

Delegated Report

Outline Planning Application

Application No:	20220791
Location:	Ewhurst, Bowesden Lane, Shorne, Gravesend, Kent, DA12 3LA
Description:	Demolition of existing self-contained annexe and side porch and outline application for the erection of a 3 bedroom detached dwelling
Applicant:	Mr Roy Leaney
Site Visit:	N/A Desktop Assessment (using site photographs from ref. 20201254)

Submitted Documents/Plans

Application Form - dated 14/07/2022;
Covering Letter - dated 11/07/2022;
Supplementary Information - Tenancy Agreement;
Supplementary Information - Council Tax Rates (2013-2014);
Drawing no. 001 - Rev. A - Site Location Plan and Existing/Proposed Block Plans;
Drawing no. 002 - Rev. A - Existing Plans and Elevations;
Drawing no. 003 - Rev. A - Proposed Plans and Elevations.

Relevant Planning History

Reference	Description	Decision	Decision Date
20201254	Outline application for the erection of a 3 bedroom detached dwelling with all matters reserved other than access and layout; demolition of existing granny annexe and utility room.	REFUSED	10.02.2021
2021/00025/ REF		DISMISSED	02.03.2022
20130275	Application for approval of condition 3 attached to planning permission reference number 20130121 relating to the paint sample.	APPROVAL OF DETAILS	02.04.2013
20100616	Retention of the detached outbuilding with loft space in the rear garden for use as domestic storage.	PERMITTED	27.08.2010
20000171	Erection of two storey side extension to form lift shaft, first floor rear extension to form bathroom and erection of porch at the side incorporating construction of new pitched roof over existing single storey side extension;	PERMITTED	24.05.2000

	conversion of garage into granny annexe comprising sitting room, bedroom, bathroom and hallway.		
19990196	Erection of part two storey and part first floor rear and side extension to form study, utility room and lobby at ground floor level with 2 no. bedrooms and bathroom at first floor level incorporating new pitched roof over existing flat roof extension.	REFUSED	25.05.1999
19820412	Erection of two storey side extension with extension at first floor level at the side to form snooker room and bar with two bedrooms and a bathroom over and erection of a front porch	PERMITTED	16.08.1982
19521277	Extension to bedroom	PERMITTED	10.12.1952

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS12 - Green Infrastructure
- CS18 - Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards
- C12 - Replacement Dwellings in the Countryside

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.

Other material considerations

National Planning Policy Framework (2021)

- Section 2 - Achieving sustainable development
- Section 5 - Delivering a sufficient supply of homes
- Section 12 - Achieving well-designed places
- Section 13 - Protecting 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)
- SPG 4 - KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guidance (SPD) (2021)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Internal consultees

GBC - Environmental Protection (Regulatory Services) - The following to be considered:

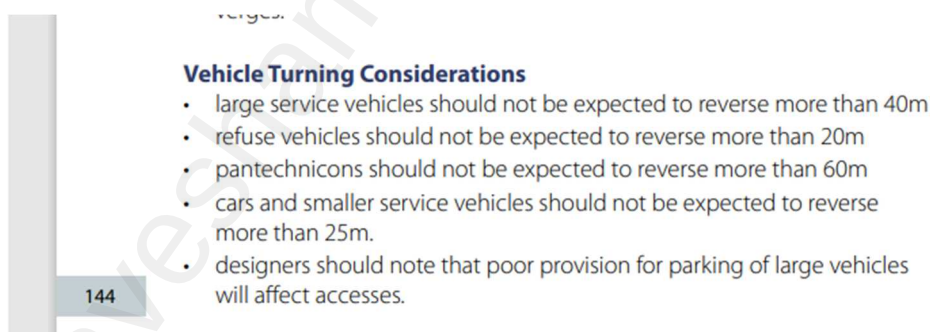
Contaminated Land Watching Brief - The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Code of Practice on Construction and Demolition - Please apply

Drainage/sewerage informative - The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

Electric Vehicle Charging Points - This Service would wish to see the inclusion of suitable electric vehicle charging facilities at the proposed dwelling in support of the Council's commitment to become carbon neutral by 2030.

GBC - Highways Officer - Whilst I have no objection in principle to the proposal of the creation of a new dwelling using an existing access, the applicant needs to demonstrate that vehicles can turn on site so they enter and leave the highway in forward gear. The maximum suggested reversing distance for a car in the Kent Design Guide is 25 metres.



Vehicle Turning Considerations

- large service vehicles should not be expected to reverse more than 40m
- refuse vehicles should not be expected to reverse more than 20m
- plant/machinery should not be expected to reverse more than 60m
- cars and smaller service vehicles should not be expected to reverse more than 25m.
- designers should note that poor provision for parking of large vehicles will affect accesses.

Each parking space should be 2.5 metres wide x 5 metres long, unless it is adjacent to an enclosed boundary in which case the width is increased to 2.7 metres or in front of a door or gate in which case the length is increased to 6 metres. Currently the proposed parking appears to be substandard in size, at some 2.4 metres x 4.8 metres each.

To comply with SPG4 one cycle parking space will be required per bedroom.

Also given the distance between the highway and the building, it is suggested there should be a refuse collection area and potentially a post box adjacent to the highway.

Local Ward Councillors - This application seems to be a slightly modified reiteration of the outline

planning application ref 20201254 which was refused by GBC, and rejected on appeal to the Planning Inspectorate, ref: 2021/00025. The reasons for refusal were set out in the decision notice and in the dismissal of the appeal by the Planning Inspector.

I see nothing significant in this application that would make any material difference to the reasons given in the refusal of application 20201254, or the dismissal of the appeal.

In the event that you are minded to grant permission to this application, I request that this is brought to the Planning Committee. This would give the Committee the opportunity to hear the reasons why this should be given consent when the previous application was refused, and would allow the Committee to make the appropriate determination.

External consultees

Shorne Parish Council - The Parish Council **OBJECTS** to this proposal. We have the following comments/reasons:

- *Previous application and Appeal:* Previous application Ref 20201254 was refused planning permission and the related Appeal was dismissed. The principal reasons cited by the Planning Inspector were harm to the Green Belt, inappropriateness of the development and lack of very special circumstances. The Parish Council OBJECTED to the previous application and also submitted Objections to the subsequent Appeal. The present application has no material differences from that previous and should be refused for the same reasons.
- *Incorrect description:* The proposal is described as “Demolition of existing self-contained annexe...” however permission Ref 20000171 which allowed the granny annexe made it very clear that there were to be no kitchen facilities as the annexe was not intended to be self-contained. No kitchen facilities are shown on the presently submitted “existing” plans.
- *Infringement of previous planning permissions:* Information provided by the applicant shows that contrary to planning permission Ref 20000171 the annexe has had a conservatory extension and it has apparently been let out as self-contained accommodation, assumed to a third-party. These matters appear to be another infringement of previous planning permissions so might be considered for enforcement action now that they have come to light.

We also reiterate our previous comments on Application ref 20201254, updated as appropriate:

- *Ewhurst:* The existing house is large and located centrally on a large single plot as typical for Bowesden Lane. The overall plot is irregularly shaped and narrower at its front, but otherwise the curtilage is not especially wide (such as is sometimes found where there is clearly a double plot with adequate space for an additional dwelling).
- *The proposed building plot:* The proposed plot is presently a minor part of the residential garden of Ewhurst. It includes a garage previously converted to a single-storey residential annexe and an immediately adjacent utility room (attached to the main house), both of which would be demolished. The proposed plot is very narrow, being slightly wider at its front, tapering from about 12m down to 9m. The proposed plot size is out of character in the area.
- *Backland development:* The proposed plot does not have a road frontage being accessed by just a driveway, so making it backland development, by definition “undesirable” and setting a new precedent in the area.
- *Proposed house design:* The proposed design is for a three-bedroomed house with roof dormers and rooflights, it will be much smaller than other houses in the immediate area and appears out of character and cramped by comparison, being only approximately 9.5m wide by 10.5m long externally.
- *Plans and site layout:* The plans do not fully show the existing layout of Ewhurst and all other structures on its site (e.g. the large outbuilding allowed retrospectively). We note

also that some of the garden appears to have been divided off for the annexe. The proposed house has been moved back on the proposed plot to provide some turning space however this has narrowed the margins to the boundaries, which do not appear to be the 1m each side stated by the applicant.

- **Green Belt:** The property is located in the Green Belt so there is an automatic objection to the creation of a new dwelling except in very special circumstances, which have not been provided.
- **Impact on Area of Outstanding Natural Beauty (AONB):** We note that the site is adjacent to the boundary of the AONB, which runs along Bowesden Lane itself so includes the houses on the opposite side of the road.
- **Trees:** There appear to be several large trees on the proposed plot, plans should include a tree survey with indication of which trees will be lost through the proposals. We would be grateful if TPO's could be attached to any relevant trees on the entire site. No landscaping plan is provided.
- **Parking:** Two small (4.5m by 2.5m) spaces are shown but there is no provision for parking by visitors or additional vehicles, who might then have trouble turning.
- **Refuse storage:** Refuse and cycle storage is not shown, this may additionally impact on parking and vehicle turning.
- **Outline/Indicative plans:** In general, we object to applications being based only on outline plans as that prevents us and neighbours from being able to properly assess proposals from the outset. Although this application does not now state explicitly that it is Outline, the applicant's supporting statement refers to the design and layout as "Indicative" and later as being "in outline form", so any permission should make it clear as to what design and layout has been approved and what matters require further approval.
- **Conditions:** If permitted, permitted development rights should be withdrawn for the whole existing Ewhurst site, with no extensions to the new dwelling without planning permission.

Dickens Protection Society - The Society would wish to object on the grounds that new dwellings are only permitted in the Green Belt under very special circumstance. In the Society's view no very special circumstances sufficient to warrant overriding Green Belt Policy have been put forward. The fact that an annexe already exists should not influence the matter.

The annexe is fully described in the application to the extent that it is to be used as a 'granny annexe' that is to be occupied by a member of the family and rooms are listed as 'comprising sitting room, bedroom, bathroom and hallway'. That is as applied for, there is no kitchen included and by definition is dependent on the services of the main dwelling, to be used only as an annexe.

Without produce the Society would observe that based on the block plan, drawing no. BL-A-001-A if permitted the proposal would result in a cramped form of development, out of character with the area. In the Society's view the proposal, if permitted, would have an impact on the openness of the Green Belt.

Neighbouring properties

A notice was displayed on site 4th August 2022.

In addition, seven surrounding properties were consulted and one presentation was received that registered objection to the development.

Strongly object as it will increase traffic in lane and will look not in keeping with other houses in the lane that are of a similar style

The consultation period expired 26th August 2022.

Previous Applications

This application follows a refusal (ref. 20201254) and a dismissed appeal (2021/00025/REF). The previous application was refused by the Local Planning Authority for the following reason:

- 1. The application site is previously developed land that lies within the Metropolitan Green Belt where inappropriate development should not be approved except in very special circumstances. Whilst forms of development are permissible in the Green Belt, including partial or complete redevelopment of previously developed sites, the proposed development should not amount to inappropriate development by virtue of having a greater impact on the openness of the Green Belt, and the purpose of including land within it, than the existing development on site. The development will not preserve the openness of the Green Belt through construction of a dwelling, associated hardstanding, lighting, car parking and residential paraphernalia and will conflict with the purposes of including land within the Green Belt as it will encroach into the countryside and urbanise the site. In the absence of any 'very special circumstances' that may otherwise outweigh the harm by reason of inappropriateness, and any other harm, the proposed development is considered to be contrary to the advice in National Planning Policy Framework Section 9 (Protecting Green Belt Land).*

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

Preliminary Matters

The supporting documents include evidence of the annexe being rented out since 2007. The granny annexe was granted permission in 2000 (ref. 20000171), and therefore the lawful use of the building is as an annexe and there is no lawful development certificate confirming use as a separate unit of accommodation.

Therefore, for the purpose of this application and without the benefit of a lawful development certificate the annexe is considered ancillary to the main dwelling and not a separate unit of accommodation.

Analysis

Site Description and Context

The application site lies within the Green Belt on the northern side of Bowesden Lane, Shorne. Ewhurst is a large detached dwelling on a generous plot, which comprises of a detached outbuilding and an attached annexe.

The location within the Green Belt must be the starting point for determining this application.



Paragraph 140 of the NPPF (2021) states that Green Belt boundaries should only be amended in exceptional circumstances, in the context of the preparation or review of a Local Plan, it is not for the current application to seek to amend such a policy designation.

On this matter, it is noted that the Inspector in finding the Gravesham Local Plan Core Strategy (LPCS) (2014) sound, was clearly of the opinion that a plan-led process should be followed rather than the ad hoc release of sites. The Inspector's report states at paragraph 48 that:

Nevertheless, a small element of total new housing supply would still need to come from the Green Belt to meet the overall requirements in the plan period, albeit in the latter part thereof. This should only reasonably and realistically be identified as part of a formal Green Belt review process that includes full public consultation and a comparative assessment of realistic opportunities, rather than through any "one off" releases in advance thereof. This should be conducted through a formal statutory process, as distinct from any ad hoc site by site decisions that would not necessarily identify the most suitable and sustainable locations for any new housing that may be required in the Green Belt.

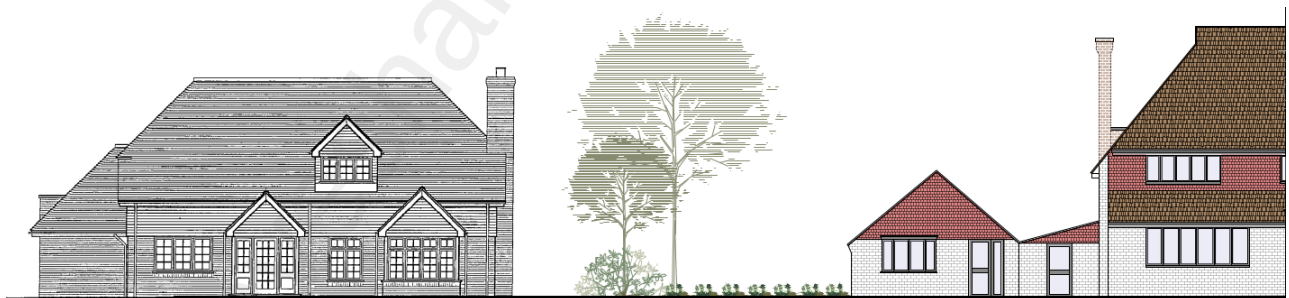
It is therefore considered that the key issues in this application relating to the Green Belt are:

- Whether the proposal is inappropriate development in the Green Belt for the purposes of the NPPF (2021) and LPCS.
- Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

Proposed Development

This is an outline planning application for the demolition of the existing annexe and side porch, and the erection of a 3 bedroom detached dwelling. The outline application reserves all matters other than the siting and means of access.

Existing Street Scene



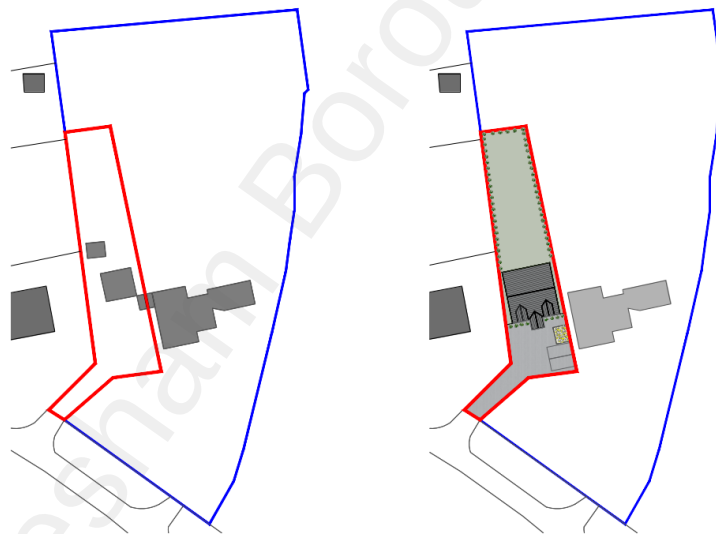
Proposed Street Scene



The new dwelling would have an overall height of 7.05m and an eave height of 3m, with a depth of 10.6m and a width of 9.85m. It is designed with two front pitched roof dormer windows and an open canopy porch.



The new dwelling will have a dedicated access and hardstanding to the front for vehicular parking (see existing and proposed layouts below):



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 within the statement published here), 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 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 unit 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

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. Final balancing exercise on Green Belt issues;
5. The effect on the character and appearance of the area;
6. Impact on the Landscape; and
7. 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 National Planning Policy Framework (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 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.

The previous application (20201254) considered that the development fell under (g) as 'limited infilling or the partial or complete redevelopment of previously developed land'. The supporting documents acknowledge that the site is previously developed land, but argue in the Covering Letter that, with the rental occupancy of the annexe since 2007, the development would constitute the replacement of an existing dwelling and be exception (d). However, as referenced earlier in this report the lawful use of the building is for an annexe and therefore the proposed development cannot be considered a replacement building of the same use. The Inspector in the dismissed appeal commented on this matter, stating that *"no substantive evidence has been provided that indicates that the annexe is a separate dwelling. The appeal proposal would not, therefore, be a building in the same use as the building it would replace. The proposal would fail to comply with exception (d) of Paragraph 149 of the Framework"*.

Given that the assessment remains the same as the previous refusal, the considerations within the delegated report remain relevant (please note the references to the 2019 NPPF have been updated):

"The site the subject of this application is part of the side garden of Ewhurst and contains an existing attached annex to the existing dwelling on site. Therefore, the proposal meets the definition of previously developed land (Case Law (Dartford Borough Council -v- SSCLG [2017] EWCA Civ 141, 14 March 2017). As such the proposal will be considered against 149 (g) 'limited infilling or the partial or complete redevelopment of previously developed land. For the avoidance of doubt the NPPF (2021) defines previously developed land as the following:

Previously developed land: 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

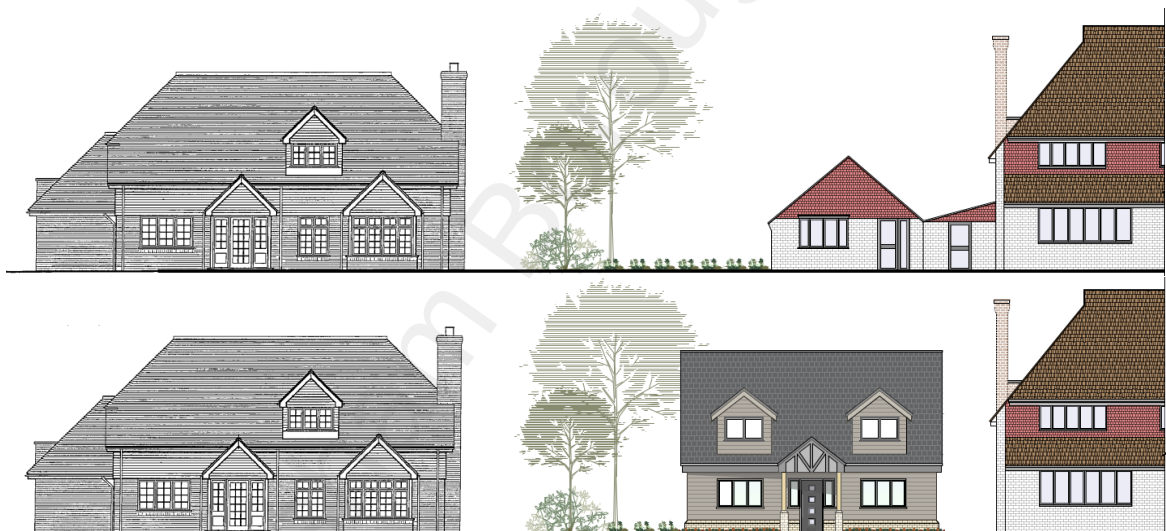
should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development 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."

However, this does not rule out that proposed development which is deemed 'appropriate' by the NPPF cannot still result in conflicting with one or more of the five purposes of the Green Belt (paragraph 138 of the NPPF (2021)). The next consideration is whether the proposed dwelling would have a greater impact 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 proposed dwelling represents a significant enlargement to the existing built form on the site, both in terms of footprint and also scale, bulk and massing which is substantially greater (as demonstrated in the images below):



As shown in the comparison street scenes above, the annexe building is single storey in height and inconspicuous. It is set back from the front elevation of the main dwelling and neighbour (Chart House) which creates an evident sense of spaciousness and openness.

The proposed dwelling will be set forward of the building line of the annexe it is replacing, in line with the front elevation of Chart House, whereby it occupies a more prominent position and an increase in built form than currently exists. Moreover, the proposed three bedroom dwelling by virtue of its height and scale would have a greater impact than the existing annexe and outbuilding, along with increased residential activity and other hard landscaping associated with a new dwellinghouse.

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 single storey annex attached to the existing

dwelling with a detached outbuilding to the rear of the annex.

The replacement of this single storey structure with a two storey dwelling, associated parking, hardstanding, residential paraphernalia and lighting will permanently and irrevocably harm the Green Belt through loss of openness. Whilst it may be possible to mitigate visual impact to a limited degree by screening, this cannot overcome the adverse impact on openness which is defined by the presence or absence of the buildings themselves.

Encroachment of the countryside - This is a stated national purpose of the Green Belt at paragraph 142 of the NPPF. 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 built form of Shorne Ridgeway to the open Green Belt to the south.

Although landscaping and boundary treatment could be introduced to reduce the impact of the development on the development would represent the encroachment of built development which would result in a reduction in openness.

Safeguarding the countryside by minimising the expansion of the Borough's rural settlements - This is a stated local purpose of the Green Belt as set out at paragraph 4.2.7 of the adopted LPCS. As noted above, the local planning authority considers the proposal subject of the application to represent an encroachment of the countryside. This would take place as a result of the effective expansion of development south of Shorne Ridgeway.

Reference back to paragraphs 147 and 148 of the NPPF 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. The application is accompanied by a Covering Letter, which does not explicitly state any very special circumstances. However, considerations are made within the statement regarding the contribution to housing mix and supply.

The local planning authority acknowledge that the proposed dwelling would contribute to the housing mix and supply within Gravesham, will utilise previously developed land and increase supply in accordance with the NPPF. Notwithstanding this, the modest contribution to housing supply cannot be afforded significant weight given the identified harm to, and inappropriate nature of the development within the Green Belt. Therefore, it has to be concluded from the information submitted that none of the arguments provided would outweigh the harm to the openness of the Green Belt.

4. Final Balancing Exercise on Green Belt Issues

The development proposed constitutes inappropriate development within the Green Belt. The new dwelling will significantly increase the scale of built form over and above the existing situation, which would adversely impact on the openness of the Green Belt, result in an encroachment of the countryside by blurring the distinction between the dense and finer grain of development between Shorne Ridgeway and the application site. Therefore, it is considered that substantial weight should be accorded to the harm caused to the Green Belt in line with the NPPF (2021).

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 National Planning Policy Framework (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.

The design of the proposed dwelling is considered to be well designed and would be appropriate in terms of scale, form and massing if the impact of the built form on the Green Belt were not part of the assessment. As such, the development does not conflict with Policy CS19 (LPCS) or Section 12 (NPPF).

6. Impact on the Landscape

In addition to being within the Green Belt, the site is located within the Shorne Woodlands 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.

As the proposed dwelling is situated within the existing garden area of a dwelling it is not considered to have an adverse impact on the character of the Shorne Woodlands. Therefore, the development is in accordance with Policy CS12 (LPCS).

7. Other matters

Amenity of Future Occupiers

Policy CS19 (LPCS) and Section 12 (NPPF) 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. However, these matters are reserved under this outline application, and the internal layout would be dealt with under a reserved matters application should this proposal be supported.

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 (NPPF) requires development to have a high standard of amenity for existing users (In this case surrounding properties). These matters are similarly reserved as part of this outline application, however it is considered unlikely that the proposed dwelling would have any adverse impact on the amenity of surrounding properties contrary to local and national planning policy.

Parking and Highways

The development should 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 of Gravesham Core Strategy and Section 4 of the NPPF (2021).

The Highways Officer has raised no objection to the development, but commented that refuse space should be annotated onto plans and adequate cycle storage provided. These matters could be conditioned.

The proposal would provide acceptable amount of off-street parking to accord with Gravesham's adopted parking standards (SPG4) (2006). Although it is considered that there is adequate space for onsite turning, however this could be addressed by planning condition.

Therefore, the proposed development would not have an adverse impact on the highway network and is in accordance with local and national planning policy.

Drainage/ Contaminated land

The application site lies within Ground Source Protection Zone 3 and is not within a flood zone. Due to the nature of the site a watching brief condition would be included if the proposal was to be supported.

Policy CS18 (LPCS) sets out the requirements for dealing with sustainable drainage and surface water run-off. Kent County Council (KCC) is the Lead Local Flood Authority. As KCC have provided comments on similar size developments within the borough if the application was to be supported the standard KCC condition on sustainable surface water drainage would be included which would require the following:

- 1. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the Council.*
- 2. Details of operation and maintenance of the sustainable surface water drainage scheme.*
- 3. Verification Report pertaining to the surface water drainage system.*
- 4. Details of infiltration if used to manage flood water.*

In summary it is not considered that the proposal would conflict with Policy CS18 (LPCS) in regard to drainage matters.

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.

A SAMMS payment was made in 2021 for the previously refused application at a sum of £250.39, which falls below the updated fee in 2022 (£275.88). Therefore, the application fails to comply with the requirements of the Habitat Regulations, as well as Section 15 (specifically paragraphs 180 and 181) of the NPPF and Policy CS12 (LPCS).

Conclusion

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

The proposal would be inappropriate development in the Green Belt and would result in the loss of its openness, which are afforded substantial weight in the determination of this application. The benefit of an additional dwelling to the housing supply within the borough fails to outweigh the harm caused to the openness of the Green Belt.

As such, it is recommended that the application is refused.

Therefore, the proposal has not overcome the previous reason for refusal and will be refused on the same ground:

- 1. The application site is previously developed land that lies within the Metropolitan Green Belt where inappropriate development should not be approved except in very special circumstances. Whilst forms of development are permissible in the Green Belt, including partial or complete redevelopment of previously developed sites, the proposed development should not amount to inappropriate development by virtue of having a greater impact on the openness of the Green Belt, and the purpose of including land within it, than the existing development on site. The development will not preserve the openness of the Green Belt through construction of a dwelling, associated hardstanding, lighting, car parking and residential paraphernalia and will conflict with the purposes of including land within the Green Belt as it will encroach into the countryside and urbanise the site. In the absence of any 'very special circumstances' that may otherwise outweigh the harm by reason of inappropriateness, and any other harm, the proposed development is considered to be contrary to the advice in National Planning Policy Framework Section 9 (Protecting Green Belt Land).*

In addition, the SAMMS mitigation payment is not adequate and the application will also be refused on the following ground:

- 2. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 170, 175, 176 and 177) of the National Planning Policy Framework (2021) and Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014).*

Recommendation

Refusal

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

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:	<i>Ethan Bonthron.</i>	Signed:	<i>R Hart</i>
Dated:	7 th September 2022	Dated:	7th September 2022

Gravesham Borough Council