

Delegated Report

Full Planning Application

Planning Application No: 20260446

Location: 1 Haldane Gardens Gravesend Kent DA11 8EA

Description: Retrospective change of use of land to residential curtilage ancillary to the existing dwellinghouse, and installation of fencing.

Applicant: Steven Mason

Site Visit Date: 19th June 2026

Submitted Documents/Plans

Planning Application Form;
Site Location Plan;
Drawing Nos. 1,2 – Pre-Existing and Proposed Block Plans;
Drawing No. 3-10 – Pre-Existing and Proposed Block Plan and Elevations;
Supporting Information: Memorandum of Exchange from Lawhive Legal dated 26th February 2026; and
Land Registry Title.

Relevant Planning History

Reference	Description	Decision	Decision Date
20131159	Erection of part two storey part single storey side extension to form enlarged dining room, utility room and shower room/wc at ground floor level with two bedrooms at first floor level.	Permitted	06.02.2014
20130678	Erection of two storey side and single storey front extension to form enlarged dining room, utility room and shower room/wc at ground floor level with bedroom and enlarged bedroom at first floor level.	Application Refused	20.09.2013
19930628	Erection of 72 no. dwellings comprising 49 no. two bedroom houses, 17 no. three bedroom houses and 6 no. one bedroom flats with associated parking spaces, also the laying out and formation of roads and play area.	Permitted	01.06.1994
19930473	Residential development.	Permitted	08.10.1993

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change

- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places

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 Guide (2021)
- Design for Gravesham – Design Code (2024)

Emerging Local Plan as a Material Consideration

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

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

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

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



are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

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

Consultations, Publicity and Representations

Consultees

KCC Highways and Transportation

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

Neighbouring properties

Consultation was by way of the displaying of a site notice and letters sent to 32 surrounding properties with an overall expiry of 3rd July 2026. 2 letters of objection was received making the following summarised comments;

- Loss of mature tree
- Loss of open green space
- Negative impact on streetscene

Officer's Analysis

Site Description, Context and Proposed Development

1 Haldane Gardens is a two storey semi-detached residential property located on the corner of Haldane Gardens and Springhead Road. The land to the side of No. 1 Haldane Gardens was purchased on 23rd February 2026. The land historically appears to have been KCC highways land and historic photos show it being open grassland. In addition, the submitted planning application form includes a signed Certificate A confirming that the land is in the ownership of the applicant.

Google Streetview Image (October 2024)



November 2022



Current Streetview (June 2026)



Design, Character and Appearance

Policy CS19 of the Local Plan Core Strategy states that new development will be visually attractive, fit for purpose and locally distinctive. It will conserve and enhance the character of the local built, historic and natural environment and integrate well with the surrounding local area.

This is further supported by the 2024 National Planning Policy Framework (NPPF), which states in Paragraph 135 that developments will function well and add to the overall quality of the area and be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, together with being sympathetic to local character and history, including the surrounding built environment and landscape setting.

The surrounding area is characterised by fencing to the side and rear of the properties. The current fence has extended to the front of the property with a height greater than 1m which is highly visible from the surrounding area. The fencing is neither visually attractive or improves the area and does not integrate well with the surrounding area.

As such, by virtue of the height, design and location of the fencing, cement boards and posts, the development has resulted in the enclosure of open amenity land and due to the relationship to the existing house and adjacent amenity land and highway, has resulted in a hardening of streetscene and loss of amenity land which is out of character with the area. The development has therefore resulted in a form of development that has a detrimental impact on visual amenity and character of the area, contrary to Policy CS19 (LPCS) and Paragraph 135 of the NPPF (2024).

Amenity of Future Occupiers

The proposal has resulted in an increase of the private amenity area of the occupants of No. 1 Haldane Gardens and as such has had no detrimental impacts on the existing or future occupants of the property.

Neighbouring Amenity

The location of the fence is set away from neighbouring properties and does not have a detrimental impact on neighbouring amenities in terms of loss of privacy, light or overshadowing. The development is therefore in accordance with Policy CS19 (LPCS) and Paragraph 135 of the NPPF (2024).

Parking and Highways

Policy CS11 of the Local Plan Core Strategy states that new developments should mitigate their impact on the highway and public and sufficient parking will be provided.

transport networks as required.

The fencing has been erected near to the highway, however it has been set back from the footpath on Haldane Gardens and Springhead Road by more than 3m and does not restrict visibility of the junction or the driveway for when entering or egressing the existing parking area. In addition, the junction of Haldane Gardens and Springhead Road is traffic light controlled.

The development has not result in an increase of bedrooms and the front driveway has remained in situ, providing parking for two vehicles. As such, there are no detrimental highway impacts resulting from the development and it would accord with Policies CS11 (LPCS).

Conclusion

Taking the above into consideration, it is considered that the retrospective erection of fencing and enclosure of amenity land has resulted in a detrimental impact on both visual amenity and character of the area and it is recommended that the application be refused for the following reason:

1. By virtue of the height, design and location of the fencing, cement boards and posts, the development has resulted in the enclosure of open amenity land and due to the relationship to the existing house and adjacent amenity land and highway, has resulted in a hardening of streetscene and loss of amenity land which is out of character with the area. The development has therefore resulted in a form of development that has a detrimental impact on visual amenity and character of the area, contrary to Policy CS19 (LPCS) and Paragraph 135 of the NPPF (2024).

Recommendation

Refusal

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

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:	<i>A Cue</i>	Signed:	R Hart
Dated:	24th June 2026	Dated:	3 rd July 2026