

Planning Statement

Furzy Lea, Bowesden Lane, Shorne.

Planning Statement

Retention of engineering and landscaping works (modified) and retention of gymnasium and summer house building (modified).

Furzy Lea

Mr & Mrs Gill

March 2025

YOUR REF:

OUR REF: M24/1005.Rpt.01

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Introduction

Section 1

1.1 This Planning & Design Statement has been prepared by Tetlow King Planning on behalf of Mr & Mrs Gill (hereafter 'the applicant') to accompany the planning application for the retention of engineering and landscaping works (with proposed modifications) and retention of gymnasium and summer house (with proposed modifications) building at Furzy Lea, Shorne (hereafter 'the application site').

1.2 This statement provides the background to the proposals, together with a description of the site and surroundings. The Statement demonstrates the planning merits of the proposals, having regard to relevant National and Local Planning Policy and other important material considerations upon which it is considered this application should be determined.

1.3 The following information is submitted with this application:

- Planning Application Forms and ownership certificates.

Architectural plans of existing and proposed being:

- 52412-P-0-02 Existing and proposed site plan
- 52412-P-0-10 Existing outbuilding ground floor plan
- 52412-P-1-10 Existing outbuilding ground floor plan showing proposed removal works
- 52412-P-2-20 Proposed outbuilding ground floor plan
- 52412-P-0-11 Existing outbuilding roof plan
- 52412-P-2-21 Proposed outbuilding roof plan
- 52412-P-0-12 Existing summer room roof plans
- 52412-P-1-12 Existing summer room plans showing proposed removal works
- 52412-P-2-22 Proposed summer room plans
- 52412-P-0-50 Existing outbuilding elevations
- 52412-P-1-50 Existing outbuilding elevations showing proposed removal works
- 52412-P-2-60 Proposed outbuilding elevations

- 52412-P-2-61 Proposed outbuilding elevations
- 52412-P-2-62 Proposed summer room elevations
- 52412-P-0-51 Existing outbuilding elevations
- 52412-P-1-51 Existing outbuilding elevations showing proposed removal works
- 52412-P-0-52 Existing summer room elevations
- 52412-P-1-52 Existing summer room elevations showing proposed removal works

Landscaping Plans being:

- Soft Landscaping Plans
- Hard Landscaping Plans

1.4 This Planning Statement is set out in six sections:

- Section 2 sets out the context of the site and its surroundings
- Section 3 sets out the planning history
- Section 4 sets out the details of the proposals;
- Section 5 sets out the planning policy context and explores other material considerations;
- Section 6 sets out the planning justification for the application cross referencing the proposals against the planning policy context and other material considerations; and
- Section 7 provides a summary and concludes that the proposals are supported by planning policy, therefore justifying the application should be approved.

Site and Surroundings

Section 2

- 2.1 Furzy Lea is a detached 2 storey dwelling located at the end of Bowesden Lane that sits within the Green Belt and adjacent to the North Kent Downs National Landscape that lies to the south.
- 2.2 The property appears to date from the 1950s and sits within a small enclave of dwellings located off Bowesden Lane with the properties known as Landfall and Heron Gate to the north and Silver Birches to the east. These properties are closest to the site. To the south west and on the opposite site of the road lies Meadow Cottage.
- 2.3 The site has a fairly steep sloping garden running down from the north west to the south east.
- 2.4 The site is not located within a built up area but within the open countryside.

Planning History

Section 3

- 3.1 The site has past history relating to the house and extensions, but the relevant planning history is planning application 20240559 for engineering / landscaping works to enable terracing of the land including the building of concrete retaining walls dressed in face brickwork. This was refused under delegated powers on the 23rd September 2024.
- 3.2 Application 20240558 for a Proposed Lawful Development Certificate in respect of the construction of a timber building with consists of a summer house and shed, pitched roof with table top roof and an open canopy to the front. This was refused on the 23rd September 2024.
- 3.3 Application 20221191 for a Proposed Lawful Development Certificate in respect of the erection of a gym. Certificate Granted 10th May 2023.
- 3.4 The gymnasium was subsequently built smaller than that applied for in the certificate but the ground on which it was built was excavated and it is lower.
- 3.5 The Summer House was built under the assumption it was permitted development but in fact it is slightly higher than that which could be permitted.
- 3.6 This application seeks to address all of the above matters for completeness.

Development Proposals

Section 4

- 4.1 The proposals are the result of pre application discussions with planning officers following the recent refusal of permission for the 20240559 application relating to the engineering / landscaping works to enable terracing of the land including the building of concrete retaining walls dressed in face brickwork.
- 4.2 Those works were undertaken by the applicant following advice given by a non-qualified town planner who advised them they would be permitted development, which in fact, they are not.
- 4.3 The proposals are effectively threefold.
- Application to retain the gymnasium building.
 - Application to retain the summerhouse (with modifications).
 - Application to retain (with modifications) the engineering / landscaping works.
- 4.4 Each element is dealt with separately below.

Summerhouse

- 4.5 The summerhouse was built with advice from the original agent who stated that it would be permitted development.
- 4.6 In relation to Schedule 2 Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), permitted development limits the following is noted.
- Summerhouse Ridge Height = 4.67metres. Maximum allowable under the GPDO 4 metres. Difference 67cm.
 - Summerhouse Eaves Height = 3.14 metres. Maximum allowable under the GPDO 2.5 metres. Difference 64cm.
 - In all other respects the summerhouse would be permitted development.
- 4.7 The summerhouse has been built slightly higher than that which would be permitted development. The difference in height triggers the need for planning permission.

Summerhouses and outbuildings such as this are not at all unusual in the Green Belt / gardens of rural properties and as such we see no objection in principle to the summerhouse. It is important to note that the building will not be used for residential purposes as some objectors have alluded to. The summerhouse is for the benefit of the applicant, and particularly the mother who has her vegetable garden located in front of it, she uses the summerhouse to store all her tools and for a rest area whilst working and during inclement weather.

- 4.8 Despite the allegations of neighbours, the building is not going to be used as a dwelling, it is designed to be for exactly as it was described, being a garden summer house for entertaining, barbeques etc. with an integral area for the storage of gardening tools.
- 4.9 The shed element is precisely that and for the storage of garden maintenance equipment, it has an internal surface area of 11.5m². The remaining area is for entertaining and has a surface area of 37m² giving a grand total of 48m². Such a building is not considered to represent inappropriate development in the Green Belt.
- 4.10 Finally, officers were concerned about the bulk of the porch to the building and the gable element. This is shown on the proposed drawings as being cut back to be a half hip and thus reduce the impact. This is shown on drawing 52412-P-1-52. The concrete area to the front of the summerhouse will be covered with natural stone and the sunken barbeque area landscaped. Landscaping is dealt with separately.

Gymnasium

- 4.11 Under application 20221191 a lawful development certificate was granted for the erection of a gym which confirmed planning permission was not required.
- 4.12 This building was designed to be larger in footprint than the one the subject of this application. Instead of building it as an L shape the applicant just built the square element but in doing so, he excavated the garden to drop the building lower and reduce the impact of it.
- 4.13 Dropping the ground level by 1.2 metres as part of the construction of the gymnasium has resulted in engineering operations to build the gymnasium which potentially trigger the need for planning permission. This is in fact debatable as it is the engineering works to lower the ground that require planning permission and not the building built on top. Notwithstanding that, we are applying to regularise the building.

- 4.14 The building is considerably smaller than that which would not have required planning permission and the dropping of the ground on which the building has been built has lowered the height of it and reduced its impact when seen from any surrounding property.
- 4.15 As per the summerhouse, outbuildings such as this are not at all unusual in the Green Belt or within the grounds of rural properties with large grounds and as such we see no objection in principle to the gymnasium. It does not cause any harm to neighbours by virtue of overlooking, loss of privacy etc. Impact on views is not a planning matter.

Retention (with modifications) of the engineering / landscaping works

- 4.16 In relation to the retaining wall to the north of the property and on the boundary, it is not possible to physically alter this or reduce it as it is now an integral part of the levelling of this area of the site that was undertaken in connection with the approval for the rear extension permitted under application 20221191 (not subsequently implemented) and it holds back the garden area of the property to the north. It is included in the application with modifications as set out below.
- 4.17 The wall will be modified by removing the railway sleepers to the base and replacing them with 2 smaller walls that will be built out from the larger wall. These walls will effectively create planters that will be infilled with planting medium and planted up. The resultant planting will effectively screen most of the wall. One of these beds will return around the retaining wall to the gymnasium building as shown on drawing number 52412-P-1-10.
- 4.18 The retaining wall which runs around the area to the front of the gymnasium will be reduced in height and stepped down, the large step feature to the side facing the house will be removed and redesigned with a smaller, lower and simpler set of steps. The large steps, pillars and retaining wall to the south will be reduced in height by 5 courses and the pillars removed as well as all of the railway sleepers. The end result will be a significant reduction in the amount of walling present on the site. The areas to be removed are shown hatched red on drawing number 52412-P-1-50 & 52412-P-1-51
- 4.19 As the retaining wall in front of the gymnasium is being reduced in height, this will enable the area of land in front of the gymnasium to be reduced by just over half a metre. A deck will be built immediately in front of the gymnasium which will allow a step down to the lower ground level which will be laid to lawn.

Landscaping

- 4.20 Following on from the reduction in the amount of retaining walling, stairs and pillars and the lowering of the land in front of the gymnasium, landscaping will be introduced.
- 4.21 The area in front of the northern retaining wall will have two further walls built out in front of it to create spaces for planting medium. By planting in between these walls, the northern retaining wall will be screened.
- 4.22 The retaining wall surrounding the gymnasium (now reduced in height) will also have a low wall build to replace the sleepers at the base and allow for significant planting to be introduced around the entire wall. The existing stairs from the house will be removed entirely and replaced with a simpler set.
- 4.23 The area in front (south) of the gymnasium will be decked and the area beyond that which has been reduced in level will be laid to lawn with a hedge surrounding it.
- 4.24 To the south the planting will extend out into the garden in two sweeping curved areas to frame the entrance steps leading to the (now reduced in level) area in front of the gymnasium. 3 new trees will be planted south of this to complete the landscaping. In total the landscaping scheme will introduce approximately 389 new plants which is a significant amount of planting.
- 4.25 Images have been prepared by the landscape architect that show how the proposed landscaping scheme will soften and reduce the impact of the physical structures of the retaining walls. Over time they will completely screen these features

Planning Policy Framework

Section 5

- 5.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 The development Plan for the administrative area comprises the Gravesham Local Plan Core Strategy (September 2014). The following policies are relevant:
- CS01 – Sustainable Development
 - CS02 – Scale & Distribution of Development
 - CS12 – Green Infrastructure
 - CS18 – Climate Change
 - CS19 – Development & Design Principles
- 5.3 Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.
- 5.4 The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.
- 5.5 Also relevant is the Gravesham Landscape Character Assessment (2009).
- National Planning Policy Framework**
- 5.6 In December 2024 the Government published the revised National Planning Policy Framework (the 'NPPF') which sets out its objectives for securing sustainable economic growth and superseded many existing Planning Policy Guidance Notes and Planning Policy Statements.
- 5.7 The key theme throughout the NPPF is a “presumption in favour of sustainable development”
- 5.8 The purpose of the planning system, as set out in paragraph 7 of the NPPF, is to “...contribute to the achievement of sustainable development”.

- 5.9 For decisions making this means:
Approving development proposals that accord with the Development Plan without delay; or
Where the Development Plan is absent, silent, or relevant policies are out of date, granting planning permission unless:
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
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.
- 5.10 The presumption in favour of sustainable development means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 5.11 The approach to sustainable development involves making the necessary decisions now to realise the vision of stimulating economic growth, maximising wellbeing, and protecting our environment, without negatively impacting on the ability of future generations to do the same. Paragraph 8 of the NPPF states that under this approach, planning is expected to deliver:
- 5.12 A strong, responsive, and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and the provision of infrastructure (Economic role);
- 5.13 Strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible local services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being (Social role); and
- 5.14 Contribute to protecting and enhancing of our natural, built, and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy (Environmental role).
- 5.15 Furthermore, paragraph 8 confirms that these roles are interdependent and need to be pursued in mutually supportive ways.
- 5.16 In considering planning applications, paragraph 39 requires local planning authorities to "approach decision on proposed development in a positive and creative way". It

goes on to state that “Decision-makers at every level should seek to approve applications for sustainable development where possible”.

- 5.17 The NPPF has been amended since the earlier application 20240559 was refused. In particular paragraph 153 is relevant:

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 openness⁵⁵. 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.

- 5.18 Footnote 55 is the critical one and states:

Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.

- 5.19 Previously developed land is defined in Annex 2 to the NPPF as such:

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.

- 5.20 The NPPF also states in paragraph 154(g), that the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt is not inappropriate.

- 5.21 The new criterion is that development on previously developed land should not cause substantial harm to openness, rather than having no greater impact on Green Belt openness.

Planning Appraisal

Section 6

- 6.1 Since the works were undertaken by the applicants and flagged by the council as requiring permission, they have engaged consultants to discuss the existing situation, and proposed amendments and landscaping which do entail substantial remediation works and cost. These have submitted to the planning officers via a pre application request and were subsequently discussed at a site meeting.
- 6.2 It is accepted that due to the way the garden has been terraced and the gymnasium built, it is not possible to remove all of the walling. Elements of retaining walls are required to support the changes in land levels. These have been reduced as much as is possible to provide that support and to allow the area of land to the side and to the front of the gymnasium to be stepped down to the garden.
- 6.3 The northern retaining wall cannot be reduced in height at all as it supports the garden boundary to the north. It can be screened though, and the proposed two planter walls in front of this will allow that and after time it is likely that most of this wall will be unseen and screened by plants.
- 6.4 The resultant reduced walls, simplified steps and lowered land levels will all significantly reduce the hard landscaping elements. Add to that the soft landscaping scheme, and we consider that the resultant scheme would be appropriate to the Green Belt, in addition once the planting has taken hold it would not result in any harm to the rural character of the area and is likely to result in an enhancement. The openness of the Green Belt would therefore be retained.
- 6.5 In relation to the retention of the gymnasium and summer house, these two buildings only marginally fall beyond permitted development rights (height wise for the summer house). The gymnasium was lowered into the ground to reduce its impact, for the applicant this has resulted in the local authority considering that planning permission is required. This is a moot point, the building is permitted development, it is the levelling of the land beneath it that required permission.
- 6.6 The gymnasium as built has less of an impact than it would have had if it been built under the scheme submitted for a lawful development certificate. It is lower and

smaller and as such its impact is less. It is some distance away from the nearest neighbours and it not considered to have any impact on their amenity.

- 6.7 The proposed changes detailed above are considered to overcome the first ground of refusal relating to application 20240559 which stated:

The proposed development introduces an incongruous and obtrusive development, completely at odds with its surroundings, which would detract from the visual and spatial quality of this open landscape and would significantly harm the rural character of this site within the Shorne Woodlands Landscape Character Area. The development is therefore contrary to the requirements of section 15 of the National Planning Policy Framework 2023, Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014, and the Gravesham Landscape Character Assessment 2009.

- 6.8 The modifications, removal of built elements, comprehensive landscaping scheme will ensure that the development does not detract from the visual and spatial character of the area or harm the rural character of the site. Furthermore, the landscaping now proposed will, over time, significantly reduce the impact of the buildings and walls and enhance the character of the area.

- 6.9 Since the issue of the revised NPPF, the second ground of refusal is considered to have fallen away. That second ground stated:

The proposal is considered to represent inappropriate development in the Green Belt that would introduce a significant expanse of built development and features into this open, site, causing substantial and permanent detriment to the openness of the Green Belt and conflicting with the purpose that this land is included within it. The development is therefore contrary to the requirements of paragraphs 142,143 and 155 of the National Planning Policy Framework (2023) and Policy CS02 of the Gravesham Local Plan Core Strategy 2014.

- 6.10 Revised para 153 of the NPPF states that:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness⁵⁵

- 6.11 Footnote 55 states:

Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.

6.12 Previously developed land is defined in Annex 2

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).....

6.13 The applicant's site is previously developed land as it is a residential garden outside of any built-up area. This was discussed in the pre application request submission and agreed by the Council. The development is therefore not *inappropriate development* by virtue of the changes and the reason for refusal set out in ground 2 has fallen away.

Conclusion

Section 7

- 7.1 Since the engineering and building works were flagged up to the applicant by the council as requiring permission, they have fully complied with the suggestions made by the enforcement officer and planning officers to engage consultants to regularise the matter.
- 7.2 Pre application plans were drawn up to show how the works could be regularised, and these were discussed at length through the pre application process and at a site meeting.
- 7.3 Since the original refusal, the National Planning policy Framework has also been reissued, and this has resulted in the Green Belt objection falling away.
- 7.4 Notwithstanding that, the scheme was designed before changes to the NPPF happened (December 2024), and the pre application request submitted on that basis.
- 7.5 The revised scheme was designed in such a manner that even if the Green Belt concerns were still relevant today, the revised scheme, the subject of this application would be considered acceptable.
- 7.6 For all of the above reasons, the council is respectfully requested to permit the application and allow the applicants to undertake the remediation and landscaping works and put this matter behind them.