

Delegated Report

Full Planning Application

Application No:	20250270
Location:	Starwood, Pear Tree Lane, Shorne, Gravesend, Kent, DA12 3JU
Description:	Demolition of 4 stable buildings, 2 canopies. Removal of 2 containers and 1 portacabin and hardsurfacing. Conversion of existing framed structure to form a detached bungalow with three bedrooms.
Applicant:	T Russell
Site Visit:	23 October 2023

Positive and Proactive Decision Making

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 39 of the National Planning Policy Framework (NPPF) (2024), the Local Planning Authority has approached the assessment and determination of this application in a positive manner.

The Local Planning Authority engaged with the applicant regarding the application, in order to seek additional clarification on the BNG de-minimis exemption (no hardstanding), as well as the relevance of 154(g) and 155(c) of the National Planning Policy Framework (2024). These discussions are set out within the report, however in this case the proposed development, and additional evidence provided, were not considered to meet local or national planning policy requirements, and the application cannot be supported.

Submitted Documents/Plans

- Application Form - dated 20 February 2025;
- Planning, Design and Access Statement (ref PR4311) - dated 18 March 2025;
- Preliminary Ecological Appraisal (PEA) (ref 0920_R01_PEA) - dated 10 March 2022;
- Ecological Impact Assessment (ECIA) (ref 0920_R02_EcIA) - dated 22 April 2022;

- Supplementary Information - Appeal Decision (APP/G2245/W/19/3236750);

- Drawing no. 4311-01 - Site Location Plan (dated 14 January 2025);
- Drawing no. 4311-02 - Existing Block Plan (dated 14 January 2025);
- Drawing no. 4311-03 - Existing Stables Floor Plan (dated 14 January 2025);
- Drawing no. 4311-04 - Existing Stables Elevations (dated 14 January 2025);
- Drawing no. 4311-05 - Existing Outbuildings Elevations (dated 14 January 2025);
- Drawing no. 4311-06 - Proposed Block Plan (dated 17 January 2025);
- Drawing no. 4311-07 - Proposed Floor Plan (dated 17 January 2025);
- Drawing no. 4311-08 - Proposed Elevations (dated 17 January 2025).

Relevant Planning History

Reference	Description	Decision	Decision Date
20230942	Demolition of existing stables and removal of containers and hardsurfacing and conversion of existing concrete framed structure to form detached bungalow with three bedrooms plus single storey rear extension, front porch and use of existing access.	REFUSED	06.11.2023
2023/00067 /REF		APPEAL DISMISSED	19.11.2024
20230491	Application for a Lawful Development Certificate in respect of the existing concrete framed barn in the rear garden.	CERTIFICATE GRANTED	10.07.2023
20221342	Demolition of existing stables and removal of containers and conversion of existing framed structure to form separate bungalow with three bedrooms plus erection of detached double garage, additional single storey rear extension, front porch and use of existing access	REFUSED	15.02.2023
20220531	Demolition of existing stables and removal of containers and conversion of existing framed structure to form separate bungalow with three bedrooms plus erection of detached triple garage, additional conservatory, porch and use of existing access.	REFUSED	30.09.2022
20210376	Application for a Lawful Development Certificate in respect of the existing use of land and for residential purposes, falling within Use Class C3(a) of the Use Classes Order 1987 (as amended).	CERTIFICATE GRANTED	15.10.2021
20171122	Formation of an additional vehicular access and driveway onto a classified road.	PERMISSION	04.04.2018
20130450	Formation of an additional vehicular access onto a classified road.	PERMISSION	05.02.2014
20050912	Variation of condition (iii) of planning permission reference number GR/74/472 for erection of a detached garage; to allow the store in the roof space above the garage to be used as a hobby room and construction of dormer extensions in both side roof slopes of garage to provide enlarged roofspace for the hobby room/store.	PERMISSION	15.12.2005
20050675	Application for a Lawful Development Certificate in respect of the proposed construction of a dormer extension in both of the side roof slopes of the detached garage at the front.	CERTIFICATE REFUSED	20.10.2005
20050529	Application for Lawful Development Certificate in respect of the proposed erection of a stable block with	CERTIFICATE GRANTED	22.08.2005

	tack and feed store and a hay barn within the residential curtilage.		
19600015	Erection of bungalow and garage.	PERMISSION	26.02.1960
19480151	Erection of a dwelling.	PERMISSION	23.06.1949

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS11 - Transport
- CS12 - Green Infrastructure
- CS14 - Housing Type and Size
- CS15 - Housing Density
- CS16 - Affordable Housing
- CS18 - Climate Change
- CS19 - Development and Design Principles
- CS20 - Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- C13 - Extensions to Dwellings in the Countryside
- T1 - Impact of Development on the Highway Network
- T5 - New Accesses onto Highway Network
- 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 4 - Decision making
- Section 5 - Delivering a sufficient supply of homes
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well-designed places
- Section 13 - Protecting green belt land
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG 2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020

- Technical Housing Standards – Nationally Described Space Standard (2015)
- SPG 4 – KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)
- Gravesham Landscape Character Assessment (2009)
- National Design Guide (2021)

Consultations, Publicity and Representations

External Consultees

KCC Ecology – (Informal Consultation on De-minimis exception)

The photos you have provided do demonstrate that the barn is surrounded by grass and if that is all going (for example to be replaced by patio) then it will not meet the de-minimis exemption. If any trees larger than 7.5dbm are to be lost then the point about the grassland habitat is irrelevant as the loss of a small tree will mean that BNG is required as a small tree is assumed to have an area of 25m².

They are proposing to change hard standing to grassland so they may be able to achieve a BNG within the site.

I would also draw your attention to section 9 of the PEA which recommends further surveys for bats if the trees are to be removed and the need for GCN surveys/requirement to sign up to DLL.

Shorne Parish Council – The Parish Council has to OBJECT STRONGLY to this further application, which is effectively a resubmission of previous applications Refs 20220531, 20221342 and 20230942: these were all refused permission, and the latter case was also dismissed at Appeal (Ref APP/K2230/W/23/3336159).

As an almost identical resubmission, this application should also be refused permission, for the same reasons as previously.

We have the following reasons and comments:

- 1) Plots of land, land ownership, access:- The submitted site plan is yet again incorrect. The area shown in red is actually composed of parts of two different parcels of land: on the east side there is the true curtilage of K424735 Starwood (Appendix A) but on the full length of the west side there is the access track strip of K654169 (Appendix B).

It is not helpful that the applicant persists in confusing the ownership situation. This also raises concerns about the validity of previous permission Ref 20210376 as we do not consider that the access track strip itself can be residential curtilage, so Officers may have been misled.

As before, the manner in which proper and permanent access is to be maintained to the rest of K654169 needs to be clarified as no proper route of access is shown. It is not appropriate for access to be via (diagonally across) a residential garden without there being a track shown, or a route that might come to be in different ownership.

As the existing accumulated structures (some of which are entirely/partly on K654169) are said to be redundant (which includes the barn structure itself) and are to be removed, we strongly recommend that the access track of K654169 should be at least functionally restored - it was previously visibly separated, as indicated on the Land Registry plan (Appendix B).

- 2) Green Belt Location; Landscape character - The proposed property is located in the Green Belt

where a new dwelling would not normally be permitted due to detrimental impact on openness. It remains the case that no valid “very special circumstances” have been cited that might override this restriction.

The proposed location would also cause harm to local Landscape Character, through the building itself and also the additional residential paraphernalia that it would attract.

We do not share the applicant’s opinion in point 5.26 of the Planning Design and Access statement that that such a development could possibly have a positive effect on openness.

- 3) Grey Belt from Green belt downgrading - In points 5.14-15 of the Planning, Design and Access Statement, the Applicant decides for themselves that the site is Grey Belt, this is not acceptable or correct.

Green Belt boundaries are decided by GBC as part of a major review involving community Consultation, and cannot be pre-empted (or indeed predicted). If Green Belt land is to be downgraded to Grey Belt that can only happen during the Green Belt Review and not during an individual planning application.

This is stated in the Guidance on Traveller sites but the same principle must apply to all applications, and says: “Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary it should do so only through the plan-making process and not in response to a planning application.”

The new designation is in its infancy and still evolving, and the parameters of the category have not yet been fully defined (they are still being explored in parliament, see <https://committees.parliament.uk/work/8503/the-grey-belt/>). This plot of land does not meet the criteria that have been publicised already, so we disagree absolutely that there can be any attempt to label the application site or indeed any particular piece of land in Gravesham as “grey belt” at present, that being at best extremely premature – identification of “grey belt” land in Gravesham must await the next Green Belt Review.

As Grey Belt did not exist at the time, it is obvious that it could not have been discussed relating to previous applications.

- 4) Backland development and setting precedents, Sustainability - The proposal would be a backland development which is by definition undesirable. We note that the applicant no longer tries to claim that there are other examples locally on the north side of Pear Tree Lane.

Permission of this proposal would create a precedent in the area, particularly as Starwood is already set well back on its plot, which could lead to other backland proposals being impossible to resist.

The proposal would not be sustainable development as occupants would be heavily reliant on car journeys, there being no pavements, bus services, or any amenities nearby and easily accessible.

- 5) Out of character with the area; Amenity of neighbouring dwellings - The area is characterised by single detached houses built on large plots, this proposal would be out of character with the area.

The proposal will be detrimental to the amenity of neighbouring dwellings, especially “Colesmead” to the east.

- 6) Proof of redundancy of existing buildings - It is claimed that the hay barn and various stable and storage structures are all redundant however further information is required proving this in case

removals and any conversion might lead to pressure for more barn and stable structures to be built elsewhere on the properties owned by the applicant and his children, so leading to further erosion of openness of Green Belt land.

However, if they are all truly redundant then there is no valid reason why they should not anyway all be removed and that does not require being part of a planning application. The applicant should not be applauded or rewarded for removing buildings and structures that should not have been installed in the first place, and could and should be removed voluntarily at any time.

- 7) Suitability of structure for conversion - The barn structure was built on (at the time) non-residential land that was previously orchards. It appears to be merely a concrete frame with some timber posts, just set directly into the ground. There does not appear to presently be a floor or walls, or any existing services.

We question whether the existing structure can be regarded as a “building” suitable for “conversion” and whether change to being a residence can be achieved without considerable engineering works.

- 8) Planning Design and Access Statement – other aspects not already covered:

- There are a number of problems with this document which refers to an Appeal throughout. It has either been poorly edited from previously or anticipates GBC’s forthcoming decision.
- Redevelopment: Under points 4.13 and 5.33.1, the proposal is not “complete redevelopment of previously developed land” or “Use of entirely previously developed land” as the plot is mostly grass and the whole plot is not being redeveloped.
- Infilling: Also under point 4.13, there is mention of “infilling” however the site is outside the recognised village/settlement envelope and anyway this was disregarded by the Appeal Inspector.
- Site relationship to London: In points 5.11 -13, we do not agree with the Applicant’s assessment and find the reference to London to be far-fetched.
- Supposed Benefits: In point 5.29 the Applicant claims benefits from the proposal that we do not agree, any effect on housing stock would be negligible. Clauses referencing major developments are not supportive.
- Freeing up general housing: In point 5.33.4, neither Starwood itself (or the proposed new house) can be assessed as a “general” type of house that would be affordable to young purchasers.

- 9) Other points about plans, layout and design/changes since the previous applications:

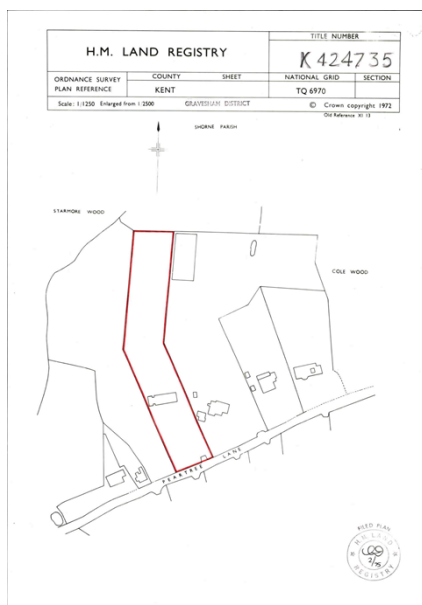
- Revised plans: The submitted plans show only minor difference from those previously submitted, refused and dismissed at Appeal. These are principally removal of the extension, but there is also an adverse increase in the area of hardstanding.
- Gate in rear fence: A double gate is still shown in the northern boundary fence, clarification is required over the need for and proposed use of this non-residential feature (see Point 1 above).
- Layout issues: The layout remains the “wrong way round” on the site, with the “front door” at the rear so not relating to the roadway but rather to the open countryside. In our opinion the layout should be turned round by 180 degrees.
- Surface drainage and sewerage: The plans do not indicate how surface drainage and sewerage needs will be met.
- Bin Store: The plans do not show a location for this near the house, and it is unknown where bins would need to be taken for attention from the refuse collection lorry.
- Cycle storage: A cycle store needs to be provided

- EV charging point: This needs to be provided as for all new dwellings
- External lighting plan: The site is in an area where the introduction and effect of light pollution would be severe, there needs to be a lighting plan with operational aspects controlled by Condition.

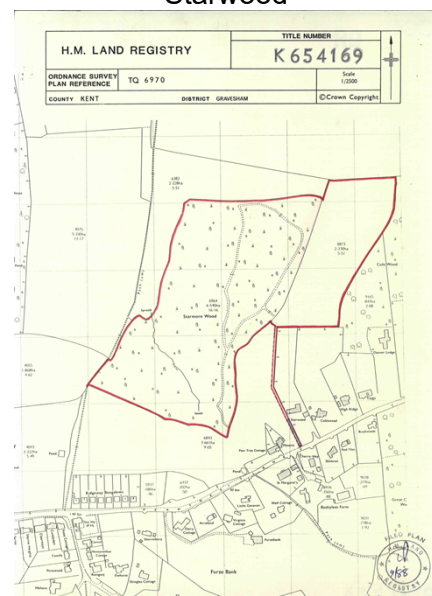
The Parish Council OBJECTS STRONGLY to this application. We request that the application should be refused as before, and that enforcement action should be taken concerning the various buildings and structures that have been erected without planning permission, including the menage constructed in Starmore Wood, as discussed in a previous decision notice.

In view of the extent of built form proposed on the site, we also request that, should Officers be somehow minded to permit the application, then as well as from points raised above, Conditions should be attached withdrawing permitted development rights for the entirety of both the quoted Land Registry titles, to prevent further encroachment onto the Green Belt, open agricultural land and woodland.

Appendix A: K424735 Title Plan - Starwood



Appendix B: K654169 Title Plan – Land adjoining Starwood



Dickens Protection Society – The Society wishes to register an objection to the application:

- The site is in an area within which Green Belt policies apply where new residential development would not normally be permitted. The proposed conversion would result in the creation of a new dwelling contrary to Green Belt policy. No special circumstances have been put forward which would warrant overriding Green Belt policy.
- The introduction of a residential use in this location would impact on the openness of the Green Belt, and attract residential paraphernalia.
- The proposal would result in an undesirable form of backland development.

Neighbouring properties

A notice was displayed on site 03 April 2025.

In addition, four surrounding properties were consulted and one representation was received, registering objection to the proposed development.

The objections received have been separated into material and non-material planning considerations:

Material Planning Considerations

- Inappropriate development in the Green Belt
- Backland development
- No very special circumstances
- Impact on amenity
- Increased traffic
- Unsafe access (limited visibility)

Non-Material Planning Considerations

- Precedent for other properties

Please note only the material planning considerations form part of this decision.

The consultation period expired 25th April 2025.

Preliminary Matters

This application follows three similar refused applications (refs. 20221342 / 20220531/ 20230942). The recently refused application (ref. 20230942) proposed the “demolition of existing stables and removal of containers and hardsurfacing and conversion of existing concrete framed structure to form detached bungalow with three bedrooms plus single storey rear extension, front porch and use of existing access.”, was refused for the following reasons and dismissed at appeal:

1. *The site lies within the Metropolitan Green Belt where the construction of new buildings is inappropriate development unless it is for one of the excepted forms of development set out in paragraph 149 or 150 of the National Planning Policy Framework (2023). The proposal is for a separate dwelling and not as an annexe and results in the splitting of the residential curtilage. The building of a dwelling, whether as conversion or otherwise would still by definition result in a form of encroachment in the countryside by reason of the nature of the development and the paraphernalia and associated development that goes with what will be a separate dwelling from the existing dwelling on the site. The development does not, in the opinion of the Local Planning Authority, fall within the exceptions to inappropriate development in the Green Belt in the National Planning Policy Framework (2023).. No very special circumstances have been put forward to outweigh the harm to the Green Belt or any other identified harm and therefore the proposal is contrary to Policy CS01 (Sustainable Development) and Policy CS02 (Scale and Distribution of Development) of the Gravesham Local Plan Core Strategy (2014) and section 13 of the National Planning Policy Framework (2023) (Protecting Green Belt Land).*
2. *The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 180 and 181 of the National Planning Policy Framework (2023), and the requirements of the Conservation of Habitats and Species Regulations 2017.*

It is acknowledged that changes to the National Planning Policy Framework (2024) have been introduced since the determination of the previous application.

Officer's Analysis

Site Context

Starwood is a detached dwelling located on the north side of Pear Tree Lane Shorne set within large grounds and located within a ribbon of housing in the countryside and Green Belt outside of the rural settlement of Shorne (see site location plan below).



It is located within a 0.6-hectare plot of residential land, which forms part of the applicant's wider site ownership that extends to another 10.2 hectares in total, inclusive of a 7-hectare woodland and 2.2-hectare paddock to the north.



(Google Earth - April 2022)

The whole of the application site (Starwood, its curtilage, the stable area and the paddocks and woodland) is shown as being within a Green Belt area (Policy CS02) in the Gravesham Local Plan Policies Map. Immediately to the north of the paddock/stable area of the site the land and woodland is within a local wildlife site (Policy CS12). Pear Tree Lane is a local distributor road (Saved Policies T1-T5)

An extract from the Local Plan Policies Map is shown below (*Application site shown shaded blue*)

GRAVESHAM LOCAL PLAN POLICIES MAP



- Plan Area: Borough Boundary (CS01)
- Opportunity Areas (CS03-CS06)
- Key Sites (CS03-CS06, CS21)
- Highways Network Primary Distributor (T1-T3)
- Highways Network District Distributor (T1-T3)
- Highways Network Local Distributor (T1-T5)
- Highways Safeguarding (T6)
- Crossrail Safeguarding (CS11)
- High Speed 1 Safeguarding (CS11)
- Wharves Safeguarding (CS07, CS11)
- Rural Settlements inset from Green Belt (CS02)
- Special Protection Area (CS12)
- Special Area of Conservation (CS12)
- Ramsar Site (CS12)
- Sites of Special Scientific Interest (CS12)
- Area of Outstanding Natural Beauty (CS12)
- Local Wildlife Sites (CS12)
- Urban/Rural Areas Boundary (CS02)
- Green Belt (CS02)

Existing Site Description

Starwood is a detached chalet style bungalow which is set back some 50m from the highway.

The paddock/grassed area beyond the immediate rear garden of the dwelling, is a broadly rectangular plot of land measuring approx. 0.14 hectares. There are a number of stable buildings (4) and metal containers (2), along with a portacabin and trailer caravan.

The large hay barn building (which forms the key part of this application) is located to the rear of the other structures, running across the plot measuring 22m x 7.75m.

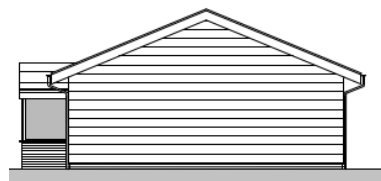
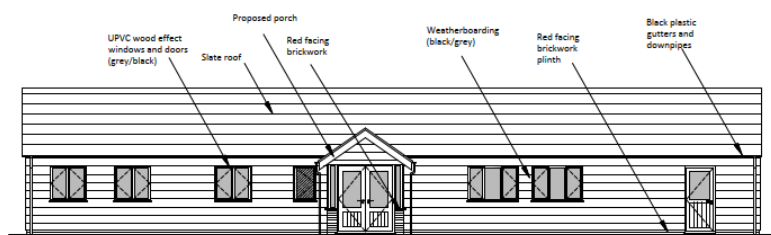
Proposed Development

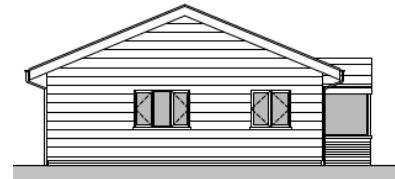
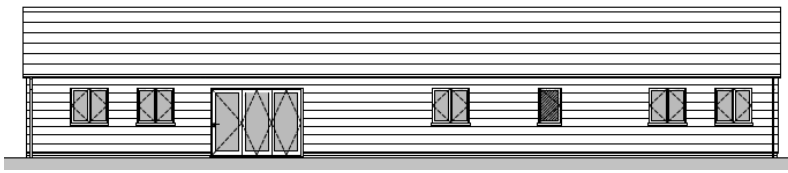
This application proposes the demolition of buildings and removal of containers from the site, with the existing open barn being converted into a three bedroom bungalow. The new dwelling will have the same height as the existing open barn (4.6m) but its footprint would be enlarged through a porch extension. The extensions would result in an overall footprint of 183m² and will have the following dimensions:

Porch

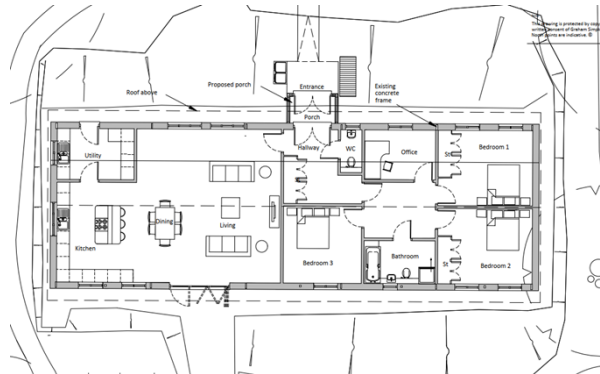
- Depth - 1.35m
- Width - 2.35m
- Height (max) - 3.05m
- Height (eave) - 2.5m

The dwelling would have an overall depth of 9.2m (including the porch), a width of 23m and an eave height of 2.95m.

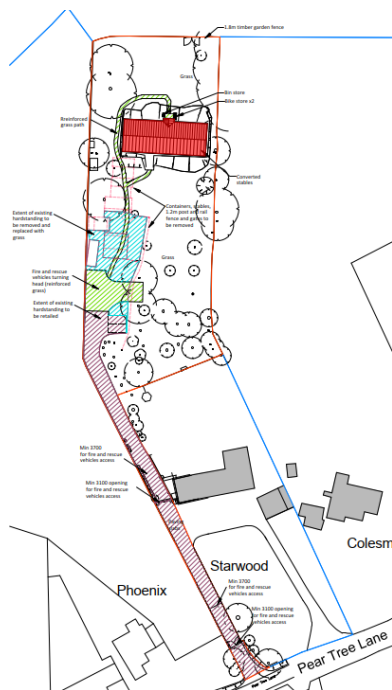




It would be constructed using black/grey weatherboarding, red brick lower plinth, slate roof and upvc windows and doors. Internally the dwelling would include a large open plan kitchen/living/dining room, a utility room, wc, three double bedrooms, a family bathroom and a home office.



The proposed layout of the development is shown in the screenshot below (with the new dwelling / garage highlighted in red). The existing access to the stables will be utilised for the new dwelling, with a reinforced grass driveway running up to and behind the new dwelling to access the garage at the rear.



Changes from Refusal (ref. 20230942)

This application proposes a change in the quantum of built form on the site, which has been reduced with an overall removal of 40% from on the site (+7%). This is achieved by clearing stable buildings, containers and portacabins, reducing the extent of hardstanding and omitting the rear extension from the proposed dwelling.

Principle of the Development

The application site is located in the Green Belt and as such Policy CS02 (LPCS) is relevant. Development in the urban area is prioritised as the sustainable location for development. In the rural area, Policy CS02 states that development will be supported within rural settlements that are inset from the Green Belt and defined on the policies map. Development outside those settlements, i.e. in the Green Belt, will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the LPCS.

The principle issues in determining this application;

- Housing Need;
- Green Belt;
- The effect on the character and appearance of the area and landscape;
- Residential Amenity;
- Parking and Highways; and
- Other matters.

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 National Planning Policy Framework (NPPF) (2024) 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 February 2025, it demonstrates that based on data up for the period 2024-2029, the Council can only demonstrate a land supply of 3 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) (2024). 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 at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 194)
- Sites of Special Scientific Interest
- Green Belt
- Local Green Space
- (National Landscape) Areas of Outstanding Natural Beauty
- Irreplaceable habitats
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 75)
- 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 129(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 '1' residential units would offer a minimal 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 (2024) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

In the dismissed appeal on this site (ref. APP/K2230/W/23/3336159) the Inspector considered that *"there would be a benefit arising from the delivery of an additional market dwelling. As the Council only demonstrates a 2.9 year supply of housing land"* and attached only *"moderate weight to the delivery of a single dwelling"*, acknowledging that *"there would be economic benefits arising during the construction and occupation stages of the development. Biodiversity net gain could be secured by condition. However as a scheme for a single dwelling, these benefits would be limited."*

Green Belt

Policy CS02 of the Local Plan Core Strategy (LPCS) (2014) prioritises development in the urban area as a sustainable location for development. In the rural area it states that development will be supported within rural settlements that are inset from the Green Belt and defined on the Policies Map. Development outside those settlements (which is the case here), will only be supported where it is compatible with national policies for protecting the Green Belt and local policies (LPCS).

Is the proposed development appropriate in the Green Belt?

Green Belts are of great importance. The fundamental aim of Green Belt policy is to prevent urban sprawl by preserving the open and permanent characteristics of Green Belts (paragraph 142 of the NPPF 2024), with the Green Belt serving five purposes (paragraph 143):

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 153 of the NPPF (2024) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. A Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt unless it falls within the specified exceptions of paragraphs 154 and 155 of the NPPF (2024).

In the case of this proposal, the following paragraphs 154 exception (c) and (g) have been emphasised by the applicant in the planning statement. To ensure that the assessment follows a coherent structure, the assessment of para. 154 exceptions will begin with consideration of (c):

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;

The applicant asserts that (c) is a relevant exception based on the barn being in situ and that the proposal relates to alterations to the concrete structure. The barn is an open-sided structure and the proposed conversion does not result in significant extensions to its overall size, however, the conversion would result in an uplift in usable floor area. In this case, saved Policy C13 of the Local Plan First Review (LPFR) (1994) is relevant, and applies a 30% increase in floor area for extensions to dwellings to be acceptable within the Green Belt. Given that the conversion of the barn would create a residential dwelling and the barn in its current condition is not fit for any residential use, the 30% limit is considered to be an appropriate measure for its suitability under exception 154(c). The proposal would result in 183m² of residential use and an approx. 88.4% uplift in usable floor area for residential purposes from the existing covered barn. Therefore, the development hereby proposed is disproportionate and inappropriate development within the Green Belt.

Notwithstanding the disagreement between the applicant and Local Planning Authority on exception (c), the consideration of exception (g) also requires an assessment of openness and is considered to a more suitable exception for the proposed development.

g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

The supporting documents present that the development should be considered under paragraph 154 (g) of the NPPF (2024), which, as set out above, is the redevelopment of previously developed land that does not cause substantial harm to the openness of the Green Belt.

The definition of previously developed land within the NPPF (2024) refers to land which is occupied by a permanent structure, including the curtilage of the developed land. The Local Planning Authority acknowledges the lawful use of the land as within the residential curtilage of Starwood and the lawful status of the barn structure through the grants of a Lawful Development Certificates. Notwithstanding that the site is agreed to be previously developed land, exception 154(g) requires an assessment of the impact on the openness of the Green Belt which must be less than substantial (the assessment is in a later section of this report 'the effect of the proposal on the openness of the Green Belt').

Grey Belt

Given that the site is previously developed land and that the land does not strongly contribute to the purposes (a) sprawl of large built-up areas, (b) towns merging or (d) setting and character of historic towns, of paragraph 143, there is no dispute that the site meets the Grey Belt definition as outlined in the glossary of the NPPF (2024). Therefore, the criteria of paragraph 155 are relevant, of which all must apply to the

development or it be deemed inappropriate:

- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b) There is a demonstrable unmet need for the type of development proposed;*
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.*

The development is considered to fit within 155 (a) with the site being grey belt land that does not contribute to the sprawl built-up areas, does not merge towns and does not contribute to the setting of historic towns. The proposal also meets criteria 155 (b) with a demonstrable unmet need for housing in the Borough (see Housing Need section above), while criteria 155 (d) is not relevant to the scale of the proposal. However, it is critical to consider if the site is in a sustainable location (c).

Is Starwood in a Sustainable Location?

The NPPF (2024), taken as a whole, represents the Government's view of what constitutes sustainable development. Paragraph 84 of the NPPF (2024) provides specific advice on sustainable development in rural areas and seeks to avoid new isolated homes in the countryside unless there are special circumstances, which are listed as follows:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential building; or*
- e) the design is of exceptional quality, in that it:*
 - i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

This is continued in paragraphs 110 and 115 of the NPPF (2024) which seek to focus significant development in locations which are or can be made sustainable, through limiting need to travel/offer a genuine choice of transport modes, with safe and suitable access for all users. It should be acknowledged that paragraph 110 of the NPPF (2024) acknowledges that opportunities to maximise sustainable transport solutions vary between urban and rural areas.

Policy CS11 (Transport) sets out the importance of walking and cycling being the first choice of transport for people for short journeys as the most sustainable form of transport. This is echoed in paragraph 115 of the NPPF (2024) and the National Design Guide, where access to amenities should be safe and secure for all pedestrians and for persons with mobility needs. It is therefore considered that Policy CS11 (LPCS) is consistent with the aims of paragraph 115 (NPPF) and the National Design Guide (2021).

In this case, the application site is a back land location setback from Pear Tree Lane by approx. 146m. The closest settlement is Shorne Ridgeway (falling within the lowest tier), with limited services and facilities. Ridgeway is served by three bus routes (311, 416 and 417 routes), which provide access to Gravesend, Meopham, Cobham and Cliffe. However, the bus stops on Shorne Ridgeway are located approx. 482m from the application sites access and would require residents to walk on Pear Tree Lane which is an unlit and relatively busy country lane (utilised as a cut through from the A2), without footways until Ridgeway Bungalows (approx. 321m from the application site). As such, the proposal does not offer a genuine choice of transport modes and is car reliant, with no safe access to bus routes, and is an unsustainable location, which is a position supported by a recent appeal decision on White Post Lane, Cobham, Gravesend (APP/K2230/W/25/3363212) where the Inspector considered the location unsustainable by virtue of reliance on motor vehicles.



Google Street View (May 2023) – Pear Tree Lane, directly in front of Starwood

The sustainability of Shorne Ridgeway was considered in a 2020 appeal (APP/K2230/W/20/3258951 - outline application for two dwellings), whereby the Inspector concluded that the Land adj to the See-Ho Public House was sustainable. However, the core difference between the appeal site and this application is the distance from the Shorne Ridgeway bus stops. The land adj to the See-Ho is benefits from footways westward towards the bus stops on the Ridgeway, providing a safe and accessible route to access public transport links. On the other hand, the application site would involve occupants to walk on the unlit country lane with no footway to utilise the bus services and means that the development would be reliant on private vehicles to access services and facilities, and that the development is not in a sustainable location. The larger centres within the vicinity are Higham (1.6km) and Shorne (1.45km) (classified 2nd and 4th tier settlements). Higham contains a greater number of services and facilities, which include a post office, convenience shops, public houses, churches, surgeries, pharmacy, greengrocer, take-aways, and hairdressers, and also a train station with national rail links.

A recent appeal decision was dismissed by the Inspectorate under similar circumstances (APP/Q4625/W/24/3352513). In the decision the Inspector acknowledged that paragraph 110 of the NPPF (2024) requires that opportunities to maximise sustainable transport between rural and urban areas must be recognised and taken into account in decision making, as well as the flexibility that this allows. However, concluded that “the lane, which is unlit, has no footways and is not overlooked would not provide a safe environment for pedestrians or cyclists. Nor are there links to a pedestrian, cycling or public transport network” and while there were dwellings nearby, that “the overall thrust of the Framework is to focus development on area where sustainable and safe transport choices can be made”. The Inspector therefore considered the location unsustainable due to a dependence of private vehicles with limited opportunities for alternative modes of transport.

The Local Planning Authority raised concerns with the agent that the development is in an unsustainable

location, who provided an appeal decision in support of the site (APP/R0660/W/24/3354674). In the Macclesfield appeal, the Inspector concluded that although the site had no convenient access to walking options or bus stops that it was sustainable due to it being “in reasonable proximity to the larger settlements of Macclesfield, Prestbury and Alderley Edge” which are a “designated principal town... [and] large service centres”, and concluded that the proposal did not conflict with paragraphs 110 or 115 of the NPPF (2024). While the arguments presented by the Inspector are acknowledged, the site specifics vary between the appeal site and the application site, and in line with the Planning Practice Guidance the sustainability of a location should be determined based on site specific considerations and local context. In this case, the application site only benefits from Higham (2nd tier) for the nearest basic amenities, and the further afield principal towns of Gravesend (9.7km) or Strood (5.3km) for larger supermarket shopping options. Furthermore, the opportunities afforded by paragraph 110 of the NPPF (2024) have been applied by Inspectors who consider them “not [to] negate the requirements to offer a genuine choice of transport modes and ensure that safe and sustainable access to the site can be achieved by all users, as required by paragraph 115” (APP/B1550/W/24/3357529), and dismiss appeals where developments are “reliant on private vehicles to access services” (APP/B1930/W/24/3349580).

Another appeal saw the Inspector dismiss a housing development on grey belt land due to limited service and facilities, and the access to the nearest settlement for shops, services and facilities would mean future occupier reliance on cars, with pedestrians being required to walk on a narrow rural road with no footways or streetlighting before crossing a bus category A road (APP/F2360/W/25/3359228). This is a similar situation to the application site, with Higham accessed by a narrow section of Pear Tree Lane, unlit and without footways, before crossing the busy A226 which serves as a significant barrier to vulnerable pedestrians as concluded by the Inspector.

Therefore, the sites rural location and taking into account the lack of choice in sustainable transport options the proposed development is not considered to meet the requirements of paragraph 110 and 115 of the NPPF (2024) and Policies CS01, CS02 and CS17 (LPCS). As such, the proposal would not be sustainable and not meet exception (d) of paragraph 155 of the NPPF (2024).

The effect of the proposal on the openness of the Green Belt

Referring back to paragraph 154(g) of the NPPF, redevelopment of previously developed land which does not cause substantial harm to the openness of the Green Belt. As set out above, the site is previously development and therefore it is relevant to consider if the proposal meets the stated fundamental aim of Green Belt policy that is to prevent urban sprawl by keeping land permanently open (paragraph 142). It also states that the essential characteristics of Green Belts are their openness and permanence.

The openness of the Green Belt has both spatial and visual aspects, and any new built form of development is harmful to its open character. The Courts have identified a number of factors to be taken into account when assessing the impact of a proposed development on the openness of the Green Belt (PPG Paragraph: 001 Reference ID: 64-001-20190722), which include both spatial and visual consideration, as well as duration and remediability of the development, and the degree of activity likely to be generated, such as traffic movement.

The proposal seeks to convert the open barn into a large dwelling with parking spaces, residential paraphernalia and lighting. It is acknowledged that the quantity buildings, scale of the converted barn and hardstanding would be reduced to the benefit of the spatial openness. However, this is not considered to mitigate the impact on openness that the new residential dwelling would have, which is significantly setback from the established built form on Pear Tree Lane and within the countryside. Therefore, the building of a dwelling would by definition result in a form of encroachment in the countryside by reason of the nature of the development and the paraphernalia and associated development that goes with what will be a separate dwelling from the existing dwelling on the site.

The Inspector was clear within the dismissed appeal on this site (APP/K2230/W/23/3336159) that the

conversion of the barn would have an adverse impact on the openness of the Green Belt when assessing against the 2023 NPPF. The changes to the updated NPPF are acknowledged, which allows for up to substantial harm to openness, however, the appraisal of the openness within the appeal report used language such as 'substantially reduces its effect on the openness' when referencing the existing open-sided structure. Therefore, the conversion of the building and forming a solid construction would be considered a substantial impact on the visual openness in line with the Inspectors assessment.

Moreover, the Inspector was clear when limiting the weight applied to the removal of structures as not mitigating the identified effects, as 'they are not inherently uncharacteristic of a large rural garden' and are 'more discretely sited along the boundary of the property'. Therefore, while the removal of structures is a material consideration, the weight attributed to their clearance is limited. The appeal report also concluded that the additional domestic paraphernalia would further exacerbate the impact and that the site is not integrated with the existing built form by virtue of separation.

Having taken into account the reduction of built form and arguments presented in the Planning, Design and Access Statement (ref. PR4311), and additional justification provided by the agent within correspondence on 154(g), it is not considered that the proposal would overcome the strong position and notable weight applied to the level of harm on the openness by the Inspector in their assessment of a similar development on this site, even with the changes to exception 154(g) of the NPPF (2024).

Using the assessment provided by the Inspector and the previous considerations of the openness, the extent of harm to the openness is clear and would amount to substantial impact, with the enclosed barn and associated residential paraphernalia, additional lighting and encroachment into the countryside having significant impacts. The clearance of the site would reduce the quantum of built form, but the weight given to this is limited. Therefore, the proposed conversion of the barn into a dwelling is contrary to the fundamental aim of the Green Belt (paragraph 142) as set out in the NPPF (2024), and the proposal does not meet exception 154(g).

Consideration of Very Special Circumstances

The supporting planning statement provides the following very special circumstances:

- Use of entirely previously developed land
- Making effective use of land
- Housing land supply
- Freeing up general housing
- Biodiversity / landscape enhancements

The Local Planning Authority acknowledges there is a minimal benefit for the delivery of one new dwelling to the Borough's housing land supply, and can only attribute limited benefit to the landscape and biodiversity enhancements or economic activity that would be associated with the development.

Overall, the considerations set out within the planning statement are not considered to clearly outweigh the harms to the Green Belt previously identified. Therefore, the very special circumstances necessary do not justify the development.

Final Balancing of Inappropriateness in the Green Belt

On balance the development as proposed is inappropriate development within the Green Belt that causes substantial harm to the openness, and is in conflict with Policy CS01 (Sustainable Development) and Policy CS02 (Scale and Distribution of Development) of the Gravesham Local Plan Core Strategy (2014) and Section 13 of the National Planning Policy Framework (2024) (Protecting Green Belt Land).

The Effect on the Character and Appearance of the Area and Landscape

In addition to being within the Green Belt, the application site falls within the Shorne Woodland Landscape Character Area. Paragraph 189 of the NPPF (2024) states that great weight should be given to conserving and enhancing landscape and Policy CS12 (LPCS) seeks to protect the Green infrastructure within the Borough and states at 5.7.26 the overall landscape character and valued landscapes will be conserved, restored and enhanced.

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. Moreover, Section 12 (Achieving well-designed places) of the NPPF (2024) sets out that developments should function well and add to the overall quality of the area, be visually attractive and sympathetic to local character.

Gravesham's Householder Extensions/Alterations Design Guidance SPD (2021) set out key principles for developments. Generally, the SPD highlights the importance of new development complimenting and corresponding to existing character and the wider context. In this case, the rural character of the area and other surrounding dwellings should be considered. This is corroborated by the Borough's recently adopted design code; Design for Gravesham (2024), which expects new development to reflect the prevailing pattern of built form in rural villages, meet a minimum density of 30dph in rural areas and pay close attention to materiality amongst other key design concepts.

It is acknowledged that the site is within what has been considered as being part of the overall residential curtilage and has been used for stabling of horses for many years by the applicant. This part of the curtilage is screened from public views at the front in Pear Tree Lane by reason of its distance back with the plot some 90m back and the actual dwelling about 145m from the road. Therefore, although the proposed development would be out of character with the established landscape, by virtue of being a backland development, it is not sufficient grounds to refuse the application against Policy CS12 (LPCS).

The surrounding properties on Pear Tree Lane are large detached two storey dwellings on large plots. Although the single storey residential property would be out of character with the large dwellings fronting Pear Tree Lane, it is significantly set-back at the rear of the curtilage which serves to screen the bungalow from public vantage points. Moreover, the single storey building located to the rear would be similar to other outbuildings in the rear gardens of other properties along Pear Tree Lane. As such, the proposed dwelling is not considered to impact on the street scene or the character of the area. The new dwelling would be constructed using timber weatherboard cladding and a slate roof, which would be considered acceptable materials. The garage building would be constructed using similar materials to the dwelling.

Overall, the design of the proposed dwelling and garage are considered to be acceptable, will have no impact on the street scene or character of the area, and are in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

Residential Amenity

The NPPF (2024) states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 135f). Paragraph 198 of the NPPF (2024) seeks to ensure that new development takes into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. The impact on amenity is also considered with regard to the criteria within Policy CS19 (LPCS), 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 and avoid adverse impacts from pollution.

Amenity of Future Occupiers

Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines' (RLG) (2020). Moreover, on 25 March 2015 the Government issued a written ministerial statement, which introduced new technical housing standards in England and set out how these would be applied through planning policy. These standards came into effect on 1 October 2015.

The gross internal area and rooms in the proposed dwelling are in accordance with the Nationally Described Space Standards (2015) and Gravesham's Residential Layout Guidelines (2020). It is considered that all habitable rooms will receive sufficient natural light by virtue of the southern orientation. The garden size is also generous and exceeds the requirement set out in the RLG. Therefore, the development is considered to safeguard the amenity of future occupiers in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

Notwithstanding the proposed plans, it is noted by the Local Planning Authority that no hardstanding or patio space is shown for future occupiers to enjoy. During discussion with KCC Ecology on the development being de-minimis to BNG the lack of hardstanding for patio was raised. The Local Planning Authority queried this point with the agent who asserted that the application must be considered on the submitted plans. While this point is acknowledged and the application has to be determined as submitted, it is considered to be wholly reasonable for a new residential development to provide a patio area or some form of hardstanding for future occupier amenity.

Impact on Amenity of Surrounding Properties

The proposed dwelling will be approx. 82.7m from Starwood, located to the south. The other nearest properties are 95m from the new dwelling, which is a single storey bungalow. As a result, there would be no impact in terms of loss of light, overlooking, sense of enclosure or loss of outlook, and the proposal is considered to safeguard the amenity of surrounding properties in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

Parking and Highways

The development should provide an acceptable amount of parking, not be detrimental to the highway network and promote sustainable transport methods, to accord with saved policy T1 and P3 of Gravesham Local Plan First Review (1994), Policy CS11 (LPCS) and Section 4 of the NPPF (2024).

The new dwelling would be accessed using the existing vehicle access to the left of Starwood, which was granted in 2018 to serve the stables. The previous reports raised no objection to the access, however did highlight that conditions were attached to the permission for the access that were not complied with and if the development were to be permitted that new conditions could address highway concerns. As such, there is no objection on highway grounds.

Other Matters

Recreational Pressures on the Thames Estuary and Marshes Special Protection Area (SPA) and SAMMS

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering water birds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites,

which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £337.49 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

In this instance, the proposed development would result in the creation of an additional residential properties and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £337.49 per new dwelling unit.

The applicant has not paid the SAMMS Mitigation Contribution Agreement for the new residential property and therefore has not met the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 192 and 193) of the NPPF (2024) and Policy CS12 (LPCS) (2014).

Biodiversity Net Gain

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The proposed development has been supported by a Preliminary Ecological Appraisal (March 2022) and an Ecological Impact Assessment (April 2022), which were in support of the previous applications and no objections were raised. Therefore, the development is considered acceptable on these parts.

However, the current application is subject to BNG and the applicant has stated that the development meets the de-minimis exemption. This has been reviewed briefly by KCC Ecology Officers who consider that the development could be de-minimis if it does not involve any additional hardstanding, nor impact any trees or other habitat on the site. As stated earlier in this report, the lack of hardstanding or patio area for future occupiers to enjoy was queried with the agent, who set out that the application must be determined as submitted and as such the proposal would be de-minimis, but if supported conditions would be attached to remove Class F for hardstanding to ensure that the development is retained as de-minimis.

Conclusions

The application has been fully considered and is contrary to local and national planning policy.

The proposal has not been substantially changed following the previous refusal in order to overcome the reasons for refusal attached to that decision. Therefore, the development is considered harmful to the Green Belt and failed to meet the requirements of Habitat Regulations, and as such the grounds of refusal remain relevant:

1. *The site lies within the Metropolitan Green Belt where the construction of new buildings is inappropriate development unless it is for one of the excepted forms of development set out in paragraph 154 or 155 of the National Planning Policy Framework (2024). The proposal is for a separate dwelling and not as an annexe and results in the splitting of the residential curtilage. The building of a dwelling, whether as conversion or otherwise would still by definition result in a form of encroachment in the countryside by reason of the nature of the development and the paraphernalia and associated development that goes with what will be a separate dwelling from the existing dwelling on the site. The development does not, in the opinion of the Local Planning Authority, fall within the exceptions to inappropriate development in the Green Belt in the National Planning Policy Framework (2024) and results in substantial harm to the openness. No very special circumstances have been put forward to outweigh the harm to the Green Belt or any other identified harm and therefore the proposal is contrary to Policy CS01 (Sustainable Development) and Policy CS02 (Scale and Distribution of Development) of the Gravesham Local Plan Core Strategy (2014) and Section 13 of the National Planning Policy Framework (2024) (Protecting Green Belt Land).*
2. *The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 192 and 193 of the NPPF (2024), and the requirements of the Conservation of Habitats and Species Regulations 2017.*

As such, it is recommended that planning permission is refused.

Recommendation

Refusal

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

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	11 th July 2025	Dated:	16 th July 2025