

Delegated Report

Planning Application

Planning Application No: 20260556

Location: Golden Lion, Luddesdown Road, Luddesdown, Gravesend

Description: Extension to The Lion public house garden and associated alterations to access arrangements to the adjacent winery and associated works.

Applicant: Vineyard Farms Ltd

Site Visit Date: 11 June 2026

Submitted Documents/Plans

Application form
Noise Assessment by Lustre Consulting
Phase 1 Desk Study by Lustre Consulting
Biodiversity Gain Plan by Greenspace Ecological Solutions
Preliminary Ecological Appraisal by Greenspace Ecological Solutions
Landscape and Visual Appraisal by Briarwood
Planning, Design and Access Statement by DHA Planning
Transport Technical Note by DHA Planning
BNG Metric
Drawing no. T-01 rev P2 (vehicle swept path analysis)
Drawing no. H-01 rev P1 (visibility splays)
Drawing no. DHA/35449/01 (site location plan)
Drawing no. DHA/35449/02 (existing site layout)
Drawing no. DHA/35449/03 rev A (proposed site layout)
Drawing no. DHA/35449/04 (pub garden proposed stair details)
Drawing no. DHA/35449/05 (partial pub garden site section)

Relevant Planning History

20260721	Installation of 1no. ground-mounted timber swing sign post with suspended pictorial board. Display of new handwritten pictorial fascia signage painted directly into existing external render finish of front elevation. Display of new handwritten pictorial amenity signs to be displayed at first floor level of the East & West side elevations. Low-level car park signs displayed to either side of vehicle access to site. Proposed delivery gate sign fixed to double timber service gate. Proposed 3 no. amenity signs to be	Pending Consideration
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displayed in the garden area.

20260344	Erection of a temporary marquee and shipping container to house a pop-up pub until 13th September 2026.	Granted Temporary Permission	22.05.2026
20260267	Application for a non-material amendment to the original planning permission reference number 20250053 to allow re-designed/reconfigured concrete ramped access to the Cellar Door Shop and realignment of the existing gabion wall, installation of a new brick / flint wall to meet the realigned gabion wall and the installation of oak arched access gate to the pub garden from the car park; installation of a secondary low level picket style gate and fence to the pub garden; installation of new planter next to new main access gates; installation of new planter adjacent to stepped access to the pub garden; and installation of a set of semi-circle steps up to the Cellar Door shop together with changes approved under reference 20251301 (Application for a non-material amendment to planning permission reference number 20250053 to allow addition of an oak framed entrance porch; amendments to window and door openings; modification to the dimensions of the western toilet block extension; removal of existing external cupboard; minor roof alterations, including changing the restaurant roof to a symmetrical pitch and removal of roof lights; relocation of the outdoor stairs; and change of materials) and changes approved under reference 20250920 (Application for a non-material amendment to planning permission reference number 20250053 to allow minor changes to the internal arrangement of the car park to the pub to that approved, including the loss of two car parking spaces introduce a repurposed red phone box for use as a 'community library' and add the 'Proposed Parking	Approval of Non-Material Amendment	22.04.2026

Layout Plan' Ref: DHA/35449/11 to the list of approved plans listed in Condition 2 of the planning permission).

20251301	Application for a non-material amendment to planning permission reference number 20250053 to allow addition of an oak framed entrance porch; amendments to window and door openings; modification to the dimensions of the western toilet block extension; removal of existing external cupboard; minor roof alterations, including changing the restaurant roof to a symmetrical pitch and removal of roof lights; relocation of the outdoor stairs; and change of materials.	Approval of Non-Material Amendment	22.01.2026
20250920	Application for a non-material amendment to planning permission reference number 20250053 to allow minor changes to the internal arrangement of the car park to the pub to that approved, including the loss of two car parking spaces introduce a repurposed red phone box for use as a 'community library' and add the 'Proposed Parking Layout Plan' Ref: DHA/35449/11 to the list of approved plans listed in Condition 2 of the planning permission.	Approval of Non-Material Amendment	08.10.2025
20250053	Erection of a rear and side extension and refurbishment of the Golden Lion pub including landscaping, parking and associated works.	Permitted	31.03.2025

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS07 – Economy, Employment and Skills
- CS09 – Culture and Tourism
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Development & Design Principles
- CS20 - Heritage

Gravesham Local Plan: First Review (1994)

- T1/T4 – Impact of Development on the Highway Network
- T5 – Access to the Identified Highway Network
- 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 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 6 – Building a strong, competitive economy
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Design for Gravesham: Design Code (2024);
- SPG 4 - KCC Parking Standards (2006);
- Gravesham Landscape Character Assessment (2009)
- Kent Downs National Landscape Management Plan (2021-2026)

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

GBC Commercial Health

No comments or objections.

No health and safety concerns noted with the proposed new garden or pedestrian walkways. Vehicles and pedestrians appear to be fully separated by boundary fences in all areas.

GBC Licensing

The following to be considered:

The garden of this premises isn't covered under the premises licence. So, Licensing do not have any concerns.

GBC Environmental Protection

Noise

The Noise Assessment dated 13/03/2023 by Lustre Consulting (Report Ref: 5173_AC_2.2) is an update/revision of the report submitted with the previous application and utilises noise measurements taken at that time. It covers the current proposal which includes an extension of the garden area and altered access/parking arrangements for the pub. The main concern with this application is the potential for impact on the 2 cottages which will be immediately adjacent to the extended garden. It's understood that these cottages are owned by the pub/winery and used as staff accommodation.

Modelling demonstrates that although there will be a slight increase in noise levels at these cottages, the changes are considered to be minor from both the patron noise in the pub garden and also the change to the access road.

There are no details regarding the proposed layout of the garden - where tables will be located, if any BBQ/external cooking facilities are proposed, where any external bar/service area will be located, if a stage/music area is proposed etc. As entertainment until 23:00 can take place under de-regulation, hours of use of the garden area, particularly for any amplified music will need consideration. The noise assessment hasn't considered any form of entertainment noise, and this does need to be addressed. Further information is therefore needed.

Lighting

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is

important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of premises. Lighting in the garden area will need careful consideration.

KCC Ecological Advice Service (27 July 2026)

SIMPLIFIED RESPONSE

In providing the following comments, all relevant information has been considered including ecological information (where submitted) and site plans. In addition, other documents when considered useful have been reviewed. This will include (but not limited to) the design and access statement and arboricultural reports.

Sufficient information provided.

Ecological Element	Present on site	Additional Info Required	Comments
Protected/ notable species	A preliminary ecological appraisal has been submitted and detailed there is potential for foraging/commuting bats, reptiles, GCN, dormouse, roosting bats and breeding birds within the site or wider area. Bats were not recorded	No	We are satisfied that sufficient survey information has been provided and the precautionary mitigation detailed within the report is appropriate to avoid a breach of wildlife legislation. The habitat creation proposed as part of the BNG requirement will benefit

Ecological Element	Present on site	Additional Info Required	Comments
	roosting within the survey during the surveys submitted with application 20250053		species present/likely to be present within the wider area.
Ecological Enhancements	The PEA has made recommendations to enhance the site for biodiversity	No	An enhancement plan must be submitted demonstrating the enhancement features have been incorporated in to the site.
Lighting	The proposal is for a Pub Garden extension therefore any lighting must be switched of after the pub is closed	No	A lighting plan can be submitted as a condition of planning permission.
Biodiversity Net Gain (BNG)	A BNG assessment has been submitted	Yes	A statutory metric has been submitted and it has detailed that the BNG of 33% can be achieved through the implementation of off site BNG within land within the applicants ownership. We advise that as this is in the blue line boundary the habitat creation will have to be secured with a legal agreement or a conservation covenant prior to the submission of the gain plan. Further information on this point can be found at the end of the report. We advise that the baseline information within the submitted metric has accurately reflect the published LNRS.. We advise that the proposed on site habitats do not meet the requirements for on site significant.

This response was submitted following consideration of the following documents:
Preliminary Ecological Appraisal; Greenspace Ecological Solutions; March 2026

Additional Information to support the advice provided.

Biodiversity Net Gain

Any application which is required to achieve a 10% BNG must submit the following information as a minimum:

- confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;
- the pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate);
- where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
- the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- a statement whether activities have been carried out prior to the date of application (or earlier proposed

date), that result in loss of onsite biodiversity value ('degradation'), and where they have:

- a statement to the effect that these activities have been carried out;
- the date immediately before these activities were carried out;
- the pre-development biodiversity value of the onsite habitat on this date;
- the completed metric calculation tool showing the calculations, and
- any available supporting evidence of this;
- a description of any irreplaceable habitat (as set out in column 1 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

BNG Deemed Condition information

The development, if permitted, will be subject to the deemed condition of planning permission relating to biodiversity gain as per Schedule 7A 13(1) of the Town and Country Planning Act 1990. The condition is that the development may not be begun unless—

- (a) a biodiversity gain plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The condition cannot be varied or removed. An application must be made to discharge it as any other condition. We recommend it is referred to in decision notices in the form of an informative. The government's published Biodiversity Gain Plan (BGP) template should be used to discharge it: Biodiversity gain plan - GOV.UK. Please note that the submission of the finalised Statutory Biodiversity Metric/BGP is required by law prior to the commencement of any development.

Suggested Condition Wording

Ecological Enhancements

Prior to the site being operational a letter must be submitted to the LPA for written approval demonstrating that the ecological enhancements detailed within section 7 of the Preliminary Ecological Appraisal (Greenspace Ecological Solutions; March 2026) has been implemented.

All features shall be retained in that manner thereafter.

Sensitive Lighting (if any external lighting is proposed)

The condition requiring a lighting plan must have the following requirements:

- *Be designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'*
- *Site plan showing the location and types of lighting*
- *Hours of operation .*

Precautionary Mitigation

Prior to and during the works the precautionary mitigation detailed within section 7 of the Preliminary Ecological Appraisal (Greenspace Ecological Solutions; March 2026) must be implemented as detailed. If works have not commenced within 2 years of the date of the report a review and, where necessary, update of the ecological report must be carried out prior to works commencing.

OFF-SITE GAINS (NEEDS TO BE REGISTERED)

'Off-site' biodiversity gains are any BNG measures proposed outside of the red line boundary. The statutory Biodiversity Gain Plan (BGP) must contain the biodiversity gain site register reference number for any offsite units if these are used. BNG sites must be registered here: Register a biodiversity gain site - GOV.UK.

Where off-site gains are secured on land owned by the developer (but outside the redline boundary), or on third-party land (but not through a 'habitat bank operator'⁷⁰), the biodiversity net gain needs to be subject to a deed of conservation covenants or Section 106 (as appropriate). Section 106 agreement templates are

available on the Planning Advisory Service website. It is generally inappropriate to rely solely on conditions to secure off-site biodiversity net gain. The following needs to be secured as part of the off-site biodiversity net gain:

- The submission of a habitat management and monitoring plan (HMMP);
- Notice of HMMP implementation and completion of the habitat creation and enhancement works;
- Timescales for completion of habitat creation, and the submission of a completion report;
- Submission of a monitoring report;
- A habitat monitoring fee to be paid to the local planning authority on every habitat management monitoring event.

The HMMP shall be submitted when the general BNG condition is discharged and shall contain the following information 71:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

KCC Ecological Advice Service (22 July 2026)

SIMPLIFIED RESPONSE

In providing the following comments, all relevant information has been considered including ecological information (where submitted) and site plans. In addition, other documents when considered useful have been reviewed. This will include (but not limited to) the design and access statement and arboricultural reports.

Additional supporting information can be found at the end of the report.

INFORMATION REQUIRED – a copy of the BNG metric

Ecological Element	Present on site	Additional Info Required	Comments
Protected/notable species	A preliminary ecological appraisal has been submitted and detailed there is potential for foraging/commuting bats, reptiles, GCN, dormouse, roosting bats and breeding birds within the site or wider	No	We are satisfied that sufficient survey information has been provided and the precautionary mitigation detailed within the report is appropriate to avoid a breach of wildlife legislation.

Ecological Element	Present on site	Additional Info Required	Comments
	area. Bats were not recorded roosting within the survey during the surveys submitted with application 20250053		The habitat creation proposed as part of the BNG requirement will benefit species present/likely to be present within the wider area.
Ecological Enhancements	The PEA has made recommendations to enhance the site for biodiversity	No	An enhancement plan must be submitted demonstrating the enhancement features have been incorporated in to the site.
Lighting	The proposal is for a Pub Garden extension therefore any lighting must be switched off after the pub is closed	No	A lighting plan can be submitted as a condition of planning permission.
Biodiversity Net Gain (BNG)	A BNG assessment has been submitted	Yes	A statutory metric has not been submitted (or uploaded on to the portal) as part of this application. The biodiversity gain assessment submitted as part of this application has detailed that the BNG of 10% can be achieved through the implementation of off site BNG within land within the applicants ownership. We advise that as it is in the blue line boundary the habitat creation will have to be secured with a legal agreement or a conservation covenant prior to the submission of the gain plan. Further information on this point can be found at the end of the report.

This response was submitted following consideration of the following documents:
Preliminary Ecological Appraisal; Greenspace Ecological Solutions; March 2026

Additional Information to support the advice provided.

Biodiversity Net Gain

Any application which is required to achieve a 10% BNG must submit the following information as a minimum:

- confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;
- the pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate);
- where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
- the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('degradation'), and where they have:

- a statement to the effect that these activities have been carried out;
- the date immediately before these activities were carried out;
- the pre-development biodiversity value of the onsite habitat on this date;
- the completed metric calculation tool showing the calculations, and
- any available supporting evidence of this;
- a description of any irreplaceable habitat (as set out in column 1 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

KCC Highways (10 July 2026)

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters:

The applicant has provided updated vehicle tracking (drawing number T-01, revision P2) confirming that a 12-metre HGV is able to safely enter and exit the site via the proposed access in a forward gear.

The applicant has also provided the maximum achievable vehicular visibility splays, as shown on Drawing No. 35862-H-01 Rev. P1. The southbound visibility splay measures approximately 70 metres and is shown to the nearside kerb. The northbound visibility splay measures approximately 43 metres; however, it partially crosses an existing hedge. The applicant has stated that any vegetation within the vehicular visibility splays will be maintained at a height not exceeding 0.6 metres.

I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Provision and maintenance of the visibility splays shown on the submitted plans (drawing number 35862-H-01, revision P1) with no obstructions over 1.05 metres above carriageway level within the splays, prior to the use of the site commencing.
- Use of a bound surface for the first ten metres of the access from the edge of the highway.
- Gates to open away from the highway and to be set back a minimum of 12 metres from the back of the highway.
- Provision of measures to prevent the discharge of surface water onto the highway.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

KCC Highways (5 June 2026)

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters:

It is proposed that a new alternative vehicular access be provided for commercial use, enabling HGVs (up to 12 metres in length) to access the farmyard and winery. Vehicle tracking has been undertaken which demonstrates that a rigid HGV can enter and exit the site via the proposed access in forward gear. However, confirmation of the vehicle length used in the tracking assessment is requested to allow me to verify safe access.

The applicant is also requested to provide the maximum achievable vehicular visibility splays. This is considered reasonable, as the proposed development involves alterations to an existing access, with one of the current accesses to be stopped up to allow for the extension of the public house garden. The access is located on Luddesdown Road, and visibility splays should be provided in both directions, drawn to the nearside carriageway edge, with no obstruction within the splays exceeding 1.05m above carriageway level. If required, further information on vehicular visibility splays can be found within the Department for Transport's Manual for Streets Guidance.

In addition, it is proposed to allow customers to utilise the existing staff car park during busy weekend periods. Accordingly, a new 1.8-metre-wide pedestrian pathway is proposed to the rear of Nos. 88 and 89 Brookers Cottages, with a demarcated pedestrian crossing provided. This is considered appropriate and will improve pedestrian connectivity between the pub garden and the staff/overflow car park.

The proposed access is 4 metres wide at its narrowest point. Any entrance gates must open away from the highway and be positioned a minimum of 12 metres from the edge of the highway. Additionally, the first ten metres of the access from the edge of the highway must be formed of a bound surface. This is to prevent loose debris from being transferred onto the highway which could pose a highway safety issue. Provision of measures to prevent the discharge of surface water onto the highway should also be provided. KCC Highways is content for this to be managed by condition.

Conclusion:

I look forward to the additional information being provided, to assist me in determining this application from a highway perspective.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

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Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on

site.

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

KCC Heritage

Thank you for consulting us on the above application.

The site lies within an area of multi-period archaeological potential and there has been a building at the site since at least the early 19th century. The early 19th century Tithe map record a rectangular building in an area Golden Lion building which may be part of the present public house. The 1st Ed. OS map of 1862 – 1875 records a building (presumed to be the historic core of the present-day public house) having been built adjoining the western end of the first rectangular building. By the time of the 2nd Ed. OS map of 1897 – 1900 the Golden Lion Public House is recorded by name and the rectangular building to its east is recorded as four units in a terrace. The 2nd Ed. OS mapping also illustrates additions to the Golden Lion on the west and southern sides. The row of four units was still extant in the 1940s, as evidenced from RAF aerial photography, but had been demolished at some time before 1990 by which time a car park had been created in that area to the east of the public house.

The location of the public house and its position in the landscape, notably how Luddesdown Road deviates around the position of the building are suggestive that the part of the current structure is either of some age or has replaced an earlier building on the site and as such it is recommended that the local conservation officer is consulted on this application.

The groundworks associated with the proposed development however are of a low impact and as such I would not recommend any archaeological conditions on the development.

Kent Downs National Landscape Unit

Thank you for your recent consultation on the above.

On 22 November 2023, all designated Areas of Outstanding Beauty (AONBs) in England and Wales were renamed 'National Landscapes' (NLs). Accordingly, the Kent Downs AONB is now the Kent Downs National Landscape. Its legal designation and policy status remain the same.

Also of note is the changes introduced through the Levelling-Up and Regeneration Act 2023, which came into force on 26/December 2023. The Act amends the Countryside and Rights of Way Act, which is the primary legislation relating to AONBs and replaces the previous Duty of Regard to AONBs set out at S85 with a new, strengthened requirement that:

'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'. (Part 12 - Miscellaneous; Section 245. Protected Landscapes; paras (5) - (10).

This places a much stronger duty on relevant authorities, which includes local authorities, to ensure that their actions and decisions seek to conserve and enhance AONBs, marking a significant change to the legal context of AONB policy.

Further guidance is provided in Appendix 2.

The Kent Downs National Landscape team has seen a recent uplift in the number of consultations on planning applications. In accordance with the agreed Kent Downs Planning Protocol, which sets out that the Kent Downs Landscape team will only have a limited land use planning role and will prioritise its involvement in planning to planning policy matters, we will not normally provide bespoke comments on more minor applications such as this. This does not imply support for, or objection to, the endeavour to provide informal advice where our current planning capacity allows.

In determining the application, the local planning authority has a new statutory duty, as set out above, to seek to further the purpose of conserving and enhancing the natural beauty of the Kent Downs National Landscape. Further advice on the new duty is provided in Appendix 2 of this letter. The Kent Downs National Landscape team recommends that to help fulfill the new statutory duty, the Local Planning Authority should ensure that the decision is consistent with relevant national and local planning policy and takes into account the aims, objectives and principles set out in the Kent Downs AONB Management Plan and its associated guidance documents. Further details of these are provided in Appendix 1.

Full response inc. appendices:

https://docs.gravesham.gov.uk/PublicAccess_LIVE/Document/ViewDocument?id=F8CAB211685D4C31AD9CDA22F83FE0B2

Neighbouring properties

The application has been advertised by site notice and individual letters to five neighbouring properties. One letter of objection has been received:

I would like to vehemently oppose the above planning application. This development is turning the heart of the village centre into what would be now described as an industrial estate and is completely inappropriate for an area that is rapidly losing its rural identity due to lack of planning control.

Officer's Analysis

Proposal

This application seeks planning permission for extension to The Lion public house garden and associated alterations to access arrangements to the adjacent winery and associated works.

Existing Layout:	Proposed layout:
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The proposed works relate to the following areas:

- An area of concrete hardstanding situated immediately south of the existing garden of The Lion public house and forming the existing access to the Brookers Farm farmyard.
- An area of land comprising part of the rear gardens of a pair of existing cottages (88 and 89 Brookers Cottages owned by the Applicant) and a vacant area of land adjacent to the western elevation of the existing winery building.
- Part of the southern garden of one of the cottages (No. 88) and an area of vacant land in front of an existing agricultural building and adjoining Luddesdown Road.

The proposed works include:

- Create a 331m² extension to the pub garden;
- Reconfigure the driveway access from Luddesdown Road for 89 Brookers Cottage;
- Create a new landscape buffer between the southern boundary of the extended pub garden and 89 Brookers Cottage;
- Create a new alternative 4m wide vehicle access to Brookers Farm farmyard south of and behind the gardens of 88 and 89 Brookers Cottages;
- Create a new 1.8m wide pathway running behind 88 and 89 Brookers Cottages providing safe pedestrian access between the pub garden and the existing staff car park located south of and adjacent to Brookers Farm (Planning Ref. 20240091).

The flint wall is proposed to be extended along the boundary of the extended pub garden and the garden will then be landscaped. There will be a pedestrian walkway leading from the Brooker's Farm car park to the pub garden and also to Brooker's Farm.

Site Description

The application site is a public house that has been located on this site since at least 1869. Historically a terrace of cottages were attached to the building however these were demolished in the 1960. Brookers Farmhouse is located to the east of the site and is Grade II listed. There are residential properties to the north and south and other buildings owned by the applicant to the east and south used as a shop and for wine making. Much of the surrounding land is used for growing grapes.

The site lies within the Metropolitan Green Belt, National Landscape and Luddesdown Downs Landscape Character Area.

Principle of Development

Economy

Paragraphs 88 and 89 of the NPPF 2024 relate to supporting a prosperous rural economy. The development and diversification of agricultural rural businesses should be enabled, and it should be recognised that proposals to meet local business needs may be required in such areas, in locations that are not well served by public transport. It will be important, however, to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

Policy CS07 of the Core Strategy 2014 also supports proposals that promote the appropriate expansion and diversification of the rural area economy. Policy CS02 supports development outside rural settlements, including proposals to diversify and maintain the rural economy, where it is compatible with national policies for protecting the Green Belt and policies in this plan.

The proposed plans to extend the garden will support the public house business which contributes to the community and local economy and therefore accords with these policies.

Green Belt

Policy CS02 of the Core Strategy 2014 prioritises development in the urban area as a sustainable location for development. In the rural area it 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, including proposals to maintain and diversify the rural economy (which is the case here), will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the Core Strategy 2014.

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 143 of the National Planning Policy Framework 2024 states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 states that development in the Green Belt is inappropriate unless certain exceptions apply. In this case the applicant identifies in their Planning Statement that 154b could apply:

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, 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;

For a pub beer garden, it can sometimes be argued that modest ancillary facilities support outdoor recreation, but inspectors vary in their approach, and a commercial beer garden does not fit neatly within paragraph 154(b).

Paragraph 154 (g) allows for redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt. Gardens of rural properties are classed as previously developed land and therefore this exception applies to the proposed walkway which will be located in the rear gardens of the two dwellings. The walkway will not cause substantial harm to the openness of the Green Belt as it is only 1.8m wide and the boundary treatment will be similar to that which already exists. There will be additional post and rail fencing to the other side of the walkway but, due to its open nature, this will also have no detrimental impact on the openness of the Green Belt.

Paragraph 154 (h) (v) allows for material changes of use of land provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. This is a more appropriate exception for this type of application.

Whilst the extension of the garden will result in more land being incorporated within the curtilage of the pub this land currently provides vehicular access to the vineyard/farmyard. The new access already exists in part as it is the access to the existing carpark. As can be seen from the image below the pub, farm and carpark are contained and all the proposed works are within this contained site and therefore will not impact the Green Belt beyond:



The extension of the garden will not involve any built form save for a boundary wall constructed from flint. The pedestrian walkway will involve boundary treatment consisting of fencing that follows the rear boundary of the cottages where there is already boundary treatment. None of the proposed development is considered to result in harm to the openness of the Green Belt or conflict with the purposes of including land within it as listed in paragraph 143.

Given the absence of significant built form and the limited visual and spatial impact of the proposal, it is considered that openness would be preserved and the proposal would not conflict with the purposes of the Green Belt. The development is therefore not inappropriate development within the Green Belt

Very Special Circumstances

As the proposed development is considered to meet exception 154 (h) (v) it is not necessary to consider very special circumstances however, the applicant has put forward a case within their Planning Statement. They consider the following to be Very Special Circumstances:

- o Helping to secure the long-term viability and prosperity of an existing rural pub and its value as a community asset through enhancing summer revenue;
- o Helping to secure long-term jobs in the rural economy;
- o Long term aesthetic improvement to the character of the local area and street scene from Luddesdown Road.

It is noted that the applicant has advanced a case that, should no exception to inappropriate development apply, the proposal would be supported by Very Special Circumstances. However, as the development is considered to comply with the exception set out in paragraph 154(h)(v) of the NPPF, it is not necessary to consider the case for Very Special Circumstances further.

Design, Character and Appearance

The application site is located within the Kent Downs National Landscape and the Luddesdown Downs Landscape Character Area.

Paragraph 135 of the NPPF 2024 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well-designed and respects the character and appearance of the surrounding area.

Kent Downs National Landscape

Paragraph 187 of the NPPF 2024 aims for development to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. The site lies within the Kent Downs National Landscape (formerly AONB), within the West Kent Downs Landscape Character Area of the Kent Downs Landscape Character Assessment (LCA) Update 2020, and within the Luddesdown Sub Area. Reflective of paragraph 189 of the NPPF 2024, Policy SD2 of the Management Plan 2021-2026 recognises the need to conserve and enhance the local character, qualities, distinctiveness and natural resources of the National Landscape. Principle SD8 seeks to ensure that proposals do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the National Landscape. The Levelling Up and Regeneration Act 2023 imposed a new statutory Duty on the Council such that the Council must seek to further the purpose of conserving and enhancing the natural beauty of the Kent Downs National Landscape in carrying out its functions, including as a Planning Authority. In determining this application, the Local Planning Authority is meeting this Duty by considering the impact of the development on the National Landscape below:

The proposed pub garden extension and reconfiguration of the accesses, as mentioned above, are confined to within the curtilage of the existing farmyard, pub and two cottages which are all within the same ownership.

The proposed works will not impact the wider landscape and are considered to conserve the local character, qualities, distinctiveness and natural resources of the National Landscape in accordance with policy SD2 of the Management Plan. Likewise, the containment of development within the wider site will not impact negatively on the distinctive landforms, landscape character, special characteristics and qualities, the setting and views to and from the National Landscape in accordance with policy SD8 of the Management Plan.

The application has been accompanied by a Landscape and Visual Appraisal which concludes that the effects of the proposed development would primarily be localised and physical changes would be confined to the site. It goes on to say that any experiential or perceptual effect on the local character of the National Landscape would be confined to a comparatively narrow margin of land around the site. No landscape features would be removed and the design of the garden extension would reflect and reference the local vernacular in response of the choice of materials. The introduction of the proposed flint boundary wall would enhance the character of the site by removing detracting features such as old fencing and by screening other potentially detracting elements such as working and storage areas of the adjacent winery.

The visual appraisal undertaken for the proposed development demonstrates that the area within the host landscape from where the proposals might be seen is limited. The site has a limited and well contained zone of visual influence, due to the proximity of large blocks of woodland and the surrounding undulating topography. Also given the pubs comparatively isolated location, the number of potential visual receptors is very limited.

Policy LLC1 sets out to protect, conserve and enhance of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued. Policy FL5 seeks to promote appropriate farm diversification. It sets out that farm diversification activities will be

supported if they help achieve the vision, aims and principles of the Kent Downs AONB Management Plan. The proposed development, for the reasons stated above accord with the objectives of these policies.

Section 11 of the Management Plan relates to the quality of life and vibrant communities within the National Landscape. It sets out that the secondary purpose of the National Landscape designations is to take account of the needs of land based and rural industries and of the economic and social needs of local communities. The proposed development will protect the future of the public house and therefore contributes to the quality of life of the community. In addition to this no objection has been received from the Kent Downs National Landscape Unit.

Landscape

The application site is also located in the Luddesdown Downs Landscape Character Area within the Gravesham Landscape Character Assessment and as such, Policy CS12 of the Core Strategy 2014 is also relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham LCA will be taken into account in determining applications. The LCA states the area is defined by very undulating topography with arable farmland and pasture, irregular field patterns, fields divided by native hedgerows and areas of native woodland that all contribute to the rural character of the area. The condition of the landscape is generally good, its sensitivity high. The guidelines for the area focus on conserving the distinctive features that are found in the area to protect and maintain its character and quality, including conserving hedgerows.

To the rear and side of the pub are the existing farm buildings and site access that form part of the adjacent farm. Beyond the farm access are two farm cottages. With the exception of the open car park aspect, the site is largely surrounded by existing built development. Given this setting, it is considered that the proposals to extend the pub garden would not significantly impact on the wider landscape and scenic beauty of the National Landscape and Luddesdown Downs Landscape Character Area.

the proposed development therefore accords with the objectives of policy CS12 of the Gravesham Core Strategy 2014, paragraphs 88 and 89 of the National Planning Policy Framework 2024 and policies SD2, SD8, LLC1 and FL5 of the Kent Downs National Landscape Management Plan 2021-2026.

Amenity

The two dwellings are currently within the ownership of the applicant however the amenities should be protected as this may not always be the case in the future.

The proposals result in the reconfiguration of the rear gardens of these dwellings. The remaining rear gardens will have a depth of over 10m and an area of over 200sqm which far exceeds the adopted residential standards and therefore no concerns are raised. The boundary fencing will be approx. 2.4m high acoustic fencing which will protect these properties from overlooking. Due to the path of the sun there will be no detrimental impact in terms of loss of sunlight.

Concerns have been raised with regards to noise due to the pub garden coming closer to these dwellings. The applicants have submitted a revised Noise Assessment by Lustre Consulting. The modelling demonstrates that although there will be a slight increase in noise levels at these cottages, the changes are considered to be minor from both the patron noise in the pub garden and also the change to the access road.

No objections are therefore raised however, in order to fully protect amenities, a condition is recommended that no live music/bands/amplified music is permitted in the extended part of the pub garden. This is to ensure that no such events would occur closer than currently. A condition is also recommended that a Noise Management Plan is submitted prior to the bringing into use of the extended part of the garden.

In terms of lighting, to avoid causing a nuisance and impacting on nearby ecology, a condition is recommended that it should only be provided to illuminate the ground and any garden lighting will require details to be submitted before installation.

Contamination

The phase 1 desk study states that it is unlikely that significant contamination is present on the site that could result in adverse impacts to identified receptors. A watching brief condition is recommended and, subject to this, no objection is raised.

Ecology and Biodiversity

Biodiversity Net Gain

Biodiversity net gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development.

In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. This means a development will result in more or better quality natural habitat than there was before development.

The submitted information shows that it is possible to meet the requirements of this condition. In addition to this conditions relating to ecological enhancements, lighting, precautionary mitigation and a habitat management and monitoring plan are recommended.

Parking and Highways

The new 4m vehicle access to be located south of 88 Brookers Cottage is to provide access to HGVs (up to 12m rigid body lorries) which require infrequent access to the farmyard and the winery. The proposed works do not involve a change in vehicle type or frequency of vehicles.

No objections are raised in relation to highway safety provided conditions are imposed relating to visibility splays, bounded surfaces for the first ten metres of the access, gates to open away from the highway and set back 12m from the edge of the highway and provision of measures to prevent the discharge of water onto the highway.

The Brooker's Farm car park is mostly used during the week leaving the car park relatively empty at weekends when the pub car park is more heavily utilised. It therefore makes sense that this car park is utilised as an overflow car park. It is noted that the permission for the current car park (20240091) contains a condition limiting its use to the Brooker's Farm business however, if granted, this permission would supersede this. The revised layout plans show a pedestrian walkway providing access to the back of the pub and to Brooker's Farm therefore allowing the use of the car park for both businesses. No objection is raised to this.

Subject to the above, the proposed development accords with policy CS11 of the Gravesham Core Strategy 2014 and policies T1, T4 and T5 of the Gravesham Local Plan 1994.

Conclusion

The proposed extension to the pub garden and associated works will have no detrimental impact on the openness of the Green Belt, character and appearance of the street scene, surrounding landscape, amenity, ecology, parking or highway safety and therefore accord with the above-mentioned policies and are recommended for approval.

Recommendation:

Permit

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

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	12 August 2026	Dated:	12th August 2026