

Delegated Report

Planning Application

Planning Application No: 20251180

Location: Recreation Ground The Street Cobham Gravesend

Description: Replacement of 3 metre high chain link fence around the play area with a new 3.6 metre high fence.

Applicant: Lucy Denny

Site Visit Date: Desktop

Submitted Documents/Plans

- Application form;
- Location Plan;
- Block Plan;
- Drawing no. CCPG-00 – Existing Fence – Plan & Elevations;
- Drawing no. CCPG-01 Rev. 3 – Proposed Fence – Plan & Elevations;
- Fence Details – Proposed;
- Heritage Statement; and
- Fence Product Details Specifications.

Superseded

~~Heritage Statement;~~

~~Drawing no. CCPG-01 – Proposed Fence – Plan & Elevations.~~

Relevant Planning History

None.

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- TC3 – Development Affecting Conservation Areas
- TC7 – Other Archaeological Sites

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.

Other material considerations

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework (2026)

- Section 4 - Achieving Sustainable Development
- Section 5 – Meeting the challenge of climate change
- Section 12 – Making Effective use of land
- Section 14 – Achieving well-designed places
- Section 19 – Conserving and enhancing the natural environment
- Section 20 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- Cobham Rural Conservation Area Appraisal Supplementary Planning Document (2017)
- Management Plan Rural Conservation Area Appraisals Supplementary Planning Document (2016)
- Design for Gravesham – Design Code (2024)
- Gravesham Landscape Character Assessment (2009)

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

Kent Downs National Landscape

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 fulfil 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.

No response from:

- GBC Conservation Officer
- Cobham Parish Council
- Ward Councillors

Neighbouring properties

5 surrounding properties were consulted plus site and press notices – overall consultation expiry period was 06.09.2026 – no responses received.

Officer's Analysis

The application site consists of a playground area with children's outdoor play equipment which on the north and east boundaries of the playground there is a chain link fence and it is this fencing which is proposed to be replaced as it is said to be falling apart and to protect the playground from cricket balls. The northern section of fencing is the longest and tallest at 40.07m in length and 3m in height and the eastern section is the shortest at 13.56m in length and 1.8m in height. In the northern section there is a pedestrian 2m high gate and in the eastern section there is a single gate which is 1.8m in height.

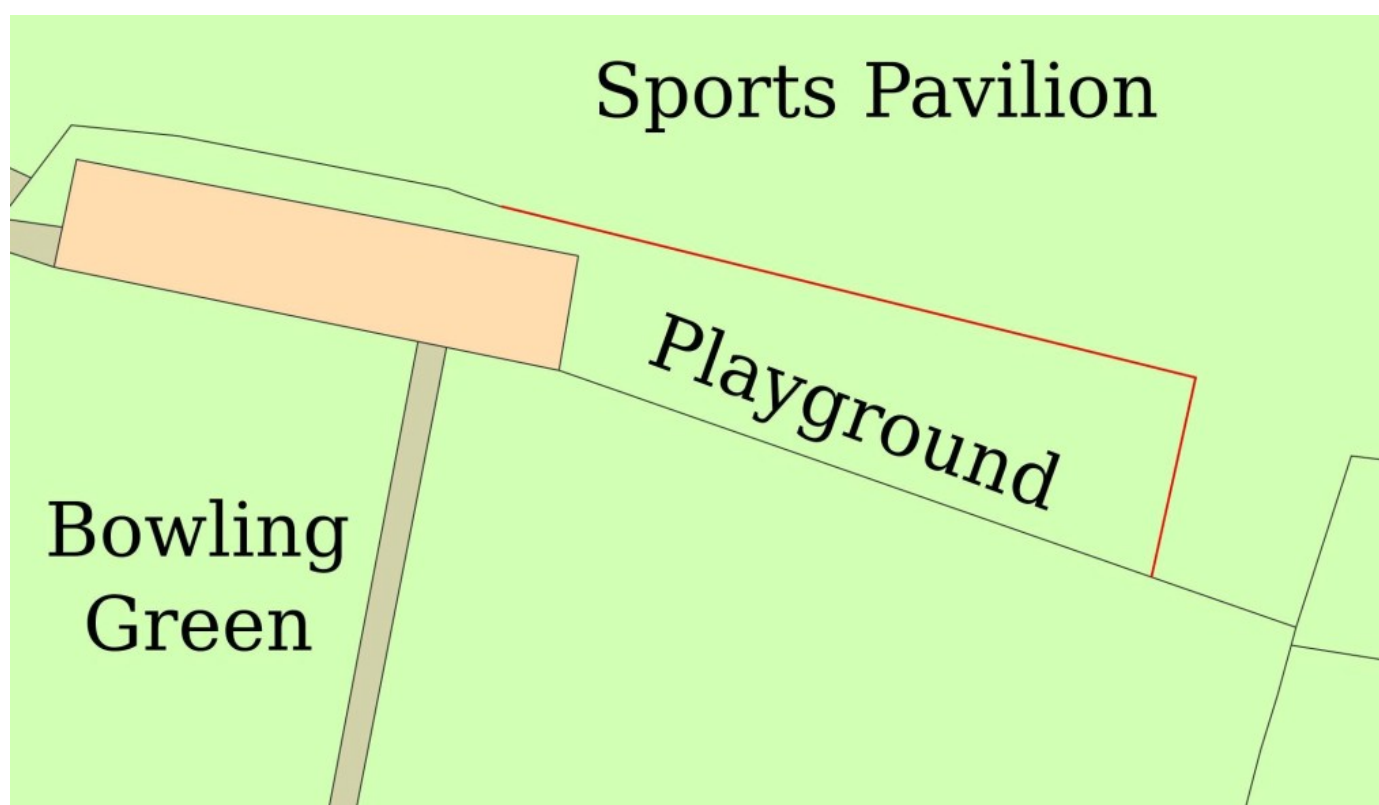
The playground is to the east of the sports pavilion for Cobham Bowls Club; to the north of the area of land is the cricket pitch for Cobham Cricket Club; to the south is the playground of Cobham Primary School



which has a row of trees on its northern boundary and to the east is a field with trees around the edge of the cricket pitch. The site is located in the Green Belt, the Cobham Conservation Area, the Kent Downs National Landscape, Ashenbank and the Cobham Parkland Landscape Character Area,

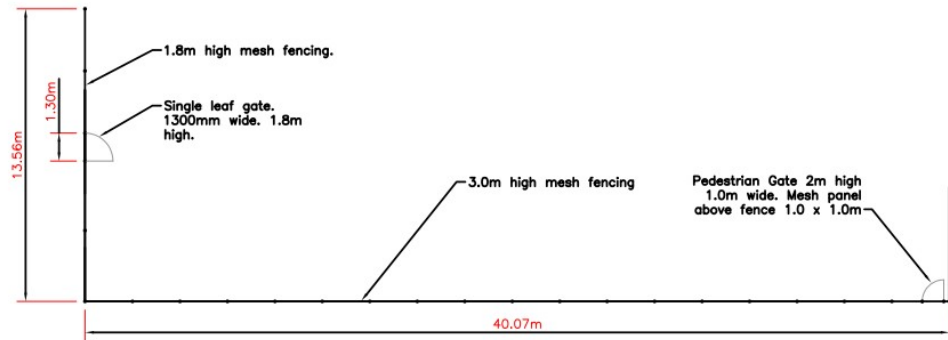
The proposal is to replace the existing chain link fencing along the northern and eastern boundaries of the playground. The length of the fencing would remain the same along the northern and eastern boundaries and the height would remain the same along the eastern boundary at 1.8m. The height of the fencing along the northern boundary would increase from 3m to 3.6m. The single gate in the eastern boundary would become a double gate to the same height of 1.8m. The pedestrian gate in the northern boundary would remain the same width of 1m and same height of 2m. Instead of the existing chain link fencing there would be solid green mesh fencing.

For ease of reference the northern and eastern boundary fencing around the playground is seen below (demarcated by the red lines):

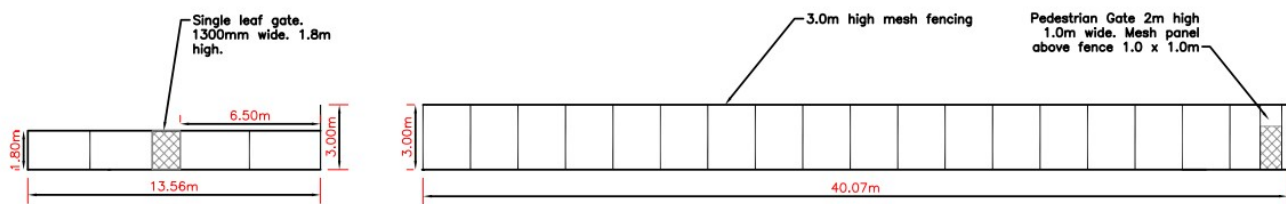


For ease of reference the plans and elevations of the existing and proposed fencing is shown below:

Existing:

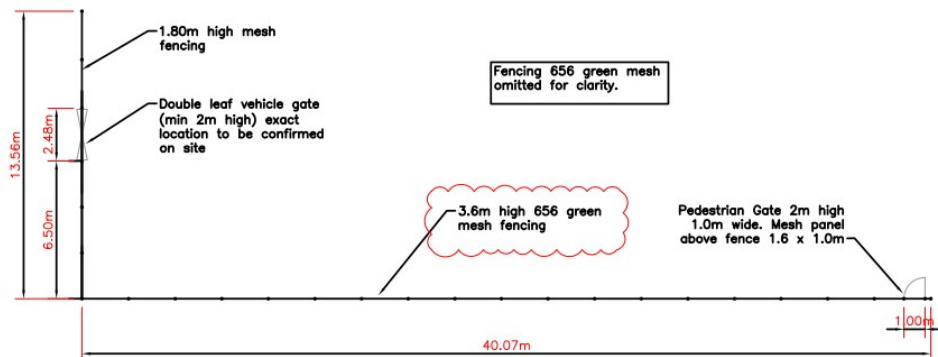


Existing Fence – Plan

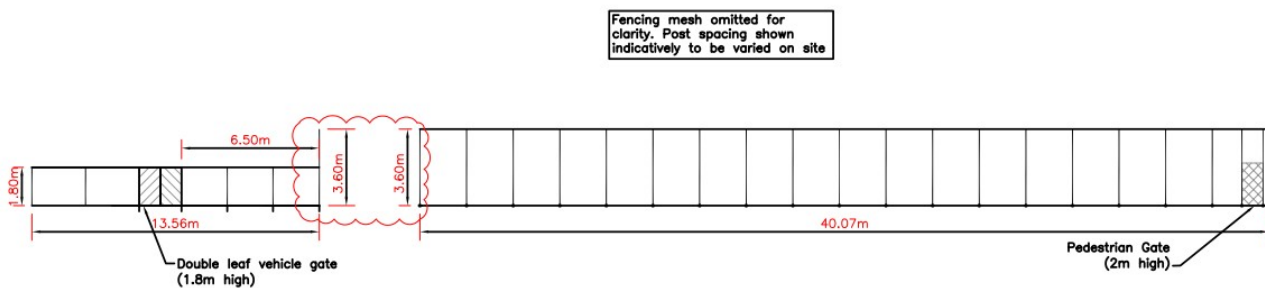


Existing Fence – Elevation

Proposed



Proposed Fence – Plan



Proposed Fence – Elevation

The below images show the existing fencing where the existing tears and rips can be seen:





A visual of the proposed green mesh fencing is as follows:



A visual of the proposed green mesh fencing in situ at another site (note – this is not the application site) can be seen below:



The principal issues in the assessment of the application are as follows:

- Whether the proposal would be inappropriate development in the Green Belt including impact on openness
- Design, Character and Appearance including Heritage
- Landscape Character
- Neighbouring Amenity
- Parking and Highways

Whether the proposal would be inappropriate development in the Green Belt including impact on openness

The site lies within the Metropolitan Green Belt. At the beginning of section 13 of the NPPF (2026) it is stated that the government attaches great importance to Green Belts and that the fundamental aim of Green Belt policies is to prevent urban sprawl by keeping land permanently open with their essential

characteristics being their openness and permanence.

Policy GB2:1 of the NPPF (2026) sets out that the Green Belt has five purposes:

- a. Check the unrestricted sprawl of large built-up areas;
- b. Prevent neighbouring towns merging into one another;
- c. Assist in safeguarding the countryside from encroachment;
- d. Preserve the setting and special character of historic towns; and
- e. Assist urban regeneration by encouraging the recycling of derelict and other urban land.

Policy GB6: 2 of the NPPF (2026) sets out that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt which would be caused, including harm to its openness. It states that 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that '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 proposed development, is clearly outweighed by other considerations.

Policy GB7 of the NPPF (2026) states that the following categories of development are not inappropriate in the Green Belt, and therefore should not be regarded as harmful to the Green Belt or be required to demonstrate very special circumstances:

- a. Development which is for agriculture, horticulture and forestry, or which is solely for nature conservation, restoration and/or enhancement;
- b. The reuse, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the original building. In the case of proposals for a replacement building, it should be for the same use and not materially larger than the one it replaces;
- c. Limited infilling in villages lying within the Green Belt;
- d. Limited affordable housing for local community needs under policies set out in this Framework or the development plan (for instance, on a rural exception site);
- e. The redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential), which would not cause substantial harm to the openness of the Green Belt;
- f. Certain other forms of development, provided the impact on the openness of the Green Belt is minimised, and there would not be a significant conflict with the Green Belt purposes. These are:
 - i) Mineral extraction and processing, engineering operations, and transport, electricity network, water and telecommunications infrastructure required in a Green Belt location);
 - ii) Development brought forward under a Community Right to Build Order or Neighbourhood Development Order;
 - iii) Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - iv) The provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments.

g. Development where all of the following apply:

- i. 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;
- ii. There is an evidenced unmet need for the type of development proposed⁴¹;
- iii. The development would be in a sustainable location, with particular reference to policy TR3 of this Framework⁴²; and
- iv. In the case of major development involving the provision of housing, the development proposed complies with policy GB8.

h. Residential or mixed-use development which would:

- i) Be within reasonable walking distance of a well-connected station (applying the definitions in the glossary at Annex B);
- ii) Be physically well-related to the station or the settlement within which the station is located;
- iii. Be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure;
- iv. Not prejudice any proposals for long-term comprehensive development in the same location; and
- v. In the case of proposals for major development, comply with policy GB8.

The application site is a children's playground with no building on it but fencing along the northern and eastern boundaries. It is therefore considered that of relevance to the proposal is f (iv) 'the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments', given that a children's playground can be classed as outdoor recreation and the replacement fencing would be in connection with this children's playground.

The fencing would be the same length and height as the existing fencing on the shorter eastern side. On the northern side it would be the same length as the existing fencing but 600mm greater in height which is not considered a significant increase. The fencing would be thicker and harder horizontal and vertical metal lines rather than the diamond shaped wiry mesh, but the fencing would still be open and would not be solid or opaque; it would be green colour which would merge into the grass of the cricket pitch and the trees behind.

It is considered that as the proposed fencing would be only 600mm greater in height than the existing fencing on the northern side and would only have slightly thicker and harder mesh fencing than the existing, the fencing would not cause any harm to the openness of the Green Belt.

As the proposal would be for the provision of appropriate facilities in connection with the existing use of land for outdoor recreation, it would meet the exception f (iv) of Policy GB7 of the NPPF (2026). The proposal would also preserve the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt. As such the proposal is considered compliant with Policy CS02 (LPCS).

Design, Character and Appearance including Heritage

The children's playground is set far back from The Street behind the school and bowling green and next to the bowls club and opposite the cricket pitch. Given the playground is next to the cricket pitch it suffers from cricket balls hitting the fencing hence why the proposed replacement fencing is proposed as the existing is in a poor state of repair with large 'tears' in it where the wiry fencing has ripped. The

replacement of this tired and damaged fencing with fresh new fencing will be an enhancement to this open area at the back of The Street. The proposed fencing is slightly thicker metal as stated but it would still be open fencing and not solid. The green colour would be in keeping with the surrounding greenery.

The playground is in the Cobham Conservation Area and as the proposed replacement fencing is considered acceptable in terms of material and appearance it would preserve the character and appearance of The Street, Cobham Conservation Area and would not cause harm to it.

In respect of design, character and appearance including heritage the proposal is considered compliant with Policies CS19 and CS20 (LPCS) and saved Policy TC3 (LPFR).

Landscape Character

The site is in the Kent Downs National Landscape and the Ashenbank and Cobham Parkland Landscape Character Area. The proposal is for replacement green mesh fencing which would only be slightly higher (by 600mm) on the northern section and of slightly thicker metal work than the existing wire fencing, it is considered that the proposal would be acceptable in respect of scale and materials and would have no adverse impact on the Kent Downs National Landscape and the landscape character.

In respect of landscape character the proposal is therefore considered compliant with Policies CS12 and CS19 (LPCS).

Neighbouring Amenity

Due to the distance of any neighbouring properties from the proposed replacement fencing, there would be no impact on neighbouring amenity and as such in respect of this matter the proposal is compliant with Policy CS19 (LPCS).

Parking and Highways

As the proposal is for replacement fencing there would be no impact in relation to parking and highways matters and the proposal is considered compliant with saved Policy P3 (LPFR).

Any Other Material Planning Considerations

None.

Conclusion

The proposal would not be inappropriate development in the Green Belt, would not impact on openness, would be acceptable in respect of design, character and appearance and would preserve the character and appearance of The Street Conservation Area, would not harm the National Landscape or the Ashenbank and Cobham Parkland Landscape Character Area and would not impact on parking or highways. As such the proposal is compliant with local and national planning policy.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Mrs Faye Walsh
Signed:	<i>Rebecca Harrison</i>	Signed:	<i>F Walsh</i>
Dated:	15th September 2026	Dated:	16 September 2026