them so if they need to manage it differently they are happy to comply with your requirements.

It is clear that the applicant wishes to utilise his permitted development rights to convert the application building from an agricultural use to holiday accommodation. He clearly states that the property would be a Class C1 guest house and not a Class C3 self-contained holiday unit. However his detailed description of the proposed use appears to fall more within Class C3 than Class C1. As such, the Borough Council shares the concerns raised by the Kent Downs AONB Unit.

The applicant has requested that the Borough Council set out how the application property can be used so as to ensure that the use falls within Class C1. However this is not an appropriate approach. The applicant will be responsible for ensuring that the proposed use is in line with the lawful development certificate granted.

For the purposes of this application, the Borough Council will make a determination based on the clear intentions of the applicant, i.e. that the property would be used as a Class C1 guest house and not as a Class C3 self-contained holiday unit.

It should be noted that no structural information has been provided with the application and that information from STG Building Control suggests that significant works would be required to convert the building into a guest house. They state that;

Without a structural or timber frame built off foundations it is likely that it would need to be totally reconstructed. Rarely could a non engineered concrete slab be accepted as the foundation, the roof structure requires strengthening and walls require damp proof courses plus structural members to support the cladding.

This information was drawn to the attention of the applicant and clarification was requested regarding the structural condition of the existing building. In addition, further details of the extent and nature of the proposed conversion works were requested. In response, the applicant declined to provide any further information and in so doing made reference to two appeal decisions (Appendices 1 and 2) relating to Class R of the GPDO 2015 conversions. He considers that these appeal decisions highlight that a Class R conversion allows the change of use of an agricultural building and that a separate application is required for works reasonably necessary for that use. He highlights that a Class R conversion is distinct from Class Q of the GPDO 2015 conversion because Class Q contains a specific requirement to ensure that the operational works are only those reasonably necessary to convert the building to the new use whereas Class R makes no reference to conversion.

However the Borough Council is concerned that the proposed development would constitute the erection of a new building rather than be a conversion of the existing building. In this regard, the applicant has also set out that;

I have spoken with a number of building firms who have confirmed that we can work with the existing structure and cladding to convert the building and they are confident that they can conform with the relevant building standards using modern techniques.

Therefore for the purposes of this application, the Borough Council will make a determination based on the clear intentions of the applicant, i.e. that the proposed works to the property would not constitute a rebuild but would be a conversion of the existing building.

The applicant has set out that this application has been limited to works to the building and its immediate curtilage only and that any required works that would be located outside of the curtilage will be the subject of a separate planning application. The proposed works which are part of the current application include;

- The application of a liquid damp proof membrane;
- Repair of existing timber cladding;
- Replacement of plywood timber cladding with timber cladding;
- Insertion of bi-fold and patio doors and windows to existing openings;
- Insertion of flue pipe for wood burning stove into roof; and
- Internal works to convert the building to a guest house, including the installation of insulation, heating, plumbing, electrics etc.

The proposed works which will be part of a future application include;

- Waste water management
- Services (water and electrics)
- Access (a better parking area and pathway from the parking area to the building)

It is noted that an existing gate provides access to the agricultural field in which the building is located. The applicant has set out that an existing hardstanding is proposed to be used to park vehicles. However, as the following image illustrates (and with reference to the case officer's photographs taken on 12 May 2021), there does not appear to be an existing hardstanding at the field entrance. Therefore this issue will be referred to the GBC Planning Enforcement Team for investigation and the applicant will be advised that any existing or proposed parking area would require/have required planning permission in itself.



Image date: January 2021

Green Belt Assessment

As the application site is located in the Green Belt, Policy CS02 of the Gravesham Local Plan Core Strategy September 2014 is relevant. Policy CS02 prioritises development in the urban area as a sustainable location for development. In the rural area it states that development will be supported within rural settlements that are inset from the Green Belt and defined on the Policies Map. Development outside those settlements (which is the case here), will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the Local Plan Core Strategy.

The principle issues in the determination of this application are;

- Is the proposed development appropriate in the Green Belt?
- Effect on the openness of the Green Belt
- Effect on the character and appearance of the area - including landscape character
- Other matters

Is the proposed development appropriate in the Green Belt?

Paragraph 137 of the National Planning Policy Framework 2021 (NPPF 2021) sets out that the essential characteristics of Green Belts are their openness and permanence and paragraph 138 lists the five purposes that the Green Belt serves. At the application site, the Green Belt assists in safeguarding the countryside from encroachment. Paragraph 147 of the NPPF 2021 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 149 of the NPPF 2021 states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, but lists certain exceptions. In addition, paragraph 150 of the NPPF 2021 sets out six other forms of development that are not inappropriate in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of the Green Belt. The proposed development would constitute the alteration and re-use of a building in the Green Belt, which could be exceptions set out in paragraphs 149(c) and 150(d) of the NPPF 2021, which read as follows;

149(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'.

150(d) 'the re-use of buildings provided that the buildings are of permanent and substantial construction'

Saved Policy C11 of the Gravesham Local Plan First Review November 1994 relates to the conversion of farm buildings to other uses. It sets out a number of criteria that should be met when considering such proposals. However, as the policy pre-dates the NPPF 2021, the weight attached to the policy must be considered carefully.

Saved Policy C11 limits conversions of farm buildings to those that are no longer needed for farming and are attractive. It also requires the proposed use to diversify the rural economy and to not be detrimental to farm viability. However as these limitations are out of step with the NPPF 2021, they cannot be afforded any weight.

Saved Policy C11 also requires the farm building to be of substantial and permanent construction, to be appropriately located in relation to roads and services, with a minimum sized curtilage and to not be detrimental to amenity or traffic safety. It is considered that these factors are relevant in determining whether a proposed conversion would be appropriate in the Green Belt, would be situated in a sustainable location and would have any adverse impacts to local residents or the highway. As such, these aspects of Saved Policy C11 are broadly in line with the NPPF 2021 and should be afforded weight.

It should be noted that this application does not relate to the change of use of the building (as this would be carried out using permitted development rights). Therefore there is no requirement to consider the appropriateness of the location of the building in relation to roads and services, the size of the curtilage or highway safety issues as part of the determination.

The application building is of permanent and substantial construction and the proposed alterations would not result any increase in the size of the footprint of the building. The height of the building would increase by some 10 cm (due to the provision of a new roof).

Therefore it is considered that the proposed development would be a re-use of the building, would not result in any disproportionate addition over and above the size of the original building, would not conflict with the purposes of the Green Belt and would preserve the openness of the Green Belt. As such, the proposal would be appropriate development in the Green Belt and be in line with Policy CS02 of the Gravesham Local Plan Core Strategy September 2014, Saved Policy C11(ii) of the Gravesham Local Plan First Review 1994 (the first part of the paragraph) and paragraphs 149(c) and 150(d) of the NPPF 2021.

Effect on the openness of the Green Belt

Paragraph 137 of the NPPF 2021 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also states that the essential characteristics of Green Belts are their openness and permanence.

The proposed development would result in a building that is essentially the same size as the existing building and as such, it would not erode the openness of the Green Belt.

Effect on the character and appearance of the area

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the local built, historic and natural environment and integrate well with the surrounding local area. In particular the design of new development should be derived from a robust analysis of local context and character and make a positive contribution to the street scene and the character of the area.

The application site is located in the Kent Downs Area of Outstanding Natural Beauty (AONB) and the Harvel Wooded Downs Landscape Character Area (LCA) and as such, Policy CS12 of the Gravesham Local Plan Core Strategy September 2014 is relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment 2009 will be taken into account in determining applications.

In relation to the Harvel Wooded Downs LCA, the Gravesham Landscape Character Assessment states that the overall condition of the landscape is moderate and that it has moderate sensitivity. It recommends that strong landscape elements should be conserved and that design standards should be created to halt the erosion of the area with inappropriate development.

Paragraph 176 of the NPPF states that AONBs have the highest status of protection in relation to conserving and enhancing the landscape and scenic beauty.

The Kent Downs AONB Management Plan sets out that the local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development (Principle SD2). That development should conserve and enhance the character and qualities of the Kent Downs AONB rather than detracting from it (Principle SD3). Furthermore the Plan will ensure that proposals do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB (Principle SD8).

The Kent Downs AONB Unit states that the existing building is of poor quality in architectural terms and fails to make a positive contribution to the character of this part of the Kent Downs landscape. It highlights that the proposed works would increase both the permanence of the building as well as introduce a new dwelling in an isolated location, that would fail to be consistent with traditional settlement pattern in this locality and as such, would not either conserve or enhance the Kent Downs AONB. However, the Unit also states that, should the Council be satisfied that the works are acceptable in principle, then the proposed use of timber cladding, timber soffits and retention of the metal roof would be an appropriate design response to the site's rural setting.

The proposed development would result in a building that is essentially the same size as the existing building. At present the building is agricultural in appearance with large openings in the northern, southern and western elevations. The roof is constructed from sheet metal and the walls from wooden cladding. The proposal would insert windows and bi-fold and patio doors to infill the existing openings and would add timber soffits, fascias and replacement timber cladding to all elevations, which would be in keeping with the existing materials and design of the building and its countryside location.

Overall it is considered that the proposed development would be appropriately designed and not be detrimental to the character or appearance of the surrounding landscape and would be in line with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Other matters

Amenity of Future Occupiers

The proposed development would provide a separate bedroom and shower room and a room used as a lounge/diner/kitchenette. It should be noted that 'kitchenette' is the term used by the applicant to describe part of the dining area. The proposed layout plan shows the bedroom as containing a double bed but the floor area (8.1 square metres) would be well below the minimum set out in the Nationally Described Space Standard (11.5 square metres) for a double bedroom. Furthermore the total internal floor area of the property would be 44 square metres and the minimum floor area for a one bedroom, two person residential unit in the Nationally Described Space Standard is 50 square metres.

Therefore on the face of it, the proposed accommodation would result in a poor standard of living for future occupiers. However, as the application property would not be occupied as a dwelling, then it would be unreasonable to expect the accommodation to meet the normal residential layout standards. For example as holiday accommodation, there would be short term occupation, reduced need for storage and no requirements for the usual residential paraphernalia. As such, the proposed development would not be detrimental to the amenity of future holiday occupiers and it would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Neighbouring Amenity

The application site is situated in an isolated location and the closest neighbouring residential properties are located over 300 metres away. It is noted that Oaklands, Leywood Road is located some 240 metres to the south east of the application property and its occupants would operate the proposed guest house.

Due to the distance to any surrounding occupiers and to the screening provided by mature vegetation on the site boundaries, there would be no adverse overlooking, overshadowing or overbearing impacts to any neighbours. As such, the proposed development would not be detrimental to the residential amenity of surrounding occupiers and it would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Ecology and Biodiversity Issues

The application site is located in the Kent Downs AONB, within a Biodiversity Opportunity Area (BOA) and is adjacent to an area which has been designated as the Tom Lotts, Molehill, Bottomfield Ancient Woodland (AW) and the Strawberry Hill, Pasture & Woodland, Meopham Local Wildlife Site (LWS). It is also located within 10 metres of the Luxon Wood, Great Buckland LWS.

Paragraph 176 of the NPPF 2021 states the conservation and enhancement of wildlife and cultural heritage are important considerations in AONBs. Paragraph 180 of the NPPF 2021 sets out that planning permission should be refused if significant harm to biodiversity cannot be avoided, adequately mitigated or as a last resort, compensated for and that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014) requires no net loss of biodiversity in Gravesham and seeks opportunities to enhance, restore, re-create and maintain habitats particularly in BOAs and within new developments. The Kent Downs AONB Management Plan sets out that the protection, conservation, enhancement and extension of the Kent Downs AONB priority and distinctive habitats and species will be pursued (Principle BD5).

The KCC Ecological Advice Service (KCC EAS) advises that to avoid the proposed construction works having a negative impact on habitats, a Construction Environmental Management Plan should be the subject of a condition attached to any planning permission granted. The plan should incorporate measures to minimise/avoid impacts to the ancient woodland and locally designated sites during the construction and operational phases of the development. It should also include the precautionary measures described in paragraph 8.1 of the Preliminary Ecological Assessment (PEA), as well as measures to protect habitats and inform visitors of the high value of the area (such as fences and educational boards/leaflets).

KCC EAS also sets out that adjacent trees offer bat roost potential and the site is likely to support foraging and commuting bats and that lighting can be detrimental to roosting, foraging and commuting bats, as well as other protected species. As such, a suitable lighting design for the proposed works should be used to mitigate any adverse impacts to wildlife and can be required by planning condition.

With reference to improving biodiversity, KCC EAS highlight that the ecological enhancements set out in paragraph 8.8 of the PEA should be the subject of a condition attached to any planning permission granted.

It is noted that KCC EAS would require an updated PEA to be submitted with any separate planning application (e.g. for the provision for waste water, services or access) if the proposed development would impact on any tree or woodland area. This can be drawn to the attention of the applicant by way of an informative.

Overall subject to the conditions set out above, it is considered that the proposed development would have no adverse impacts on any protected habitats or species and would not be detrimental to biodiversity. As such, the proposal would be in line with Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014).

Any Other Material Planning Considerations

The application site is located in an area of multi-period archaeological potential and KCC Heritage considers it unlikely that the proposed works would have a significant archaeological impact. As such, the proposal would be in line with Policy CS20 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy TC7 of the Gravesham Local Plan First Review November 1994.

The application site is located in Groundwater Source Protection Zone 3 and it is proposed to dispose of surface water by a sustainable drainage system and soakaway (although no details are provided). The method for disposing of foul sewage is not specified. As such, it is not possible to fully assess whether there would be any adverse impacts to groundwater. Therefore it is considered that a condition should be attached to any planning permission granted which requires the submission of such details for approval.

Suggested Conditions

Time Limit

Development in accordance with the approved plans

Submission and approval of Construction Environmental Management Plan pre-commencement

Submission and approval of surface water and foul sewage disposal methods prior to commencing those works

Submission and approval of methods to mitigate adverse impacts of future occupiers on species and habitats

Submission and approval of ecological enhancements prior to first use

Submission and approval of lighting design prior to first use

Materials to match existing

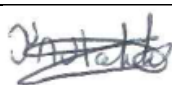
No works outside of the building curtilage

Conclusion & Recommendation

The proposal would be appropriate development in the Green Belt and subject to the conditions set out above, would comply with local and national planning policies and as such, planning permission can be granted.

Refer to GBC Planning Enforcement for investigation of possible works to create a hardstanding at the access to the field in which the application building is located.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	25th January 2022	Dated:	27 January 2022