
GSP PROJECT REF: [3925.PN](#)

PLANNING, DESIGN AND ACCESS STATEMENT

**LAND TO THE REAR OF STARWOOD
PEARTREE LANE, SHORNE, DA12 3JU**

SEPTEMBER 2023

CONTENTS

- 1.0 INTRODUCTION**
- 2.0 SITE CONTEXT**
- 3.0 PLANNING HISTORY**
- 4.0 PROPOSED DEVELOPMENT**
- 5.0 PLANNING POLICY**
- 6.0 PLANNING ASSESSMENT**
- 7.0 CONCLUSIONS**

APPLICATION DRAWINGS

- 3925-01 – Site Location Plan**
- 3925-02 – Existing Block Plan**
- 3925-03 – Existing Floor Plan**
- 3925-04 – Existing Elevations of Barn (1)**
- 3760-05 – Existing Elevations of Outbuildings (2)**
- 3925-06 – Proposed Block Plan**
- 3925-07 – Proposed Floor Plan**
- 3925-08 – Proposed Elevations**

APPLICATION DOCUMENTS

- Ecological Impact Assessment (Native Ecology)**
- Planning, Design and Access Statement (GSP)**
- Planning, Design and Access Statement (GSP) Appendix GSP1**
- Planning, Design and Access Statement (GSP) Appendix GSP2**
- Preliminary Ecological Appraisal (Native Ecology)**
- Topographical Survey (Geoff French)**

1.0 INTRODUCTION

- 1.1 This statement is prepared in support of a revised detailed planning application relating to the following proposed development at Starwood, Pearwood Lane, Shorne, DA12 3JU (hereafter referred to as ‘the Site’):

Demolition of existing stables and removal of containers and hardsurfacing and conversion of existing concrete framed structure to form detached bungalow with three bedrooms plus single storey rear extension, front porch and use of existing access

- 1.2 The development affects the following Land Registry titles, with notice being served on the owners of the first title, and the second title being owned by the applicant:

- K654169 (described as land adjoining Starwood), and;
- K424735 (described as Starwood).

2.0 SITE CONTEXT

- 2.1 The existing Starwood curtilage comprises a large detached property on the northern side of Peartree Lane set within a 0.6 hectare plot of land. Land within the family’s ownership extends to another 10.2 hectares, inclusive of a 7 hectare woodland and 2.2 hectare paddock.
- 2.2 The existing dwelling is set back by a minimum of 50m from the highway and benefits from two vehicular accesses. One was recently constructed in 2018, as per planning permission 20171122, to provide a separate and direct access to the stables, tack room, feed store and storage containers that currently exist within the rear part of the recently lawfully certified garden that serves Starwood (see application reference 20210376), which is also the land that is affected by the subject development. A concrete framed barn, which is also the subject of this application, is located towards the far rear end of the Site and was the subject of a recently issued certificate of lawfulness (see application reference 20230491). This confirms the incidental nature of the structure and the fact that it has been present for longer than four years.
- 2.3 The two recently obtained certificates confirm that the subject land is entirely previously developed being a residential garden located outside a built-up area. The site is outside of the rural settlement of Shorne. A fence already divides the grassed garden from the incidental paddock and therefore marks the southern end of the application site (excluding the access).
- 2.4 Beyond the Site, there is the aforementioned paddock and woodland to the north that are both under the applicant’s family’s ownership, whilst the existing built form is part of a ribbon of housing along Pear Tree Lane to the south, all set within generous plots of previously developed land.

3.0 PLANNING HISTORY

3.1 The following planning applications are considered relevant to this application and relate to Starwood in its entirety:

- [Erection of bungalow and garage](#)

Ref. No: 19600015 | Status: Application Permitted

- [Alterations and additions to provide additional living accommodation and erection of a detached garage](#)

Ref. No: 19750472 | Status: Application Permitted

- [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.](#)

Ref. No: 19910032 | Status: Planning permission is required

- [Conversion of and single storey extension to the existing car port at the side to form lounge/ dining area, kitchen, w.c. and entrance hall.](#)

Ref. No: 19910379 | Status: Application Permitted

- [Demolition of s/s lean-to on east elev.; erection of 1st flr. extension on west elevation to form bedroom; construct. 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.](#)

Ref. No: 19910714 | Status: Application Permitted

- [Erection of a detached double garage in the front garden with storage in the roof space and external staircase on the side elevation Refused Erection of an open porch on the front elevation. Permitted](#)

Ref. No: 20010321 | Status: Split Decision

- [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.](#)

Ref. No: 20050529 | Status: Application Permitted. All built form was to be located within the residential curtilage. These buildings were to be located along the western boundary line, towards the rear NW corner of the site. The main stable block building was to be 22m long, 10m deep and 4m high.

- [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.](#)

Ref. No: 20050912 | Status: Application Permitted

- [Formation of an additional vehicular access and driveway onto a classified road.](#)

Ref. No: 20171122 | Status: Application Permitted. Constructed in 2018.

3.2 A pre-application relating to the demolition of existing buildings to the rear of the existing residential property and the erection of a detached chalet bungalow was submitted in 2020. The Council's written response under reference PRE20200330 treated the existing buildings as not being in the same use class as the proposed, whilst they also noted that the replacement building would be materially larger than the building(s) it was to replace. Aside from Green Belt harm, the Council felt that the proposal could potentially result in harm to landscape character.

3.3 The following records followed the pre-application response:

- [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 \(as amended\).](#)

Ref. No: 20210376 | Status: Certificate Granted. The application site related to the entire residential plot at Starwood and included the land that is the subject of this application. It certified that the lawful use of the land and existing buildings were residential

- [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.](#)

Ref. No: 20220531 | Status: Application Refused on grounds relating to it being considered inappropriate development in the Green Belt. A secondary reason referred to the lack of a SAMMS payment to address the potential ecological impacts of the development.

- [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](#)

Ref. No: 20221342 | Status: Application Refused on grounds relating to it being considered inappropriate development in the Green Belt. A secondary reason referred to the lack of a SAMMS payment to address the potential ecological impacts of the development.

- [Application for a Lawful Development Certificate in respect of the existing concrete framed barn in the rear garden.](#)

Ref. No: 20230491 | Status: Certificate Granted

4.0 PROPOSED DEVELOPMENT

- 4.1 The applicants wish to demolish buildings, remove containers, hardsurfacing and external lighting and associated poles within the subject northern part of the existing residential curtilage and convert the adjacent existing and lawful concrete framed barn structure to a separate bungalow with three bedrooms. A single storey rear extension is also to be added to the rear, whilst a small entrance porch will be added to the front. The development will result in a reduced 0.25 hectare plot for Starwood.
- 4.2 This application differs from the previously refused application by virtue of the following:
- Revised design of the single storey rear extension to include more features that relate to the barn;
 - Omission of the detached double garage meaning no built form will be built further north than already exists;
 - Clarification on the removal and reduction in the amount of existing hard surfacing;
 - Removal of external lights and associated poles that exist next to the containers and the stables;
 - Reflective of the differences, revised calculations confirming the reduction in the amount of built form.

5.0 PLANNING POLICY

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Court of Appeal has clarified that for a decision maker this means establishing whether a proposal is in accordance with the development plan as a whole. The question of compliance with one policy should not dictate the outcome of a proposal in the absence of considering compliance with all other relevant policies. Decision makers are therefore tasked with identifying and understanding all relevant policies and material considerations in order to reach a properly informed planning judgment on a proposal, and to avoid an irrational or vulnerable decision that may be subject to criticism in a public law challenge.
- 5.2 Paragraph 2 of the National Planning Policy Framework ('the Framework') reiterates what is said in Section 38(6), whilst paragraph 12 of the Framework is clear that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 5.3 Paragraph 38 of the Framework encourages local planning authorities to approach decisions on proposed development in a positive and creative way. It also encourages working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, adding that decision-

makers should seek to approve applications for sustainable development where possible.

- 5.4 Annex 1 of the Framework confirms that for the purposes of decision-taking, the policies in the plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. It adds that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with greater weight being given to those policies that are closer to the policies in the Framework.

Development Plan

- 5.5 The Development Plan for the area within which the application site is located comprises the Gravesham Local Plan Core Strategy (CS) (adopted September 2014) and the Saved Policies of the Gravesham Local Plan First Review (LPFR) (adopted November 1994).

- 5.6 Relevant Development Plan policies in the CS include:

- CS01: Sustainable Development;
- CS02: Scale and Distribution of Development (Green Belt);
- CS11: Transport;
- CS12: Green Infrastructure;
- CS14: Housing Type and Size;
- CS15: Housing Density;
- CS18: Climate Change;
- CS19: Development and Design Principles.

- 5.7 Relevant Development Plan policies in the LPFR include:

- T1: Impact of Development on the Highway Network;
- T2: Channel traffic to the Primary and District Distributor Network;
- T3: Development not well related to the Primary and District Distributor Network;
- T4: Development Outside the Built-up Area;
- P3: Vehicle Parking Standards.

Other Material Considerations

- 5.8 Despite their age, there are also a number of relevant supplementary policy documents, including the Residential Layout Guidelines (February 1996) and the Vehicle Parking Standards (July 1996).

The Framework

- 5.9 Paragraph 11(d) of the Framework states that for decisions, where the policies which are the most important for determining the application are out-of-date, 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 development; 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.*
- 5.10 At paragraph 60 the Framework confirms the Government’s objective of significantly boosting the supply of homes and that it is important to ensure that a sufficient amount and variety of land can come forward where it is needed. Paragraph 69 of the Framework acknowledges that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should (amongst others) support the development of windfall sites through decisions.
- 5.11 Paragraph 119 states that decision should promote an effective use of land in meeting the need for homes and making as much use as possible of previously developed land. Paragraph 120 expands on this point by promoting and supporting the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing. Paragraph 124 adds that decisions should support development that makes efficient use of land, taking into account (amongst others) the desirability of maintaining an area’s prevailing character and setting.
- 5.12 It is noted that the application of paragraphs 60, 69, 119-120 and 124 all do not depend on whether an authority has a five-year housing land supply (5YHLS).
- 5.13 Paragraph 134 states that “development that is not well designed should be refused.”
- 5.14 Paragraph 137 confirms that the Government attaches great importance to Green Belts and that the fundamental aim is to prevent urban sprawl by keeping land permanently open. Paragraph 138 sets out the five purposes of including land in the Green Belt. Paragraph 149 confirms that the construction of new buildings should be considered as inappropriate in the Green Belt. An exception to this is set out under part (g) of this paragraph that includes 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.
- 5.15 Paragraph 174 indicates that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.
- 5.16 The following are also material considerations:
- Nationally Described Space Standards (NDSS) (March 2015);
 - National Design Guide (NDG) (October 2019);
 - Residential Layout Guidelines SPG2 (February 1996, amended June 2020);
 - Kent County Council Parking Standards SPG4 (2006);
-

- Gravesham Landscape Character Assessment (May 2009) (a technical document which underpins policy CS12) (the Site lies within the Shorne Woodlands Character Area).

6.0 PLANNING ASSESSMENT

6.1 Given the above policies it is considered that the key planning issues relevant to this application are as follows:

1. Existing lawful status of the site;
2. Whether appropriate development in the Green Belt;
3. Character and landscape impact;
4. Highway safety;
5. Living conditions;
6. Ecological impact;
7. Five-year housing land supply;
8. Very Special Circumstances.

1. Existing lawful status of the site

6.2 Subsequent to the previous refusal for the creation of a dwellinghouse within the subject site, GBC has issued a certificate of lawfulness relating to the concrete framed barn structure ([20230491](#)). This followed an earlier certificate in relation to the lawful residential use of the Site ([20210376](#)).

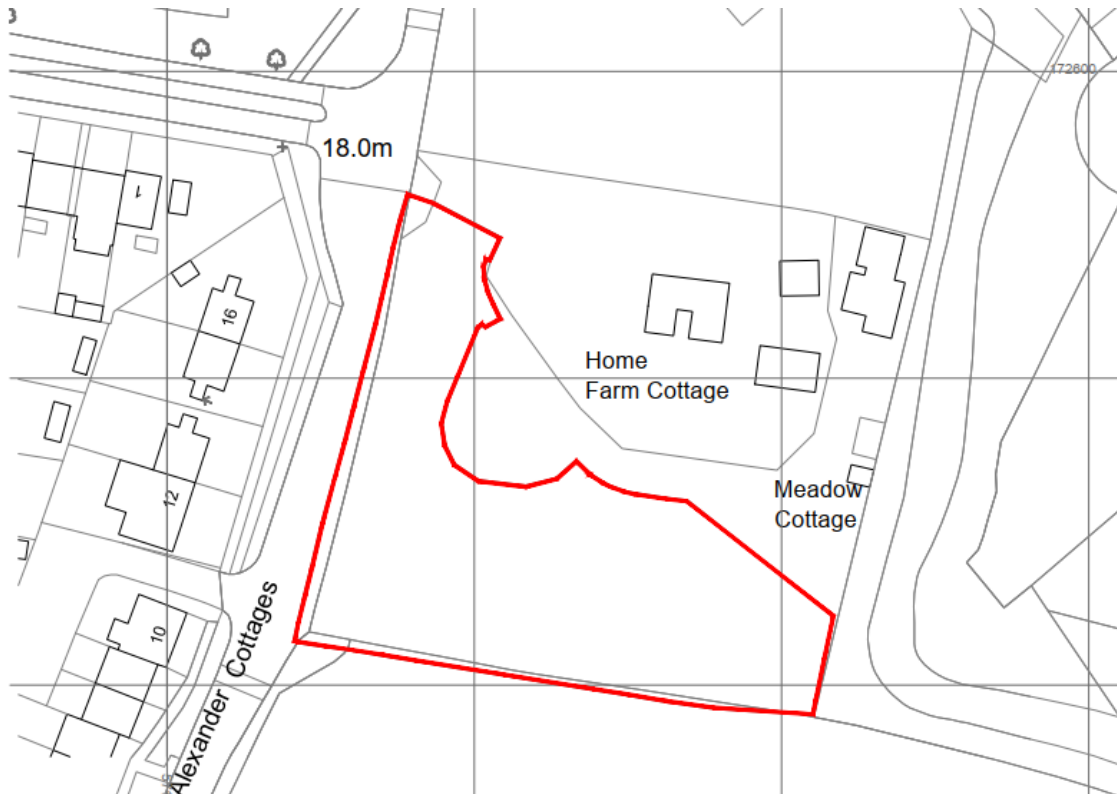
6.3 As such, the Site is factually previously developed land, as it is residential garden land not within a built-up area. Regardless of the more recent certificate relating to the concrete framed barn structure, this was accepted as being the case as part of GBC's assessment in relation to the previous refusal for the new dwelling ([20221342](#)), hence it is considered that GBC's position on this point will not change as part of their assessment of this resubmission.

2. Green Belt

6.4 In relation to the exceptions that could reasonably be applied to the assessment of this application, exception 149(e) deals with limited infilling in villages. A recent High Court decision has clarified that a settlement or village does not have to comprise a minimum number of dwellings, or population, nor does it have to be identified in an adopted or emerging local plan. The decision goes on to comment that a settlement does not have to comprise services and local amenities and that whether a group of dwellings constitutes a settlement, or a village, this will be a matter of fact and planning judgment for the decision maker. Furthermore, it adds that developments of smaller settlements can help support services in a larger settlement nearby (i.e. in Shorne or Higham).

6.5 Given the Site's status as previously developed residential land, infilling of the Site for housing should be the preferred location for new housing in rural areas, as opposed to isolated greenfield sites that are physically separated or remote from a settlement, which the applicant does not consider to be the case here. As such, the

argument that the subject site forms part of the village of Shorne and that its redevelopment could fall under part (e) of paragraph 149 of the NPPF as a limited infill within a village is considered to be a reasonable one. This exception does not require a test of openness, nor even the presence of previously developed land. Such a position is supported by allowed appeal 3255704 (attached as **GSP1**), which related to the erection of 3 detached houses elsewhere in GBC beyond any village boundary and not between existing buildings. An extract of the site location plan is included below:



- 6.6 If GBC come to the view that such a development is not a part (e) paragraph 149 Green Belt exception, then part (g) could also be argued as relevant as GBC has already agreed the Site is previously developed land, whilst the nature of the proposal could reasonably be considered a limited infill or partial redevelopment of such land, given it seeks to retain some existing built form but remove many other buildings. This exception includes a test of the impact of the proposed development versus the existing development on openness of the Green Belt. It has been established that openness has both a spatial and visual aspect, the former being taken to mean the absence of built form, whilst the weight given to the latter is a matter of planning judgment for the decision maker.

Quantitative Assessment

- 6.7 GBC's previous assessment of the spatial impact on openness treated the concrete framed barn structure as a new building, given the absence of any lawful certification. Having confirmed its presence for more than four years the applicant expects GBC to update its position and consider the retained barn structure as lawful built form. To

assist with the assessment of this proposal's impact on openness, a quantitative assessment of the volume of built form is set out below:

EXISTING:

No.	Description	Gross External Area (m2)	Existing Volume (m3)
01	Container	15.2	38.6
02	Canopy		45.5
03	Container	15.2	38.6
04	Canopy		42.9
05	Stables	24.4	63
06	Stables	7.3	16.8
07	Stables	13.2	45.1
08	Stables	41.7	100.1
09	Porta cabin	19.8	49.5
10	Barn	179.5	643.3
	TOTAL=	303.7	1083.4

PROPOSED & RETAINED:

No.	Description	Gross External Area (m2)	Proposed Volume (m3)
01	Barn	179.5	643.3
02	Barn extension	26	76.5
03	Barn porch	3.4	7.84
	TOTAL=	208.9	727.64
	% CHANGE=	-31.3%	-32.8%

- 6.8 The above confirms that there will be a material and significant decrease in the amount of built form within the Site should permission be granted for the subject development. From a quantitative perspective, the proposal will not conflict with the fundamental aim of Green Belt policy which is to keep land permanently open, whilst the omission of the detached garage also means that spatially there will be no further loss of openness of the Site to the north.

Qualitative Assessment

- 6.9 The openness of the Green Belt has both spatial and visual aspects. In taking account the updated lawful status of the site and the scale, form and siting of the existing built form, the following points are expressed as qualitative visual benefits should permission be granted for this development:

- There is a lengthy proliferation of outbuildings along or close to the higher, western side boundary of the Site that are to be removed with the land becoming permanently open between the retained barn and the highway to the front (see the submitted topographical plan);
- The proposed detached garage has been omitted from this resubmission with the proposal no longer proposing brand new buildings north of the existing concrete framed barn structure, helping to keep the land north of this permanently open – no further encroachment into the countryside will occur;

- New built form will be materially lower in scale than the main host building and will be sited on a lower part of the Site by comparison to the built form that is to be removed (see the submitted topographical plan);
- The barn is already unobtrusively set back within the Site (some 140m from the highway);
- The proposal will result in the consolidation of built form across the Site into a single building covering 208.9m² as opposed to the presence of 8 different structures occupying 303.7m² and spread across a greater extent of the Site;
- There is to be a 243.5m² (or 28.4%) decrease in the amount of hard surfacing across the Site as confirmed on drawing 06;
- The Site can already lawfully accommodate car parking and paraphernalia in association with its lawful residential use;
- The Site currently benefits from householder permitted development rights that may allow for the erection of other outbuildings, additional hard surfacing and/or enclosures;
- The application presents an opportunity to remove permitted development rights from across the entire Site;
- The application presents an opportunity to condition the Site requiring the submission, implementation and management of a native landscaping scheme, including the removal of any non-native landscaping.

6.10 The above qualitative merits are not too dissimilar to those that were identified by an Inspector in paragraphs 10 and 11 of the Hazeri decision in nearby Sevenoaks District (attached as Appendix GSP2), where that proposal was found to be an exception under paragraph 145(g) of the Framework (now 149(g)). In the latter paragraph of the appeal decision it was acknowledged that the appeal proposal “would result in a permanent dwelling, and with this the associated car parking and residential paraphernalia” but the unobtrusive location of the new dwelling, coupled with the removal of an outbuilding and hardstanding between the highway and the dwelling “would not appear visually less open from the perspective of a public view from the main highway.” **This paragraph can equally apply to the subject proposal**, but GBC will be aware that car parking and associated paraphernalia can already occur given the lawful status of the Site as noted above. A significant 32% reduction in built form as well as its consolidation into one building plus removal of permitted development rights must be given proper consideration in offsetting any potential increase in paraphernalia.

Other Green Belt matters

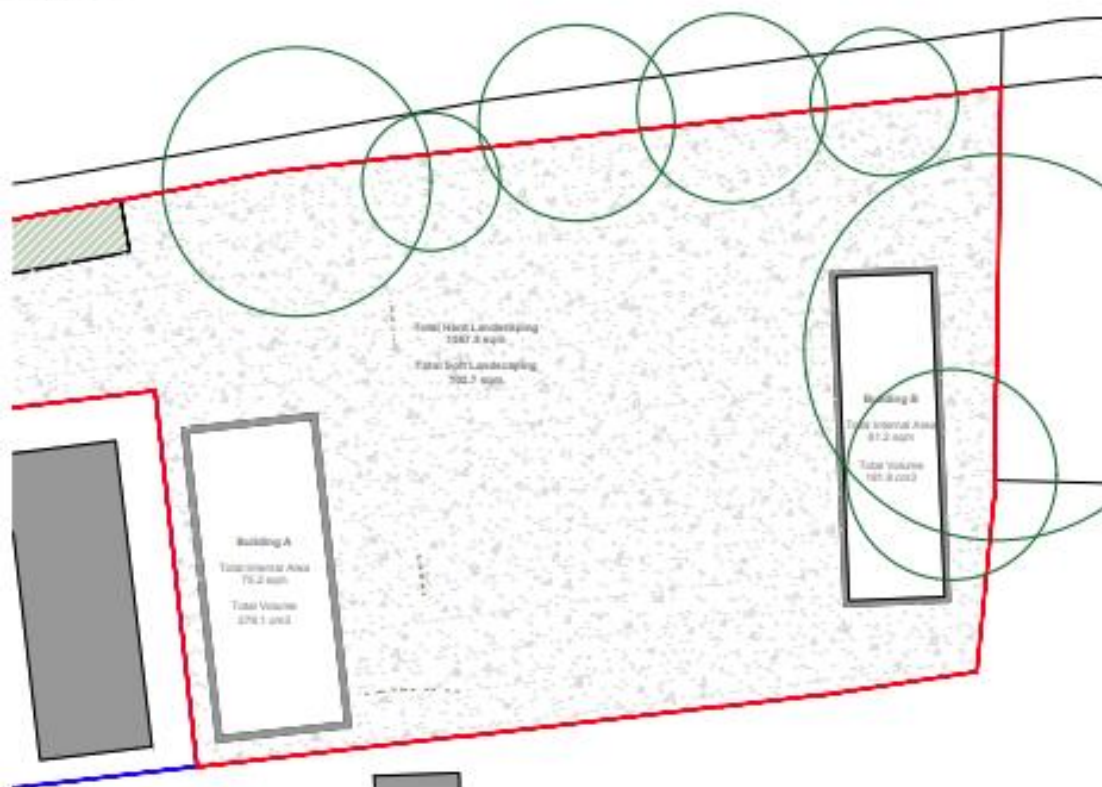
6.11 In respect of the impact of the proposal on the purposes of the Green Belt (as set out in paragraph 138 of the Framework) the proposed development:

- Will not result in the unrestricted sprawl of large built-up areas (the Site is previously developed land that already benefits from a non-conforming land use in the Green Belt);
- Will not result in neighbouring towns merging into one another (the proposed development will retain the same level of separation from nearby towns);

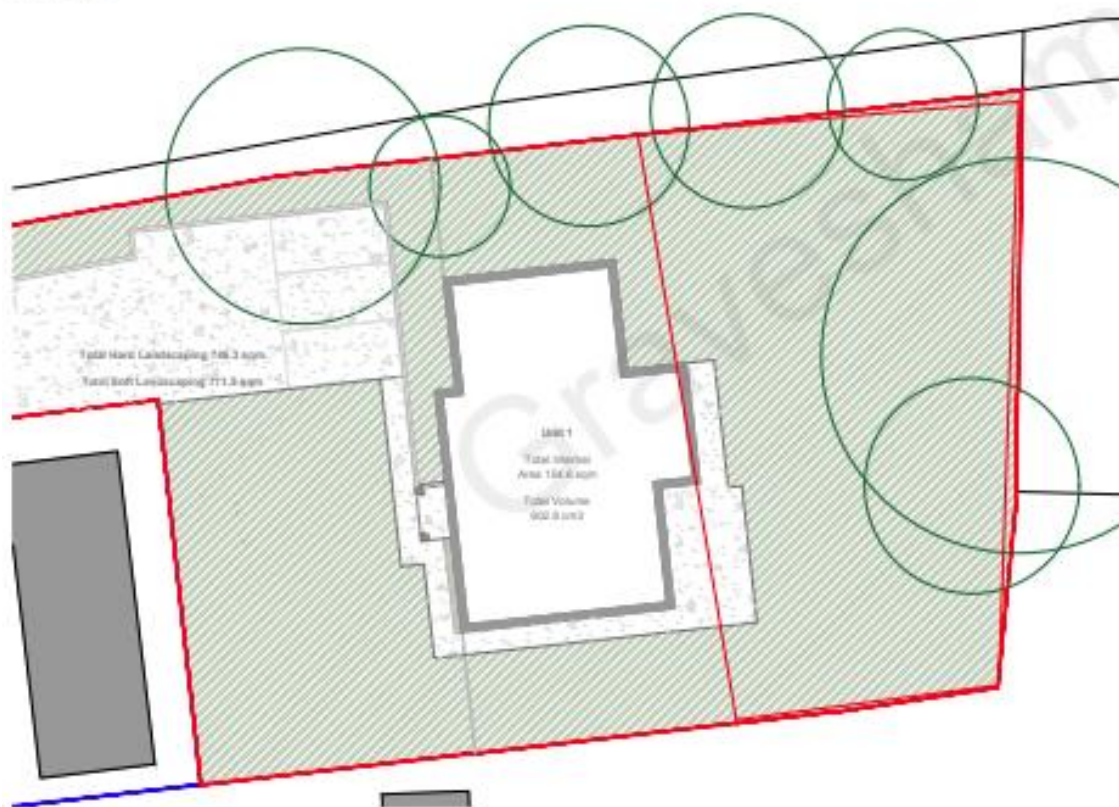
- Will not cause further encroachment of development into the countryside (the development is confined to its previously developed boundaries and no longer entails new built form further out to the rear than already exists);
- Is not located adjacent to an historic town (this is factually the case);
- Will not compromise the recycling of derelict or other land (the development will result in the re-use of derelict land).

6.12 The applicant also notes that in the case of [20200947](#) (as referred to by Richard Hart, Team Leader at GBC), GBC found a proposal to be acceptable involving the demolition of existing storage buildings and the erection of a detached 4 bedroom chalet bungalow in the Green Belt that was 24.5% larger than the volume of the buildings that were to be demolished, concluding that (even with this uplift in built form) the proposal would still be an exception under part (g) of paragraph 149 of the Framework. With a material reduction in built form it seems to the applicant that it would be unreasonable for GBC to conclude that this proposal at Starwood is not an exception under part (g) of paragraph 149 if GBC concludes exception 149(e) is not relevant. Extracts from the existing and proposed site plans of this development feature below:

EXISTING BLOCK PLAN
Scale 1:200



PROPOSED BLOCK PLAN
Scale 1:200



Conclusions on Green Belt

- 6.13 Overall, on the issue of Green Belt impact, this revised proposal, by comparison to the pre-application and the previously refused proposals, should be considered acceptable and falling within the terms of the exception set out in part (e) of paragraph 149 of the Framework, or part (g) should GBC not accept the applicant's arguments that part (e) would act as a valid exception to this development in the Green Belt.

3. Character and Landscape Impact

- 6.14 Approximately 80% of the authority is within a designated Landscape Character Area (LCA). The site is within the Shorne Woodlands LCA. GBC's Landscape Character Assessment notes that this area's key characteristics are: (a) wooded ridge isolated by the A2; (b) rural with significant woodland; (c) residential ribbon development and hard urban edge. The key features of this LCA include its: (a) undulating topography; (b) chestnut coppice woodland; (c) strong sense of enclosure; (d) traditional village greens; (e) varied building style and age; (f) chequered brickwork and ornamental brickwork; (g) few highways and busier roads along character area boundaries. The sensitivity of the landscape is categorised as moderate and it states: "the aims are to conserve areas in good condition and reinforce the distinctive features and elements of the landscape." Additional aims involve the conservation and reinforcement of the wooded character through continued coppice management as well as for the ecological interest of the woodland, although as the subject proposal does not affect woodlands, these aims are not relevant.

- 6.15 The pre-application response acknowledged that “the site is not highly visible from surrounding roads or any nearby public footpaths”, but added that “the existing structures on the site are not necessarily alien features in the countryside or Green Belt and have the appearance of agricultural buildings.” The response expressed a view that it would introduce a residential use with a more permanent, solid building, together with associated residential paraphernalia and pressure for further buildings such as garages and hardstandings. These views were, of course, expressed on the understanding that the Site was not already in residential use. The residential use of the Site has now been proven to be lawful as a result of the certificate issued under reference 20210376, with a subsequent certificate confirming the lawful status of the concrete framed barn structure.
- 6.16 The decision to retain and alter the stable framed structure also means that its height will remain as it exists, whilst the omission of the detached garage will result in less of an impact on the appearance of the area. The issue of pressure for additional operational development is not relevant (as has been proven in appeal cases), notwithstanding the fact that GBC has the ability to remove permitted development rights placing greater control over matters such as extensions, outbuildings, enclosures and hard surfacing.
- 6.17 Typical rural design features are included as part of the elevational treatment of the altered and extended framed structure. These include:
- Low overhanging eaves;
 - A wide, but shallow building;
 - A symmetrical principal façade;
 - Gable ends to the roof;
 - Flush gable verge detail;
 - Proportionate and matching openings;
 - Vertical openings;
 - Window surrounds.
- 6.18 Regarding character, the formation of the additional dwelling within this 0.6 hectare site would result in a density of just 3.33 dwellings per hectare. Neighbouring residential dwellings sit within plots similar in size and shape to the reduced plot for Starwood, and, as such, the density is more reflective of the area than the current density of 1.66 dwellings per hectare.
- 6.19 There are many examples of long access roads providing access to backland dwellings along this stretch of Pear Tree Lane. Therefore, the proposed form and layout would not be out of keeping with the prevailing character of development in the area. In any case, it is difficult to see how it would be possible to suggest that such a layout would cause any material harm.
- 6.20 Given that the development will be located within the existing lawful previously developed land and lawful structure, this and the overall design will ensure that the new dwelling and extensions do not cause unacceptable harm to the character and appearance of the surrounding area, particularly in consideration of those outbuildings
-

and steel containers that will be removed as a result of the development (as was found to be the case by GBC previously).

4. Highway Safety

- 6.21 At the pre-application stage, GBC's own highways officer took proper account of the presence of the existing access and road and use of the incidental stables and paddocks, concluding that the development involving an additional dwelling would not result in any highway implications. However, the pre-application response added that any submitted scheme would need to show that the access serving the Site accords with the required standards. The access that serves the Site was the subject of a recent planning permission in its own right. It would be unreasonable to revisit the merits of the vehicular access again, when this should have occurred at the time that application 20171122 was being determined. As before, this issue, coupled with the issue of parking were not concerns raised by GBC that contributed to the two previous applications being refused.

5. Living Conditions

- 6.22 The properties would be sufficiently separated at almost 80m apart. The retained curtilage serving Starwood is intended to have a minimum garden depth of 28m, whilst the new property is likely to have a 54m long front garden and 21m deep rear garden. To the north-west of the site is meadow land and although land to the south forms part of the residential curtilage serving Colesmead, the dwelling itself is over 90m away to the south and benefits from an extensive 120m deep rear garden.
- 6.23 For the proposed occupants, they will benefit from a private front garden that will be over 50m deep and an equally private rear garden of over 20m. The floor plan confirms room sizes that accord with the NDSS and with all living accommodation at the ground floor and the aforementioned separating distances, there can be no concerns in regards to a loss of privacy.
- 6.24 As before, it is therefore considered that this revised development will comply with policy CS19 that seeks to safeguard amenity for both existing neighbouring occupants and the intended occupants.

6. Ecological Impact

- 6.25 A phase 1 ecology report (PEA) accompanies this submission and follows a site visit carried out on 1st March 2022. The report acknowledges that it comprises grazed modified grassland with scattered trees, areas of hardstanding and eight buildings. Further survey work was recommended to determine the presence/likely absence of roosting bats in T4 but this is not to be removed as part of the plans. Further survey work was recommended in regard to great crested newt within the Site and a separate Ecological Impact Assessment also accompanies this application.
- 6.26 Mitigation, without the requirement for further survey work, is recommended for foraging and commuting bats, badger, hedgehog and nesting birds. Full details are set

out in section 10 of the PEA. Recommended appropriate biodiversity enhancement measures are set out in section 11.

- 6.27 The Ecological Impact Assessment confirms that in applying the Habitat Suitability Index (HSI), as a result of a visit on 14th April 2022, the nearest pond (WB2) was unlikely to be supporting great crested newt.
- 6.28 As advised at the pre-application stage, it is understood that the application site falls within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) and that additional housing development is likely to lead to further increases in recreational use of the SPA's. The applicant agrees, in principle, to [pay the tariff contribution of £275.88](#).
- 6.29 Subject to the above, it is considered that there will be no grounds to refuse this application on the basis that it fails to prevent any net loss of biodiversity. The application also presents an opportunity to enhance habitats.

7. Five-year Housing Land Supply

- 6.30 It is understood that the Council cannot presently demonstrate an up-to-date 5YHLS when measured against its objectively assessed need, meaning that the presumption in favour of sustainable development, as set out in paragraph 11(d) of the Framework, is engaged. For decisions this means:

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in the 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 the Framework taken as a whole.*

- 6.31 If the Council conclude that the development would not result in inappropriate development in the Green Belt, then it would be appropriate to assess such an application against part (ii) of paragraph 11(d). It is noted that in looking at this aspect of the previous application, GBC only highlighted one benefit, leading to an unbalanced conclusion. Given that the applicant considers that it would be possible to ensure there are no harms or disbenefits, the following are clear benefits of the proposal:

- A social benefit with the addition to GBC's housing stock (there is a national drive to significantly boost the supply of homes of which this factually will make a positive contribution);
- It would result in a more effective use of previously developed land and increase housing densities in the area, as promoted by the Framework (which GBC previously agreed it does);

- The provision of housing would bring economic benefits in the short term, through employment and investment related to construction activity, and the longer term, through the spending power of additional local residents that would benefit local shops and businesses;
- It would result in the removal of sporadic low-quality built form that is already under-used and is likely to become vacant in the near future;
- Native landscaping and ecological enhancements can be secured as part of a planning permission, that would otherwise not be the case;
- Framework support for this proposal is provided in paragraphs: 60 (significantly boosting housing supply), 69 (small windfalls), 119 (effective use of land for homes), 123 (taking a positive approach to re-use of buildings where this helps to meet needs).

6.32 It is therefore considered that there would be no adverse impacts of allowing the proposal and certainly not to the extent that these would “significantly and demonstrably outweigh the benefits” when assessed against the policies in the Framework taken as a whole.

8. Very Special Circumstances

6.33 To be clear, the applicant’s position is that the proposal constitutes appropriate development in the Green Belt either via exception 149(e) or 149(g) as set out in the Framework.

6.34 Notwithstanding this position, which gives appropriate weight to the baseline position of the Site, the lack of conditions controlling the Site, lack of landscaping, ecological enhancements, the lawful development and relevance of the supplied appeal decisions, should harm to the Green Belt still be concluded by GBC, paragraph 148 notes that “‘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.”

6.35 It is the applicant’s view that there are 5 other material considerations that should be considered collectively as very special circumstances. These are set out below:

1. **Use of entirely previously developed land:** This should be seen as a substantial benefit as the Framework (specifically paragraphs 119 and 120) seeks to encourage the effective use of land by re-using land that has been previously developed. With such a large previously developed site with sporadic under or unused outbuildings, it is considered that the Site’s use for a new, additional dwelling would help to reduce pressure to develop less appropriate greenfield sites. The reduction in hard surfacing will also result in a significant increase in the proportion of the Site that will become of a ‘green’ condition. Substantial weight should be afforded to this positive;
2. **Making effective use of land:** paragraph 119 of the Framework advises that decisions should promote an effective use of land in meeting the need for homes and other uses. Policies and decisions are expected to make as much use as

possible of previously developed land. The provision of an additional dwelling where a building already exists would result in a more effective use of this previously developed site. Paragraph 120 of the Framework directs that substantial weight should be given to the value of using suitable brownfield land for homes and other identified needs. It is the applicant's view that this is a suitable brownfield site that will assist in meeting the Council's housing needs. The objective of paragraph 123 of the Framework is also met in regards to taking a "positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs." The 0.6 hectare site is of a materially low housing density – this proposal would help to increase the density and make more effective use of previously developed land. Substantial weight should be afforded to this positive;

3. **Housing land supply:** the future position for general and affordable housing looks bleak in Gravesham. Based on the LPA's Housing Delivery Test results published in January 2022, just 57% of the total housing requirement has been delivered over the last 3 years. Very substantial weight should be attached to the contribution of this scheme to the provision of housing;
4. **Freeing up general housing:** one consequence of the national and local housing shortages and of the ongoing rise in property values, including in Gravesham, are that those older people who purchased their existing homes many years ago are likely to hold substantial equity as the result of rising property values and because they may have paid off their mortgages. Some of those homes are likely to have been purchased originally to accommodate families and may be poorly suited to the present needs of their occupiers due to their size, scale, internal layout or large gardens. It is not unreasonable to assume that these occupants may, if presented with an opportunity, be interested in purchasing an alternative, smaller form of accommodation, more suited to their needs and which can continue to be a source of security. As the Government has recognised in paragraphs 4.42 to 4.44 of the White Paper 'Fixing our broken housing market', helping older people to move at the right time and in the right way can help their quality of life as well as freeing up more homes for other buyers. Under-occupied homes could then be released onto the market where they would be particularly attractive to those in younger age groups in need of larger houses to raise families. In this case, the applicant and his wife are keen to take up occupation of the proposed bungalow, freeing up Starwood as a family sized, two-storey dwelling. This proposal would therefore make a valuable contribution to overall housing needs which should be weighed in the balance. The applicant attaches significant weight to this benefit;
5. **Biodiversity / landscape enhancements:** the removal of sporadic built form and the better and re-use of a 0.35 hectare previously developed and level site, coupled with additional native landscaping and the removal of non-native landscaping, controlled by conditions, can lead to a protected and enhanced landscape, something that the Site does not currently benefit from, which would be in accordance with paragraph 145 of the Framework that specifically requires LPA's to retain and enhance landscapes, visual amenity and biodiversity in the Green Belt. The removal the sporadic built form along the western boundary will result

in a significant visual uplift. The proposal would also result in net gains for biodiversity in accordance with paragraph 174 of the Framework. Without a permission the planning system cannot be used to secure any ecological enhancement or management of the application site. The applicant attaches moderate weight to this positive;

Conclusions on Very Special Circumstances

- 6.36 If the above position of the applicant is not accepted by GBC in respect of the revised proposal being appropriate development in the Green Belt, then the applicant wishes to make a case for very special circumstances based on: the use of previously developed land; more effective use of land; provision of additional housing; the freeing up of larger, general housing, and; the landscape and biodiversity enhancements (assisted by a further increase in 'green' land as part of the amendments).

7.0 CONCLUSIONS

- 7.1 The applicant believes that this revised development will not result in any demonstrable harm to the nearest neighbouring residents, nor the countryside or the Green Belt. It is considered that the detailed design will ensure that there would be no adverse impact on the character of the area and would not result in any other harms. As such, the presumption in favour of sustainable development applies. The starting point of the presumption is that permission should be granted. Should GBC not accept this as appropriate development in the Green Belt, then a sufficient and substantial case of very special circumstances can be demonstrated.
- 7.2 As such, in accordance with paragraphs 11 and 38 of the Framework, and in consideration of all relevant development plan policies and material considerations, this application should be viewed positively by the authority and it is respectfully requested that this submission is approved.