



# Delegated Report

## Approval of Details Application

**Planning Application No:** 20260616

**Location:** Sterling Grove Pear Tree Lane Shorne Gravesend

**Description:** Application for the approval of condition 2 (Hard and soft landscaping ) and condition 4 (Refuse storage) attached to planning reference number 20250110.

**Applicant:** Mr P Cash

**Site Visit Date:** Desktop Assessment

### Submitted Documents/Plans

Planning Application Form; and  
Drawing No. 2026-2415-P001 – Hard and Soft Landscape, and Refuse Storage and Collection Points to Satisfy Planning Conditions 2, and 4.

### Relevant Planning History

| Reference | Description                                                                                                                                                                  | Decision  | Decision Date |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------|
| 20250110  | Change of use of the land for the stationing of 2 static homes, 2 touring caravans and shared day room for Gypsy/Traveller occupation. Associated hard and soft landscaping. | Permitted | 17.10.2025    |

### Development Plan

#### Gravesham Local Plan Core Strategy (2014)

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

#### Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to

meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

#### National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places

#### Supplementary Planning Guidance

- SPG 4 – KCC Parking Standards (2006)
- Design for Gravesham – Design Code (2024)
- Gravesham Landscape Character Assessment (2009)

### **Emerging Local Plan as a Material Consideration**

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.

The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan**. This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

### **Officer's Analysis**

#### Proposal

This application is for the approval of condition 2 (Hard and Soft Landscaping), and condition 4 (Refuse Storage) attached to planning reference number 20250110.

#### Submitted Details

The following information has been submitted:

Planning Application Form; and  
Drawing No. 2026-2415-P001 – Hard and Soft Landscape, and Refuse Storage and Collection Points to Satisfy Planning Conditions 2, and 4.

## Condition 2

### **Hard and Soft Landscaping**

#### **2. Hard and Soft Landscaping**

Within 2 months from the date of this decision notice, a hard and soft landscaping scheme, including a timetable for implementation and completion, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- The retention of existing boundary planting.
- Details of additional native tree, hedgerow and shrub planting around the site boundaries and to fill any gaps, to include their quantity, size and arrangements for aftercare.
- Details of biodiversity enhancements such as hedgehog, bird and bat boxes, and log piles.
- Details of hardstanding/surfacing.

Any identified trees or plants that die, are damaged, removed or become diseased within five years from the first occupation of the caravans hereby permitted shall be replaced with a species of a similar size and species during the next available planting season. The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with an agreed implementation programme. The completed scheme shall be managed and/or maintained thereafter.

The submitted Drawing No. 2026-2415-P001, shows the existing hardstanding, boundary fencing and lawn area to the west of the site with the boundary hedgerows, together with ecology enhancements.

Overall it is considered that the proposed soft and hard landscaping is acceptable in their context and addresses the wording of the condition. As such, Condition 2 of 20250110 can be discharged.

## Condition 4

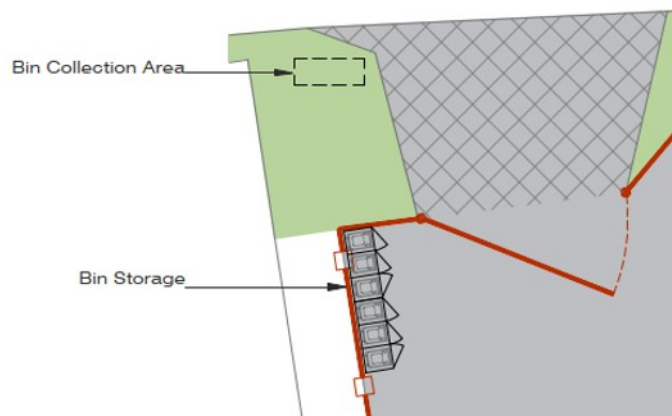
### **Refuse Storage**

#### **4. Refuse Storage**

Within 2 months from the date of this decision notice, full details of the refuse storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details before the flats hereby permitted are first occupied and hereafter maintained.

**Reason:** In order to ensure the development is served by a suitable refuse storage area in the interest of amenity and in accordance with adopted Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

The submitted Drawing No. 2026-2415-P001 shows the location of the refuse storage, together with the collection area for bin days.



The proposed details are conveniently located and the collection area is accessible to the refuse vehicles to allow kerbside collection.

It is considered that the submitted details are acceptable and address the wording of the condition. As such, Condition 4 of 20250110 can be discharged.

### Conclusion

Sufficient information and details have been submitted to fully address the wordings of conditions 2 (Hard and Soft Landscaping) and 4 (Refuse Storage) attached to planning reference number 20250110.

### Recommendation

ADET - Approval of Details

(For detailed conditions and informatives, see draft Decision)

|                      |                            |                     |                            |
|----------------------|----------------------------|---------------------|----------------------------|
| <b>Case Officer:</b> | Ms Amanda Cue              | <b>Team Leader:</b> | Richard Hart               |
| <b>Signed:</b>       | <i>A Cue</i>               | <b>Signed:</b>      | <i>R Hart</i>              |
| <b>Dated:</b>        | 29 <sup>th</sup> July 2026 | <b>Dated:</b>       | 29 <sup>th</sup> July 2026 |