

Planning, Design & Access Statement

Walnut Hill Nursery, Walnut Hill
Road, Longfield Hill, Kent, DA13 9HL

Erection of a detached outbuilding
(retrospective application)



RTPI

Chartered Town Planners

By: **GRAHAM SIMPKIN PLANNING**

For: **First4Drains**

Project reference: **PR4244-3**

20 November 2024

office@gsplanning.uk



GSP

Contents

1	Introduction.....	3
2	Site Context.....	4
3	Relevant History.....	5
4	Proposed Development	7
5	Planning Policy	8
6	Planning Assessment.....	10
7	Conclusions	12

1 Introduction

- 1.1 This Planning, Design & Access Statement has been submitted in support of an application for the following development at Walnut Hill Nursery, Walnut Hill Road, Longfield Hill, Kent, DA13 9HL (hereafter referred to as 'the Site'):

Erection of a detached outbuilding (retrospective application)

- 1.2 The proposed development affects the following Land Registry title(s):

Title Number	Description	Owner
K421608	Walnut Hill Nursery, Walnut Hill Road, Gravesend, DA13 9HL	The Applicant

- 1.3 The application is accompanied by the following plans and documents:

- **Planning, Design & Access Statement**
- **4244-301 Site Location Plan**
- **4244-302 Pre-existing Block Plan**
- **4244-303 Existing Block Plan**
- **4244-304 Pre-existing Outbuildings Floor Plans**
- **4244-305 Existing Outbuildings Floor Plans**
- **4244-306 Existing Outbuildings Elevations 1 of 2**
- **4244-307 Existing Outbuildings Elevations 2 of 2**
- **4244-308 Proposed Block Plan**

2 Site Context

- 2.1 This Site extends to some 0.31 hectares within a largely rectangular parcel of land and is situated on the north side of Walnut Hill Road in which the Site can be directly accessed from. This is the Site's only access which is protected by closeable metal gates.
- 2.2 There is a narrow dirt track that leads from the entrance which in turn allows access across the whole of the site and the Applicant's wider land.
- 2.3 A former nursery, this closed in 2022, which coincided with the clearance of land to the north of the Site.
- 2.4 The Site is adjacent to The Conifers Camping and Caravanning Club to the west whilst the rest of the Site is surrounded by agricultural land and woodland.
- 2.5 In terms of access, the Site is a 2-minute walk to the eastern edge of the nearest village of New Barn along Longfield Avenue.
- 2.6 This Site is the subject of the following planning constraints and characteristics:
- Situated in the Metropolitan Green Belt
 - In close proximity to multiple Ancient Woodlands
 - Flood Zone 1 (low possibility of flooding from rivers or the sea)

3 Relevant History

3.1 The following records are understood to be relevant to the Site:

[Retention of portacabin and continue use as office/cloakroom/store room/rest room](#)

Ref. No: 19900708 | Validated: Fri 30 Nov 1990 | Status: Application Permitted

[REVISED APPLICATION Removal of existing portacabins and sheds and erection of replacement building for gardening storage, machinery room, packing room and potting-up room at ground floor, incorporating sheltered walkway and refuse and chemical store, with office accommodation and storage at first floor level.](#)

Ref. No: 19970030 | Validated: Fri 17 Jan 1997 | Status: Application Refused – *The application was refused on the basis that the proposal would be seriously detrimental to the character and amenity of the landscape, and the openness of the Green Belt by virtue of the height, bulk, and scale of the development proposed.*

[Removal of existing portacabins and sheds and erection of a barn to provide equipment/materials storage, propagation area, potting and packing and loading areas at ground floor level and staff facilities, drying room, office and storage at mezzanine floor level and an external fire escape staircase at the side.](#)

Ref. No: 20000600 | Validated: Thu 22 Feb 2001 | Status: Application Permitted on 18 May 2001 subject to the following conditions (in summary):

1. The development to be commenced within 5 years of the decision date;
2. The development to be carried out in full accordance with approved plans;
3. No retail sales to visiting members of the public shall take place from any part of the site or premises;
4. Before commencement of the development brick and tile samples shall be submitted to the LPA for approval;
5. Within 3 months of the completion of the building, the existing buildings and structures shown for demolition/removal on drawing 1/30/01/A shall be demolished/removed in their entirety from the site, with no additional or replacement structures or portable buildings shall be erected or placed on the site without prior permission from the LPA.

Any breaches of these conditions would have been ongoing for longer than 10 years and would now be considered to be immune from enforcement action.

- [Application to determine if prior approval is required for a proposed; conversion of a building to a commercial use Class E, of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015 \(as amended\) - Schedule 2, Part 3, Class R.](#)

Ref. No: 20240607 | Status: Refused on the following ground:

1. *The application fails to meet the permitted development criteria as set out in Class R of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), particularly with regards to the curtilage definition under condition R.2 (a)(i), and the timing of the application submission under R.3 (1)(b). The proposal would not therefore be permitted development and this application for prior approval is refused.*

Furthermore, if prior approval were to have been required under R.3 (1)(b) it would have been refused, as the use of the site is considered to cause harm with regards to highways, noise and contamination matters, and insufficient information has been submitted to address these impacts.

4 Proposed Development

4.1 The proposed development entails the following:

- The erection of a detached outbuilding
- To be located between existing polytunnels to the north and a steel framed detached structure to the south
- It is in a similar position to a previous outbuilding that existed since at least 1990 and was only recently demolished earlier in 2024
- To occupy a footprint of 61 sqm and comprise a volume of 200 cubic metres
- The building measures 9.4m long, 6.45m wide, an eaves height of 2.75m and a ridge height of 3.65m
- External finish to comprise timber cladding and a metal roller shutter door on the front (eastern) elevation, with two windows on the northern side elevation and a pedestrian door to the rear (western) elevation
- The proposed block plan confirms the Applicant's intention to also demolish the detached canopy that lines part of the western boundary to the Site
- The detached canopy has a volume of 209 cubic metres, hence the proposed detached outbuilding would result in a net loss of built form within the Applicant's wider land.

5 Planning Policy

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Court of Appeal has clarified that for a decision maker this means establishing whether a proposal is in accordance with the development plan as a whole. The question of compliance with one policy should not dictate the outcome of a proposal in the absence of considering compliance with all other relevant policies. Decision makers are therefore tasked with identifying and understanding all relevant policies and material considerations in order to reach a properly informed planning judgment on a proposal, and to avoid an irrational or vulnerable decision that may be subject to criticism in a public law challenge.
- 5.2 Paragraph 2 of the National Planning Policy Framework ('the Framework') reiterates what is said in Section 38(6), whilst paragraph 12 of the Framework is clear that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 5.3 Paragraph 38 of the Framework encourages local planning authorities to approach decisions on proposed development in a positive and creative way. It also encourages working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, adding that decision-makers should seek to approve applications for sustainable development where possible.
- 5.4 Annex 1 of the Framework confirms that for the purposes of decision-taking, the policies in the plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. It adds that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with greater weight being given to those policies that are closer to the policies in the Framework.

Development Plan

- 5.5 It is understood that the Development Plan for the area within which the Site is located comprises the following documents:

- **Gravesham Local Plan Core Strategy (2014) (CS)**
- **Gravesham Local Plan: First Review (1994) (LPR)**

5.6 In the CS, the following policies are considered most relevant in the determination of this application:

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS07 – Economy, Employment and Skills
- CS19 – Development and Design Principles

5.7 It is considered that there are no policies within the LPR that are relevant to this application.

Other Material Considerations

The Framework

5.8 In summary, the following paragraphs are considered most relevant as additional material considerations in the determination of this application:

- 85: decisions should allow business to invest, expand and adapt
- 87: decisions to recognise and address the specific locational requirements of different sectors
- 88: decisions to support businesses in rural areas
- 123: decisions should promote an effective use of land in meeting the need for homes and other uses
- 124: decisions should promote and support the development of under-utilised land and buildings
- 126: decisions need to reflect changes in the demand for land
- 135 and 139: decisions should ensure good design
- 154 (c): the extension of a building in the Green Belt

5.9 Other material considerations include:

- Gravesham Landscape Character Assessment (adopted 2009).

6 Planning Assessment

Key Issues

6.1 The following are considered to be the key issues in the assessment of this application:

1. Development in the Green Belt
2. Character and appearance

1. Development in the Green Belt

6.2 The subject application is limited to a modest detached outbuilding that will sit within the context and setting of existing built form including the polytunnels to the north and the steel framed building to the south. Given the proposal also involves the demolition of the detached canopy, paragraph 154(d) of the Framework is relevant. This states that the erection of a replacement building is not inappropriate in the Green Belt so long as the new building is in the same use and not materially larger than the one it replaces.

6.3 Dealing with the latter point first, the Proposed Development section above confirms that the replacement building is not larger than the detached canopy that the Applicant has agreed to have demolished. The demolition of this structure sits within other land that is under the ownership of the Applicant, meaning its demolition can still be secured by condition of a planning permission.

6.4 Although exception 154(d) does not require any separate tests relating to the impact of the proposed development on the openness of the Green Belt or an assessment against the five purposes of the Green Belt, it is clear that the replacement building will not affect openness, nor would it conflict with the purposes of including land within the Green Belt. Indeed, it is considered that the infilling of built form between existing built form in lieu of the built form along the periphery of the wider land will consolidate the built form into a smaller area, improving the effect of any development on the openness of this part of the Green Belt.

6.5 Regarding the use of the building, no purpose is being specified regarding the use, hence, at this stage, there is no change to the use of the land that the building is situated on, meaning the lawful use of the land remains that of a commercial nursery, or agricultural use. The subject application is for operational development only and does not entail any associated material change of use.

- 6.6 Given the above, it is considered that the conditions of exception 154(d) of the Framework are fully met and that the proposed replacement building is considered to fall within exception 154(d) of the Framework in regards to development in the Green Belt. It is therefore said that the proposed development constitutes appropriate development in the Green Belt, but this is subject to a condition requiring the demolition of the detached canopy as identified on the accompanying drawings.

2. Character and Appearance

- 6.7 As above, the consolidation of the built form into a smaller area of the wider site, should be welcomed as part of any assessment of the impact of the development on the character and appearance of the area.
- 6.8 The overall scale of the replacement structure akin to the canopy structure that is to be demolished should permission be granted. It is also only marginally larger than the detached outbuilding that once existed in the location of the subject building. Whilst it is appreciated that any new building will change the appearance of the area, given the choice of external materials as confirmed above that will match those proposed to be attached to the steel framed building immediately to the south, it is considered that the proposed replacement building will contribute to a more uniformed appearance with timber cladding on all sides, which is considered to be appropriate for this rural location with the Site having previously been in use for agricultural purposes. The metal roller shutter door and the grey uPVC framed double doors are exceptions to this, but this forms minor parts of the overall appearance of the building and remain reflective of other built form within the Site.
- 6.9 As such, it is considered that the scale, design and siting of the replacement building are acceptable and given the building's siting behind the steel framed building, the Applicant believes that compliance with design policies in both the development plan and the Framework has been demonstrated.

7 Conclusions

- 7.1 In consideration of all relevant development plan policies and material considerations, this application should be viewed positively by the authority, and it is respectfully requested that this submission is approved.