

Delegated Report

Permission in Principle Application

Planning Application No: 20250876

Location: Walnut Hill Nursery Walnut Hill Road Gravesend Kent

Description: Permission in Principle application: Erection of up to 9 dwellings and associated works.

Applicant: Mr C Lawson

Submitted Documents/Plans

Application form
Drawing no. 01 (Site Location Plan)
Planning Statement
Contamination Assessment (Revised April 2025)
Transport Statement (August 2025)

Relevant Planning History

Reference	Description	Decision	Decision Date
20250864	Retrospective change of use of the land and building(s) to offices with hard surfacing to create additional parking/delivery area.	Pending	
AP 2025/001/ENF	Appeal against the Enforcement Notice that without the benefit of planning permission, the material change of use of the Land which includes the buildings) from an agricultural use to a mixed use of Use Class E (Commercial, Business and Service) and Sui-Generis Use in relation to the operation of a drainage company including for the avoidance of doubt the parking of HGV tanker lorries in connection with the unauthorised use.	Appeal Dismissed	02.06.2025
20241055	Retrospective erection of a detached outbuilding.	Refused	24.01.2025
20241054	Retrospective erection of a front porch.	Permitted	22.01.2025
20241053	Re-cladding, re-roofing and associated alterations to openings of existing steel framed building.	Refused	24.01.2025
20240607	Application to determine if prior approval is required for a proposed; conversion of a building to a commercial use Class E, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class R.	Refused	29.08.2024
20000600	Removal of existing portacabins and sheds and erection of a barn to provide equipment/materials storage, propagation area, potting and packing and loading areas at ground floor level and staff facilities, drying room,	Permitted	18.05.2001

	office and storage at mezzanine floor level and an external fire escape staircase at the side.		
19970030	Removal of existing portakabins and sheds and erection of replacement building for gardening storage, machinery room, packing room and potting-up room at ground floor, incorporating sheltered walkway and refuse and chemical store, with office accommodation and storage at first floor level.	Refused	03.07.1997
19900708	Retention of portacabin and continue use as office/cloakroom/store room/rest room.	Permitted	16.01.1991
19870728	Retention and continued use of caravan as a canteen rest room and office	Refused	04.11.1987
19840450	Retention of caravan for use as a canteen rest room	Permitted	27.07.1984
19770525	Outline application for use of site for riding school comprising stables loose boxes haystore and tackroom	Refused	01.09.1977

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- 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, T3, T4 – Impact of Development on the Highway Network
- T5 – Access to the Identified Highway Network
- P3 – Vehicle Parking Standards

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

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG 4 – KCC Parking Standards (2006)
- Gravesham Landscape Character Assessment (2009)

- Design for Gravesham – Design Code (2024)
- Permission in Principle Guidance (updated 2019)

Consultations, Publicity and Representations

Part 2A, Paragraph 5J of The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 sets out the consultation requirements of applications for Permission in Principle (PiP). It states that consultations should be undertaken for 14 days prior to a decision notice being issued and that the relevant consultees are set out in the Table in Schedule 4 to the Town and Country Planning (development Management Procedure) (England) Order 2015.

A site notice was displayed on site, which expired on 22nd July 2025.

The following neighbour representations were received:

- This Green Belt location comes with restrictions in order to maintain the Green Belt.
- Inappropriate development in the Green Belt.
- An additional 9 properties would quadruple the current number of dwellings on the road (3); this is an overdevelopment of the site.
- Why would a commercial activity be combined with a residential development proposal in the Green Belt? 'Smoke screen' for utilising housing for benefit of the commercial operation.
- 9 houses not in keeping with neighbouring properties in large plots.
- Housing density excessive.
- Other applications for housing in the area have been rejected.
- The development is not sustainable in terms of access to local facilities, infrastructure, pedestrian access, etc.
- Bus stops can only be reached by using Nash Bank, which has a 60mph speed limit; not safe for walking. Buses are limited. The train station would realistically only be reached by car. Blind turn onto Wrotham Road from Nash Bank.
- Extensive concerns made by residents about highway safety and huge increase in traffic volume since unauthorised change of use at the site. Accidents and incidents are known to have occurred but have not been reported.
- Drainage yard and office already have a constant flow of cars and vans coming and going and if this use stays the number of vehicles using the site will be significant.
- Access road not suitable for more development; dangerous for pedestrian, equestrian and cycle users.
- Access road is narrow with poor visibility, no lighting, no footpath and few passing points.
- Entrance to site is restricted with single entry/exit.
- The proposed development ignores current traffic volume and safety concerns resulting from the current use of the site. As the commercial use is proposed to be retained, this is the traffic volume that should be taken into account.
- Impact on wildlife.
- Building works will create congestion, noise and dangerous road conditions.
- Added burden on schools/doctors etc.
- Any planning conditions imposed are not likely to be complied with.
- Concern about utilities for the road and how they will handle another 9 houses.
- This type of proposal is not appropriate for a PiP; given the proposal includes an access it would extend to more than the size required for such an application.
- The application process is being used to its maximum limit with no regard for the appropriateness of the amount of development on the site.
- Traffic data for the previous plant nursery use is inaccurate.
- The information about the opening and trading of the previous plant nursery is incorrect.
- The site is subject to an enforcement notice.

Consultees

KCC Highways

It is understood that for a Permission in Principle application the only matters for consideration are Location; Land Use Type; and Quantum of Development. If and when this application is granted approval then a further planning application is necessary to consider detailed technical issues which is where most transport issues will be considered such as junction visibility and the impact on the local highway network.

It is therefore not appropriate at this stage to consider the highway impact although it must be recognised that this proposed residential development is in an unsustainable location where almost all travel will be using the private car and not complying with Paragraph 115 of the NPPF. The local lanes are narrow, single track and unlit and are not suitable for walking or cycling and access to public transport is infrequent and is 800m distant along the same narrow lanes. However, it is accepted that this proposal for a small rural development and the opportunities of introducing mitigating measures to improve sustainable transport are very limited.

In conclusion and in view of the above, no objection is raised on highway grounds to this PiP application.

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.

Officer's Analysis

The application is made under the provisions of the Town and Country Planning (Permission in Principle) (Amendment) Order as amended. The proposal seeks permission in principle for residential development.

This consent route has two stages. The first stage establishes whether a site is suitable in principle. The second stage, i.e. the technical details consent, is where the detailed development proposals are assessed.

The current proposal relates to the first stage and therefore only the principle of the proposal in respect of its location, land use and amount of development can be considered. Issues relevant to these 'in principle' matters can be considered at this stage. All other matters should be considered at the technical details consent stage.

The Local Planning Authority can inform applicants what they expect to see at the technical details consent stage but cannot impose planning conditions.

Site Description

The Walnut Hill former nursery site is located on the northern side of Walnut Hill Road, set back behind metal entrance gates, within a treed setting. Due to the narrow and winding nature of the tree/hedge-lined Walnut Hill Road where the site is accessed, public views into the site are fairly restricted until directly in front of the entrance.

The site is rectangular in shape, is approximately 50m in width and extends back some 270m. The front part of the site is more 'built up' and includes polytunnels, buildings/structures for offices, workshops and storage, and parking areas. The rear part of the site has been cleared and remains devoid of any structures, though there are some new areas of hardstanding.

The site was taken over by the drainage company, First4Drains, when the previous plant and flower nursery, Walnut Hill Nurseries, closed in 2022. As a former flower and plant nursery, the current use of the site is described as agricultural/horticultural.

Immediately to the west of the site is a residential property, Sheridan, and the former Conifers Camping and Caravan site. To the east is woodland and to the north and south there are open agricultural land and fields.

Proposal

The proposal seeks permission in principle for the erection of up to 9 dwellings and associated works. This would include use of the existing access to the site from Walnut Hill Road. No plans have been submitted with the application.

Permission in Principle Limitations

The scope of consideration for this Permission in Principle application is limited to location, use and amount of development proposed, with reference to the Development Plan and other material considerations, including the National Planning Policy Framework (NPPF) 2024.

There are certain limitations set out in the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 in relation to the types of development that a local planning authority may not grant permission in principle. For the avoidance of doubt the proposed development is not:

- (a) Major development
- (c) Householder development
- (d) Schedule 1 development

With regards to (b) habitats development, the site falls within 6km of the Thames Estuary and Marshes SPA/Ramsar Sites. The Permission in Principle Guidance 2019 states that permission in principle must not be granted for development which is habitats development (para 005):

Habitats development means development which is likely to have a significant effect on a qualifying European site or a European offshore marine site, referred to as habitats sites in the National Planning Policy Framework (either alone or in combination with other plans or projects); is not directly connected with or necessary to the management of the site, and; the competent authority has not given consent, permission, or other authorisation in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017. This means for sites where development is likely to have a significant effect on a qualifying European site or a European offshore marine site without any mitigating measures in place, the local planning authority should ensure an appropriate assessment has been undertaken before consideration of the grant of permission in principle. If the local planning authority is satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affects the integrity of the protected site, then, subject to compliance with other statutory requirements regarding the permission in principle process, it can grant permission in principle.

Habitats sites are defined in the NPPF 2024 as: *Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.)*

As the proposed development meets the definition of habitats development, in line with the PiP guidance, permission in principle must not be granted. This matter will be discussed further below.

The proposed development is also not considered to be Schedule 1 or 2 development within the meaning of the Environmental Impact Assessment Regulations.

Location and Land Use

The site lies outside the nearest settlement boundary of Istead Rise, and has a number of constraints, including being within the Green Belt (as defined in the Local Plan Core Strategy Proposals Map), in the Istead Arable Farmlands Landscape Character Area, in an Archaeological Notification Area and in a Groundwater Source Protection Zone. With regard to the latter two constraints, matters relating to these would not be considered as 'in principle' issues and would be considered at the technical details consent stage.

Location – Green Belt

The current use of the site is agricultural. The proposed land use for the site is residential. As the site is within the Green Belt, this is the main consideration of the principle of the proposal.

A recent enforcement appeal for the material change of use of the land and buildings at the site to a sui generis use as a drainage engineering depot, including the parking of HGV tanker lorries and commercial vans and the storage of equipment and materials, was dismissed (appeal ref: APP/K2230/C/25/3358530 – see Appendix 1).

This appeal considered the matter of whether the site should be considered as 'grey belt' as defined by the NPPF 2024, and it was concluded that it was grey belt land. This is because it does not strongly contribute to any of Green Belt purposes (a), (b), or (d) in paragraph 143 of the NPPF 2024. This is relevant to the consideration of this PIP application.

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 preserving the open and permanent characteristics of Green Belts (paragraph 142 of the NPPF 2024). Paragraph 153 of the NPPF 2024 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Any harm to the Green Belt should be given substantial weight. Development in the Green Belt is inappropriate unless either it would utilise grey belt and satisfy all three criteria set out in paragraph 155 of the NPPF 2024 or one of the exceptions in paragraph 154 applies (which they do not). In relation to the criteria in paragraph 155, as with the previous appeal, the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, thus criterion (a) of paragraph 155 is met.

In relation to criterion (b) of paragraph 155, paragraph 34 of the NPPF 2024 sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy 2014 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.

With regard to housing need, Policy CS02 of the Core Strategy 2014 sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings to be delivered at variable rates over the plan period (2028).

Paragraph 78 of the NPPF 2024 states that the Borough's five-year land supply should be demonstrated against either the housing requirement set out in adopted strategic policies or against the local housing need where strategic policies are more than 5 years old. As the Borough's Local Plan Core Strategy (2014) is more than 5 years old, the Government's Standard Method now forms the basis of the Borough's housing need against which supply must be identified.

Evidence now available shows that the Council is not able to demonstrate a five-year housing supply. A 3 year supply has most recently been calculated within the Five Year Housing Land Supply Statement 2024-2029 (dated February 2025), and as the delivery of housing was substantially below that required by the Housing Delivery Test (less than 75%) at 59%, which engages the presumption in favour of sustainable development and requires a 20% buffer to be applied to the Borough's housing need figure. As set out in the 2024-2029 statement, the Borough's five-year local housing need figure with a 20% buffer is 4,032 dwellings which equates to an annual requirement of 672 dwellings.

This engages footnote 8 of the NPPF 2024, which means that, for decision taking, as set out in Paragraph 11(d) of the NPPF 2024, planning permission for applications involving the provision of housing should be granted, unless there are clear areas or asset protection reasons (including land designated as Green Belt, as is the case with the proposal site) for refusing the development or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. A balancing exercise would therefore be undertaken when considering any future application for housing on these sites, to ensure that the correct weight is attached to the shortfall in meeting the five-year housing land supply requirement and the provisions within the NPPF.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 129(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development would provide a net increase of up to 9 residential units, which would contribute towards meeting the identified unmet housing needs of the Borough. Consequently, it would comply with criterion (b) of paragraph 155.

Criterion (c) is that the development would be in a sustainable location with particular reference to paragraphs 110 and 115 of the NPPF 2024. Paragraph 110 relates to 'significant development' and whilst the proposed development is not classed as a major development, 9 houses is not an insignificant development.

The matter of whether the development would be in a sustainable location was considered at the previous appeal. The Inspector considered that *'the site is in the countryside where public transport options available in the locality will be limited'*. She recognised that there is limited information about how the former use of the site actually operated, and it is therefore difficult to truly compare the current and previous uses. However, the Inspector concluded that *'the site cannot be deemed to be in a location where sustainable transport options offer an alternative to reduce congestion and emissions and improve air quality and public health. Moreover, there is little to persuade me that the location is one that could be made sustainable.'*

In relation to the matter of sustainable transport modes, it is also appropriate to address whether safe and suitable access to the site can be achieved for all users. The roads within proximity of the site are narrow, winding, unlit and lack pedestrian footways. Longfield Avenue to the west is unmade with poor surfacing. There are limited formal 'pull-in' places to allow vehicles to pass. The Inspector concluded that this makes the local road network challenging for road users and was not persuaded that safe and suitable access to the site could be achieved in these circumstances.

Whilst a Transport Statement has been submitted with this PiP application, the highway impact cannot be considered (this detailed technical issue including junction visibility and the impact on the local highway network would need to be considered at the next stage of this process). However, in relation to sustainability, KCC Highways comments align with the Inspector's. They have commented that this proposed residential development is in an unsustainable location where almost all travel will be using the private car and would not comply with Paragraph 115 of the NPPF 2024. The local lanes are narrow, single track and unlit and are not suitable for walking or cycling and access to public transport is infrequent and is 800m distant along the same narrow lanes.

On the basis of the Inspector's and KCC Highways' conclusions, the development does not meet criterion (c).

In a similar vein, a recent appeal for a proposed change of use of an agricultural building into five holiday let units at Abbey Farm Barn, Church Street, Higham, was dismissed, as the site was found not to be in a sustainable location, and would therefore not comply with the exception regarding the development of Grey

Belt land. Although the walking distance to the nearest village was not considered to be excessive, access is along an unlit country road with no demarcated footway. The Inspector determined that the nature of this route would be likely to deter pedestrian and cycling access to the village, particularly in the evenings and during the winter months, and therefore future occupiers would not be able to rely on accessible local services and facilities to serve their everyday needs without having to travel some distance and in all likelihood by car. This appeal decision can be found at Appendix 2.

Criterion (d) does not apply, as the application is not a major development. However, in relation to affordable housing, Policy CS16 of the Core Strategy 2014 requires the provision of affordable housing on all new housing developments of 3 units or more in the rural area. The amount to be provided will be 35%. This housing proposal does not provide any affordable housing and would be contrary to Policy CS16. However, this would be a matter to be considered at technical details stage once final housing numbers are confirmed.

Since not all of the criteria in paragraph 155 of the NPPF 2024 are met, the proposed development cannot be deemed to be not inappropriate on the basis that it uses grey belt land.

In conclusion, in relation to the narrow scope of consideration allowable when assessing and determining a PiP, in terms of the location of the site within the Green Belt, the proposed residential development is inappropriate and would therefore be harmful to the Green Belt. This is given substantial weight in accordance with paragraph 153 of the NPPF 2024. Such development should not be approved except in very special circumstances. There are no special circumstances that have been put forward that would outweigh the harm to the Green Belt by reason of inappropriateness, and therefore the application should be rejected on this basis.

Location – Landscape Character

The application site is located in the countryside and in the Istead Arable Farmlands Landscape Character Area within the Gravesham Landscape Character Assessment (GLCA) 2009 and as such, Policy CS12 of the Core Strategy 2014 is relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the GLCA will be taken into account in determining applications. The GLCA states that the character area is defined by gently undulating topography with open arable fields divided by roads, tracks and occasional hedgerows, with orchards to the east and minor native woodland clumps. The overall condition of the landscape is poor and has moderate sensitivity. It is recommended that distinctive features and patterns of the landscape should be restored, while landscape elements that support landscape character should be created.

Paragraph 187 of the NPPF 2024 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.

Section 12 of the NPPF 2024 relates to achieving well-designed and beautiful places and sets out the Government's requirements in relation to design issues. Paragraph 131 emphasises the importance of achieving high quality, beautiful and sustainable buildings and places. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 of the NPPF 2024 also 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.

In the previous enforcement appeal (appeal ref: APP/K2230/C/25/3358530 – see Appendix 1), the Inspector set out that the clearance of the site, laying down additional hardstanding, parking of vehicles and construction of new buildings significantly altered the visual appearance of the site from the previous horticultural use to one of a semi-urban nature. The change was considered to be one that is discordant

with the verdant rural surroundings and the effect of the development is urbanising within the rural landscape setting.

However, the Inspector concluded that with appropriate landscaping and biodiversity enhancement conditions, the commercial use of the land would not unacceptably harm the landscape character of the area.

The proposed residential land use would also undoubtedly alter the visual appearance of the site and urbanise it further, but it is considered that with appropriate landscaping, a residential development could be designed to complement the landscape character of the area. Thus, in principle, the proposed land use is acceptable in this location with regards to the impact on landscape character and the proposal would meet the relevant requirements of Policies CS12 and CS19 of the Core Strategy 2014 and Sections 12 and 15 of the NPPF 2024.

Amount of Development

As discussed above, Section 12 of the NPPF 2024 relates to achieving well-designed and beautiful places and Policy CS19 of the Core Strategy 2014 requires new development to be well designed and respectful of the character and appearance of the surrounding area.

Whilst it is recognised that development which makes effective use of land should be supported (paragraph 124 of the NPPF 2024), this comes with the proviso that it should safeguard and improve the environment and not conflict with other policies in the NPPF. Relevant to this proposal, paragraph 129 of the NPPF states that developments that makes efficient use of land should be supported, taking into account the identified need for different types of housing, the desirability of maintaining an area's prevailing character and setting (including residential gardens), and the importance of securing well-designed places.

In a similar vein, Policy CS14 of the Core Strategy 2014 sets out that new housing development is expected to provide a range of dwelling types and sizes, taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities. The proposal would involve the erection of up to 9 detached dwellings in an area where neighbouring dwellings are largely detached on generous plots.

Policy CS15 of the Core Strategy seeks to achieve a minimum density for residential development in the rural area of 30 dwellings per hectare (dph), subject to the overriding consideration that all new housing will be at a density that is consistent with achieving good design and does not compromise the distinctive character of the area. The application site measures 0.99 hectares; 9 dwellings on this site would be below the density target of 30 dph at 9 dph.

In principle, whilst no plans have been submitted with this application, the proposal would be consistent with the general aims of Policies CS14 and CS15. The details of the layout, scale and appearance of the proposed dwellings would be assessed at the technical details consent stage.

Other Material Planning Considerations

Recreational Pressures on the Thames Estuary and Marshes Ramsar / Special Protection Area (SPA) – SAMMS Tariff

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

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

As the application site is within 6km of the Thames Estuary and Marshes SPA/Ramsar Sites and would provide additional residential accommodation of up to 9 dwellings, the proposed development is likely to have a significant effect, either alone or in-combination, on the SPA/Ramsar sites from recreational disturbance on the over-wintering bird interest. On this basis, a tariff of £3037.41 is required (given 9 additional dwellings are proposed on the site).

An appropriate assessment has been undertaken (see Appendix 3), but as the applicant has not paid the SAMMS Mitigation Contribution for the proposed residential properties, the Local Planning Authority cannot be satisfied that the proposal would put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar Sites, and therefore has not met the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 193 and 195) of the NPPF 2024 and Policy CS12 of the Core Strategy 2014. On this basis, and in line with the PiP guidance, permission in principle cannot be granted.

Conclusion

When considering the location and land use of the proposed development, as the site is located within the Green Belt, and fails to meet all the requirements of paragraph 155 of the National Planning Policy Framework 2024 regarding the development of Green Belt land, the proposed residential development is regarded as inappropriate and would therefore be harmful to the Green Belt. This is given substantial weight in accordance with paragraph 153 of the National Planning Policy Framework 2024. Such development should not be approved except in very special circumstances. There are no special circumstances that have been put forward that would outweigh the harm to the Green Belt by reason of inappropriateness, and therefore permission in principle cannot be granted. The proposal would be contrary to the relevant requirements of Section 13 of the National Planning Policy Framework 2024 and Policy CS02 of the Gravesham Local Plan Core Strategy 2014.

The proposal fails to secure a contribution towards strategic mitigation measures within the Thames Estuary and Marshes Special Protection Area/Ramsar Sites to resolve disturbance issues to wintering birds, and in the absence of this contribution or any relevant evidence to inform an appropriate assessment, the development fails to comply with the requirements of the Habitat Regulations and paragraphs 193 and 195 of the National Planning Policy Framework 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Recommendation

Refusal.

(For detailed reasons for refusal 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:	1 October 2025	Dated:	8th October 2025