



Delegated Report

Full Planning Application

Application No:	20221342
Location:	Starwood, Pear Tree Lane, Shorne, Gravesend, Kent, DA12 3JU
Description:	Demolition of existing stables and removal of containers and conversion of existing framed structure to form separate bungalow with three bedrooms plus erection of detached double garage, additional single storey rear extension, front porch and use of existing access
Applicant:	T Russell
Site Visit:	22 nd October 2020 / 2 nd September 2022

Submitted Documents/Plans

- Application Form - dated 19 December 2022;
- Planning, Design and Access Statement (ref 3760.PN) - dated December 2022;
- Preliminary Ecological Appraisal (PEA) (ref 0920_R01_PEA) - dated 10 March 2022;
- Ecological Impact Assessment (ECIA) (ref 0920_R02_EcIA) - dated 22 April 2022;
- Supplementary Information - Appeal Decision (APP/G2245/W/19/3236750);
- Supplementary Information - Appeal Decision (APP/H1840/W/19/3235302);
- Supplementary Information - Appeal Decision (APP/T4210/W/21/3266223);
- Supplementary Information - Appeal Decision (APP/K2230/D/22/3298308);
- Drawing no. 3514 01 - Site Location Plan;
- Drawing no. 3514 02 - Existing Block Plan;
- Drawing no. 3514 03 - Existing Stables Floor Plan;
- Drawing no. 3514 04 - Existing Stables Elevations;
- Drawing no. 3514 05 - Existing Outbuildings Elevations;
- Drawing no. 3514 06 - Proposed Block Plan;
- Drawing no. 3514 07 - Proposed Floor Plan;
- Drawing no. 3514 08 - Proposed Elevations;
- Drawing no. 3514 09 - Proposed Garage Floor Plan and Elevations;
- Drawing no. 3514 10 - Proposed Section;
- Drawing no. 22/07/A - Topographical Survey (dated 04 March 2022).

Relevant Planning History

Reference	Description	Decision	Decision Date
20220531	Demolition of existing stables and removal of containers and conversion of existing framed structure to form separate bungalow with three bedrooms plus	REFUSED	30.09.2022

	erection of detached triple garage, additional conservatory, porch and use of existing access.		
20210376	Application for a Lawful Development Certificate in respect of the existing use of land and for residential purposes, falling within Use Class C3(a) of the Use Classes Order 1987 (as amended).	CERTIFICATE GRANTED	15.10.2021
20171122	Formation of an additional vehicular access and driveway onto a classified road.	PERMISSION	04.04.2018
20130450	Formation of an additional vehicular access onto a classified road.	PERMISSION	05.02.2014
20060227	Construction of a sand ménage.	WITHDRAWN	07.03.2007
20050912	Variation of condition (iii) of planning permission reference number GR/74/472 for erection of a detached garage; to allow the store in the roof space above the garage to be used as a hobby room and construction of dormer extensions in both side roof slopes of garage to provide enlarged roofspace for the hobby room/store.	PERMISSION	15.12.2005
20050675	Application for a Lawful Development Certificate in respect of the proposed construction of a dormer extension in both of the side roof slopes of the detached garage at the front.	CERTIFICATE REFUSED	20.10.2005
20050529	Application for Lawful Development Certificate in respect of the proposed erection of a stable block with tack and feed store and a hay barn within the residential curtilage.	CERTIFICATE GRANTED	22.08.2005
20010321	Erection of a detached double garage in the front garden with storage in the roof space and external staircase on the side elevation.	REFUSED	17.08.2001
	Erection of an open porch on the front elevation	PERMISSION	
19910714	Demolition of s/s lean-to on east elevation; erection of 1st floor extension on west elevation to form bedroom; construction of eyebrow dormer in the south roof slope & 2no dormer windows in the north roof slope & erection of single storey infill extension on the north elevation to form enlarged kitchen.	PERMISSION	10.01.1992
19910379	Conversion of and single storey extension to the existing car port at the side to form lounge/ dining area, kitchen, wc and entrance hall.	PERMISSION	16.07.1991
19910126	Conversion of the existing detached double garage at the front into a dwelling incorporating the construction of dormer extensions in the northern and southern roof slopes and erection of a covered walkway linking it to the existing dwelling.	REFUSED	26.04.1991

19910032	Section 64 determination as to whether planning permission is required for the use of part of the ground floor as a guest house for 3 no. paying guests.	PLANNING PERMISSION NOT REQUIRED	14.02.1991
19870855	Formation of a vehicular access on to a classified road.	WITHDRAWN	16.03.1989
19820776	Retention of car port at the side.	PERMISSION	04.02.1983
19800995	Erection of a two-storey rear extension to form enlarged lounge with two bedrooms at first floor level.		13.01.1981
19750472	Alterations and additions to provide additional living accommodation and erection of a detached garage.	PERMISSION	19.08.1975
19750235	Demolition of existing lean to and conservatory and erection of 2 storey extension at rear and single storey extensions at side for garages and workshops and formation of rooms in roof space.	REFUSED	08.07.1975
19600015	Erection of bungalow and garage.	PERMISSION	26.02.1960
19570315	Stationing of a caravan for storage purposes.	TEMPORARY PERMISSION	09.02.1960
19570314	Stationing of a caravan for weekend use. (Date App. Rec. 15.12.1956)	PERMISSION	16.01.1959
19570254	Stationing of caravan for week-end use.	PERMISSION	23.12.1957
19480151	Erection of a dwelling.	PERMISSION	23.06.1949

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS11 - Transport
- CS12 - Green Infrastructure
- CS14 - Housing Type and Size
- CS15 - Housing Density
- CS16 - Affordable Housing
- CS18 - Climate Change
- CS19 - Development and Design Principles
- CS20 - Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994):

- T1 - Impact of Development on the Highway Network
- T2 - Channel traffic to the Primary and District Distributor Network
- T4 - Development outside the Built-Up Area
- T5 - New Accesses onto Highway Network

- P3 - Vehicle Parking Standards

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):

- Section 2 - Achieving sustainable development
- Section 4 - Decision Making
- Section 5 - Delivering a sufficient supply of homes
- Section 9 - Promoting Sustainable Transport
- Section 12 - Achieving well-designed places
- Section 13 - Protecting Green Belt land
- Section 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15 - Conserving and Enhancing the Natural Environment
- Section 16 - Conserving and Enhancing the Historic Environment

Supplementary Planning Guidance:

- 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)
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

External Consultees

Meopham Parish Council - This is a reapplication of refused Ref 20220531 with very minor alterations, so effectively almost the same. Hence the reasons for refusal will also be the same.

The Parish Council again has to **OBJECT STRONGLY** to this application for the following reasons and comments:

1) Plots of land, land ownership, access:

The land area shown is composed of parts of two parcels of land however the ownership remains confused:

- the rear land of Starwood K424735, stated previously and presently as being in the ownership of the applicant
- the narrow access track on the west side that is part of K654169, this was established previously to be in the ownership of the applicant's children but is again now stated to be in the ownership of the applicant.

The actual situation requires verification.

The manner in which proper and permanent access is to be maintained to the rest of K654169 needs to be

clarified as it is not appropriate for access to be via a residential garden, or a route that might come to be in different ownership. As the existing accumulated structures are said to be redundant and are to be removed, we suggest that the original track on K654169 should be reinstated.

2) Green Belt Location; Landscape character

The proposed property is located in the Green Belt where a new dwelling would not normally be permitted due to detrimental impact on openness. No “very special circumstances” have been cited that might override this restriction.

The proposed location would also cause harm to local Landscape Character.

3) Backland development and precedents

The proposal would be a backland development which is by definition undesirable. Contrary to the applicant’s statement, there are no backland residential buildings on the entire north side of Pear Tree Lane. There are also not “many” (see applicant’s point 6.27) on the south side, there being only one purpose-built residential property, “Furze Bank” which was permitted in the 1950’s, and “Sunridge” which is a mixed use building, previously related to the historic Bushylees Farmhouse and converted from genuine stable use.

Permission of this proposal would create a precedent in the area which could lead to other backland proposals being impossible to resist, particularly as Starwood is already set well back on its plot.

4) Out of character with the area; Amenity of neighbouring dwellings

The area is characterised by single detached houses built on large plots, this proposal would be out of character with the area.

The proposal will be detrimental to the amenity of neighbouring dwellings, especially “Colesmead” to the east.

5) Lack of planning permission for “hay barn” / “framed structure” building and other works

The “framed structure” that is the subject of this application was referred to in a previous application as being a “hay barn”. It was built without planning permission between May 2018 and April 2020 (dated by Google Earth aerial views).

As first reported previously in relation to our comments on Application Ref 20210376, a sand school/menage has been constructed in Starmore Wood, also without planning permission. This is first visible in a 2011 aerial view and was subsequently enlarged.

6) Proof of redundancy of existing buildings

It is claimed that the hay barn and various stable and storage structures are all redundant however further information is required proving this in case removals and any conversion might lead to pressure for more barn and stable structures to be built elsewhere on the properties owned by the applicant and his children, so leading to further erosion of openness of Green Belt land.

7) Suitability of structure for conversion

The structure was built on (at the time) non-residential land that was previously orchards. It appears to be merely a concrete frame with some timber posts although now referred to (in conflict with the submitted plans) as a “steel-framed barn”. There does not appear to presently be a floor or any existing services. We question whether the existing structure can be regarded as a building suitable for conversion and whether conversion to a residence can be achieved without considerable engineering works.

8) **Other points about plans, layout and design:**

- The plans show a structure to the east in the garden of “Colesmead” however this former tennis court cannot be identified in aerial views from 1990 onwards, since when the land there has become thickly wooded.
- A double gate is shown in the northern boundary fence, clarification is required over the need for and proposed use of this non-residential feature (see Point 1 above).
- The layout is the “wrong way round” on the site as it should relate to the roadway and not the open countryside:
 - The proposed two car garage is at the back of the site where it maximises visual impact and encroachment on the openness of the Green Belt, and unnecessarily increases the land area needed for driveway/access purposes.
 - The proposal puts the “front door” at the rear of the new property.
 - The site layout should be flipped.
- The plans do not indicate how surface drainage and sewerage needs will be met.
- We note that the applicant refers to there having been a pre-application discussion in 2020 however the Parish Council was not involved in those “without prejudice” discussions and has not been provided with a copy of the report.

We suggest that an opinion should be sought from Rural Planning regarding appropriateness and suitability of this structure for residential conversion.

The Parish Council **OBJECTS STRONGLY** to this application. We request that the application should be refused, and that enforcement action should be taken concerning the various buildings and structures that have been erected without planning permission, including the menage constructed in Starmore Wood, as discussed in a previous decision notice.

In view of the extent of built form proposed on the site, we also request that, should Officers be minded to permit the application, then Conditions should be attached withdrawing permitted development rights for the entirety of both the quoted Land Registry titles, to prevent further encroachment onto the Green Belt, open agricultural land and woodland.

However, should officers be minded to permit this application we would also request that the application should be called in to the Planning Committee to enable wider discussion and informed participation in any decision.

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

The introduction of a residential use in this location would impact on the openness of the Green Belt attracting residential paraphernalia.

KCC - Heritage and Conservation - The site lies within an area of multi-period archaeological potential and c.100m north-west of the site of the discovery in 1935 of a Romano-British cremation burial. I recommend that if planning permission is granted the following condition is applied to any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed, and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest (and in this case those potentially related to human remains) are properly examined and recorded.

KCC - Biodiversity - reused from 20220531 (ecology reports unchanged).

“Regarding 20220531 (Starwood), I have looked at the ecology report (which has been produced by Native Ecology – a highly reputable consultancy) and am satisfied that protected species are unlikely to be impacted. The trees which have bat roost features are to be retained. If planning permission is granted, we advise that informative and conditions below are attached.

A lighting condition is recommended because the site is in close proximity to ancient woodland/a Local Wildlife Site and, therefore, nocturnal wildlife and invertebrates associated with these sites could be adversely impacted by any external lighting. Additionally, the report makes some excellent recommendations for enhancement of biodiversity, some of which should be incorporated (in alignment with paragraph 180 of the NPPF).

- *Breeding Bird Informative - The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.*
- *Biodiversity and Lighting - Prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.*
- *Ecological Enhancement - Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include incorporation of recommendations in section 11 of the Ecological Impact Assessment (Native Ecology April 2022). The approved details will be implemented and thereafter retained.*

Internal Consultees

Local Ward Councillors - With the exception of the garage at the rear, there does not appear to be any material difference to planning application 20220531 which was refused. It is still backland development on Green Belt land, with no exceptional circumstances, and by definition is harmful to the openness to the Green Belt. Furthermore, this seems to me to be part of a sustained strategy over a number of years to circumvent planning policies and regulations.

If officers are minded to recommend that this application is approved, requested that it is referred to the Planning Committee for determination.

Neighbouring properties

A notice was displayed on site 12th January 2023.

In addition, four surrounding properties were consulted and no representations were received. The consultation period expired 2nd February 2023.

Preliminary Matters

This application follows a similar application that was refused by the Local Planning Authority (ref.

20220531). The refused application proposed the “Demolition of existing stables and removal of containers and conversion of existing framed structure to form separate bungalow with three bedrooms plus erection of detached triple garage, additional conservatory, porch and use of existing access”, and was refused for the following reasons:

1. *The site lies within the Metropolitan Green Belt where the construction of new buildings is inappropriate development unless it is for one of the excepted forms of development set out in paragraph 149 or 150 of the National Planning Policy Framework (NPPF), 2021. The proposal is for a separate dwelling and not as an annexe and results in the splitting of the residential curtilage. The building of a dwelling, whether as conversion or otherwise would still by definition result in a form of encroachment in the countryside by reason of the nature of the development and the paraphernalia and associated development that goes with what will be a separate dwelling from the existing dwelling on the site. The development does not, in the opinion of the Local Planning Authority, fall within the exceptions to inappropriate development in the Green Belt in the NPPF. No very special circumstances have been put forward to outweigh the harm to the Green Belt or any other identified harm and therefore the proposal is contrary to Policy CS01 (Sustainable Development) and Policy CS02 (Scale and Distribution of Development) of the Gravesham Local Plan Core Strategy (2014) and section 13 of the National Planning Policy Framework (2021) (Protecting Green Belt Land).*
2. *The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 180 and 181 of the NPPF (2021), and the requirements of the Conservation of Habitats and Species Regulations 2017.*

In order to receive a favourable decision, this proposal must be considered to overcome the reasons for refusal attached to the previous application.

Officer's Analysis

Site Context

Starwood is a detached dwelling located on the north side of Pear Tree Lane Shorne set within large grounds and located within a ribbon of housing in the countryside and Green Belt outside of the rural settlement of Shorne (see site location plan below).



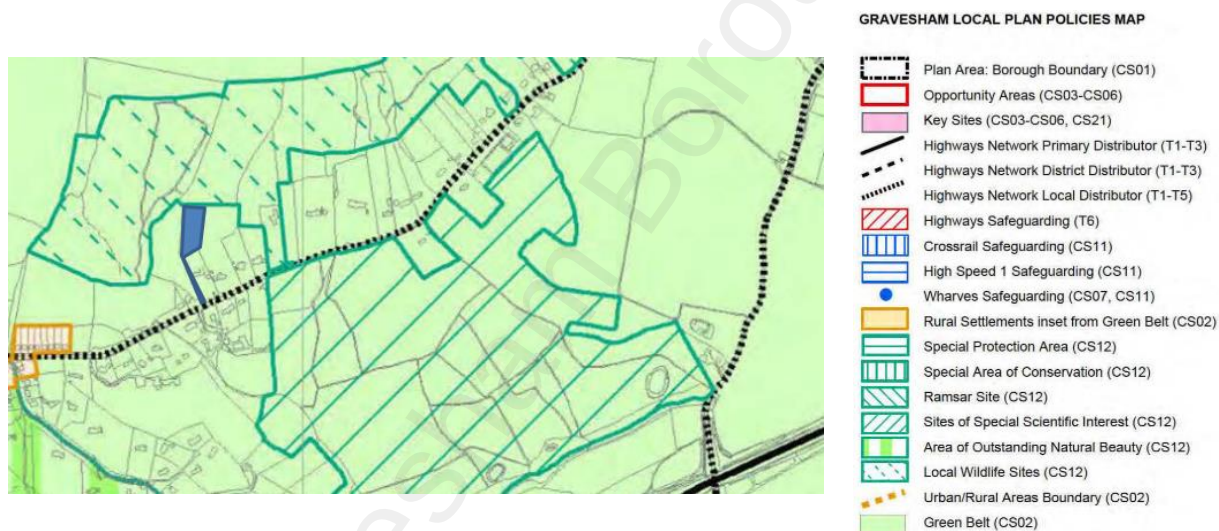
It is located within a 0.6-hectare plot of residential land, which forms part of the applicant's wider site ownership that extends to another 10.2 hectares in total, inclusive of a 7-hectare woodland and 2.2-hectare paddock to the north.



(Google Earth - April 2022)

The whole of the application site (Starwood, its curtilage, the stable area and the paddocks and woodland) is shown as being within a **Green Belt area** (Policy CS02) in the Gravesham Local Plan Policies Map. Immediately to the north of the paddock/stable area of the site the land and woodland is within a **local wildlife site** (Policy CS12). Pear Tree Lane is a **local distributor road** (Saved Policies T1-T5)

An extract from the Local Plan Policies Map is shown below (*Application site shown shaded blue*)



Existing Site Description

The existing dwelling is a large extended chalet bungalow with gable ends and a central eyebrow dormer at the front. It was originally built in the early 1960's. It is white painted with a plain tiled roof. There is a standalone double garage in front of the dwelling at its eastern side. The dwelling is set back 50m from the road. It is accessed by a gated tarmac / block paved drive.

There also another gated access drive on the west side of the dwelling frontage that was constructed in 2018, that beyond the front of the dwelling is further gated and then continues as a tarmac drive to a paddock/grassed area beyond and behind the immediate rear house garden.

The paddock/grassed area beyond the immediate rear garden to the dwelling, is a roughly rectangular plot of land 58m by 25m (0.14 hectares). It is closely mown but there are some small trees including larger conifers within the grassed/paddock area, including an oak tree within the northwest corner. In the early 1960's it was laid out as an orchard.

On the left side of the paddock/grassed area there are a number of stable buildings (4), mostly timber with corrugated roofs but with one small, poorly constructed, brick stable with pitched roof. There are 2 metal containers both of which have canopies linking the containers to the stables.

There is also an old portacabin structure to the west of the stables and touring caravan to the south. The paddock area is an exercise area for the applicant's horses.

These are shown in the case officer photographs below from September 2022.



There is a large hay barn like building (circa 22m by 7.75m) to the north of the stables/containers on the grassed area, which the drawings submitted with this planning application describe as being stables. The hay barn has been excavated into the ground, on the east side by over one metre and is open on all four sides. There is no flooring to the building having a sand base only. The building has a concrete frame and with a mix of concrete and timber stanchions/supports. The roof has a shallow pitch and is constructed of timber with a ply and felt covering. This building is of more recent origins and appears to have been built in around 2019. There is no record of any permission for the building or the enabling engineering works.



There is a small hardstanding area in front of the stables and also next to the access drive, mainly scalpings, where vehicles are parked and includes a concrete turning area. There is some lighting on poles next to the containers/stables on the site.

The paddock area is currently separated from the immediate garden area of Starwood by a close boarded fence. Whilst it forms a distinct area different in character from the more formal garden area to the dwelling

and being based around the stabling of the applicant's horses, all of this area of land beyond the rear garden was determined as being part of the overall residential curtilage following the grant of a Lawful Development Certificate in 2021 and which on the balance of probabilities, has been used for residential purposes for a period in excess of ten years (see photo below looking south to rear garden boundary fence)



Beyond this enclosed paddock to the north there are further open fields/paddocks, and with more undulating land and with clumps of woodland that are within the applicant's ownership (see photo below looking north beyond the paddock and stable area)



Immediately to the west of the application site is an enclosed field at the rear of the adjoining dwelling (Phoenix) and to the east is woodland and garden land (rear of the existing dwelling at Colesmead).

Proposed Development

This application proposes the demolition of buildings and removal of containers from the site, with the open barn being converted into a three bedroom bungalow. In addition, a new double garage building would be constructed. The new dwelling will have the same height as the existing open barn (4.6m) but its footprint would be enlarged through a front porch extension and rear extension. The two extensions would result in an overall footprint of 210m² and will have the following dimensions:

Rear Extension

- Depth - 4.8m
- Width - 5.4m
- Height (max) - 3.8m
- Height (eave) - 2.7m

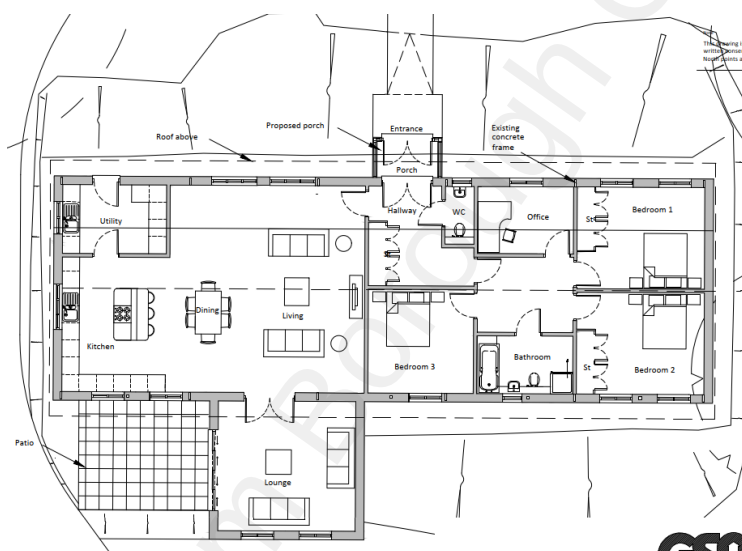
Porch

- Depth - 1.35m
- Width - 2.35m
- Height (max) - 3.05m
- Height (eave) - 2.5m

The dwelling would have an overall depth of 14m (including the porch and rear extension), a width of 23m and an eave height of 2.95m.



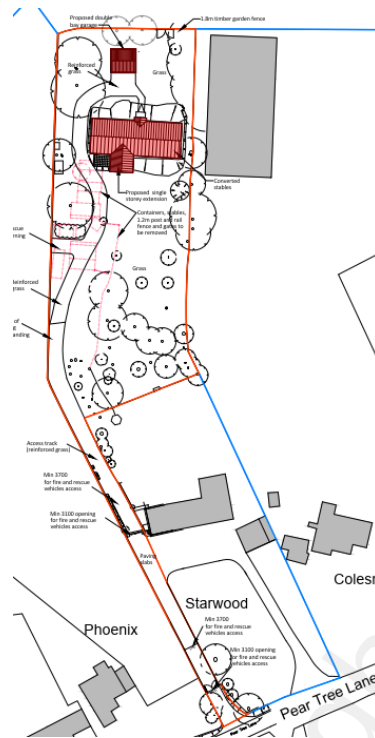
It would be constructed using black/grey weatherboarding, red brick lower plinth, slate roof and upvc windows and doors. Internally the dwelling would include a large open plan kitchen/living/dining room, a separate lounge, utility room, wc, three double bedrooms, a family bathroom and a home office.



The garage will be formed using matching materials to the dwelling, with timber doors. It would have a pitched roof with gable ends, a maximum height of 3.846m and an eave height of 2.5m. It would have a depth of 5.8m and a width of 6.25m.



The proposed layout of the development is shown in the screenshot below (with the new dwelling / garage highlighted in red). The existing access to the stables will be utilised for the new dwelling, with a reinforced grass driveway running up to and behind the new dwelling to access the garage at the rear.



The Lawfulness of the Barn Building

As aforementioned in the 'Site Description' section, the lawfulness of the barn is questioned due to the recency of its construction and it not benefitting from planning consent. From an assessment on Google Earth, it was constructed at some point between May 2018 and April 2020.



May 2018



April 2020

The planning statement does not reference the lawfulness of the barn building; however the Local Planning Authority consider this to be key to this application. The previous delegated report (ref. 20220531) acknowledged this issue:

"The actual hay barn building itself has not been the subject of a planning application or specific lawful development certificate. If it were a Class E building, then it would have had to meet the limitations therein and may not have done so in view of its height (over 4m and proximity to neighbouring boundary)."

The plans demonstrate that the height of the building is 4.6m, which fails to meet the parameters set out in

Class E of the GPDO and would therefore require planning permission. On the balance of probabilities, and without a certificate of lawfulness, the Local Planning Authority consider the barn building to be unlawful and therefore the development hereby proposed would be to construct a new building within the Green Belt which, by definition, is inappropriate development.

Proposal changes following previous refusal (20220531)

It is important to highlight the alterations made to the proposal from the refusal. In paragraph 4.2 of the planning statement, the changes are discussed:

“This application differs from the previously refused application by virtue of the replacement of the rear conservatory with a rear extension to reflect the intended finish of the converted barn, as well as a double garage being proposed in place of a triple garage, meaning that the overall amount of built form is reduced.”

These are considered minimal changes following the refusal, and therefore most of the previous delegated report remain relevant to this application (attached as appendix 1). In addition, to the minor changes to the development this application is accompanied by a number of appeal decisions to support the proposal, which will be considered at relevant parts of this report.

Housing Need

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 3.27 year supply has most recently been calculated), 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) (2021). 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 (2021) at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 182)
- Sites of Special Scientific Interest;
- Green Belt,
- Local Green Space,
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats;
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68); 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 125(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 units would offer a minimal 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 NPPF (2021).

Green Belt

As aforementioned, the application site is located in the Green Belt and as such Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) (2014) is relevant. Development in the urban area is prioritised as the sustainable location for development. In the rural area, Policy CS02 states that development will be supported within rural settlements that are inset from the Green Belt and defined on the policies map. Development outside those settlements, i.e. in the Green Belt, will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the LPCS.

There are five principle issues in determining this application;

1. Is the proposed development appropriate in the Green Belt?
2. The effect of the proposal on the openness of the Green Belt;
3. Any very special circumstances?
4. Impact on the landscape;
5. The effect on the character and appearance of the area; and
6. Other matters.

1. Is the proposed development appropriate in the Green Belt?

There are strict policy considerations within the Green Belt whereby 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 148 goes on to say that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. A Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt unless it falls within the specified exceptions. The NPPF (paragraph 149) exceptions to this are: -

- (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) 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 the development plan (including policies for rural exception sites); and*
- (g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - *not have a greater impact on the openness of the Green Belt than the existing development; or*
 - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

As highlighted previously, the barn building is unlawful and the development hereby proposed would be for the construction of a new building within the Green Belt, which fails to meet any of the exceptions listed in paragraph 149 of the NPPF (2021). Notwithstanding the development being inappropriate development by definition and will not be approved in line with paragraph 147 of the NPPF (2021), the Local Planning Authority has considered the arguments presented by the applicant.

The applicant argues that the development would constitute exceptions (c) and (d) of paragraph 149, with (c) being for the conversion and extension of the barn to create a bungalow and (d) being for the replacement of buildings with a new garage. The applicant argues that if the LPA do not accept the other exceptions, that the assessment should consider exception (g).

The assessment below will consider the merits of each argument:

(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

The open barn would be altered and extended as part of this development, however the argument around exception (c) of paragraph 149 of the NPPF (2021) is contrived, as the development description is to 'convert the barn'. Therefore, whilst it is acknowledged that the barn would be altered and extended, the exception in paragraph 150 (d) of the NPPF (2021) is more relevant to this application, with the development involving the conversion and reuse of a building in the Green Belt.

The barn building is open and not a substantial structure, and the previous delegated report dismissed the relevance of exception (c). The report continued to question the lack of supporting information submitted with the application, specifically relating to the structure itself and how it could be converted:

"it is hard to see that the hay barn which is a totally open building could be converted. In any event there is no structural survey submitted with the application or method statement to show how the building could be converted."

Similarly, there is no information submitted with this application to demonstrate the suitability for conversion or a survey of the structure itself. However, as aforementioned, the description relates to 'conversion' of the structure into a residential bungalow, thus a re-use of the building, and therefore the LPA consider it relevant to consider paragraph 150 (d) of the NPPF (2021). To do so, the suitability of the structure for conversion must be judged.

Although not directly relevant to this application type the government provides clarity on how buildings are deemed suitable for conversion on the Planning Practice Guidance (PPG) website (Paragraph: 105 Reference ID: 13-105-20180615), and specifically excludes structural strengthening work when explaining national policy supporting the conversion of agricultural buildings to dwellings (Class Q). The PPG states that the installation or replacement of windows, doors, roofs and walls is acceptable, but the construction of new structural elements for the building is not. It is only 'when the existing building is structurally strong enough to take the loading, which comes with the external works to provide for residential use' that the building is seen as suitable for conversion. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.

In this case, the open barn structure is not permanent or substantial, which brings into question if it is suitable for conversion. Without any detail regarding the structural capabilities of the structure the LPA consider that substantial changes required to make it fit for purpose for residential accommodation, including erection of front and rear extensions.

In summary taking on board the proposed changes to the barn and the government advice set out in paragraph 105 of the PPG, the overall changes to the site would go beyond the definition of exception (d) of paragraph 150 of the NPPF (2021) (the re-use of buildings provided that the buildings are of permanent

and substantial construction). Therefore, the proposal should be considered against exception (g) of paragraph 149 of the NPPF (2021), which states:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

The first stage of this assessment is to determine whether this site is previously developed land, in line with the definition set out in Annex 2 of the NPPF, which states:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This 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 lawful development certificate was granted by the LPA in 2021, confirming the existing lawful use of the entire plot as residential (ref. 20210376) and as such the entire site falls under a residential use. Therefore, in the absence of evidence to the contrary, it is considered that the site is previously developed land. However, as stated within exception (g) of paragraph 149 of the NPPF (2021), the redevelopment of previously developed land would still be inappropriate development if it would result in, or have, a greater impact on the openness Green Belt, or cause substantial harm to the openness of the Green Belt. This will be assessed later in this report.

In one of the appeals submitted as an appendix with the planning statement (GSP2), the Inspector follows a similar assessment to above, using paragraph 150 (d) and 149 (g) of the NPPF (2021) (formerly paragraphs 145 and 146) to consider the conversion of a building into a residential property. The site already benefitted from planning permission for a residential property and unlike the open barn in this case, the building was permanent and substantial. Moreover, the Inspector was provided with evidence, in the form of a structural survey, to consider the suitability for reuse. Therefore, even though the site is a residential curtilage, the barn is not a permanent or substantial building and would therefore be considered inappropriate development.

(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

The considerations from the previous delegated refusal remain relevant for exception (d) in paragraph 149 of the NPPF (2021):

“Under paragraph 149(d) the proviso is that the new building is in the same use and not materially larger than the one it replaces. Whilst the argument is that cumulatively there are a number of buildings that might be demolished, the proposal is not in the same use and there are considerable doubts in any case in relation to the authorisation of the main building to be replaced/converted.”

Some of the appeals submitted with this application attempt to justify that an assessment of the openness is not required (appendices GSP1 and GSP2), specifically if the development is considered against exception (c) or (d) of paragraph 149 of the NPPF (2021). However, as assessed above, this proposal is considered against 150 (d) and 149 (g) of the NPPF (2021), whereby the openness is a key consideration of exception (g) of 149 and therefore openness and permanence are key considerations for this application.

Conclusion on the exceptions within the NPPF (2021)

The primary issue to consider was the lawfulness of the building in question. As set out previously, the building does not benefit from a certificate of lawfulness or planning permission and, on the balance of probabilities and without evidence to the contrary, is not lawful. Given this, the development hereby proposed would be to construct a new building in the Green Belt, which by definition is inappropriate development and in line with paragraph 147 of the NPPF (2021) should not be approved.

Notwithstanding this, due consideration was made to the arguments presented by the applicant against the exceptions in paragraph 149 of the NPPF (2021). These arguments were quashed and the development considered to be inappropriate development by virtue of failing to meet these exceptions. Moreover, the permanence and substantialness of the building were questioned in relation to paragraph 150 (d) of the NPPF (2021). Below is the consideration of the effect on the openness of the Green Belt.

2. The effect of the proposal on the openness of the Green Belt

Paragraph 137 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 openness of the Green Belt has both spatial and visual aspects, and any new built form of development is harmful to its open character. The new dwelling and garage would create a new residential unit and associated paraphernalia on the site. The development will be beyond the established building line of properties along Pear Tree Lane, which encroaches onto the countryside both visually and spatially eroding the openness of the Green Belt. Therefore, the open appearance of the site would be lost, and the visual openness of the Green Belt eroded.

Below is an assessment of the harm that the proposed development will have on the Green Belt:

Permanent loss of openness - Openness and permanence are the essential characteristics of the Green Belt. The application site currently contains a collection of single storey buildings and containers, as well as the open barn structure.

The large dwelling and garage with the increased parking, residential paraphernalia and lighting will permanently and irrevocably harm the Green Belt through loss of openness. Whilst it is acknowledged that the quantity of buildings and reinforced grass would mitigate this impact somewhat, this cannot overcome the adverse impact on openness.

Encroachment of the countryside - This is a stated national purpose of the Green Belt at paragraph 142 of the NPPF (2021). The construction of a new dwelling on the site would introduce urbanising features (additional car parking, light pollution, hard landscaping and residential paraphernalia) that would adversely affect the character of the settlement at a point of transition from the denser built form fronting Pear Tree Lane, to the open Green Belt and local wildlife site to the West (as demonstrated in the Gravesham Local Plan Policy Map (2014)).



As stated in the previous report (ref. 20220531), “the building of a dwelling, whether as conversion or otherwise (see below) would still by definition result in a form of encroachment in the countryside by reason of the nature of the development and the paraphernalia and associated development that goes with what will be a separate dwelling from the existing dwelling on the site. It is not indicated as being a residential annexe.”

Although the visual impact on the new dwelling would be somewhat mitigated by its backland location and the lack of visibility, the development would represent the encroachment of built form which would result in a reduction in openness.

Reference back to paragraphs 147 and 148 of the NPPF (2021) informs us that inappropriate development in the Green Belt should not be approved except in very special circumstances and that very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whether the development causes any other harm and whether there are any other relevant considerations to balance the overall planning argument, should now be considered.

3. Consideration of ‘very special circumstances’

Having concluded that the development is inappropriate development, very special circumstances need to be considered as part of the Green Belt assessment. No specific arguments have been put forward by the applicant in relation to the assessment of ‘very special circumstances’.

Final Balancing Exercise on Green Belt Issues

The proposed development will construct a new building within the Green Belt, which is inappropriate development. The barn building does not benefit from planning permission or a lawful development certificate. Therefore, to convert this unlawful building into a residential dwelling would be to construct a new building in the Green Belt, which does not fall within any of the exceptions set out in paragraphs 149 and 150 of the NPPF (2021).

Nevertheless, due consideration was made to the arguments presented by the application against the exceptions in paragraph 149 of the NPPF (2021). The application site lies within the Green Belt and would meet the criteria of exception (g) of paragraph 149 of the NPPF (2021), being previously developed land. However, the structure is not substantial and would involve a considerable works to create a residential dwelling which would be inappropriate development in, and would be harmful to the open permanence of the Green Belt and encroachment on the countryside.

Therefore, the proposal is not considered to have overcome ground of refusal (1) attached to ref. 20220531. The additional information, in the form of the appeals, are not sufficient to justify the development and the Local Planning Authority would question the relevance of some of the appeals. The appeals provide insufficient evidence that is directly relatable to this proposal and offered different situations on the ground.

4. Impact on the Landscape

In addition to being within the Green Belt, the site is located within the Shorne Woodland landscape character area. This area is characterised by an undulating topography, chestnut coppice woodland and a strong sense of enclosure. The developments are often located around traditional village greens, are buildings have varying styles and ages with chequered brickwork and ornamental brickwork.

Policy CS12 (LPCS) seeks to protect the Green infrastructure within the Borough and states at 5.7.26 the overall landscape character and valued landscapes will be conserved, restored and enhanced.

It is acknowledged that the site is within what has been considered as being part of the overall residential curtilage and has been used for stabling of horses for many years by the applicant. This part of the curtilage is screened from public views at the front in Pear Tree Lane by reason of its distance back with the plot

some 90m back and the actual dwelling about 145m from the road. Therefore, although the proposed development would be out of character with the established landscape, by virtue of being a backland development, it is not sufficient grounds to refuse the application against Policy CS12 (LPCS).

5. The Effect on the Character and Appearance of the Area

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. Moreover, Section 12 (Achieving well-designed places) of the NPPF (2021) sets out that developments should function well and add to the overall quality of the area, be visually attractive and sympathetic to local character.

Gravesham's newly published Householder Extensions/Alterations Design Guidance SPD (2021) set out key principles for new developments. Generally, the SPD highlights the importance of new development complimenting and corresponding to existing character and the wider context. In this case, the rural character of the area and other surrounding dwellings should be considered.

The surrounding properties on Pear Tree Lane are large detached two storey dwellings on large plots. Although the single storey residential property would be out of character with the large dwellings fronting Pear Tree Lane, it is significantly set-back at the rear of the curtilage which serves to screen the bungalow from public vantage points. Moreover, the single storey building located to the rear would be similar to other outbuildings in the rear gardens of other properties along Pear Tree Lane. As such, the proposed dwelling is not considered to impact on the street scene or the character of the area.

The new dwelling would be constructed using timber weatherboard cladding and a slate roof, which would be considered acceptable materials. The garage building would be constructed using similar materials to the dwelling.

Overall, the design of the proposed dwelling and garage are considered to be acceptable, will have no impact on the street scene or character of the area, and are in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

6. Other matters

Amenity of Future Occupiers

Policy CS19 (LPCS) and Section 12 of the NPPF (2021) require developments to provide adequate living conditions for future occupiers, which is reinforced by the Council's Residential Layout Guidelines (2020) and the Nationally Described Space Standards (2015). These provide minimum requirements for room sizes and amenity space.

The rooms in the proposed dwelling are in accordance with Gravesham's Residential Layout Guidelines (2020) and will receive sufficient natural light. The garden size is also in accordance with the RLG. Therefore, the development is considered to safeguard the amenity of future occupiers in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

Impact on amenity of surrounding properties

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of neighbouring properties and land and Section 12 of the NPPF (2021) requires development to have a high standard of amenity for existing users (In this case surrounding properties).

The proposed dwelling and garage will be approx. 82.7m from Starwood, located to the south. The other nearest properties are 95m from the new dwelling, which is a single storey bungalow. As a result, there would be no impact in terms of loss of light, overlooking, sense of enclosure or loss of outlook, and the proposal is considered to safeguard the amenity of surrounding properties in accordance with Policy CS19

(LPCS) and Section 12 of the NPPF (2021).

Parking and Highways

The development should have an acceptable amount of parking, not be detrimental to the highway network and promote sustainable transport methods, to accord with saved policy T1 and P3 of Gravesham Local Plan First Review (1994), Policy CS11 (LPCS) and Section 4 of the NPPF (2021).

The new dwelling and garage would be accessed using the existing vehicle access to the left of Starwood, which was granted in 2018 to serve the stables. The previous report raised no objection to the access, however did highlight that conditions were attached to the permission for the access that were not complied with and if the development were to be permitted that new conditions could address highway concerns. As such, there is no objection on highway grounds.

7. Any Other Material Planning Considerations

Ecology and Biodiversity (Bird Mitigation)

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 water birds 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 £275.88 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.

In this instance, the proposed development would result in the creation of an additional residential property and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £275.88 per new dwelling unit.

The applicant has not paid the SAMMS Mitigation Contribution Agreement tariff and therefore failed to accord with the requirements of the Habitat Regulations, as well as Section 15 (specifically paragraphs 180 and 181) of the NPPF (2021) and Policy CS12 (LPCS).

Conclusion

The application has been fully considered and is contrary to local and national planning policy.

The building to which this development relates does not benefit from planning permission or a lawful development certificate and, on the balance of probabilities and without evidence to the contrary, is unlawful. As such, the proposed conversion of this unlawful building would be to construct a new building in the Green Belt which is, by definition, inappropriate development.

The proposal has not been changed following the previous refusal in order to overcome the reasons for refusal attached to that decision. Therefore, the development is considered harmful to the Green Belt and failed to meet the requirements of Habitat Regulations, and as such the grounds of refusal remain relevant:

1. *The site lies within the Metropolitan Green Belt where the construction of new buildings is inappropriate development unless it is for one of the excepted forms of development set out in paragraph 149 or 150 of the National Planning Policy Framework (NPPF), 2021. The proposal is for a separate dwelling and not as an annexe and results in the splitting of the residential curtilage. The building of a dwelling, whether as conversion or otherwise would still by definition result in a form of encroachment in the countryside by reason of the nature of the development and the paraphernalia and associated development that goes with what will be a separate dwelling from the existing dwelling on the site. The development does not, in the opinion of the Local Planning Authority, fall within the exceptions to inappropriate development in the Green Belt in the NPPF. No very special circumstances have been put forward to outweigh the harm to the Green Belt or any other identified harm and therefore the proposal is contrary to Policy CS01 (Sustainable Development) and Policy CS02 (Scale and Distribution of Development) of the Gravesham Local Plan Core Strategy (2014) and section 13 of the National Planning Policy Framework (2021) (Protecting Green Belt Land).*
2. *The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 180 and 181 of the NPPF (2021), and the requirements of the Conservation of Habitats and Species Regulations 2017.*

As such, it is recommended that planning permission is refused.

Recommendation

Refusal

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

Case Officer:	Mr Ethan Bonthron	Team Leader:	Wendy Lane
Signed:	<i>Ethan Bonthron</i>	Signed:	<i>Wendy Lane</i>
Dated:	15 th February 2023	Dated:	15 th February 2023