

Delegated Report

Full Planning Application

Planning Application No:	20260765
Location:	Brookers Farm, Luddesdown Road, Luddesdown, Gravesend
Description:	Erection of a temporary pop-up pub in the form of a shipping container and marquee, to extend the operation to 31st January 2027
Applicant:	Mr Steve Chappell, Vineyard Farms Ltd
Site Visit Date:	Desktop assessment

Submitted Documents/Plans

Cover letter dated 24 July 2026
 Application form
 Planning, Design and Access Statement (September 2025)
 Drawing no. DHA/36436/100 (Site Location Plan)
 Drawing no. DHA/36436/101 (Existing Site Layout Plan)
 Drawing no. DHA/36436/102 (Proposed Site Layout Plan)
 Drawing no. DHA/36436/103 (Proposed Plans and Elevations Marquee)
 Drawing no. DHA/36436/104 (Proposed Plans and Elevations Pop Up Pub)
 Biodiversity Net Gain Plan (Ref. RP-010824-01)
 Biodiversity Net Gain Metric Calculation

Relevant Planning History

Reference	Description	Decision	Decision Date
20260676	Re-use of the facilities erected on site for the approved temporary pop-up pub as a temporary Christmas Grotto between 1st November and 31st December 2026.	Granted Temporary Permission	20.08.2026
20260344	Erection of a temporary marquee and shipping container to house a pop-up pub until 13th September 2026.	Granted Temporary Permission	22.05.2026
20251012	Erection of a temporary marquee and shipping container to house a pop-up pub for a period of 6 months.	Granted Temporary Permission	02.12.2025
20251150	Application to determine if prior approval is required for the installation of a surfaced pathway for agricultural use at Brookers Farm, Luddesdown in accordance with Schedule 2, Part 6, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.	Prior Approval Granted	10.12.2025
20251092	Application for a Proposed Lawful Development Certificate; to create additional ground floor space within existing building for new storage area for wine shop; conversion of existing staff room into storage/wine tasting	Certificate Granted	09.12.2025

	room; creating internal doorways connecting the wine shop with the adjacent tasting rooms; reconfiguring and replacing ground floor toilets with installation of new external windows on side elevation. Creation of first floor mezzanine floor space for new wine tasting room.		
20250934	Advertisement Consent for non-Illuminated fascia sign for Cellar Door Shop.	Consent Granted	17.11.2025
20250840	Retention/installation of 59 wine tanks and grape presses.	Permitted	06.02.2026
20250839	Application for an Existing Lawful Development Certificate for the continued use of part of the agricultural building as a small wine shop (Cellar Door) and vineyard/farm Offices in association with the existing agricultural operations.	Certificate Granted	15.10.2025
20250787	Application for the approval of condition 8 (Soft Landscaping Scheme) attached to planning reference number 20240091.	Approval of details	24.09.2025
20250351	Application for approval of condition 5 and 7 attached to planning permission reference number 20240091 relating to external lighting and details shall be provided of the Electric Vehicle (EV) charging points and passive provision.	Approval of details	04.07.2025
20250115	Application for the part approval of condition 4 attached to planning reference number 20240091 for archaeological field evaluation and safeguarding measures to ensure preservation.	Approval of details	17.02.2025
20250053	Erection of a rear and side extension and refurbishment of the Golden Lion pub including landscaping, parking and associated works.	Permitted	31.03.2025
20240996	Application for approval of condition 4 attached to planning permission reference number 20240091 relating to the implementation of archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable and any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation, recording, reporting and dissemination of the results.	Approval of details	18.12.2024
20240091	Engineering works to construct a formal car parking area for Vineyard Farms Ltd office, winery and vineyard workers, and other users of Brookers Farm.	Permitted	05.04.2024
20240039	Prior notification under Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use from an agricultural building to a flexible use as offices and off licence (Use Class E).	Refused	02.04.2024
20240021	Prior notification under Class B of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the addition of 9 additional fermentation tanks to existing 41 already in place.	Prior Approval Not Required	09.02.2024
20231252	Prior notification under Part 3 Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of an Agricultural Cellar Door to sell wine and farm produce from the Silverhand Estate.	Withdrawn	16.01.2024
20231145	Prior notification under Part 3 Class R of the Town and	Refused	03.01.2024

	Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of 9 additional Wine Fermentation and Storage Tanks.		
20231116	Retrospective application for the necessary engineering operational works to construct a track to service an associated compost/storage area.	Permission	11.01.2024
20231110	Engineering works to construct a formal car parking area for Vineyard Farms Ltd office, and winery and vineyard workers; and other users of Brookers Farm.	Refused	22.12.2023
20230454	Application for retrospective temporary consent for the erection of 41 wine fermentation and storage tanks	Temporary permission	22.06.2023
20230181	Engineering works to construct a formal car parking area for Vineyard Farms Ltd office, and winery and vineyard workers.	Refused	24.05.2023
20210607	Retrospective application for erection of two storage/fermentation tanks.	Temporary permission	23.07.2021
19880177	Erection of two agricultural buildings to form grain store, workshop/general purposes building.	Permission	23.05.1988
19500058	Alteration of existing and erection of new farm buildings	Permission	08.05.1950

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS07 – Economy, Employment and Skills
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development and Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- T1 – Impact of Development on the Highway Network
- T5 – Access to the identified Highway Network
- P3 – Vehicle Parking Standards

As set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012 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

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 (2026), the Council will also seek to replace these.

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.

National Planning Policy Framework (2026)

- Section 3 – Decision-making policies
- Section 4 – Achieving sustainable development
- Section 5 – Meeting the challenge of climate change
- Section 12 – Making effective use of land
- Section 13 – Protecting Green Belt Land
- Section 14 – Achieving well-designed places
- Section 15 – Promoting sustainable transport
- Section 17 – Pollution, public protection and security
- Section 19 – Conserving and enhancing the natural environment
- Section 20 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG4 - KCC Parking Standards (2006)
- Design for Gravesham – Design Code (2024)
- Gravesham Landscape Character Assessment (2009)
- Kent Downs AONB Management Plan 2021-2026
- Landscape Character Assessment Update 2020

Consultations, Publicity and Representations

External Consultees

KCC Heritage

In this instance, I suggest no archaeological measures are required.

KCC Highways

Further to our previous comments dated 22nd October 2025 under the original application number 20251012 and having reviewed the documents we can confirm that we raise no objection on behalf of the local highway authority.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>

Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

Kent Downs National Landscape Unit

Thank you for your recent consultation on the above.

On 22 November 2023, all designated Areas of Outstanding Beauty (AONBs) in England and Wales were renamed 'National Landscapes' (NLs). Accordingly, the Kent Downs AONB is now the Kent Downs National Landscape. Its legal designation and policy status remain the same.

Also of note is the changes introduced through the Levelling-Up and Regeneration Act 2023, which came into force on 26/December 2023. The Act amends the Countryside and Rights of Way Act, which is the primary legislation relating to AONBs and replaces the previous Duty of Regard to AONBs set out at S85 with a new, strengthened requirement that:

*'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'.
(Part 12 - Miscellaneous; Section 245. Protected Landscapes; paras (5) - (10).*

This places a much stronger duty on relevant authorities, which includes local authorities, to ensure that their actions and decisions seek to conserve and enhance AONBs, marking a significant change to the legal context of AONB policy.

The Kent Downs National Landscape team has seen a recent uplift in the number of consultations on planning applications. In accordance with the agreed Kent Downs Planning Protocol, which sets out that the Kent Downs Landscape team will only have a limited land use planning role and will prioritise its involvement in planning to planning policy matters, we will not normally provide bespoke comments on more minor applications such as this. This does not imply support for, or objection to, the proposal. If our input would be particularly valued in this instance, please get in touch and we endeavour to provide informal advice where our current planning capacity allows.

In determining the application, the local planning authority has a new statutory duty, as set out above, to seek to further the purpose of conserving and enhancing the natural beauty of the Kent Downs National Landscape. Further advice on the new duty is provided in Appendix 2 of this letter. The Kent Downs National Landscape team recommends that to help fulfill the new statutory duty, the Local Planning Authority should ensure that the decision is consistent with relevant national and local planning policy and takes into account the aims, objectives and principles set out in the Kent Downs AONB Management Plan and its associated guidance documents. Further details of these are provided in Appendix 1.

Internal Consultees

GBC Commercial Health

No objection in principle.

GBC Environmental Protection

It is understood that this application is seeking to extend a previously granted application for the same use. This is to enable the Lion Pub to continue trading whilst refurbishment works take place and there have

been some delays to the works being completed.

There is no objection to this application. Conditions 4 and 5 (relating to amplified music and hours of use) on the 2025 permission should be repeated on this application if it's granted.

GBC Licensing

No comments.

Neighbouring properties

The application has been advertised by individual neighbour letters to 2 properties, and on site. The overall consultation period expired on 20 August 2026.

No letters of representation have been received from neighbouring properties

KCC Biodiversity, and the Local Ward Councillors were also consulted, and no responses were received.

Officer's Analysis

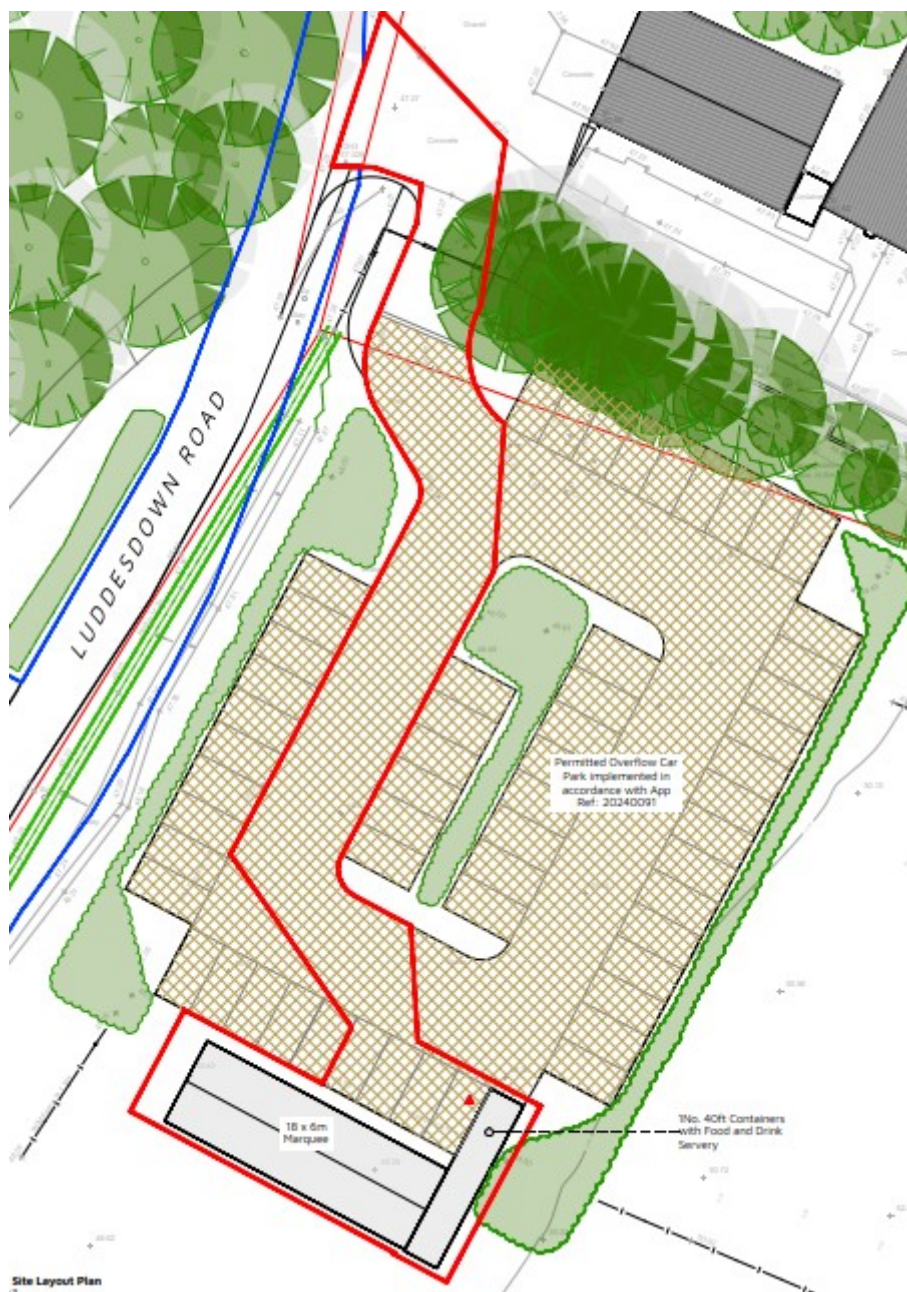
Proposal

This application seeks full planning permission for the erection of a temporary marquee and shipping container to house a pop-up pub until 31st January 2027, during the refurbishment of The Lion Pub. [It should be noted that the initial time period sought was until 31st October 2026, but considering the current position of the refurbishment works, a longer time period was considered more appropriate to allow the works to be fully completed and a smoother transition between the closure of the pop-up and the re-opening of The Lion.]

The application has been submitted following recent previous permissions for the same proposal under applications 20251012 and 20260344. The pop-up pub is already in place and operation. The previous permission allowed temporary permission for the pop-up pub until 13 September 2026. However, the current programmed works for the refurbishment of the pub are delayed. This application therefore seeks to extend the operating period for the temporary pop-up pub. The content of the application is the same as previously submitted.

The proposal comprises the installation of a 11m long x 2.4m wide x 2.5m high container, fitted with doors, windows, bar, seating and other facilities, and an 18m long x 6m wide x 3.1m high marquee. The container accommodates the main bar and provides indoor seating, while the adjoining marquee offers covered outdoor seating for customers. The container is finished in black painted metal. Black aluminium-framed double-glazed windows provide natural light. The marquee is traditional in appearance with clear plastic window panels.

The container and the marquee are located on the edge of the car park:



This results in the temporary loss of 4 car parking spaces. There is minimal additional landscaping including additional hedgerow and a further tree to ensure that a 10% BNG is achieved despite the temporary nature of the scheme.

The proposed pop-up facilities were initially to operate for a period of 6 months, during the refurbishment works to The Lion pub (granted under planning application ref: 20250053). The pub was formerly known as The Golden Lion.

Following the expiration of the temporary permission period, the container and marquee will be removed from the site. All existing landscaping would be reinstated. No permanent hardstanding or foundations are required to be installed as part of the development.

The pop-up pub would operate only during the normal permitted business hours for The Lion.

Principle Issues

Policy E4 of the NPPF 2026 relates to rural business development and supports the sustainable growth of

business in rural areas. The development and diversification of agricultural and other land-based businesses should be enabled, and it should be recognised that proposals to meet local business needs may be required in such areas, in locations that are not well served by public transport. It will be important, however, to ensure that development is well-related to existing development and appropriate in relation to the character of its surroundings.

Policy CS07 of the Core Strategy 2014 also supports proposals that promote the appropriate expansion and diversification of the rural area economy. Policy CS02 supports development outside rural settlements, including proposals to diversify and maintain the rural economy, where it is compatible with national policies for protecting the Green Belt and policies in this plan.

This proposal is located in the countryside, outside any rural settlement, in the Green Belt, in the Kent Downs National Landscape and Luddesdown Downs Landscape Character Area. The application site relates to the business of The Lion pub, which lies to the north-east of the site, which has been granted permission for extension and refurbishment.

The application site is located on the edge of the car park recently constructed for employees and visitors of the Silverhand Estate vineyard, located at the Brookers Farm site next to the pub. The pub is also part of the Silverhand Estate.

National and local policy is generally supportive of such rural business development and expansion, subject to compatibility with policies for protecting the Green Belt and other policies in the development plan.

The main issues for consideration in the determination of this application are as follows:

- Appropriateness of development in the Green Belt
- Landscape impacts
- Residential amenity matters
- Parking and highways issues.

Principle of Development in the Green Belt

Policy CS02 of the Core Strategy 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 policies in the Core Strategy 2014.

Green Belts are of great importance. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open (Section 13 of the NPPF 2026). Policy GB6 of the NPPF 2026 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

In making this assessment, substantial weight should be given to the harm to the Green Belt. Development in the Green Belt is inappropriate unless either one of the exceptions in Policy GB7 applies (which they do not). The proposal would therefore be considered inappropriate development in the Green Belt, and as a result only very special circumstances would be required to justify it in this location.

In the submitted Planning Statement the very special circumstances of the case are set out as follows:

- **Supporting the rural economy and community assets.** The proposal enables the continued operation of The Lion during refurbishment, maintaining a valued rural pub that serves the local community. This helps secure the long-term viability and prosperity of the existing rural pub as a community asset, mitigate income loss during the refurbishment and keeping the staff who work in the

pub employed during this period.

- **Temporary and reversible impact.** The impact of the proposed development would be time limited to 6 months after which the marquee and container are removed, and all landscaping will be reinstated. No hardstanding or permanent foundations are required and shortly after its removal there will be no evidence of its previous existence.

Policy E4 of the NPPF 2026 states that the sustainable growth of businesses in rural areas should be supported. Policy CS07 of the Core Strategy 2014 also sets out that proposals that promote the appropriate expansion and diversification of the rural area economy will be supported. The pop-up pub will allow the continued employment of The Lion staff during the refurbishment works and continue to provide a venue for customers of the pub. The proposal would therefore comply with the economic policy aims for the rural area economy by offering employment and community benefits and would be acceptable in this regard.

The proposal would not fundamentally undermine the purposes of the Green Belt across the area of the plan, and whilst there may be some limited Green Belt impact, the benefits of the pop-up pub and the temporary and reversible nature of the proposal in particular is considered to outweigh such harm. These circumstances are considered to form the reasons for the acceptability of the proposal.

Appropriate conditions can be used to support the temporary nature of the application by limiting the period of operation to the revised timescale proposed, as well as removing the permitted buildings within a specified period.

Landscape Impacts

Policy DP3 of the NPPF 2026 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well-designed and respects the character and appearance of the surrounding area.

Policy N2 of the NPPF 2026 aims for development to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. The site lies within the Kent Downs National Landscape. Reflective of Policy N2 of the NPPF 2026, Policy SD2 of the Management Plan 2021-2026 recognises the need to conserve and enhance the local character, qualities, distinctiveness and natural resources of the National Landscape. Principle SD8 seeks to ensure that proposals do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB.

The site is located within the West Kent Downs Landscape Character Area of the Kent Downs Landscape Character Assessment (LCA) Update 2020 and within the Luddesdown Sub Area. Summary characteristics of this Character Area include the dip-slop landform of dry valleys running north-south, interspersed with broad, undulating ridges and plateaux; extensive blocks of woodland, as well as strips on valley sides with the topography and woodland restricting views in much of the area, but with occasional long views along valleys. One of the Landscape Management Recommendations within the LCA includes protecting the deeply rural character of the area, resisting development which gives it a more urbanised character.

The application site is also located in the Luddesdown Downs Landscape Character Area within the Gravesham Landscape Character Assessment and as such, Policy CS12 of the Core Strategy 2014 is also relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham LCA will be taken into account in determining applications. The LCA states the area is defined by very undulating topography with arable farmland and pasture, irregular field patterns, fields divided by native hedgerows and areas of native woodland that all contribute to the rural character of the area. The condition of the landscape is generally good, its sensitivity high. The guidelines for the area focus on conserving the distinctive features that are found in the area to protect and maintain its character and quality, including conserving hedgerows.

In their advice on the proposal, the Kent Downs National Landscape (KDNL) team did not raise any new

comments on the current application. They had an initial concern on the first application about the scale and plastic white canvas material of the marquee and as a result, the colour of the marquee was amended to green and a condition limiting the colour was imposed on the previous permission. As the pop-up pub is already operational (and complies with the condition) this condition would no longer be necessary with any further permission.

Given that the proposal is for a temporary period, the proposal would sufficiently conserve the natural beauty of the area. Again, it will also be imperative to impose conditions requiring the reinstatement of the land subsequent to the first use of the pub, including the removed car park landscaping.

Residential Amenity

Section 12 of the NPPF 2026 seeks to promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions, Section 14 seeks to promote high quality, healthy, inclusive and sustainable places, and Section 17 focuses on the new development being appropriate for its location, taking into account the risks and impacts of pollution and other hazards. Policy P3 sets out that development proposals should provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life.

The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land, and avoid adverse environmental impacts from pollution.

The container and marquee are being used whilst the pub is being refurbished. The submitted Planning Statement states that the pop-up pub would operate in accordance with normal business hours for the Lion Pub. Whilst there is no objection to this temporary use from an environmental protection perspective, the marquee (which is to be used for seating) will offer little in terms of sound insulation. The Planning Statement advises that there will be no live music. The Council's Environmental Protection team previously advised that there should be no amplified music in the form of DJ's, karaoke etc., and any amplified music must be at background levels only. This should be carried forward and conditioned under a new permission to extend the operating period for the pop-up pub.

On this basis, due to its location some distance away from residential properties and the temporary nature, the proposal to extend the operating period for the pop-up pub is considered to safeguard the amenity of residential properties in compliance with Policy CS19 of the Core Strategy 2014 and relevant NPPF paragraphs.

Parking and Highways

The submitted Planning Statement states that access to the pop-up pub will be via the existing car park entrance from Luddesdown Road. Vehicles will continue to use the existing parking facilities, which currently provide a total of 56 spaces. The proposal results in a temporary loss of 4 of these spaces.

As the existing access and parking arrangements will remain, and the pop-up pub will be used by existing customers of The Lion while it is closed, there are no objections from a highways and parking perspective.

There would therefore be no adverse parking or highway issues resulting from the proposal to extend the operating period for the pop-up pub, which would comply with Saved Policies T1 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014.

Any Other Material Planning Considerations

Biodiversity

Policy N2 of the NPPF 2026 states that to contribute positively to the natural environment, and support nature's recovery, development proposals should consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced. Policy CS12 of the Core Strategy seeks to protect sites designated for their biodiversity value based on their level of importance and enhance, restore, recreate and maintain habitats particularly within Biodiversity Opportunity Areas, which is a designation of this site. However, as the works involve a temporary pop-up pub, and there will be no permanent biodiversity impacts and therefore the proposal would comply with the requirements of the aforementioned policies.

Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications for development (unless exempt 59,60) must deliver at least a 10% biodiversity net gain (BNG), shown via use of the Statutory Biodiversity Metric prior to commencement of any development.

KCC Biodiversity have not provided comments on the current application to extend the operating period of the pop-up pub but considering that the nature of the proposal does not differ from the previous application, it is considered appropriate to apply their previous review of the proposal to the current application. They considered the application to be exempt from mandatory biodiversity net gain, so that the mandatory biodiversity net gain of 10% did not apply. This application remains exempt because:

- The development will not impact any onsite priority habitat; AND
- The development will not impact more than 25 square metres of onsite habitat with a biodiversity value greater than zero; AND
- The development will not impact more than 5 metres of onsite linear habitat.

This view has been taken as the application is only for a temporary permission and page 35 of the Statutory Biodiversity Metric User Guide states the following:

You do not need to record a habitat as lost when there are temporary impacts to a habitat and the area can be restored to both:

- *baseline habitat type within two years of the initial impact; and*
- *baseline condition within two years of the initial impact*

As the current hedgerow for the car park approved under application 20240091 has been planted for less than 18 months, the view is taken that the replanted hedgerow can be back in the same condition within 2 years of works commencing on site. Therefore, from a BNG perspective there will be no loss of habitat within the site. It is advised that this approach would not be possible if the hedgerow within the site had been mature as it would have taken at least 5 years to have re-established in the same condition and therefore would not be considered a temporary impact.

Biodiversity net gain has been accommodated within the application, with the re-instatement of the removed hedgerow, new hedgerow and a new native species tree. It would be preferable for the existing hedgerow to be translocated to the rear of the proposed pop-up pub and then moved back to its original location once the pub has been dismantled. A condition must be included requiring the habitat to be re-established within the first planting season following the dismantling of the temporary pub. On this basis, the proposal is considered to be acceptable.

The proposed car park already has lighting, but it is presumed that additional lighting will be installed. Any lighting on the pub should only be operational when the pub is open / staff are working.

Heritage

The NPPF 2026 aims to conserve and enhance the historic environment (Section 20). This is echoed in Policy CS20 of the Core Strategy 2014, which states that the significance of the Borough's heritage assets and their setting should always be preserved or enhanced. Saved Policy TC2 of the Local Plan 1994 sets

out that for development involving alterations to listed buildings or affecting the setting of listed buildings, the primary consideration is the maintenance of the integrity of the original listed building. Proposals must be sympathetic in terms of their appearance and materials. Saved Policy TC7 states that development on important archaeological sites will not normally be permitted.

As the proposal involves a pop-up pub that will be temporary in nature, the current proposal to extend the operating period would not have any different archaeological impact or impact on the setting of listed buildings, the closest of which lie some distance away. In this respect the proposal complies with the relevant requirements of saved Policies TC2 and TC7 of the Local Plan 1994, Policy CS20 of the Core Strategy 2014 and Section 20 of the NPPF 2026.

Conclusion

The proposed development is inappropriate in the Green Belt, but the very special circumstances of the case, involving the temporary nature of the pop-up pub until 31 January 2027 and the employment and community benefits, weigh in favour of the proposal and are considered to override the Green Belt harm in this instance. The proposal would also be acceptable with regard to landscape, residential amenity, parking and highways, heritage asset and biodiversity impacts, and would therefore be in accordance with the requirements of Sections 7, 13, 14, 15, 16, 17, 19 and 20 of the NPPF 2026, Policies CS02, CS07, CS11, CS12, CS19 and CS20 of the Core Strategy 2014 and saved Policies TC2, TC7 and T1 of the Local Plan First Review 1994.

Recommendation

Temporary permission with conditions, as per the previous permission 20251012.

(For detailed conditions and informatives, see draft Decision.)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Richard Hart
Signed:	<i>K. Parkin</i>	Signed:	<i>R Hart</i>
Dated:	17th September 2026	Dated:	17th September 2026