

Delegated Report

Planning Application

Planning Application No: 20260379

Location: Annex 1 At The Granary, Little Hermitage Farm, Gravesend Road, Higham

Description: Change of use of an existing building from annex to a dwelling.

Applicant: Mr & Mrs I Simpson

Site Visit Date: 1 May 2026

Submitted Documents/Plans

Application form
Planning, Design and Access Statement
Drawing no. 26/506/03 rev A (existing and proposed site plans)
Drawing no. 26/506/02 rev A (proposed plans and elevations)
Drawing no. 26/506/01 rev A (existing survey drawings)

Relevant Planning History

20140587	Conversion of part of garage/domestic store (formerly a bullock shed) into a self-contained one bedroom residential annexe and erection of a detached building to provide a double garage, shed and open wood store at the north-western end of the walled yard.	Permitted	07.10.2014
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Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- 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
- TC2 – Listed Buildings

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 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 13 – Protection Green Belt Land
- 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);
- Householder Extensions/Alterations Design Guide (2021); and
- Gravesham Landscape Character Assessment (2009)

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant listed building consent.

Emerging Local Plan as a Material Consideration

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.

The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan**. This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

Consultees

Dickens' Country Protection Society

The Society would wish to raise an objection on the grounds that the site is in an area where Green Belt Policies apply and the proposal would result in a new dwelling and is not pursuant of agriculture or forestry. The proposal would be in breach of condition 3 of application permission 20180741.

Neighbouring properties

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

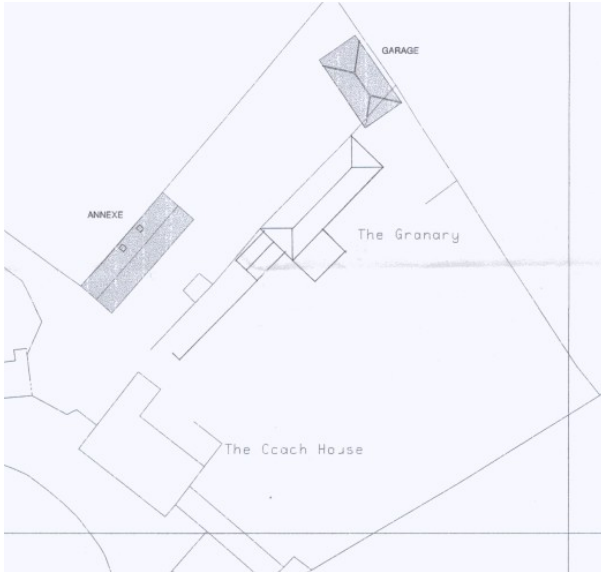
Officer's Analysis

Proposal

This application seeks planning permission for the change of use of an existing building from annex to a dwelling.

Background

The annex was granted permission under reference 20140587 and the approved layout is shown below:



The permission included 14 conditions many of which should have been discharged however none of them were. It is not possible to be certain whether 10 years has passed since the breach occurred however it would be close to 10 years, if not over 10 years. Prior to the conversion the building was used as a garage/store and prior to that a bullock shed. The application is dealt with on its own merits.

Housing Need

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

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

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in February 2025, it demonstrates that based on data up for the period 2024-2029, the Council can only demonstrate a land supply of 3 years.

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2024). This requires that in regard to housing development, planning permission should be granted unless:

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

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest;
- Land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75);
- and areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 129(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of '1' residential unit would offer a minimum contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2024) which requires new development to be high quality, beautiful and create acceptable living conditions for future occupiers.

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

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.

The Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 153 of the National Planning Policy Framework 2024 states:

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 conversion of the building potentially falls within the exception 154 (g) and (h) (iv).

154 (g) Redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt.

The National Planning Policy Framework 2024 defines previously developed land as:

Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

The application site is used as an annex however it is not technically its lawful use as the planning conditions were never discharged. Prior to this it was used as a garage/store and therefore can be considered as previously developed land.

154 (h) (iv) Re-use of buildings provided that the buildings are of permanent and substantial construction;

Paragraph 154 (h) (iv) allows for the re-use of buildings provided that the buildings are of permanent and

substantial construction. The building is currently used as an annex and minimal changes are proposed to convert it to a one bedroom dwelling; therefore it is considered to be of substantial construction.

Openness

Both paragraphs 154 (g) and (h) (iv) require the impact on openness to be considered. The openness of the Green Belt has both spatial and visual aspects and the Courts have identified a number of factors to be taken into account when assessing the impact of a proposed development on the openness of the Green Belt (PPG Paragraph: 001 Reference ID: 64-001-20190722), which include both spatial and visual consideration, as well as duration and remediability of the development, and the degree of activity likely to be generated, such as traffic movement.

The proposed development involves minimal changes externally. A garden area will be formed and a parking space. There is currently a small garden area with planters forming the boundary treatment. The proposal is for a more formal garden with higher fencing. Whilst this would impact on the openness of the Green Belt in terms of boundary treatment and residential paraphernalia, this is not considered substantial.

The proposed development therefore accords with exception 154g and h of the National Planning Policy Framework 2024 and is appropriate development in the Green Belt.

Design, Character and Appearance

The application site is located within an area where there are a number of converted farm buildings which still retains the character of a former farmyard. The proposed conversion will involve the addition of windows, the creation of a private garden and a parking space. The garden area already exists but will be made private by the introduction of boundary treatment. The only other alteration is the introduction of a cycle store and a parking space. No objection is therefore raised in terms of design.

Landscape Character

The application site is located within the Higham Arable Farmlands Landscape Character Area. The key characteristics are:

- Very gently undulating topography
- Open arable farmland
- Views out to the marshes and the River Thames in the north
- Original Saxon village of Lower Higham and more recent development to the south
- Marsh side hamlets and settlements
- Isolated farmsteads and scattered properties with locally distinct styles and materials
- Pockets of orchards and garden nurseries
- Historic sites including a Priory and Gad's Hill, once home to Charles Dickens
- Thames and Medway Canal (disused) runs to Lower Higham

The condition of the land is poor and the sensitivity is moderate. The guidelines are to restore and create. The proposed development sits within a former farm courtyard and the proposed works are minor. The proposals therefore does not impact on the wider landscape.

Impact on Listed Buildings

The Little Heritage is a Grade II Listed Building located to the southwest of the application site. There is no interrelationship between the two sites. The application site is not visible from the Listed Building and visa versa. The proposed conversion therefore will have no detrimental impact on the listed building or the setting of the listed building.

The proposed conversion, formation of garden and parking area will have no detrimental impact on the character and appearance of the area and therefore accords with policies CS12, CS19 and CS20 of the

Gravesham Core Strategy 2014, policy TC2 of the Gravesham Local Plan 1994 and paragraphs 135 and 208 of the National Planning Policy Framework 2024.

Amenity

Future Occupiers

Internally, the proposed dwelling will have a floor area of approx. 54sqm. The nationally described standards require an internal floor area of 50sqm for a one bedroom, two person dwelling. The bedroom falls slightly short of the recommended 11.5sqm (11.24sqm) however, on balance, this is acceptable.

The adopted local residential standards require a minimum garden area of 37.2sqm and a depth of 7.6m. the garden area is approx. 38sqm and the depth is 7.1m. On balance this is acceptable, particularly as the bin and cycle storage is shown to be stored outside of the garden area.

Neighbouring Amenity

The closest neighbour is The Coach House which has an outbuilding opposite the application site. No external changes are proposed to the windows or the use of the rooms and therefore the proposed conversion will have no additional impact in terms of loss of outlook, privacy, sunlight or daylight to this neighbour.

Ecology and Biodiversity

SAMMS

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 £350.16 for every new dwelling 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 paid towards the mitigation.

The proposal secures a contribution towards strategic mitigation measures within Special Protection Areas, and therefore the development complies with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 193 and 194) of the National Planning Policy Framework 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Biodiversity Net Gain

Biodiversity net gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development.

In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. This means a development will result in more or better quality natural habitat than there was before development.

As the proposed development does not impact on priority habitat and impacts less than 25sqm of on-site habitat and 5m of on-site linear habitats such as hedgerows the project is likely exempt from BNG.

Parking and Highways

The proposed conversion includes a parking space and cycle storage. There is also ample parking surrounding the property and therefore no objection is raised on highways grounds.

The development should provide an acceptable amount of parking, not be detrimental to the highway network and promote sustainable transport methods, to accord with saved policies T1 and P3 of Gravesham Local Plan First Review (1994) and Policy CS11 (LPCS) and Section 9 of the NPPF (2024).

The new dwelling would be accessed using the existing vehicle access from Gravesend Road which has been in situ for a number of years. The access is sufficient to accommodate traffic associated with the 1-bedroom dwelling and will provide 1 no. parking space within the site. As such, there are no objections to the proposed development on highways grounds in regard to vehicular access and parking provision.

The NPPF (2024), taken as a whole, represents the Government's view of what constitutes sustainable development. Paragraph 84 of the NPPF (2024) provides specific advice on sustainable development in rural areas and seeks to avoid new isolated homes in the countryside unless there are special circumstances, which are listed as follows:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:
 - i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

This is continued in paragraphs 110 and 115 of the NPPF (2024) which seek to focus significant development in locations which are or can be made sustainable, through limiting need to travel or offer a genuine choice of transport modes, with safe and suitable access for all users.

In this case, the closest settlements to the site are Higham (approx. 1.3km) and Strood (approx. 1.4km). These settlements offer varied services and amenities.

All of these settlements are served by bus and train. The nearest bus stop is along Gravesend Road. The train stations at Higham and Strood are a considerable distance away however there is a cycle route available to Strood.

It is considered that reliance of private vehicles would be likely for future occupiers of the dwelling to access services and amenities, and that the development is not in a highly sustainable location however there are alternative options to the car available and, on balance, the proposal is considered to meet the exception of paragraph 155 of the NPPF (2024) or Local Plan Core Strategy Policy CS11 Transport, which seeks to ensure that new developments are served by sustainable opportunities for travel and provide travel choice.

Overall Planning Balance

Section 38(6) of the Planning and Compulsory Purchase Act provides that planning decisions should be in

accordance with the development plan unless material considerations indicate otherwise.

The proposal is deemed to comply with paragraph 154(g) and (h) of the NPPF (2024), which allows redevelopment of previously developed land (including a material change of use to residential), which does not cause substantial harm to the openness of the Green Belt.

In this case the proposal does not cause substantial harm to the openness of the Green Belt and there is no conflict with paragraph 154(g) or (h) of the NPPF (2024) and the proposal complies with policies of the development plan, notably Policies CS01, CS02, CS12 and CS19 (LPCS) (2014). It is acknowledged that the proposed dwelling is not in a highly sustainable location, however, when considering the Borough's housing land supply shortfall, the reuse of a brownfield site, and that the existing use in itself would generate trips on the highway network, it is considered that these material considerations outweigh conflict with the development plan and NPPF.

Conclusion

The proposed conversion to a residential dwelling is not inappropriate development in the Green Belt, will have no detrimental impact on the character and appearance of the area, amenity, parking or highway safety and therefore accords with the abovementioned policies and is 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:	<i>R Hart</i>
Dated:	10 June 2026	Dated:	16th June 2026