

Delegated Report

Planning Application

Planning Application No: 20240822

Location: Land To the South Of The Squirrels, Rhododendron Avenue,
Meopham DA13 0TT

Description: Application for Outline application with all/some matters reserved for
the erection of 2x two storey detached dwellings.

Applicant: Mr Mick Humphreys

Site Visit Date: 9 October 2024

Submitted Documents/Plans

Application form
Preliminary Ecological Appraisal and Roost Assessment by Arbtech
BNG reporting file note by Arbtech
BNG Metric
Drawing no. 001B (proposed layouts)

Relevant Planning History

19880959 Use of land for stationing of caravan for weekend and holiday use and installation of
cesspool.
Refused 1 March 1989

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highways Network

Paragraph 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed and beautiful places
- 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;
- Technical Housing Standards – nationally described space standard (2015);
- Design for Gravesham: Design Code (2024);
- SPG 4 - KCC Parking Standards (2006);
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Consultees

KCC Biodiversity Officer

We have reviewed the information submitted by the applicant and advise that sufficient ecological information has been provided.

We have taken this view due to the site consisting of mostly Other Broadleaved Woodland, which is in moderate condition according to the Biodiversity Net Gain condition assessment. We are satisfied that there is a lack of suitable features for most protected species, and for those potentially on site, appropriate precautionary approaches have been proposed. We recommend that the site be managed to remain in its current state to deter protected species from establishing on site

Bats

We are satisfied from the Preliminary Ecological Appraisal (PEA) that included a Roost Assessment that no trees on site have any observed roosting value for roosting bats, and therefore no further surveys regarding bats are required.

Lighting

Lighting can negatively impact nocturnal species, like bats, that are foraging and commuting on site and in the surrounding habitat. Currently there is no lighting plan or information submitted. Therefore, if bats are present foraging/commuting within the area, there is a risk that any lighting may have a negative impact.

To mitigate against potential adverse effects on bats, and in accordance with the National Planning Policy Framework 2023, we suggest that the Bat Conservation Trust's 'Guidance Note 08/23: Bats and Artificial Lighting at Night', is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for bats is submitted to the local planning authority and secured via an attached condition with any planning permission.

Suggested condition wording

Prior to occupation, a lighting plan which has been designed to minimise impacts on biodiversity shall be submitted to and approved in writing by the local planning authority. The plan will show how and where

external lighting will be installed and provide commentary regarding how the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23: Bats and Artificial Lighting at Night' has been considered in the lighting design. It will be clearly demonstrated that areas to be lit will not impact protected species. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and be maintained thereafter.

Precautionary Measures

The PEA has recommended precautionary measures for the following species.

- Reptiles,
- Badgers (which will cover hedgehogs),
- and Breeding birds

We are satisfied that the mitigation measures set out in the PEA are suitable for the proposed works for all the species above.

We advise that the applicant follow the precautionary mitigations set out in the PEA, and advise that if planning permission is granted, these measures are secured by a condition and incorporated into a Construction and Environmental Management Plan (CEMP). See below for wording. As part of this, we highlight that the current management of the site must continue so as not to develop suitable habitat which may encourage the presence of protected species.

Ancient Woodland and Priority Habitat

The site is directly adjacent to Priority Habitat deciduous woodland to the east and Ancient Replanted Woodland of Ridge Wood/High Reed to the south east. It is also 70m from Round Wood Ancient Replanted Woodland to the west and 160m from Happy Valley, Meopham Local Wildlife Site (LWS) to the north east.

The Natural England/Forestry Commission standing advice states that there should be a minimum 15m buffer zone between development and ancient woodland. The guidance also requires consideration of the potential for additional impacts from proposals even when there is existing development within this minimum buffer.

As no landscape plans have been submitted at this time, it is unknown if a buffer between the site and the woodlands will be created. We highlight that the existing woodland (while not priority habitat or ancient woodland) will act as a buffer between the woods and the wider area. Also, the Biodiversity Net Gain requirement will ensure that for any woodland lost, additional woodland will be created/enhanced as part of this proposal which could be used in the creation/maintenance of a buffer zone. Therefore, we advise that with any reserved matters application, a buffer zone between the site and adjacent woodlands needs to be considered and the location included on the proposed layout and landscaping plans.

As there are very few physical barriers between the site and the Priority Habitat deciduous woodland and Ridge Wood Ancient Replanted Woodland, we highlight that the proposed development entails some potential adverse impacts on the woodlands, namely from light pollution and potentially dust pollution from the demolition and construction on site.

The applicant should submit how they plan to reduce dust, noise and light pollution during and after construction so as not to impact the priority habitat, ancient woodlands, LWS and any species living there. This should be included in a CEMP and secured by a condition if planning permission is granted.

Construction and Environmental Management Plan (CEMP) – suggested wording:

Prior to works commencing, a Construction and Environmental Management Plan (CEMP) will be submitted to and approved in writing by the Local Planning Authority. The plan must include details on:

- how the development will protect the adjacent Priority Habitat deciduous woodland and Ridge Wood Ancient Replanted Woodland during the construction of the dwellings, as well as during the operational phase. This shall include how the development plans to reduce dust, noise and light pollution.*
- Inclusion of precautionary measures set out for Reptiles, Breeding Birds, Badgers and Other species, including hedgehogs in the Preliminary Ecological Appraisal (Arbtech, 29 July 2024).*

Biodiversity Net Gain

Under section 40 of the NERC Act (2006) and paragraph 180 of the NPPF (2023), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 186 of the NPPF (2023), the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged.

Under the Environment Act 2021, all planning applications for major development (unless exempt) submitted on or after 12 February 2024 in England, will have to deliver at least a 10% biodiversity net gain. It is a requirement for minor applications submitted on or after the 2 April 2024. This application was received on 11 September 2024 according to the information available on the planning portal.

Having reviewed the proposal and submitted documents, we consider this application to fall under mandatory biodiversity net gain. A statutory BNG metric has been submitted. As it is for an outline application with limited information on the proposed layout of the dwellings, only the baseline has been submitted at this point. The whole site was recorded as Other Broadleaved Woodland which we are satisfied is correct for the species on site. It has been presumed that the whole site (0.13888 hectares) will be cleared of the woodland on site until further plans show the exact habitat area to be lost. Therefore, the proposals will result in the presumed loss of 1.11 units.

If planning permission is granted, local planning authorities are encouraged to use suggested paragraphs for Biodiversity Gain Information on the written decision notice which are available to download here:

https://assets.publishing.service.gov.uk/media/663251d969098ded31fca800/BNG_Decision_Notice_Text.odt.

Other Broadleaved Woodland is of medium distinctiveness. As it is proposed to be lost from site, we note that this habitat must be replaced with the Same broad habitat or a higher distinctiveness habitat. Therefore, it is likely that any habitat created on site will be of medium distinctiveness or higher and plans of the proposed management and monitoring of the site will be required. This can be dealt with at the Reserved matters application stage.

As details of habitat creation and/or enhancement cannot be submitted at this time, it is unknown if off-site works will be required in order for the site to achieve a 10% net gain. If off-site habitat works are required, a legal agreement will be required to secure the significant offsite habitat enhancements and gains for the development. This can be dealt with at the Reserved matters application stage.

Ecological Enhancements

Enhancement features are not considered as part of a measurable net gain; however, in addition to the measurable net gains we expect enhancement features to also be incorporated into an enhancement plan within the red line boundary. These can include integrated bat and bird bricks and/or durable boxes, log piles, hibernacula, and hedgehog homes and holes in close board fencing. We advise that the ecological enhancements are secured with a condition if planning permission is granted.

Suggested condition wording

Within three months of works commencing, detailed plans showing how the development will enhance and maintain biodiversity, will be submitted to, and approved in writing by, the local planning authority. This will include details of integrated bat and bird bricks and/or durable boxes, log piles, hibernacula, and hedgehog homes and holes in close board fencing. The approved measures will be implemented and retained thereafter.

Neighbouring properties

The application has been advertised by site notice and individual letters to four neighbouring properties. Seven letters of objection have been received (two from the same address).

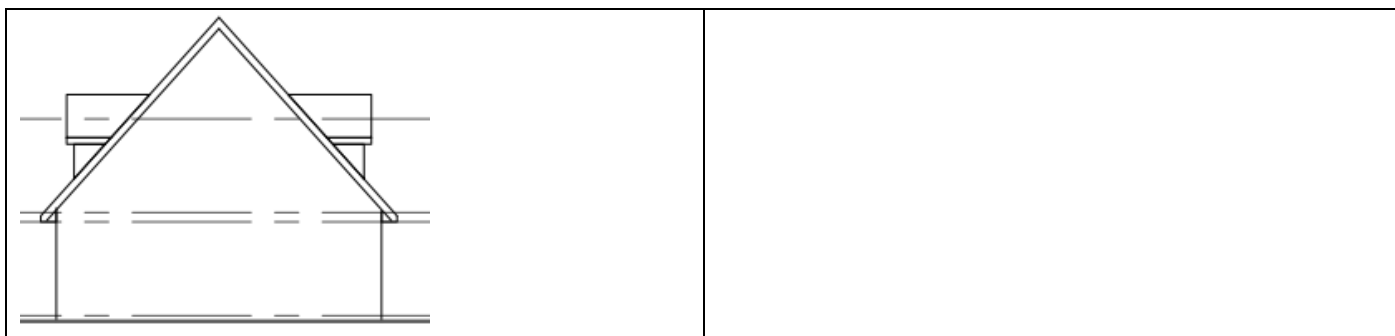
- The site is called Woodlea and there was a planning application made in 1988 (19880959) which was refused as it did not comply with green belt policy
- Land such as this should be protected
- No one has occupied the site for over 57 years
- Inappropriate development in the green belt
- Harm to the openness and character of the green belt
- Lack of very special circumstances
- Conflicts with the local plan
- Has a negative impact on the environment/impact on the landscape/trees
- Results in urban sprawl
- Flood risk concern
- Property value (*this is not a material planning consideration*)
- The applicant has not explored other sites
- There are several special of bats, owls and badgers and snakes
- The land has not been coppiced or looked after
- The space is too narrow
- Private road which is also a bridleway
- Discrepancy on the plans; the block plan shows the orientation of the building different to ground and elevation plans
- Sloping site that would need retaining walls
- A large number of trees would require removal
- Close to ancient woodland

Officer's Analysis

Proposal

This planning application seeks outline permission with all matters reserved for the erection of 2x two storey detached dwellings. The submitted plans show two dwellings with a detached garages each to the front. It would appear from the plans that the dwellings are arranged facing each other:





All matters are reserved. Therefore the following is reserved for future consideration in the event this application is approved:

- ‘Access’ – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- ‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- ‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- ‘Layout’ – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- ‘Scale’ – the height, width and length of each building proposed within the development in relation to its surroundings.

Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

“It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than “guidance” and as such a “material consideration” for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme.”

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2023). This requires that in regard to housing development, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest;
- Land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72);
- and areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 128(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of '2' residential units would offer a minimum contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2023) which requires new development to be high quality, beautiful and create acceptable living conditions for future occupiers.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the National Planning Policy Framework (NPPF) and established local planning policy taken as a whole.

Principle of Development

Green Belt

The application site lies within the Metropolitan Green Belt It is therefore considered that the key issues in this case relating to the Green Belt are:

- Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy, and
- Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Paragraph 142 the NPPF states that the fundamental aim of Green Belts is to prevent urban sprawl by keeping land permanently open, with their essential characteristics being their openness and their permanence.

Paragraph 143 of the NPPF indicates that the Green Belt serves five purposes:

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

In addition to the above five nationally defined purposes of the Green Belt, policy CS02 of the adopted Gravesham Local Plan Core Strategy states that the local purposes of the Green Belt will be maintained. Paragraph 4.2.7 of the document sets these purposes as being:

- to maintain the break in development between the eastern edge of Gravesend and the Medway Towns which is one of the few barriers preventing the further eastward sprawl of London and the merging of towns along the southern part of the Thames Estuary;
- to assist in safeguarding the countryside by minimising the expansion of the Borough's rural settlements; and
- to assist in concentrating development on underused, derelict and previously developed land in the urban area of Gravesend and Northfleet.

Paragraph 152 of the NPPF sets out that 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 of the NPPF advises that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Any development in the Green Belt is inappropriate unless it falls within one of the exceptions set out in the closed lists contained in paragraphs 154 and 155 of the NPPF.

Paragraph 155 of the NPPF is not considered to be relevant in this case.

Paragraph 154 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include:-

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) 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;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use

previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Clearly, the first four bullet points do not apply in this instance as the proposal is not for agriculture or forestry; is not for appropriate facilities for outdoor sport, recreation or cemeteries; is not an extension or alteration of an existing building; and is not a replacement building.

Consideration therefore needs to be given as to whether the development falls under the last three categories.

The site subject to this application is an open piece of land between two dwellings.

The local planning authority therefore contends that the only exception that might apply under paragraph 154 of the NPPF in this case relates to 'limited infilling in villages' under bullet point (e). The last two exceptions are not applicable as the application does not relate to affordable housing (f) nor does the site constitute previously developed land (g).

Limited infilling in villages

On this, it is noted that neither the NPPF or the development plan define the terms 'limited', 'infilling' or even what constitutes a 'village'. Because of this, the local planning authority argues that the following points need to be addressed to determine whether the proposal should be considered as an exception or be deemed 'inappropriate' development.

These points are:

- Whether Culverstone Green is a village
- If Culverstone Green is a village, where its boundary lies relative to the application site?
- Whether the proposal subject to this application can be considered 'limited'; and
- Whether the proposal constitutes 'Infilling'

For the proposed development to constitute an 'exception' rather than be classed as 'inappropriate' development, it is contended that all of the above criteria need to be met.

Whether Culverstone Green is a 'village'

The adopted Gravesham Local Plan Core Strategy (2014) at 4.2.4, Table 2 and at 4.2.6 sets out a settlement hierarchy with 13 rural settlements inset from the Green Belt and two others (Harvel and Luddesdown) that are 'washed over'. None are specifically identified as 'villages'.

It is stated at 4.2.6 that where the rural settlements have been inset, the boundaries do not define the full extent of each settlement but relate to a coherent and established built up area where infilling would not adversely affect local character and identity or impact on the openness of the Green Belt.

This settlement hierarchy is reproduced below:

First Tier Settlements	Gravesend/Northfleet/Ebbsfleet, i.e. the urban area
Second Tier Settlements	Istead Rise, Hook Green Meopham, Higham
Third Tier Settlements	Culverstone Green, Meopham Green, Vigo
Fourth Tier Settlements	Cobham, Shorne, Sole Street
Other Settlements	Harvel, Lower Higham, Luddesdown, Lower Shorne, Shorne Ridgeway, Three Crutches

Source: Settlement Hierarchy Technical Paper December 2009.

As noted above, there is no definition of a 'village' in either the NPPF or the development plan. Whilst the boundaries and status of individual rural settlements may be subject to review in the context of the emerging Site Allocations and Development Management Policies DPD, the boundaries shown on the policies map derive directly and are unchanged from those shown on the Gravesham Local Plan First Review proposals map (1994) as villages under now defunct policy V1.

As paragraph 149 of the NPPF only allows 'villages' to be excluded from the Green Belt by way of an inset designation and all of the above rural settlements are inset, it is accepted that they must by definition be treated as villages for the purposes of the application of planning policy.

If Culverstone Green is a village, where its boundary lies relative to the application site?

As Culverstone Green is considered for the purposes of this application to be a village, the question arises what its boundaries are on the ground and whether the application site within them. In this context it will be noted that the Court of Appeal case for Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin) (Attached as appendix 1) in quashing the original decision did not make a planning judgement as to where the boundary might lie, rather that the original Inspector had misdirected himself in accepting the Green Belt/inset boundary as being the edge of the village after he had noted the built development continuing to the east.

It is considered that when determining this application the boundary conclusion that the Green Belt/inset boundary as shown on the policies map remains the village boundary – the fact that sporadic ribbon development continues to the north and south of the site is not determinative in this matter.

In this respect, the local planning authority argues that there remains a clear distinction between the more built up areas of Culverstone Green (in this case Whitepost Lane to the west and south) and the looser development of Meadow Lane and Rhododendron Avenue which is within the area known as Culverstone Valley. This area is quite rightly washed over and where the Council considers it important to maintain openness as a key characteristic of the Green Belt.

A recent appeal at 'land adjacent to Rosalie' (APP/K2230/W/22/3311813 – appendix 2) dealt with this issue. The appeal site shares many similarities with the application site in that it is located in the Green Belt, outside of the settlement boundaries. This appeal site is located in the road that runs parallel with the application site.

The Inspector noted the following of 'Rosalie' which is located slightly close to the village than the application site:

6. The appellant contends that the proposal would infill an area of land within an existing village envelope, however from the details before me the appeal site is not located within either of the nearby settlement boundaries of Culverstone Green or Vigo. Nevertheless, relevant case law¹ dictates that the village boundary defined on a proposals map should not be determinative where the boundary does not accord with the Inspector's assessment of the extent of the village on the ground.

7. The proposal is located in a semi-rural location, accessed via narrow lanes as one approaches from the more densely populated area of Culverstone Green to the north. Whilst Meadow Lane contains several residential dwellings, the overall feel is one of a peripheral location, outside of any village setting given the more limited and sporadic layout of development. In this regard, the site is more appropriately viewed as providing a link to the distinctly more open and verdant area referred to as Culverstone Valley.

8. Furthermore, there is a lack of communal facilities and services for the existing residents in the immediate vicinity, however the appellant highlights that the appeal site is located within a 15-minute walk to the shops and services situated within the neighbouring village of Vigo. It is acknowledged that there are also limited facilities in Culverstone Green, however the proposals' location between both of these villages further highlights its location outside the more tightly knit development pattern of these settlements. Thus, the appeal site could not be reasonably described as representing a village setting.

The Inspector concluded that, whilst the proposal would constitute limited infilling, it would not be within a village setting and consequently would not meet the exception test.

The local planning authority therefore contends that the designated rural settlement boundary shown on the adopted policies map remains justifiable on the ground and that the application site lies beyond it within the Green Belt. The proposal is therefore considered to be 'inappropriate' development in the Green Belt.

Whether the proposal constitutes 'limited infilling'.

As discussed above, the application site is not located within a village and therefore, regardless of whether the proposal is limited infilling or not, the development of the application site would not amount to infilling within a village as identified by paragraph 154 of the framework.

Consideration of 'very special circumstances'

The applicant has not provided any 'very special circumstances' within the supporting planning statement.

Conclusion on Green Belt issues and assessment of harm.

The local planning authority is of the opinion that the application site lies outside the defined settlement boundary of Culverstone Green within the Green Belt; that there have been no significant changes in circumstances since that boundary was defined that would warrant a different interpretation being taken now.

It is therefore argued that the proposal represents 'inappropriate' development in the Green Belt which is by definition harmful and which should only be permitted where the appellant can demonstrate 'very special circumstances' that clearly outweigh harm caused by inappropriateness and any other harm.

In undertaking the balancing exercise to determine whether or not those 'very special circumstances' clearly outweigh such harm, substantial weight must be accorded to the harm caused to the Green Belt.

The local planning authority contends that harm to the Green Belt in this instance primarily comprises:

Permanent loss of openness – Openness and permanence are the essential characteristics of the Green Belt. The site is currently undeveloped and void of buildings. The introduction of two detached dwellings each with a detached garage will permanently and irrevocably harm the Green Belt through loss of openness at this point. Whilst it may be possible to mitigate visual impact to a limited degree by screening, this cannot in itself overcome the adverse impact on openness which is defined by the presence or absence of the buildings themselves.

Encroachment of the countryside – This is a stated national purpose of the Green Belt at paragraph 84 of the NPPF. Whilst the application site is an isolated plot set amidst other residential plots on the edge of the Culverstone Green inset area, this is not an uncommon characteristic in rural areas where a mosaic of smaller plots often mark the transition from settlement to open countryside. The construction of two detached dwellings with detached garages on the site would introduce an urbanising feature which would adversely affect the character of the settlement at a point of transition where the denser more closely grained development within the inset rural settlement changes to a looser form characterised by larger dwellings set within substantial plots., it is considered that this still represents an encroachment of the countryside. The proposed development would be highly visible and prominent on Rhododendron Avenue.

Safeguarding the countryside by minimising the expansion of the Borough's rural settlements - This is a stated local purpose of the Green Belt as set out at paragraph 4.2.7 of the adopted Gravesham Local Plan Core Strategy (2014). As noted above, the local planning authority considers the proposal subject of the application to represent an encroachment of the countryside. This would take place as a result of the effective expansion of Culverstone Green inset rural settlement into Culverstone Valley. The local planning

authority is also concerned that this could establish a precedent for similar such development within the area known as Culverstone Valley.

Sustainability

Policies CS01 and CS02 collectively seek to provide sustainable development that will improve the existing housing stock. New housing development will be distributed throughout the Borough with the majority directed to the Northfleet Opportunity Area, urban areas and rural settlements inset from the Green Belt. Development outside settlements which maintain and diversify the rural economy will be supported where they are compatible with national and local policy.

Paragraph 84 of the NPPF also provides specific advice on sustainable development in rural areas and should avoid new isolated homes in the countryside unless there are special circumstances which are listed as follows:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

The Inspector for the Rosalie site concluded that, due to other dwellings in the vicinity of the appeal site and its grouping within these sporadic dwellings, the site would not be isolated in the context of para. 84 of the National Planning Policy Framework 2023. Given that the application site is located close to this site the same conclusion is made. The site is not isolated.

It should be noted that in paragraph 11 of the NPPF there is a presumption in favour of sustainable development but in respect of decision taking it is indicated that development proposals would not be approved if 'specific policies in this Framework indicate development should be restricted' and it is pertinent to note that an example is given as being land designated as Green Belt.

It is acknowledged that over 1km to the north west of the site is a garage (Texaco), shop (A1) and a primary school. Rhododendron Avenue has no dedicated pedestrian footway.

With the distance of over 1km to the nearest shop and the fact that the road has no dedicated pedestrian footway or street lighting at night it can be concluded that future occupiers would be required to use a private motor vehicle which is not sustainable form of development.

The Framework further advises, at paragraph 83 that housing development in rural areas should be located where it will enhance or maintain the vitality of rural communities and identify opportunities for villages to grow and thrive, especially where this will support local services. The Framework also seeks to promote alternative forms of transport other than the private car.

The proposal would result in a new dwelling in the countryside, as the site is situated outside of the closest recognised settlement boundaries of Culverstone Green and Vigo. These settlements provide limited services and facilities. In order to visit either settlement on foot or by bicycle, would require future occupiers to travel along narrow roads, many of which do not have a pavement, and are predominantly

unlit, until they reach the settlements of Culverstone Green or Vigo. The lack of footpaths or streetlighting would make it less attractive for people to walk or cycle, especially for young children going to school.

In terms of sustainability, the Inspector for Rosalie concluded:

22. The proposed development would not provide a suitable location for housing, having regard to the accessibility of services and facilities. In this respect, it would not accord with the sustainability objectives of CS Policies CO1 and CO2 which, amongst other things, seek to promote sustainable development and direct development to towns and villages. As such, I cannot conclude that the proposed dwelling would be located where it would enhance or maintain the vitality of rural communities as envisaged by paragraph 79 of the Framework, nor would it be the sustainable development that it seeks to promote in rural areas.

As the application site is located further from the facilities of Culverstone Green than Rosalie it can only be concluded that this is also the case for the application site.

Design, Character and Appearance

When evaluating the design of this proposal it needs to be considered against the design principles of Policy CS19 of Gravesham Core Strategy (2014) which require development to conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards. At a national level the NPPF in paragraph 135 provides guidance on providing good design.

Impact on the landscape

Section 15 of the NPPF highlights the importance of conserving and enhancing the natural environment, one aspect of which is the protection and enhancement of valued landscapes. Policy CS12 of Gravesham Local Plan Core Strategy states that the overall landscape character and valued landscapes within the Borough will be conserved, restored and enhanced and that proposals will take account of the Gravesham Landscape Character Assessment.

In May 2009 the Local Planning Authority published the Gravesham Landscape Character Assessment which identified 11 distinct areas within the borough. The application site falls within Harvel Wooded Downs.

The Gravesham Landscape Character Assessment demonstrates the qualities which make the landscape area special and undermines Policy CS12 of the Core Strategy which seeks to conserve and enhance its quality.

The application site is located within the Harvel Wooded Downs Landscape Character Area. The Gravesham Borough Council Landscape Character Assessment, adopted May 2009 highlights that the landscape has a varied topography with steep valley sides and plateaux. There is ancient woodland, although not on this site but adjacent to it, small paddocks and pasture. There is a haphazard mosaic of residential plots and small holdings set within the woodland.

The application site would be located amongst the existing sporadic development, which consists of mainly detached two-storey dwellings located on irregular shaped plots. The proposed design, scale and spacing, albeit indicative, would reflect that of the other properties in the vicinity and would occupy a position tucked in amongst these established scattered residential units. Given that the proposal is viewed in the context of these residential properties, there would be no harm to the visual qualities and essential characteristics of the landscape character area in terms of its landscape and scenic beauty, notwithstanding the findings in terms of openness in the Green Belt.

In summary it is concluded the proposed development will not be harmful to the Harvel Wooded Downs landscape character area and therefore no objections are raised with regards to policy CS12 of Gravesham Core Strategy and section 15 of the National Planning Policy Framework 2023.

Design

The application site is a narrow plot of land located between two dwellings. The land slopes down to the west. The application is in outline form only and therefore it is not possible to comment on design however the indicative drawings show two chalet bungalows with front and rear pitched roof dormers. This approach, in terms of design, would be in keeping with other dwellings in the locality. If this application were granted permission at appeal a condition would be recommended that full details of materials are submitted prior to works commencing.

Layout and Scale

Layout is also reserved for later consideration however an indicative plan has been submitted. The outline of the properties indicates that the two chalet bungalows would face one another which would not be acceptable as the properties in the road typically face onto Rhododendron Avenue.

The density of the surrounding area is approximately six dwellings per hectare (dph). The proposed plan equates to 14dph. Policy CS15 requires a mix of housing type and size and no objection is raised to the proposals in this regard however policy CS14 requires all new housing to be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. The proposed density is much higher than the surrounding character. The surrounding plots are a similar size to the application site but only occupy one dwelling. The prevailing character is larger, sporadic plots and therefore the proposed development would result in a cramped form of development out of character with the surrounding area.

The proposed development consisting of two dwellings would therefore result in a cramped and dominant form of development out of character with the surrounding area and therefore contrary to Policies CS12 and CS19 of the Gravesham Core Strategy 2014 and paragraph 135 of the National Planning Policy Framework 2023.

Climate Change

Policy CS18 of Gravesham Core Strategy (2014) sets out the requirements for dealing with sustainable drainage and surface water run-off. Sustainable Urban Drainage Strategy (SUDS) for the site which should include the following details:

- Pervious pavements/road surface to allow water to drain through the surface;
- outlet to pipes or infiltration to ground;
- rain gardens for each dwelling (simple and small basins for roof water drainage); and
- Filter Drains.

No information has been provided regarding drainage. Neighbours have raised concerns regarding flooding however the site is located in flood zone 1. No details of drainage have been submitted however this can be dealt with at the detailed planning stage.

Amenity

Future occupiers

The proposed development needs to provide adequate living conditions for future occupiers and this is reinforced by the Council's Residential Layout Guidelines and the nationally described space standard. These guidelines provide requirements for room sizes and amenity space.

The application is in outline form and therefore layout and scale is indicative. The footprint of the buildings appears to be able to accommodate 3-4 bedrooms. The orientation of the buildings shows them facing one another which would not be acceptable in amenity terms due to overlooking, poor outlook and daylight. This would need to be addressed if the application were allowed at appeal and full details were provided.

As it stands, a proposal for two dwellings would not accord with Policy CS19 of the Gravesham Core Strategy 2014 or paragraph 135 of the National Planning Policy Framework 2023.

Neighbouring properties

It would be possible to design a dwelling that would protect the amenities of neighbouring properties provided habitable room windows were arranged to the front and rear elevations only. This would be considered during the reserved matters stage. It would appear there would be sufficient space for outdoor amenity space that would accord with adopted policy.

In terms of residential amenity the proposal accords with policy CS19 of the Gravesham Core Strategy 2014 and para 135f of the National Planning Policy Framework 2023.

Ecology and Biodiversity

Policy CS12 states that there will be no net loss of biodiversity in the Borough, and opportunities to enhance, restore, re-create and maintain habitats will be sought.

Ecology

Sufficient ecological information has been provided as the site consists of mostly Other Broadleaved Woodland, which is in moderate condition according to the Biodiversity Net Gain condition assessment. The Council is satisfied that there is a lack of suitable features for most protected species, and for those potentially on site, appropriate precautionary approaches have been proposed. The site shall be managed to remain in its current state to deter protected species from establishing on site.

No trees on site have any observed roosting value for roosting bats, and therefore no further surveys regarding bats are required.

Lighting can negatively impact nocturnal species, like bats, that are foraging and commuting on site and in the surrounding habitat. Currently there is no lighting plan or information submitted and therefore, if bats are present foraging/commuting within the area, there is a risk that any lighting may have a negative impact. In the event of a permission being granted a condition would be recommended to ensure a lighting plan is submitted and approved by the Local Planning Authority.

The PEA has recommended precautionary measures for the following species.

- Reptiles,
- Badgers (which will cover hedgehogs),
- and Breeding birds

The mitigation measures set out in the PEA are suitable for the proposed works for all the species above.

The applicant shall follow the precautionary mitigations set out in the PEA, and if planning permission is granted, these measures are secured by a condition and incorporated into a Construction and Environmental Management Plan (CEMP).

The site is directly adjacent to Priority Habitat deciduous woodland to the east and Ancient Replanted Woodland of Ridge Wood/High Reed to the south east. It is also 70m from Round Wood Ancient Replanted Woodland to the west and 160m from Happy Valley, Meopham Local Wildlife Site (LWS) to the north east.

The Natural England/Forestry Commission standing advice states that there should be a minimum 15m buffer zone between development and ancient woodland. The guidance also requires consideration of the potential for additional impacts from proposals even when there is existing development within this minimum buffer.

As no landscape plans have been submitted at this time, it is unknown if a buffer between the site and the woodlands will be created. The existing woodland (while not priority habitat or ancient woodland) will act as a buffer between the woods and the wider area. Also, the Biodiversity Net Gain requirement will ensure that for any woodland lost, additional woodland will be created/enhanced as part of this proposal which could be used in the creation/maintenance of a buffer zone. Therefore, in the event of an approval, any reserved matters application shall include a buffer zone between the site and adjacent woodlands and its location be included on the proposed layout and landscaping plans.

As there are very few physical barriers between the site and the Priority Habitat deciduous woodland and Ridge Wood Ancient Replanted Woodland, the proposed development entails some potential adverse impacts on the woodlands, namely from light pollution and potentially dust pollution from the demolition and construction on site.

The applicant should submit how they plan to reduce dust, noise and light pollution during and after construction so as not to impact the priority habitat, ancient woodlands, LWS and any species living there. This should be included in a CEMP and secured by a condition if planning permission is granted.

Biodiversity Net Gain

Under section 40 of the NERC Act (2006) and paragraph 180 of the NPPF (2023), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 186 of the NPPF (2023), the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged.

Under the Environment Act 2021, all planning applications for major development (unless exempt) submitted on or after 12 February 2024 in England, will have to deliver at least a 10% biodiversity net gain. It is a requirement for minor applications submitted on or after the 2 April 2024. This application was received on 11 September 2024 according to the information available on the planning portal.

Having reviewed the proposal and submitted documents, it is considered this application falls under mandatory biodiversity net gain. A statutory BNG metric has been submitted. As it is for an outline application with limited information on the proposed layout of the dwellings, only the baseline has been submitted at this point. The whole site was recorded as Other Broadleaved Woodland which is correct for the species on site. It has been presumed that the whole site (0.13888 hectares) will be cleared of the woodland on site until further plans show the exact habitat area to be lost. Therefore, the proposals will result in the presumed loss of 1.11 units.

If planning permission is granted, local planning authorities are encouraged to use suggested paragraphs for Biodiversity Gain Information on the written decision notice which are available to download here:

https://assets.publishing.service.gov.uk/media/663251d969098ded31fca800/BNG_Decision_Notice_Text.odt.

Other Broadleaved Woodland is of medium distinctiveness. As it is proposed to be lost from site, this habitat must be replaced with the same broad habitat or a higher distinctiveness habitat. Therefore, it is likely that any habitat created on site will be of medium distinctiveness or higher and plans of the proposed management and monitoring of the site will be required. This can be dealt with at the Reserved matters application stage.

As details of habitat creation and/or enhancement cannot be submitted at this time, it is unknown if off-site works will be required in order for the site to achieve a 10% net gain. If off-site habitat works are required, a legal agreement will be required to secure the significant offsite habitat enhancements and gains for the development. This can be dealt with at the Reserved matters application stage.

Enhancement features are not considered as part of a measurable net gain; however, in addition to the measurable net gains it is expected that enhancement features shall be incorporated into an enhancement

plan within the red line boundary. These can include integrated bat and bird bricks and/or durable boxes, log piles, hibernacula, and hedgehog homes and holes in close board fencing. Ecological enhancements can be secured with a condition if planning permission is granted.

The proposal, subject to conditions and possible a section 106 agreement for off-site biodiversity net gains complies with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 186 and 187) of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Effects on highway safety/parking provision

The scheme as submitted needs to be considered against saved policy T1 and P3 of Gravesham Local Plan First Review (1994), Policy CS11 of Gravesham Core Strategy and Section 4 of the NPPF. These policies ensure that development has an acceptable amount of parking, is not detrimental to the highway network and promotes sustainable transport methods

The indicative plan shows garages to the front of the properties and a parking area and turning area. No objection is raised to this. Cycle storage would need to be provided and can be controlled by condition. The disposal of water can also be controlled by condition.

There is no conflict with local or national planning policy in regard to highway impact.

Conclusion & Recommendation

1. The site is within the approved Metropolitan Green Belt. Within the Green Belt there is a strong presumption against permitting new development outside of the present defined extent of urban areas and the present extent of any village. National Planning Policy Framework Section 13 (Protecting Green Belt Land) indicates that the most important attribute of Green Belts is their openness. The proposed development is inappropriate development and would cause harm to the Green Belt, and to the character and appearance of the area. As such the proposal is considered to be contrary to the advice in National Planning Policy Framework Section 13 (Protecting Green Belt Land), and Policy CS02 (Scale and Distribution of Development) of the Core Strategy.
2. The site lies in the designated countryside outside the confines of the urban areas and rural settlements. The proposal comprises of residential development in the countryside, being within an unsustainable location and contrary to Policies CS01 and CS02 of Gravesham Core Strategy and paragraph 83 of the National Planning Policy Framework 2023.
3. The proposed two dwellings will result in a density much higher than the surrounding character of the area and therefore would result in a cramped form of development contrary to Policies CS15 and CS19 of the Gravesham Core Strategy 2014 and paragraph 135 of the National Planning Policy Framework 2023.

(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:	20 November 2024	Dated:	21st November 2024

