



Delegated Report

Full Planning Application

Planning Application No:	20230776
Location:	Land rear of Hilary Cottage, Hermitage Road, Higham, Rochester
Description:	Removal of 2 no. containers and hard surfacing and conversion of livery stable into 2 no. residential units plus associated gardens and parking.
Applicant:	Mr P Rutherford
Site Visit Date:	Desktop assessment

Submitted Documents/Plans

Application form
Drawing no. 01 (Site Location and Existing Block Plan)
Drawing no. 02 (Existing Floor Plans)
Drawing no. 03 (Existing Elevations)
Drawing no. 04 (Proposed Block Plan)
Drawing no. 05 (Proposed Floor Plans)
Drawing no. 06 (Proposed Elevations)
Planning, Design and Access Statement (dated July 2023)
Preliminary Ecological Appraisal (ref. 2022/03/27 dated 18 April 2022)
Intermediate Structural Planning Survey by Freeman Design & Surveying Consultancy Ltd

Relevant Planning History

Reference	Description	Decision	Decision Date
20221258	Conversion of the livery stable and tack rooms into 2 x four bedroom residential dwellings with associated car parking and bin storage facilities.	Refused	23.01.2023
20220477	Conversion of the Livery Stable and tack rooms into 2 x four bedroom residential dwellings with associated car parking and bin storage facilities.	Refused	29.06.2022
20171104	Conversion of livery stable and tack rooms into one 4no. bedroom dwelling and one 2no. bedroom self-contained flat with two garages and change of use of land from paddock to residential, including demolition/removal of 3no. detached livery structures.	Refused Dismissed at appeal	22.02.2018 13.12.2018
20160888	Conversion of livery stable and tack rooms into one 4no. bedroom dwelling and one 2no. bedroom self-contained flat with two garages and change of use of land from paddock to residential, including demolition/removal of 3no. detached livery structures.	Refused	21.04.2017

20130186	Application for variation of condition 1 attached to planning permission reference number 20010753 to allow the number of horses and foals kept on the land to be increased from 14 to 19.	Permitted	14.10.2013
20110935	Application for variation of condition 4 attached to planning permission reference number 20050483 for installation of a room at mezzanine floor level to provide a rest room for overnight horse husbandry accommodation; to allow the rest room to be used for no more than two consecutive nights up to a maximum of four nights a week.	Permitted	17.09.2012
20090839	Installation of external fire escape staircase on the southern elevation of the stable block.	Approved	15.12.2009
20071065	Application for the variation of condition 4 of planning permission ref. no. GR/2005/483 relating to the installation of a mezzanine floor level to provide a rest room for overnight horse husbandry accommodation, to allow the continued use of the mezzanine rest room for no more than two consecutive nights up to a maximum of four nights a week	Refused	29.01.2008
20060480	Erection of extension to the northern side of existing stable building to provide an additional 3 stables and hay store and erection of a secure field equipment store.	Approved	04.08.2006
20050483	Installation of a room at mezzanine floor level to provide a rest room for overnight horse husbandry accommodation.	Approved	04.08.2005
20040040	Demolition of existing field shelter and erection of single storey extension to form a tractor shed and two stables; installation of mezzanine floor to provide overnight horse husbandry accommodation and variation of condition (i) attached to planning permission reference number GR/1992/93 to increase the number of horses that are allowed to be kept from 6 to 12.	Split decision: Permitted	12.03.2004
	Installation of mezzanine floor to provide overnight horse husbandry accommodation	Refused	
20020134	Application for the variation of condition (iii) attached to planning permission ref. No. GR/92/93 relating to the continued use of agricultural land and building for stabling, grazing and exercising of horses with a manage area for the training of horses, to allow the stables and manage area to be used for livery purposes.	Permitted, Appealed against condition 4, allowed on appeal 25.06.2003	15.04.2002
20010753	Variation of condition (ii) attached to planning permission reference number GR/96/844 to allow the number of horses and foals kept on the land to be increased from 9 to 14.	Permitted	30.11.2001
19990719	Use of part of the site for the parking of one HGV vehicle incidental to the lawful use of the site for the stabling, grazing and exercising of horses	Certificate Granted	02.12.1999
19960844	Retention of the extension comprising of 3 no. stables attached to the existing barn; removal of condition (ii) of planning permission ref. no. GR/86/113 relating to the existing use of the storage building as 4 no.	Permitted	08.04.1997

	stables to enable the use of the 7 no. stables for livery purposes and construction of a menage.		
19960765	Continued siting of a caravan for residential use.	Refused	24.04.1997
19920093	Continued use of agricultural land and building for stabling, grazing and exercising of horses with a menage area for the training of horses.	Permitted	19.10.1992

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Design and Development Principles

Gravesham Local Plan: First Review (1994)

- T1 – Impact of Development on the Highway Network
- P3 – Vehicle Parking Standards.
- C11- Change of Use of Redundant Buildings in the Countryside

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) (2021). This requires that in regard to housing development, planning permission should be granted unless:

- 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
- 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 (2023) at footnote 6 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF (2023) paragraph 181)
- Sites of Special Scientific Interest
- Green Belt
- Local Green Space
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 63)
- 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 125(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.

As part of this balancing exercise, it should be noted that paragraphs 130 and 134 of the NPPF (2023) require development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity 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 and established local planning policy taken as a whole.

National Planning Policy Framework (2023)

- 2 – Achieving sustainable development
- 5 – Delivering a sufficient supply of homes
- 9 – Promoting sustainable transport
- 11 – Making effective use of land
- 12 – Achieving well-designed places
- 13 – Protecting Green Belt land
- 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG2 – Residential Layout Guidelines (2020)
- SPG4 – KCC Parking Standards (2006)
- Technical Housing Standards – Nationally Described Space Standards (March 2015)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

External Consultees

Higham Parish Council

No comments received.

Internal Consultees

GBC Environmental Protection

The site has been in agricultural use and as such there is the risk of contamination (from the use of herbicides, pesticides, agricultural Machinery etc). In this respect, a condition is recommended to investigate and deal with any potential contamination.

Conditions and informatives are recommended to address this and other matters (contaminated land condition, and code of practice on construction and demolition, drainage/sewerage and lighting informatives).

GBC Highways

Given the distance of the stables from the public highway, the following should be provided.

1. On site turning for a fire engine, tanker for emptying the cesspit(s) and any other vehicle liable to visit the site (such as a removal lorry), as otherwise reversing distances would be excessive.
2. Refuse collection point should be provided adjacent to the highway.
3. Given the distance from the highway there should be adequate provision for visitor parking
4. Foul water drainage needs to be conditioned, to ensure that a suitable system can be provided with appropriate vehicular access.
5. Given the distance from the highway it is suggested that each property should have a third parking space to accommodate visitors.
6. It is noted that two of the proposed parking spaces obstruct a field gate which is not acceptable as parked vehicles may deny access to the field.



7. It is noted the access is some 300 metres long. It is therefore essential two vehicles can pass at the entrance and adjacent to the new dwellings and at 100metre intervals along the access providing each passing place is visible from the adjacent ones. Each passing place should be a minimum of 12 metres long excluding tapers and 5.5 metres wide to allow two large vehicles to pass. (Tanker/delivery van for example)

As presented due to the inadequate parking and access I would recommend refusal.

GBC Waste

The proposed properties are down a private land, so the wheelie bins will have to be brought to the junction of Hermitage Lane for collection each week.

Sufficient space should be allocated to allow space for storage and presentation for:

Refuse - 1 x 180ltr bin grey body and lid

Recycling - 1 x 240ltr bin grey body and green lid

Food Waste – 1 x 23ltr bin black body and orange lid with an individual 5ltr caddy per property

The Council offers an 'opt-in' garden waste service collected via a 240ltr, 140ltr bin or paper sack. The take up of the service is extremely high therefore space should also be allocated to accommodate an additional bin.

Gravesham Borough Council operates a fortnightly collection of refuse and recycling and a weekly collection of food waste.

Neighbouring properties

The application has been advertised by individual neighbour letters to 16 properties, and on site. The overall consultation period expired on 4 September 2023.

Four letters of objection have been received, with the following comments:

- The existing users of the stables would be let down and would lose their livelihood, together with local businesses losing customers such as country stores, farriers, equine dentists, veterinary practices and farms.
- The location is perfect for livery with good connections with neighbouring yards.
- The loss of the livery would force users to go further afield and would result in stress to both users and horses that have been there for so long.
- There is much wildlife on and around the site that would be lost.
- The development would set a precedent for other similar developments in the area in the Green Belt.
- Access is difficult for deliveries and collections due to the long unmade shared access track.
- Development would be visually harmful to the area.

Local Ward Councillors were also consulted and no responses were received.

Officer's Analysis

Background

The site is located within the countryside, the Green Belt and the Higham Arable Farmlands Character area.

As shown in the Planning History above, there has been extensive planning history in relation to the residential development of the site, with planning applications going back to 2016 seeking permission for the conversion of the livery stables into residential accommodation. Most recently, application 20221258 was refused on the following grounds:

1. *The proposal will result in the inevitable domestication of the site due to the amount of planting, landscaping, boundary treatment, fenestration and lighting related to the proposed residential use, which would detract from the visual quality of the area and significantly harm the character and appearance of the site and surrounding area including the Higham Arable Farmlands Landscape Character Area. This would fail to conserve and enhance the local natural environment and landscape character and conflict with the requirements of Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 130 and 174 of the National Planning Policy Framework 2021.*
2. *The proposal will result in an unacceptable and cramped amenity space for future occupiers and would therefore fail to provide a high standard of amenity for future users, which would conflict with the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 130 of the National Planning Policy Framework 2021.*
3. *The proposal fails to secure a contribution towards strategic mitigation measures within the Thames Estuary and Marshes SPA/Ramsar Sites to resolve disturbance issues to wintering birds, and in the absence of this contribution or any evidence to inform an appropriate assessment, the development*

fails to comply with the requirements of the Habitat Regulations and paragraphs 174 and 180 of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

This application has been submitted with revisions in an attempt to overcome these grounds.

Proposal

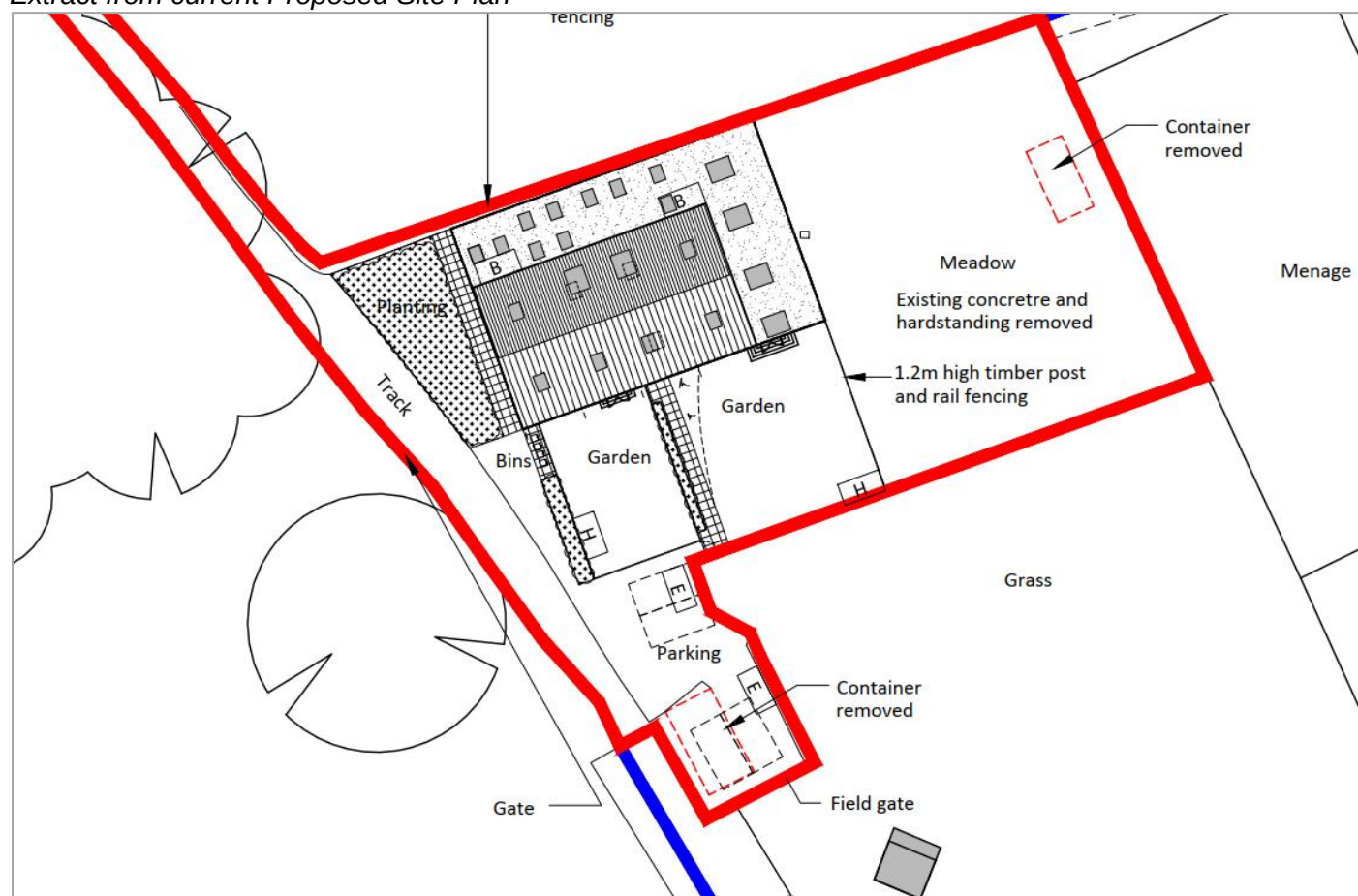
The existing building is a steel portal framed agricultural style shed. It is clad with single skin metal profile sheet on a masonry substructure with fibre cement sheeting to the roof. It has a large mezzanine first floor section for additional storage. The building is approximately 25.5m long by 15.6m wide by 7.2m to the ridge and 5.5m to the eaves.

This proposal seeks permission for the conversion of the building (a livery stable and tack rooms) into 2 four bedroom residential dwellings with associated car parking and bin storage facilities.

Unit 1 will have a kitchen/living/dining room, utility, master bedroom with ensuite and WC on the ground floor, and 3 further bedrooms (one with an ensuite) and a bathroom on the first floor. Unit 2 will be similar, but with a larger ground floor space will also have an office.

4 car parking spaces are proposed to the side (south) of the building. Hard and soft landscaping is proposed around the building, with 1.2m high post and rail fencing around the site boundary, and native planting dividing the plots.

Extract from current Proposed Site Plan



As a comparison, the previously refused proposed site plan is as follows:

Extract from 20221258 Proposed Site Plan



The current scheme proposes less hardstanding and more planting and soft landscaping within the application site. Two containers would be removed from the site. [These containers do not have planning permission and have never been assessed as being lawful. Their removal does not therefore have any bearing on the consideration of this proposal.]

Hard surfacing to the west, south and east would be reduced, and a meadow to the east would be introduced.

Main Considerations

The starting point in the determination of this application are the previous applications and grounds of refusal.

In the previously dismissed appeal relating to application 20171104, the Inspector concluded that as a result of the fact that the proposal involved the re-use of a building of permanent and substantial construction (and concluded this in the absence of any convincing evidence otherwise), that it would result in a modest positive impact on the openness of the area and that there would be no conflict with the purposes of including the land within the Green Belt, the proposal would not constitute inappropriate development in the Green Belt, and would therefore be consistent with Policy CS02 of the Core Strategy 2014 and paragraph 146 of the NPPF 2019 (now paragraph 150 of the NPPF 2023).

This situation has not altered, and the current proposal is therefore considered to be an appropriate development in the Green Belt.

Therefore, and as before, the main issues in the determination of this application are as follows:

- Landscape character
- Amenity for future users
- SAMMS

Design, Character and Appearance

Paragraph 130 of the NPPF 2023 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well-designed and respects the character and appearance of the surrounding area.

The application site is also located in the Higham Arable Farm Landscape Character Area and as such, Policy CS12 of the Core Strategy 2014 is also relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment (LCA) will be taken into account in determining applications. The LCA states the area is defined by gently undulating topography with open arable farmland, hamlets and settlements, isolated farmsteads and scattered properties with locally distinct styles and materials that contribute to the rural character of the area. The condition of the landscape is generally poor, its sensitivity moderate. The guidelines for the area focus on restoring landscape elements in poor condition, whilst safeguarding it as a prominent landscape feature within the wider landscape.

In the 20171104 appeal, the Inspector remarked that the existing building is of an unexceptional, functional appearance, not out of place in a rural area. It does not make a positive contribution to the area but nor does it detract from it either, and there is no necessity for its visual improvement through conversion to residential use.

Under that application, with the introduction of new window and door openings, a new roof and cladding, and the extension to the residential curtilage and parking area, the Inspector commented:

'The proposal would noticeably change the character of the building from a livery stable structure to a residential building. The converted building... would bear no relationship to the existing building other than occupying the same footprint and being the same shape. The resulting building would not appear as traditional rural Kent vernacular, but as an unusual shaped residential conversion, albeit clad in quality materials with modern fenestrations. The proposed boundary treatment and the reduction in the hardstanding area around the building and site generally would not sufficiently mitigate this appearance.'

These shortcomings would be exacerbated by the proposal's position where it would be visible from a number of public vantage points along Hermitage Road across the open gently sloping countryside and the proposed residential curtilage and the new garden area to the north east of the building. This area is currently open grassland with post and rail fencing, but there are open views to and from the countryside to the north, south and east... a landscaped garden area with inevitable signs of domestic occupation such as patios, garden furniture, clothes drying and play equipment would introduce a domestic formality into the countryside location that would significantly harm the rural character of the area.'

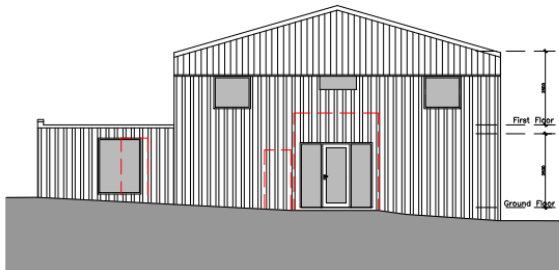
...the proposed development would be unrepresentative of the overall character of the other traditional timber clad buildings in the area and does not justify such an inappropriate residential development in this location. The proposal, with its extensive fenestrations to front, rear and side, would also introduce lighting into the area at night where at present there is none. This would add further to the incongruity of the use against the rural appearance of the surrounding fields and countryside.'

Under the subsequent proposal 20220477 various revisions were made to the scheme to overcome some of the concerns raised by the Inspector, which included the retention of all existing external cladding and roof coverings, reducing and re-using window and door openings and restricting the garden spaces, as well

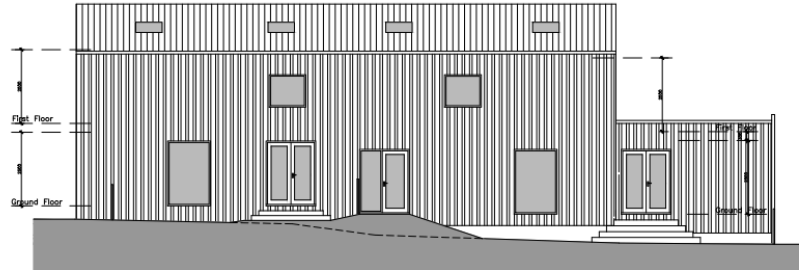
as internal layout changes.

As under application 20221258, the elevations include an increase in the size of some of the rooflights including on the single storey element of the building to accord with daylight/sunlight recommendations.

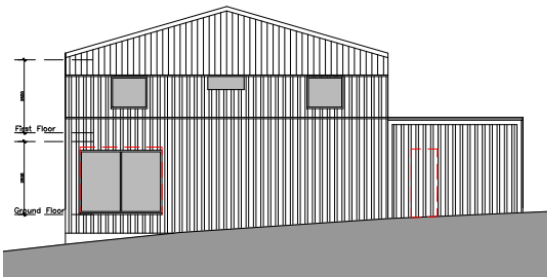
Current Proposed Elevations



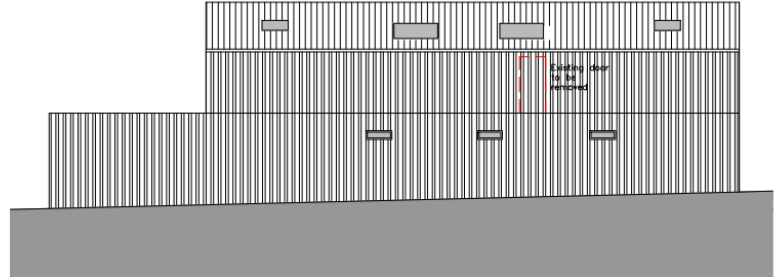
Proposed Front (South West) Elevation



Proposed Side (South East) Elevation



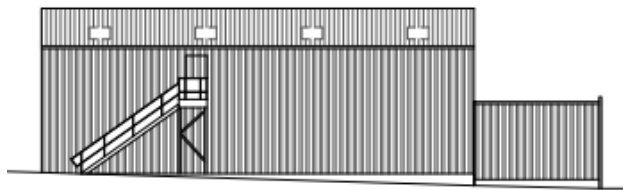
Proposed Rear (North East) Elevation



Proposed Side (North West) Elevation

It is also helpful to compare the proposed elevations against what is existing:

Existing Elevations



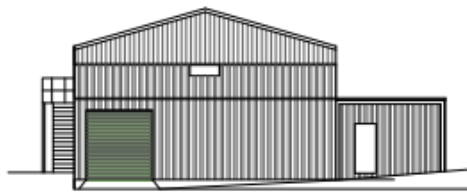
EXISTING SIDE ELEVATION (SOUTH EAST)

Scale 1:100

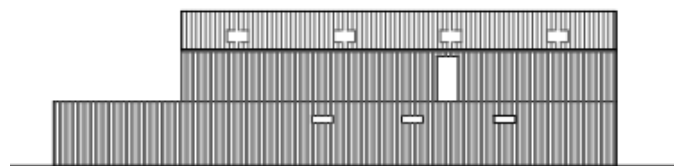


EXISTING FRONT ELEVATION (SOUTH WEST)

Scale 1:100



EXISTING REAR ELEVATION (NORTH EAST)



EXISTING SIDE ELEVATION (NORTH WEST)

As before, it is acknowledged that the scale and amount of the windows/doors have been reduced compared to previous proposals, and on some of the elevations there is not such a significant difference between what is existing and proposed. However, the entirety of the Inspector's concerns, and indeed the concerns of the subsequent applications 20220473 and 20221258, are still not considered to have been overcome. Of particular issue is the position of the building, which is visible from a number of public vantage points along Hermitage Road across the open gently sloping countryside, and from public footpaths and bridleways to the west and east.



The Inspector noted:

‘...Curtilage buildings could be controlled by condition, but a landscaped garden area with inevitable signs of domestic occupation such as patios, garden furniture, clothes drying and play equipment would introduce domestic formality into this countryside location that would detract from the visual quality and would significantly harm the rural character of the area.’

The proposed additional planting and garden changes are not considered to address this matter; whilst the gardens would be restricted to the southern side of the building under the current proposal, limiting views of them from Hermitage Road, their inevitable formality and demarcation would regardless identify the site as residential and would not typically be found around such buildings in the countryside, whether those buildings were fully visible or not. As raised above, the Inspector previously stated that boundary treatment and the reduction in the hardstanding area around the building and site generally would not sufficiently mitigate the more residential appearance of the building.



There also remains an excessive number of openings on the proposed south elevation in particular (including larger rooflights), which was raised as issue under the 20171104 appeal, and this would introduce lighting into the area at night where at present there is none. In line with the Inspector's comments, this is considered to add to the incongruity of the residential use against the rural nature of the area. On this basis, the concerns raised under the first refusal ground on application 20221258 as well as the previous appeal, are not considered to have been overcome.

Overall, as a result of the amount of planting, landscaping, boundary treatment and fenestration proposed, the proposal would result in significant harm to the character and appearance of the site and surrounding area including the Higham Arable Farmlands Landscape Character Area. This would fail to conserve and enhance the local natural environment and landscape character and is contrary to the requirements of Policies CS12 and CS19 of the Core Strategy 2014 and paragraphs 130 and 174 of the NPPF 2023.

Residential Amenity

The NPPF 2023 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the

criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

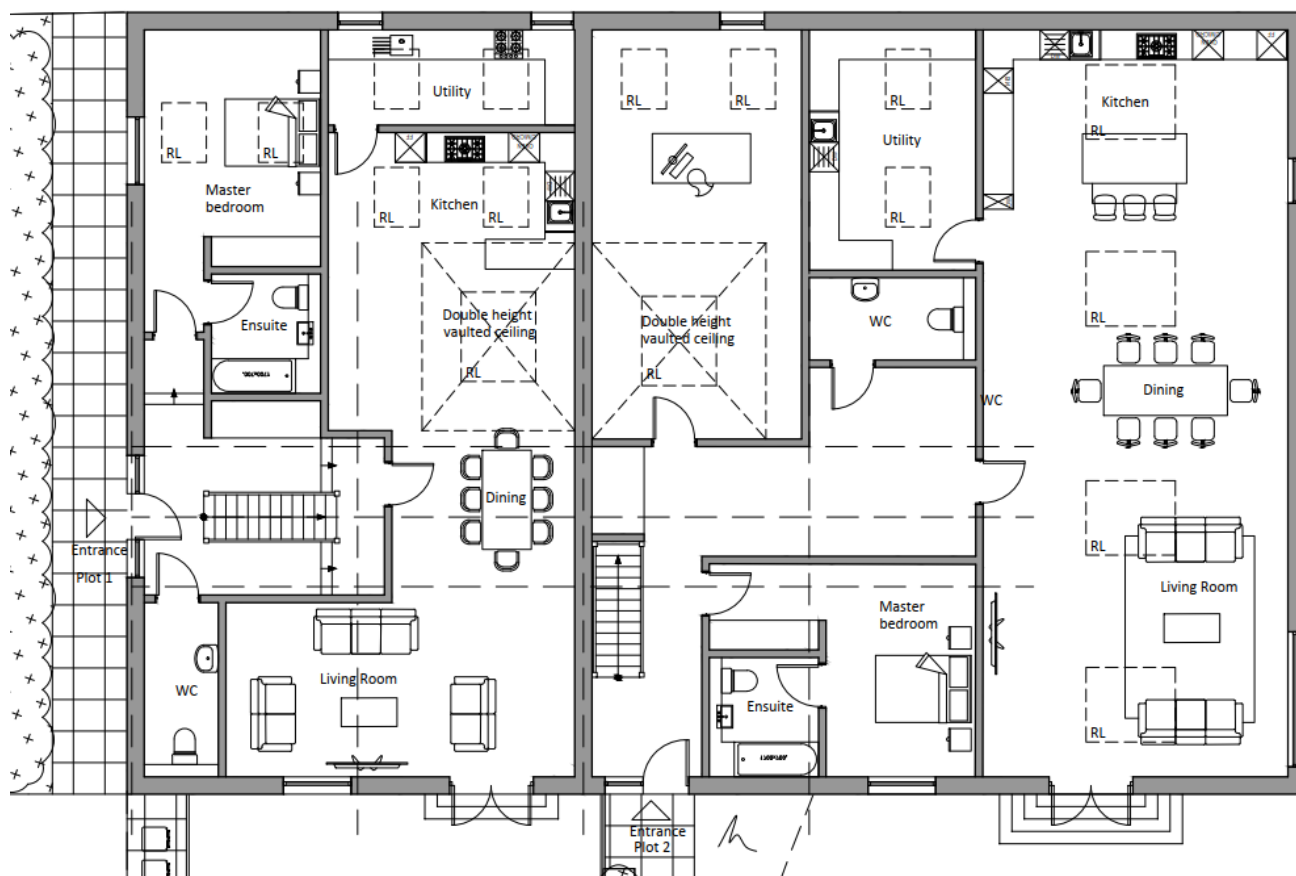
Future Occupiers

The previous refusal ground under application 20220474 related to the poor internal layout and lack of windows failing to provide a high standard of amenity for future occupiers.

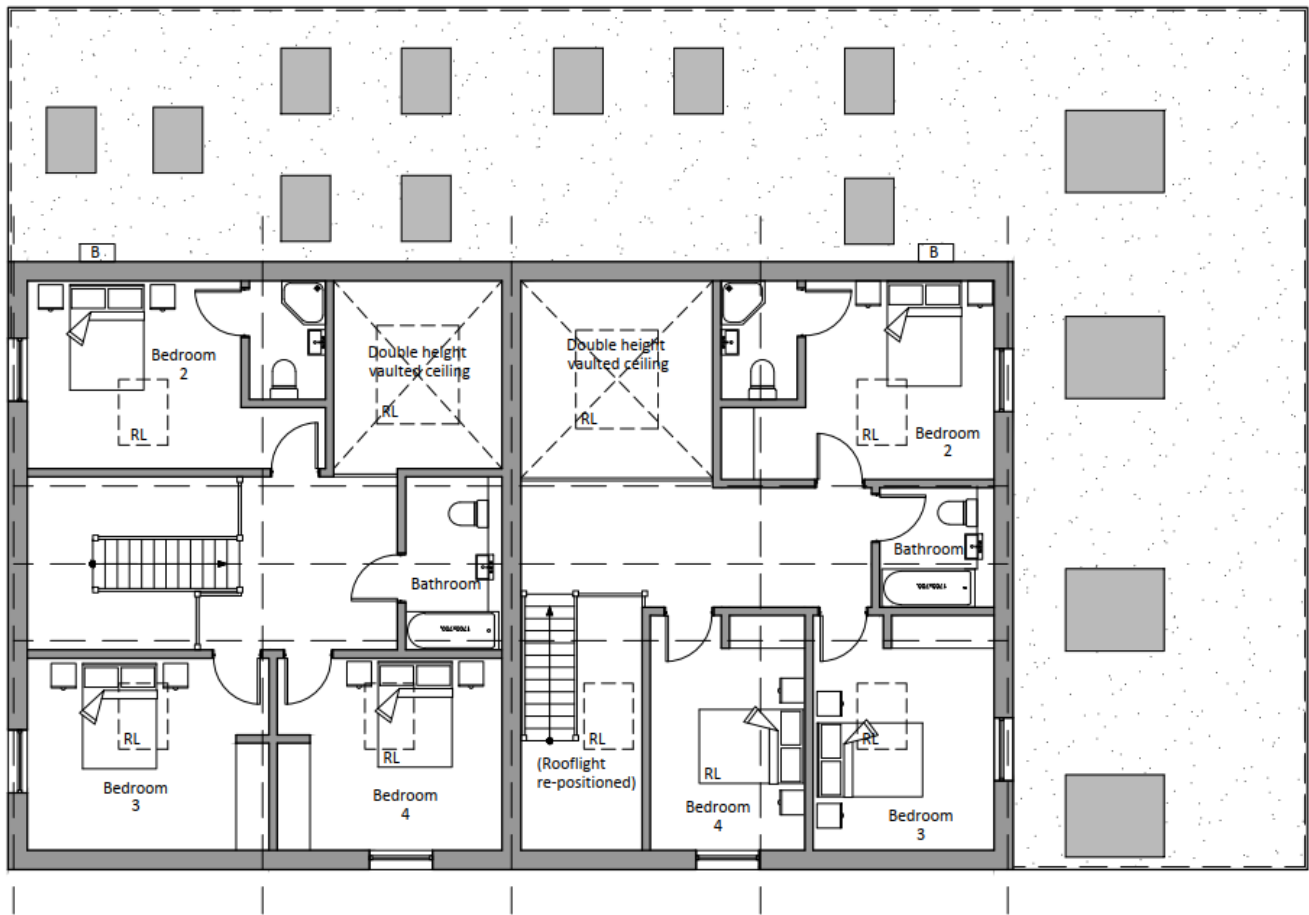
Application 20221258 addressed this with the submission of a Daylight Report. As a result of the analysis, some of the proposed rooflights have been enlarged on the north-west facing roof slope and on the flat roof over the single storey element of the building. The report concludes that there should be sufficient daylight reaching the proposed dwellings to provide adequate daylight with good daylight distribution.

It is still considered the internal layout for some of the spaces such as the kitchen/dining areas and office would result in a poor outlook with small or no windows but in terms of the main habitable rooms (bedrooms, living rooms) there would be sufficient windows giving satisfactory levels of light.

Proposed ground floor plan



Proposed first floor plan



Whilst the floorspaces of the units continue to be acceptable at over the NDSS 2015 minimum gross internal floor area of 125sqm for a 4 bedroom, 8 person, 2 storey dwelling (at 221 and 300sqm), of concern previously under application 20221258 was the lack of sufficient garden space for the size of the units. The garden area for unit 1 in particular was unsatisfactory, being below the minimum standard of 100sqm for 4 bedroom properties as set out in the Council's SPG2 Residential Layout Guidelines 2020 at only 66sqm, and the depth of the space was below 10m. This would have resulted in unacceptable and cramped amenity space for the future occupiers of the property, with an inadequate provision for storage, leisure use, clothes drying and play space.

However, under the current application the garden sizes have been increased in depth and area, and the garden of unit 1 now measures approximately 115m² and 12m in depth.

There is therefore no longer a conflict with the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Core Strategy 2014 and paragraph 130 of the NPPF 2023, and the proposal would provide an acceptable standard of amenity and living conditions for future occupants. The second refusal ground under the previous application 20221258 has therefore been overcome.

Any Other Material Planning Considerations

Highways

Saved policies T1, T5 and P3 of the Local Plan 1994, Policy CS11 of the Core Strategy 2014 and paragraphs 111 and 112 of the NPPF 2021 comprise the relevant highways considerations for this proposal. These policies ensure that development is not detrimental to highway safety or the highway network, has an acceptable amount of parking, and promotes sustainable transport methods.

Under the 2017 appeal, the Inspector considered that the site would not be remote from the services and

facilities in Higham village, and that future occupiers could support local services and communities and would have the choice to use of accessible modes of transport to access these.

Two parking spaces are proposed per house; the maximum parking standard is for 3 spaces per dwelling for houses with 4 or more bedrooms. However, the distance of the application building from the highway (along an access approximately 260m in length) would also necessitate the need for adequate visitor parking provision, as it would not be reasonable to assume visitors would want to park beyond the site entrance; it is therefore considered that each property should have an additional third space for visitor parking. This is not currently provided, and there is a lack of space at the site for this to even potentially be provided. This would be likely to raise an amenity issue for future users, as it renders the development not fit for purpose or capable of being adaptable to meet the needs of users. The proposed parking spaces would also obstruct a field gate, which is not acceptable as parked vehicles may deny access to the field.

The distance of the application building from the public highway is a concern for another reason. The length of the access may result in excessive reversing distances for larger vehicles accessing the site (fire engine, tanker for emptying cesspit(s) etc), particularly as there is no on-site turning provided.

As the access to the site is so long, it would therefore be essential that two vehicles can pass at the entrance, adjacent to the new dwellings and at 100m intervals along the access providing each passing place is visible from the adjacent ones. Each passing place should be a minimum of 12 metres long excluding tapers, and 5.5 metres wide to allow two large vehicles to pass (tanker/delivery van, for example).

Refuse would also have to be taken to up the highway for collection; given the distance involved, there should be a refuse collection point provided here, and this has also not currently been provided.

As presented, due to the inadequate access and visitor parking provision, the proposal is considered to be unacceptable, and would be contrary to the requirements of saved Policies T1, T5 and P3 of the Local Plan 1994, CS11 and CS19 of the Core Strategy 2014 and paragraphs 111 and 112 of the NPPF 2023.

Thames Estuary and Marshes Ramsar / Special Protection Area (SPA) – SAMMS Tariff

As the application site is within 6km of the Thames Estuary and Marshes SPA/Ramsar Sites and would provide additional residential accommodation, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. On this basis a tariff of £628.10 is required (given there would be two dwellings proposed on the site).

This tariff was not requested due to the recommendation for the application, and the applicant has therefore not paid this tariff (though the applicant has committed to making the contribution as referenced in the Planning Statement). Without an agreement in place to secure this contribution or any evidence to inform an appropriate assessment, the Local Planning Authority cannot be satisfied that the proposal would put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar Sites, which is contrary paragraphs 174 and 180 of the NPPF 2023 and Policy CS12 of the Core Strategy 2014.

Biodiversity

Policy CS12 of the Core Strategy 2014 seeks to maintain important landscape features for their aesthetic and ecological benefits. This policy also states that there will be no net loss of biodiversity and that the overall landscape character of the Borough will be conserved, restored and enhanced. The Gravesham Landscape Character Assessment (LCA) 2009 will be taken into account in determining applications.

A Preliminary Ecological Appraisal (PEA) was submitted under the previous application which KCC Biodiversity deemed to be sufficient. As previously, to mitigate against potential adverse effects on

biodiversity sensitive lighting design should be secured by condition, as well as details of how the development will enhance biodiversity.

Archaeology

The site lies within an area of archaeological potential. However, it is considered unlikely that the proposals would have a significant below-ground archaeological impact. The proposal therefore complies with Policy CS20 of the Core Strategy 2014 and paragraph 197 of the NPPF 2023.

Conclusion and Recommendation

It is acknowledged that the Council is currently unable to demonstrate a five-year housing supply and as the delivery of housing is substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Policy CS02 (LPCS) must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF (2021).

The proposed development has sought to address the concerns raised under the previously refused application. However, whilst it is recognised that the proposal would provide a small contribution towards increasing housing numbers in the area, the adverse effects of granting planning permission in this instance would significantly and demonstrably outweigh this benefit. On this basis, the application is unacceptable for the following reasons:

1. The proposal will result in the inevitable domestication of the site due to the amount of planting, landscaping, boundary treatment, fenestration and lighting related to the proposed residential use, which would detract from the visual quality of the area and significantly harm the character and appearance of the site and surrounding area including the Higham Arable Farmlands Landscape Character Area. This would fail to conserve and enhance the local natural environment and landscape character and conflict with the requirements of Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 130 and 174 of the National Planning Policy Framework 2023.
2. Due to the excessively long access into the site, the proposal would fail to provide a safe and efficient access with a lack of visible passing places, and insufficient parking space for visitors, contrary to the requirements of saved Policies T1 and T5 of the Gravesham Local Plan First Review 1994, Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 111 and 112 of the National Planning Policy Framework 2023.
3. The proposal fails to secure a contribution towards strategic mitigation measures within the Thames Estuary and Marshes SPA/Ramsar Sites to resolve disturbance issues to wintering birds, and in the absence of this contribution or any evidence to inform an appropriate assessment, the development fails to comply with the requirements of the Habitat Regulations and paragraphs 174 and 180 of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

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

Case Officer:	Mrs Katherine Parkin	Team Leader:	Richard Hart
Signed:	<i>K. Parkin</i>	Signed:	<i>R Hart</i>
Dated:	19 September 2023	Dated:	19th September 2023