



Delegated Report

Full Planning Application

Planning Application No: 20260639

Location: Change Grow Live 8 - 9 Berkley Crescent Gravesend Kent

Description: Retrospective planning permission for the erection of a wooden log cabin in the rear garden area.

Applicant: Mr Arek Karas

Site Visit Date: 24th July 2026

Submitted Documents/Plans

Planning Application Form;
Site Location Plan;
Drawing – Log Cabin – Elevations;
Drawing – Log Cabin – Floor Plan;
Drawing – Log Cabin – Site Plan – Existing;
Drawing – Log Cabin – Site Plan – Pre Existing;
Heritage Statement; and
Design and Access Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20130562	Application for Listed Building consent for the retention of the redecoration and refurbishment of ground, first floors and second floors and installation of demountable partitioning to create offices in connection with change of use from A2 to A2/D1.	Permitted	23.08.2013
20130561	Continued use of ground, first and second floors from A2 to mixed use A2/D1 to deliver part of West Kent Recovery Services.	Permitted	23.08.2013
19990294	Application for Listed Building Consent for the erection of a colonnade with balcony and railings at first floor level and provision of lighting to the underside of the colonnade (Phase III).	Permitted	16.06.1999
19990293	Erection of a colonnade with balcony and railings at first floor level and provision of lighting to the underside of the colonnade (Phase III).	Permitted	16.06.1999
19840692	Circular 7 77 consultation in respect of alterations to the windows at first and second floor levels	Permitted	28.09.1984
19790907	Circular 7 77 consultation relating to proposed alterations to the front and rear elevations and the formation of a car park at the rear requiring the part demolition of an existing garden wall in connection with the use of the premises as	Permitted	22.11.1979

	a Job Centre		
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Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS07 – Economy, Employment and Skills
- CS08 – Retail, Leisure and the Hierarchy of Centres
- CS10 – Physical and Social Infrastructure
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- TC1: Design of New Development
- TC2: Policy for Listed Buildings
- TC3: Development affecting Conservation Areas

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 8 – Promoting healthy and safe communities
- Section 12 – Achieving well-designed places
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG 2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- SPG 4 – KCC Parking Standards (2006)
- Design for Gravesham – Design Code (2024)
- Harmer Street Conservation Area Appraisal (2009)
- Gravesend Town Centre Conservation Areas Management Plan (2009)

Other material considerations

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant listed building

consent.

Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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 – Conservation Officer

Having reviewed the application, drawings and heritage statement, I agree the demountable log cabin is not an appropriate form of development within this courtyard setting. Its scale, prefabricated timber construction and "beach hut" appearance are entirely at odds with the Grade II listed building and its enclosed setting, and it neither preserves nor enhances the character of the Conservation Area.

I also agree that a temporary or personal consent wouldn't address the issue, since the harm stems from the physical form and appearance of the structure itself, not the use within it. The applicant's own heritage statement doesn't really engage with this – it focuses on reversibility and lack of fixings rather than visual/design compatibility, which doesn't overcome the substantive harm.



Support refusal of both the planning application and listed building consent on heritage/design grounds, as set out in your email below.

Your suggestion of a traditional brick-built ancillary structure as a more appropriate benchmark is well made and worth referencing in the decision notice.

Neighbouring properties

The application was publicised by the displaying of a site notice, press notice and individual letters sent to seven surrounding properties with an overall expiry date of 14th August 2026. No comments have been received.

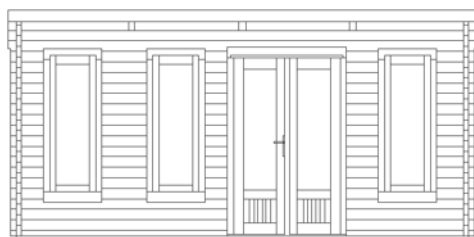
Officer's Analysis

Proposal

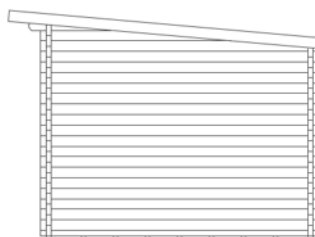
The application seeks retrospective planning permission for the erection of a timber log cabin within the rear garden of the property. The cabin measures approximately 5 metres in width, 3 metres in depth, and has a maximum height of 2.4 metres to the front, sloping to 2.1 metres at the rear.

The submitted Design and Access Statement explains that the log cabin is intended to provide a dedicated respite and breakout space for individuals attending counselling appointments and group sessions. The additional accommodation is designed to offer a quiet and supportive environment before, during, and after sessions, while also helping to alleviate pressure on existing internal floorspace within the main building.

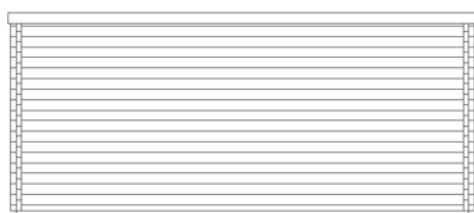
Elevations



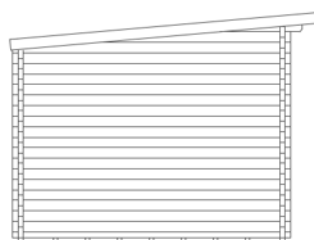
Front Elevation



Side Elevation A



Rear Elevation



Side Elevation B

Photos



Site Description and Procedural Matters

The application site comprises Nos. 8-9 Berkley Crescent, a Grade II listed building situated within the Harmer Street Conservation Area. The proposal relates solely to the rear courtyard area and does not involve any alterations to the listed building itself. The timber log cabin, which is already in situ within the rear courtyard, is a freestanding structure and is not physically attached to the host building.

As the proposal does not include any works to the listed building, either internally or externally, the application has been submitted for planning permission only, and Listed Building Consent is not required.

Design, Character and Appearance and Impact on the Conservation Area

The application site comprises Nos. 8-9 Berkley Crescent, a Grade II listed building located within the Harmer Street Conservation Area. Whilst the development takes the form of a detached timber log cabin within the rear courtyard and does not physically attach to or alter the listed building, the significance of a designated heritage asset is derived not only from its fabric but also from its setting and the contribution that setting makes to its special architectural and historic interest.

Policy CS19 of the Gravesham Local Plan Core Strategy (2014) seeks to conserve and enhance the Borough's historic environment, ensuring that development proposals protect the significance and setting of heritage assets.

Policy CS20 requires development to be of a high-quality design that responds positively to local character, heritage and context.

Furthermore, Policies TC2 and TC3 of the Gravesham Local Plan First Review seek to protect the character, appearance and setting of conservation areas and listed buildings, resisting development that would adversely affect their special architectural or historic interest.

Section 16 of the NPPF confirms that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Proposals affecting heritage assets must assess impacts on significance, including impacts arising from changes within their setting.

The Harmer Street Conservation Area derives its significance from its cohesive nineteenth-century townscape, formal planned layout, architectural uniformity and the contribution made by associated open spaces and historic plot arrangements. The Conservation Area Appraisal identifies Berkley Crescent as an important component of this planned development and highlights the contribution made by its elegant architectural form, restored colonnades, landscaping and the relationship between the buildings and their setting.

The rear courtyard of the listed building forms part of its historic curtilage and contributes positively to its setting. The introduction of a substantial timber log cabin within this space represents a visually intrusive and incongruous form of development that fails to respect the historic character of the site. By virtue of its modern design, materials and domestic appearance, the structure bears no relationship to the architectural character or historic significance of the listed building or its surrounding context. The cabin appears as an alien feature within the historic courtyard environment and detracts from an appreciation of the listed building as a heritage asset.

Furthermore, the proposal fails to preserve the character and appearance of the Harmer Street Conservation Area. The form and appearance of the log cabin do not reflect the established architectural qualities identified within the Conservation Area Appraisal and fail to make a positive contribution to local distinctiveness. Rather than reinforcing the historic character of the area, the development introduces a suburban-style structure that erodes the historic spatial qualities and setting associated with the listed building and the conservation area.

The development would result in less than substantial harm to the significance of the Grade II listed building and the Harmer Street Conservation Area. In accordance with Section 16 of the NPPF, this harm must be weighed against any public benefits arising from the proposal. While the applicant has stated that the cabin provides additional ancillary accommodation associated with the lawful use of the building, the benefits identified are private in nature and are not considered sufficient to outweigh the identified heritage harm.

In this instance, the log cabin represents a modern, utilitarian structure that is incongruous within the historic setting of the Grade II listed building. The character of the rear courtyard forms part of the wider setting in which the listed building is experienced and appreciated. The introduction of a sizeable timber cabin, domestic in appearance and materials, erodes the traditional courtyard character associated with the historic property and introduces a visually intrusive form of development that competes with, rather than complements, the significance of the heritage asset.

Furthermore, although the structure is located to the rear of the site, it remains within the Harmer Street Conservation Area, where the significance of the area is derived not only from the principal buildings fronting the street but also from the historic plot pattern, ancillary spaces and courtyard areas that contribute to its overall character and appearance. The cabin appears as an alien and suburban feature which fails to respond positively to the historic context of the site and does not preserve or enhance the character or appearance of the conservation area.

Case Law

Reference is made to Appeal Decision APP/J1860/D/23/3325116 (Appendix 1), which concerned the erection of an ancillary domestic annex within the setting of a listed building. Whilst the proposal differed from the current application in that the annex was constructed using materials more reflective of the host property, including brick elevations and a clay tiled pitched roof, the Inspector nevertheless concluded that the development would fail to preserve the character and setting of the heritage asset.

In reaching that conclusion, the Inspector observed that:

“By virtue of its scale, contemporary domestic appearance, its visual and physical separation and its function, the annex would not be read as a subservient outbuilding ancillary to the use of its historic rural host.”

Similar considerations apply in the present case. Despite being physically detached from the listed building, the log cabin introduces a substantial standalone structure within the curtilage of the heritage asset.

Furthermore, unlike the appeal proposal, the cabin is of timber log construction and possesses a distinctly domestic and utilitarian appearance that bears little relationship to the architectural character, materials or historic significance and setting of the Grade II listed building. As a result, it fails to appear as a sympathetic or subordinate ancillary structure and instead reads as an incongruous addition within the setting of the listed building and the Harmer Street Conservation Area.

The appeal decision therefore lends support to the view that a detached structure can cause harm to the significance and setting of a listed building, notwithstanding the absence of any direct physical attachment to the heritage asset.

Taking all the above into consideration, the timber log cabin, by reason of its siting, scale, form, appearance and domestic character, constitutes an incongruous and visually intrusive feature within the rear curtilage of a Grade II listed building and the Harmer Street Conservation Area. The development fails to preserve the setting and significance of the listed building and fails to preserve or enhance the character and appearance of the conservation area, resulting in less than substantial harm to these designated heritage assets. Insufficient public benefits have been demonstrated to outweigh that harm. Accordingly, the proposal conflicts with the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and is contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policies TC2 and TC3 of the Gravesham Local Plan First Review (1994), and Chapters 12 and 16 of the National Planning Policy Framework (2024), which seek to conserve and enhance the historic environment and ensure that development responds positively to local character and heritage significance.

Neighbouring Amenity

Policy CS19 of the Gravesham Local Plan Core Strategy (2014) seeks to safeguard the amenity of existing and future occupiers and ensure that development provides acceptable living conditions. Similarly, Chapter 12 of the National Planning Policy Framework (2024) promotes well-designed places that function effectively, support a high quality of life, and secure a good standard of amenity for all existing and future users.

Given the nature, scale and use of the log cabin, together with its separation from neighbouring residential properties and nearby habitable room windows, it is not considered that the log cabin would give rise to unacceptable levels of noise, disturbance or general activity that would materially harm the amenities of neighbouring occupiers. Furthermore, no objections have been received in respect of the proposal. Taking these considerations into account, the development is not considered to result in any significant adverse impact on the living conditions of neighbouring properties in terms of noise, disturbance, outlook or overall residential amenity.

The proposal therefore accords with Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Chapter 12 of the National Planning Policy Framework (2024), which seek to ensure that development is of a high standard of design and safeguards the amenity of existing and future occupiers.

Parking and Highways

The proposal supports and facilitates the existing lawful use of the building. Given the site's highly sustainable and central location, the development does not give rise to any unacceptable impacts on the local highway network or parking provision.

Accordingly, the proposal is considered to accord with Gravesham SPG4, Policy CS11 of the Gravesham Local Plan Core Strategy, and Section 9 of the National Planning Policy Framework (2024), which promote sustainable patterns of development and seek to ensure that development proposals do not result in adverse transport or parking impacts.

Human Rights

In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. The following Convention rights are particularly relevant to the determination of planning applications:

- Article 8: Respect for your private and family life, home and correspondence
- Article 1 of the First Protocol: Right to peaceful enjoyment of your property

Along with any supporting material supplied by the applicant, this report has outlined the consultation that has been undertaken on the planning application and representations made to the Council as Local Planning Authority.

In determining the application, the Council needs to satisfy itself that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights are legitimate and justified. Both public and private interests are to be considered in the exercise of the Local Planning Authority's powers and duties. Any interference with Convention rights must be lawful, pursue a legitimate planning objective and be proportionate. The Council must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

Equalities Considerations

The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

The Equality and Human Rights Commission issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council should have regard to the current Equality and Human Rights Commission guidance and any applicable statutory Codes of Practice issued under the Equality Act 2010. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

In reaching this recommendation, due regard has been given to the Public Sector Equality Duty under section 149 of the Equality Act 2010. Having considered the nature of the proposal and the matters raised, no disproportionate impacts on persons sharing a protected characteristic have been identified.

Conclusion

The timber log cabin, by reason of its siting, scale, design, appearance and colour is incongruous and visually intrusive feature within the rear curtilage of this Grade II listed building and the Harmer Street Conservation Area. The development has resulted in less than substantial harm to the setting and significance of the listed building and fails to preserve or enhance the character and appearance of the conservation area. No public benefits have been demonstrated that outweigh this harm. The proposal therefore conflicts with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policies TC2 and TC3 of the Gravesham Local Plan First Review (1994), and Chapters 12 and 16 of the National Planning Policy Framework (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:	<i>R Hart</i>
Dated:	17 th August 2026	Dated:	17 th August 2026