

Delegated Report

Planning Application

Planning Application No: 20260745

Location: 356 Singlewell Road Gravesend Kent DA11 7RZ

Description: Retrospective change of use of land from amenity/open space (former vehicular track) to residential garden land and erection of boundary fencing.

Applicant: Mr Bal Chattha

Preliminary Matters

This application seeks retrospective permission for the change of use of land from amenity/open space (former vehicular track) to residential garden land and erection of boundary fencing.

The documents accompanying the application state that the land is within the ownership of Kent County Council (KCC) and that a license to occupy has been granted by KCC. It should be noted that this license does not override the requirement for planning permission for the development that has been carried out.

In October 2024 a very similar planning application was submitted seeking permission for “retrospective change of use of land” (Gravesham planning reference 20240913). This was refused permission on 9 December 2024 for the following reasons:

1. *The proposed boundary fencing by reason of its height and design is considered to be detrimental to the character and appearance of area. As such, the proposal would be contrary to Policy CS19 of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 12 of the National Planning Policy Framework (2023).*
2. *The proposed development results in a significant and harmful reduction of open space which formed an important and integral part of the original development approved under 20040814 and 20070516. The loss of open space and the dilution of its overall quality is considered to be a factor which is detrimental to social and environmental sustainability of the development which is not outweighed by other material considerations. As such, the development is contrary to Section 8 of the National Planning Policy Framework (2023), and Policies CS13 and CS19 of Gravesham's Local Plan Core Strategy (LPCS) (2014).*

The current application seeks to address these reasons for refusal.

Submitted Documents/Plans

Application Form.

Block Plan (date produced 22 October 2024).
 Location Plan (date produced 22 October 2024).
 Location Plan (date produced 20 July 2026).
 Open Space Assessment.
 Planning Supporting Statement.
 Site Photographs.
 Historic Photograph of Vehicular Dirt Track.
 Licence to Occupy (date 10 May 2024).

Relevant Planning History

Reference	Description	Decision	Decision Date
20240913	Retrospective change of use of land.	Refused	09.12.2024
20071086	Outline application for erection of a detached five bedroom dwelling.	Permitted	05.02.2008
20070516	Details pursuant to outline planning permission reference no. GR/2004/814 relating to the siting, design, external appearance and landscaping for phases 2 and 3 of the development for a total of 134 residential units and comprising the erection of 16 detached two storey two, four and five bedroom dwellings some with detached or attached double garages; 5 pairs of two storey semi-detached two and three bedroom dwellings; 5 two storey terraces totalling 25 two bedroom dwellings and a two storey terrace of 5 two bedroom and 2 three bedroom dwellings; a semi-circular three storey terrace of 11 three bedroom dwellings with studies; a semi-circular three storey terrace of 5 three bedroom dwellings with studies and 8 two bedroom and 4 one bedroom self-contained flats; a three storey terrace of 12 two and three bedroom self-contained flats; 2 three storey buildings to provide a total of 18 two bedroom and 6 one bedroom self-contained flats; erection of a part three storey and part two storey building to provide 9 two bedroom and 3 one bedroom self-contained flats; formation of associated estate roads and laying out of associated car parking spaces; erection of a single storey building for sports changing facilities, provision of multi-use games area (MUGA) and laying out of associated car parking.	Permitted	10.10.2007
20040814	Outline application for residential development for up to 210 residential units and for community uses including nursery, open space with changing facilities and car parking; alterations to existing access to Singlewell Road between numbers 306 and 322 Singlewell Road; use of vehicular access from Cedar Avenue to provide access to recreational facilities.	Permitted	01.08.2005

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development

- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS13 – Green Space, Sport and Recreation
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- LT6 – Additional Open Space In New Housing Developments

National Planning Policy Framework (2026)

- Section 4 – Achieving Sustainable Development
- Section 14 – Achieving Well-Designed Places
- Section 16 – Promoting Healthy Communities
- Section 19 – Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

- Design for Gravesham – Design Code (2024)
- Gravesham Borough Council Open Space Assessment (2025)

Emerging Local Plan as a Material Consideration

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (Planning and Compulsory Purchase Act 2004) and section 70(2) of the Town and Country Planning Act 1990 (Town and Country Planning Act 1990) make it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise.

Decision Making Policy DM4 of the Framework sets out that when considering development proposals, relevant policies may be given weight, however, this is subject 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 compliance of the relevant policies in the emerging plan with the policies for plan-making in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given to them).

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 of the Framework, which from 17 August 2026 Decision Making Policy DM4 of the Framework.

The Council's emerging Local Plan has reached the Regulation 19 Consultation stage, with the consultation having ended on 18 August 2026. The emerging Local Plan does not form part of the Development Plan.

The Council is aware that third parties have raised objections to the wider emerging Local Plan and specific policies within it. Therefore, at present the Council cannot categorically state that the emerging Local Plan can be considered sound and consistent with the National Planning Policy Framework (2024) [as an emerging Local Plan being brought forward under the legacy system, it would be examined under the 2024 Framework]. 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.

Consultations, Publicity and Representations

Consultees

Local Ward Councillors

No comments received.

Neighbouring properties

Six surrounding properties were consulted. A site notice was also displayed on 13.08.26

One response has been received which supports the application.

The overall consultation period expired on 04 September 2026.

Site Description and Context

The application site comprises a parcel of land within an area that is designated as public open space, with sports facilities in the immediate vicinity. The open space is surrounded by residential development, with schools situated nearby. The location plan accompanying the application shows the application site in the context of the immediate surroundings and identifies the land as being within KCC ownership:



In order to provide further background and context to this proposal, the following are relevant:

- Application 20070516
- Gravesham Borough Council Open Space Assessment

These are referred to below:

Application 20070516

The area of open space was a consideration in the assessment of application 20070516 (see 'Relevant Planning History' above). It was highlighted in the committee report for this application. Earlier submissions for the site included plans for development between 332 and 354 Singlewell Road, however this was considered to be undesirable:

That application was reported to the meeting of the Regulatory Board on 23 March 2005 with a recommendation for permission subject to the resolution of the following matters through negotiations:-

- That the development on that part of the site fronting Singlewell Road between 332 and 354 be deleted and with a consequent reduction in the footprint of development.

The committee report indicates that over time, plans were revised to delete the aforementioned development:

However prior to the meeting a revised illustrative layout drawing was submitted. The application had been amended by,

1. the deletion of the development on that part of the site fronting Singlewell Road between 332 and 354 with the consequent reduction in the footprint of the development.

Additionally, it was important for the land in question to be landscaped and maintained:

The Board noted the undertaking that there would be no detriment to existing community/leisure uses currently located on the site and that these could be enhanced. Officers were requested to bear the following in mind when finalising the conditions.

1. Affect of the development on local roads and the wider highway network.
2. That generally the height of development should be two storey but where three storeys are used they should not cover more than 20 per cent of the site.
3. The open land fronting Singlewell Road should be landscaped and maintained.
4. Responsibility for maintenance of the open land and the sports pitches/community facilities needs clarification.

The report goes on to state:

4. Development Plan

In the adopted Gravesham Local Plan First Review 1994 the site is not specifically notated. However policy LT3 relating to the policy for existing playing fields is relevant to consideration of this application. Policy LT3 states:

Policy LT3

Planning permission will not normally be granted for proposals which involve the loss of playing fields, whether that land consists of public or private playing fields, or playing fields used for educational purposes unless:

- (a) sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site; or
- (b) alternative provision of equivalent community benefit will be quickly made available; or
- (c) there is an excess of sport pitch provision and public open space in the area, taking account of the recreation and amenity value of such provision, including the contribution of the playing fields to the quality of the local environment.

The transport policies of the Local Plan are applicable (policies T1 and T5), together with parking policy P3 (policy for vehicle parking standards) and leisure policy LT6 (additional open space in new housing development).

- *The playing fields attached to the school offer a valuable opportunity to address the current open space and sports pitch deficiency both in the local area and within the Borough as a whole. The site also forms part of the Green Grid network included in this Local Plan Review. The Green Grid covers school playing fields and open space, irrespective of public access and aims to protect and enhance areas such as this for the benefit of the community. Therefore, the loss of all the playing fields to development will be resisted by the Borough Council, with a view to securing their retention for the benefit of the local community and the wider area.*

The above sets out the planned form of the area, and reinforces the importance and benefits of open space for the wider community.

The plans included with application 20070516, show the open space in situ:



This can be compared with a recent google aerial image of the site:



The design and access statement accompanying application 20070516 refers to the open areas as follows:

**LANDSCAPE
AND
ENVIRONMENT
AND
PUBLIC REALM**

The green open areas will be enhanced. Many of the existing trees will be retained and new trees will be planted. The meadow will be reinstated, hedges maintained and grasses planted. The introduction of new species will encourage flora and fauna and increase the site's biodiversity.

The proposal is that much of the new planting and enhancements to the open space will be programmed in the first phase of the re development and so will be an "early win" for both new residents and neighbours.

The neighbouring community will also benefit from the improved community facilities. These will include the provision of natural play areas and a MUGA (Multi-use Games Area); enhanced playing fields and an extension to Kent Thameside's Green Grid by the introduction of new informal pathways and cycle routes across the site.

In addition, the decision notice included conditions, relevant to the open space:

4 Full details of the soft landscaping including proposed new tree planting and managed planting areas and including details of types, species, numbers and sizes of plants shall be submitted to and approved in writing by the Local Planning Authority before the development commences, unless otherwise agreed in writing by the Local Planning Authority the landscaping scheme shall be implemented within the first planting season following the commencement of the development and thereafter maintained for a period of 5 years, the landscaping scheme shall include appropriately sized replacements trees for all those trees identified in the Babbie tree survey and schedule dated June 2004 accompanying the outline planning application GR/2004/0814 where it had been originally indicated that those trees could be retained but which are being removed pursuant to the approved master plan layout for phases 2 and 3

5 Full details of all boundary treatments to the house plots including the boundary treatments to the playing fields and meadow areas shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences, the development shall be carried out in accordance with the approved details

6 Notwithstanding the provisions of Article 3 of and Part 1 Class F, and Part 2 Classes A and B of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended, or any provision equivalent to those classes in any order revoking or re-enacting that order, no additional hard surface for the purpose of parking a motor car, no additional means of access to a highway and no erection, construction or alteration to a gate, fence or other means of enclosure beyond that shown on the approved master plan layout drawing or as approved pursuant to condition 5 above, shall be carried out without the prior written permission of the Local Planning Authority having first been obtained

4 No such details have been submitted and in the interests of visual amenity

5 Incomplete details have been submitted and in the interests of visual amenity

6 In order to maintain a good standard of design and amenity, to maintain the open character of the estate and to ensure the proper planning of the area

Gravesham Borough Council Open Space Assessment

The Gravesham Borough Council Open Space Assessment was initially published in April 2016. An updated version was published in July 2025. The open space is identified in the latest version at ID 59:

GRAVESHAM BOROUGH COUNCIL OPEN SPACE ASSESSMENT					
Site ID	Site name	Analysis area	Settlement	Quality score	Value score
43	Culverstone Recreation Ground	Rural	Culverstone	72.7%	47.4%
48	Cygnets Gardens Open Space	Urban	Gravesend/ Northfleet	56.5%	18.9%
49	Dashwood Road Recreation Area	Urban	Gravesend/ Northfleet	71.8%	38.9%
52	Doria Drive Open Space	Urban	Gravesend/ Northfleet	47.1%	16.8%
55	Durndale Open Space	Urban	Gravesend/ Northfleet	62.7%	51.6%
58	Fleetway Open Space	Urban	Gravesend/ Northfleet	53.3%	29.5%
59	Former Southfields School Site	Urban	Gravesend/ Northfleet	32.8%	11.6%
61	Foxwood Grove Open Space	Urban	Gravesend/ Northfleet	60.8%	40.0%
62	Franklin Road Open Space	Urban	Gravesend/ Northfleet	62.7%	17.9%

As such, it is clear that the current site is in use as open space, to the benefit of the community.

Site Photos





Officer's Analysis

Open Space

Existing planning practice guidance relating to “Open space, sports and recreation facilities, public rights of way and local green space” provides key advice on this issue. It states the following:

Open space should be taken into account in planning for new development and considering proposals that may affect existing open space. (paragraph 0001).

It defines open space and its associated benefits as follows:

Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure, as well as being an important part of the landscape and setting of built development, and an important component in the achievement of sustainable development. (paragraph 0001).

The importance attached to open space is reflected in Policy HC7 of the NPPF which is reproduced below:

HC7: Development affecting existing recreational land and facilities

1. *Development proposals should not result in the loss of existing open space, sports and recreational buildings and land, including playing fields, other formal and informal play space and allotments, unless:*
 - a. *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - b. *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality, in a location which offers comparable or improved accessibility for the community it serves; or*
 - c. *The development is for public service infrastructure, and the resulting loss would be replaced by equivalent or better provision in terms of quantity and/or quality; or*
 - d. *The development is for alternative open space, sports and recreational buildings and land, the benefits of which clearly outweigh the loss of the current or former use.*

At a local level, Policy CS13 of the Core Strategy relates to “Green Space, Sport and Recreation”. Paragraph 5.8.7 of this policy contains the following requirement:

The Council will seek to make adequate provision for and to protect and enhance the quantity, quality and accessibility of green space, playing pitches and other sports facilities, in accordance with an adequate, up to date and relevant evidence base.

The importance of open space is also recognised in Policy CS19 of the Core Strategy, which requires new development to, inter alia:

....ensure that public realm and open spaces are well planned, appropriately detailed and maintained so they endure.

Design for Gravesham also highlights the importance of open spaces and green corridors:

6.7.2 *Public open spaces play an important role in the creation of sustainable neighbourhoods.*

6.7.3 *They encourage healthy, social and cultural activity whilst contributing to the attainment of biodiversity gain and provision of a green infrastructure network.*

6.7.4 Open spaces should support the whole community, offering flexible use to satisfy a range of needs whether active or passive.

In support of the current proposal, the applicant has submitted a detailed Planning Supporting Statement and an Open Space Assessment. The Planning Supporting Statement seeks to demonstrate that the reasons for refusal relating to the previous application for this site cannot be substantiated and that the proposal does not result in harm in planning terms. The Open Space Assessment seeks to demonstrate that the proposal “would not cause any material loss of open space” and provides the following conclusions:

- *The site measures 95 sqm and was historically part of a school service route.*
- *It was never intended or used as recreational open space.*
- *The proposal does not remove any playing fields, sports pitches, MUGA facilities, or public access routes.*
- *The land has no strategic recreational function and represents 0.16 % of the Southfields site.*
- *The proposal does not affect the operation or accessibility of the wider open-space network.*

A significant consideration in the assessment of this application is whether the proposal meets the requirements of Policy HC7 of the NPPF. The requirements of this policy are very clear. Development proposals should not result in the loss of existing open space, sports and recreational buildings and land, including playing fields, other formal and informal play space and allotments, unless they comply with at least one of the four criteria specified in that policy. The proposal is assessed against each of these criteria below:

Criterion “a”

This criterion requires an assessment to be undertaken which clearly shows the open space, buildings or land to be surplus to requirements. It should be noted that this was also a requirement within the previous version of the NPPF published in 2024.

The submitted Planning Supporting Statement and the Open Space Assessment both seek to put forward a case that the size of the land in question is limited compared to the overall area of open space and that it does not result in material harm in terms of the function of the wider open space or its appearance. These arguments are set out in some detail particularly in the former document.

However, it should be noted that in terms of criterion “a”, the test is whether the land is “surplus to requirements”. The submitted information does not directly address this issue. Indeed, no analytical or empirical evidence has been submitted to demonstrate that the land is “surplus to requirements”.

In light of this, the proposal does not satisfy criterion “a”

Criterion “b”

The loss resulting from the proposed development would not be replaced by equivalent or better provision in terms of quantity and quality, in a location which offers comparable or improved accessibility for the community it serves. As such, this proposal does not satisfy criterion “b”.

Criterion “c”

The development is not for public service infrastructure. As such, this proposal does not satisfy criterion “c”.

Criterion “d”

The development is not for alternative open space, sports and recreational buildings and land, the benefits of which clearly outweigh the loss of the current or former use. As such, this proposal does not satisfy

criterion “d”.

In light of this assessment, the proposal does not meet the requirements of Policy HC7 of the NPPF.

In addition, the loss of open space does not meet the requirements of Policy CS13 of the Core Strategy which seeks “to protect and enhance the quantity, quality and accessibility of green space”. Furthermore, it would fail to meet the requirements of Policy CS19 of the Core Strategy which requires new development to ensure open spaces are “maintained so they endure”.

This proposal fails to comply with existing planning policy at a national and local level. Given the strong policy position, it is considered there are clear and compelling reasons for refusing this application on the grounds of loss of open space. It is considered that arguments set out by the applicant, including those relating to the limited size of the site and the function and quality of the land, are not sufficient to overcome the strong policy objection to the proposal.

In the assessment of the previous application relating to this site, the officer report made reference to a dismissed enforcement appeal relating to a site in Astley (PINS reference APP/F2415/C/17/3188404). The Inspector found that the change of use from open space to an extended residential garden would result in an ‘unacceptable loss of public space.’ This decision adds further weight to the case set out above. A copy of the decision letter is contained at Appendix 1.

The submitted Planning Supporting Statement refers to the following three planning applications which have been approved by Gravesham Borough Council and have involved a loss of open space

- Gravesham planning reference 20230102
Construction of new apartment building including a cafe (Use Class E) at ground floor level and comprising 14 no. new apartments with associated park open space and highway enhancements, additional parking provision to the side/rear of the existing Tesco store and associated development at 145 Whitehill Road (Land At Tesco Express & Whitehill Open Space), Gravesend, Kent, DA12 5LS.
- Gravesham planning reference 20220207
Demolition of the existing former public house building and redevelopment to provide a new 62 bed care home (Use Class C2) in a three-storey building together with associated access, car and cycle parking, structural landscaping and amenity space provision at Ascot Arms, Central Avenue, Gravesend, Kent, DA12 5AW.
- Gravesham planning reference 20190833
Demolition of 6 garages on Rembrandt Drive and erection of a 1no. one bedroom bungalow and erection of a terrace of 6no one bedroom bungalows along Constable Road with associated off street car parking and improvements to existing children's playground and amenity space adjacent to Constable Road at Garage Block And Part Of Amenity Space Adjacent To Constable Road And Rembrandt Drive, Northfleet, Gravesend, Kent.

Each of these proposals involved the loss of open land. In each case this was strongly justified as a result of improvements to the retained open space within the site. These circumstances are not relevant to the current application. As such these cases do not support this proposal.

Design, Character and Appearance

Policy DP3 of the NPPF sets out key principles for well-designed places and contains the following requirement:

1. *Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as*

through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.

The policy also requires that in order to create well-designed places, development proposals should reflect relevant aspects of a number of specified principles

Policy CS19 of the Core Strategy 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.

The Design For Gravesham Design Code is a strategic document that sets out Gravesham's vision and expectation for quality place-making.

The wooden fence has already been constructed and incorporates concrete gravel boards, with concrete posts and an access gate. The alignment of the fence disrupts the boundary line between the open space and adjacent residential properties. Given the height of the fence and the extent of its projection beyond the original boundary line, it therefore appears visually dominant and obtrusive from the area of open space. This is evidenced from the site photos provided earlier in this report. As such it is considered that the proposal fails to meet the tests set out in Policy DP3 of the NPPF, Policy CS19 of the Core Strategy and Design for Gravesham.

Amenity of Future Occupiers

The proposal would provide additional garden space. As such, the proposal would safeguard the amenity of future occupiers of the property and in this respect would comply with the NPPF and Policy CS19 of the Core Strategy.

Neighbouring Amenity

The installation of the fence is not considered to detrimentally impact neighbouring amenity. As such, the proposal would safeguard the amenity of neighbouring properties and would comply with the NPPF and Policy CS19 of the Core Strategy.

Parking and Highways

The proposal raises no concerns in terms of highways and parking.

Biodiversity

Biodiversity net gain requirements are not relevant to this application as the development is retrospective. As such, there are no concerns in terms of biodiversity.

Conclusion

The application has been fully assessed and for the reasons set out in this report, the change of use of the land from amenity/open space to residential garden land is considered contrary to local and national planning policy. Furthermore, due to the height and alignment of the fence, it appears visually dominant and obtrusive and as such is considered to be detrimental to the character and appearance of the area. These concerns are not outweighed by other material considerations and as such it is recommended that permission be refused. This application has not overcome the previous grounds for refusal.

Recommendation

REFUSE PLANNING PERMISSION for the following reasons:

1. The proposed boundary fencing by reason of its alignment, height and design is considered to be detrimental to the character and appearance of area. As such, the proposal would be contrary to Policy DP3 of National Planning Policy Framework (2026) and Policy CS19 of Gravesham's Local Plan Core Strategy (LPCS) (2014).
2. The proposed development results in a significant and harmful reduction of open space which formed an important and integral part of the original development approved under planning references 20040814 and 20070516. The loss of open space and the dilution of its overall quality is considered to be a factor which is detrimental to social and environmental sustainability of the development which is not outweighed by other material considerations. As such, the development is contrary to Policy HC7 of National Planning Policy Framework (2026), and Policies CS13 and CS19 of Gravesham's Local Plan Core Strategy (LPCS) (2014).

Case Officer:	Gary Edwards	Team Leader:	Mrs Faye Walsh
Signed:	<i>Gary Edwards</i>	Signed:	<i>F Walsh</i>
Dated:	10 September 2026	Dated:	14 September 2026

