
GSP PROJECT REF: [3760.PN](#)

PLANNING, DESIGN AND ACCESS STATEMENT

**LAND TO THE REAR OF STARWOOD
PEARTREE LANE, SHORNE, DA12 3JU**

DECEMBER 2022

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1.0 INTRODUCTION

- 1.1 This statement is prepared in support of a revised detailed planning application relating to the following proposed development:

Demolition of existing stables and removal of containers and conversion of existing framed structure to form separate bungalow with three bedrooms plus erection of detached double garage, additional single storey rear extension, front porch and use of existing access

- 1.2 The Land Registry titles affected by this development are as follows:

- K654169 (described as land adjoining Starwood), and;
- K424735 (described as Starwood).

2.0 SITE CONTEXT

- 2.1 The existing Starwood curtilage comprises a large detached property on the northern side of Peartree Lane set within a 0.6 hectare plot of land, which forms part of the applicant's wider site ownership that extends to another 10.2 hectare, inclusive of a 7 hectare woodland and 2.2 hectare paddock.
- 2.2 The existing dwelling is set back by a minimum of 50m from the highway and benefits from two vehicular accesses. One was recently constructed in 2018, as per planning permission 20171122, to provide a separate and direct access to the stable, tack room, feed store and storage containers that exist within the parcel of incidental paddock land that is the subject of this planning application.
- 2.3 A separate access to the subject 0.35 hectare parcel of land is therefore already in situ, as is the frame of a stable building. It is understood that this was constructed in early 2018. A similarly sized stables building was the subject of a 2005 lawful development certificate, but was to be located on the higher ground to the west. In a subsequent application for a lawful development certificate, the land has been certified as being lawful garden land in connection with Starwood (see Planning History section below). This confirms that the subject land is entirely previously developed being a residential garden located outside a built-up area. The site is outside of the rural settlement of Shorne. A fence already divides the grassed garden from the incidental paddock and therefore marks the southern end of the application site (excluding the access).
- 2.4 Beyond the site, there is the aforementioned paddock and woodland to the north that are both under the applicant's ownership, whilst the existing built form is part of a ribbon of housing along Pear Tree Lane to the south, all set within generous plots of previously developed land.

3.0 PLANNING HISTORY

- 3.1 The following planning applications are considered relevant to this application and relate to Starwood in its entirety:
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- [Erection of bungalow and garage](#)

Ref. No: 19600015 | Status: Application Permitted

- [Demolition of existing lean to and conservatory and erection of 2 storey extension at rear and single storey extensions at side for garages and workshops and formation of rooms in roof space](#)

Ref. No: 19750235 | Status: Application Refused

- [Alterations and additions to provide additional living accommodation and erection of a detached garage](#)

Ref. No: 19750472 | Status: Application Permitted

- [Section 64 determination as to whether planning permission is required for the use of part of the ground floor as a guest house for 3 no. paying guests.](#)

Ref. No: 19910032 | Status: Planning permission is required

- [Conversion of the existing detached double garage at the front into a dwelling incorporating the construction of dormer extensions in the northern and southern roof slopes and erection of a covered walkway linking it to the existing dwelling.](#)

Ref. No: 19910126 | Status: Application Refused

- [Conversion of and single storey extension to the existing car port at the side to form lounge/ dining area, kitchen, w.c. and entrance hall.](#)

Ref. No: 19910379 | Status: Application Permitted

- [Demolition of s/s lean-to on east elev.; erection of 1st flr. extension on west elevation to form bedroom; construct. of eyebrow dormer in the south roof slope & 2no. dormer windows in the north roof slope & erection of single storey infill extension on the north elevation to form enlarged kitchen.](#)

Ref. No: 19910714 | Status: Application Permitted

- [Erection of a detached double garage in the front garden with storage in the roof space and external staircase on the side elevation Refused Erection of an open porch on the front elevation. Permitted](#)

Ref. No: 20010321 | Status: Split Decision

- [Application for Lawful Development Certificate in respect of the proposed erection of a stable block with tack and feed store and a hay barn within the residential curtilage.](#)

Ref. No: 20050529 | Status: Application Permitted. All built form was to be located within the residential curtilage. These buildings were to be located along the western boundary line, towards the rear NW corner of the site. The main stable block building was to be 22m long, 10m deep and 4m high.

- [Application for a Lawful Development Certificate in respect of the proposed construction of a dormer extension in both of the side roof slopes of the detached garage at the front.](#)

Ref. No: 20050675 | Status: Certificate Refused

- [Variation of condition \(iii\) of planning permission reference number GR/74/472 for erection of a detached garage; to allow the store in the roof space above the garage to be used as a hobby room and construction of dormer extensions in both side roof slopes of garage to provide enlarged roofspace for the hobby room/store.](#)

Ref. No: 20050912 | Status: Application Permitted

- [Formation of an additional vehicular access and driveway onto a classified road.](#)

Ref. No: 20171122 | Status: Application Permitted. Constructed in 2018.

3.2 A pre-application relating to the demolition of existing buildings to the rear of the existing residential property and the erection of a detached chalet bungalow was submitted in 2020. The Council's written response under reference PRE20200330 treated the existing buildings as not being in the same use class as the proposed, whilst they also noted that the replacement building would be materially larger than the building(s) it was to replace. Aside from Green Belt harm, the Council felt that the proposal could potentially result in harm to landscape character.

3.3 The following two records followed the pre-application response:

- [Application for a Lawful Development Certificate in respect of the existing use of land and for residential purposes, falling within Use Class C3\(a\) of the Use Classes Order 1987 \(as amended\).](#)

Ref. No: 20210376 | Status: Certificate Granted. The application site related to the entire residential plot at Starwood and included the land that is the subject of this application. It certified that the lawful use of the land and existing buildings were residential

- [Demolition of existing stables and removal of containers and conversion of existing framed structure to form separate bungalow with three bedrooms plus erection of detached triple garage, additional conservatory, porch and use of existing access.](#)

Ref. No: 20220531 | Status: Application Refused on grounds relating to it being considered inappropriate development in the Green Belt.

4.0 PROPOSED DEVELOPMENT

- 4.1 The applicants wish to demolish buildings and remove containers within the subject northern part of the existing residential curtilage and convert the adjacent existing stable building frame to a separate bungalow with three bedrooms. A single storey rear extension is also to be added to the rear, whilst a small entrance porch will be added to the front. In addition, they also wish to construct a detached double garage to be sited along the northern boundary of the plot. The development will result in a reduced 0.25 hectare plot for Starwood.
- 4.2 This application differs from the previously refused application by virtue of the replacement of the rear conservatory with a rear extension to reflect the intended finish of the converted barn, as well as a double garage being proposed in place of a triple garage, meaning that the overall amount of built form is reduced.

5.0 PLANNING POLICY

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Court of Appeal has clarified that for a decision maker this means establishing whether a proposal is in accordance with the development plan as a whole. The question of compliance with one policy should not dictate the outcome of a proposal in the absence of considering compliance with all other relevant policies. Decision makers are therefore tasked with identifying and understanding all relevant policies and material considerations in order to reach a properly informed planning judgment on a proposal, and to avoid an irrational or vulnerable decision that may be subject to criticism in a public law challenge.
- 5.2 Paragraph 2 of the National Planning Policy Framework ('the Framework') reiterates what is said in Section 38(6), whilst paragraph 12 of the Framework is clear that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 5.3 Paragraph 38 of the Framework encourages local planning authorities to approach decisions on proposed development in a positive and creative way. It also encourages working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, adding that decision-makers should seek to approve applications for sustainable development where possible.
- 5.4 Annex 1 of the Framework confirms that for the purposes of decision-taking, the policies in the plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. It adds that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with greater weight being given to those policies that are closer to the policies in the Framework.
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Development Plan

- 5.5 The Development Plan for the area within which the application site is located comprises the Gravesham Local Plan Core Strategy (CS) (adopted September 2014) and the Saved Policies of the Gravesham Local Plan First Review (LPFR) (adopted November 1994).
- 5.6 Relevant Development Plan policies in the CS include:
- CS01: Sustainable Development;
 - CS02: Scale and Distribution of Development (Green Belt);
 - CS11: Transport;
 - CS12: Green Infrastructure;
 - CS14: Housing Type and Size;
 - CS15: Housing Density;
 - CS18: Climate Change;
 - CS19: Development and Design Principles.
- 5.7 Relevant Development Plan policies in the LPFR include:
- T1: Impact of Development on the Highway Network;
 - T2: Channel traffic to the Primary and District Distributor Network;
 - T3: Development not well related to the Primary and District Distributor Network;
 - T4: Development Outside the Built-up Area;
 - P3: Vehicle Parking Standards.

Other Material Considerations

- 5.8 Despite their age, there are also a number of relevant supplementary policy documents, including the Residential Layout Guidelines (February 1996) and the Vehicle Parking Standards (July 1996).

The Framework

- 5.9 Paragraph 11(d) of the Framework states that for decisions, where the policies which are the most important for determining the application are out-of-date, permission should be granted unless:
- (i) *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing development; or*
 - (ii) *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 5.10 At paragraph 60 the Framework confirms the Government's objective of significantly boosting the supply of homes and that it is important to ensure that a sufficient amount and variety of land can come forward where it is needed. Paragraph 69 of the

Framework acknowledges that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should (amongst others) support the development of windfall sites through decisions.

- 5.11 Paragraph 119 states that decision should promote an effective use of land in meeting the need for homes and making as much use as possible of previously developed land. Paragraph 120 expands on this point by promoting and supporting the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing. Paragraph 124 adds that decisions should support development that makes efficient use of land, taking into account (amongst others) the desirability of maintaining an area's prevailing character and setting.
- 5.12 It is noted that the application of paragraphs 60, 69, 119-120 and 124 all do not depend on whether an authority has a five-year housing land supply (5YHLS).
- 5.13 Paragraph 134 states that "development that is not well designed should be refused."
- 5.14 Paragraph 137 confirms that the Government attaches great importance to Green Belts and that the fundamental aim is to prevent urban sprawl by keeping land permanently open. Paragraph 138 sets out the five purposes of including land in the Green Belt. Paragraph 149 confirms that the construction of new buildings should be considered inappropriate in the Green Belt unless it is for (amongst others): (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- 5.15 Paragraph 174 indicates that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.
- 5.16 The following are also material considerations:
- Nationally Described Space Standards (NDSS) (March 2015);
 - National Design Guide (NDG) (October 2019);
 - Residential Layout Guidelines SPG2 (February 1996, amended June 2020);
 - Kent County Council Parking Standards SPG4 (2006);
 - Gravesham Landscape Character Assessment (May 2009) (a technical document which underpins policy CS12) (the Site lies within the Shorne Woodlands Character Area).

6.0 PLANNING ASSESSMENT

- 6.1 Given the above policies it is considered that the key planning issues relevant to this application are as follows:
- Existing lawful status of the site;

- Whether appropriate development in the Green Belt;
- Character and landscape impact;
- Highway safety;
- Living conditions;
- Five-year housing land supply.

Existing lawful status of the site

- 6.2 Such is the nature of the case for this development, it is vital that the lawful status of the existing site is properly understood. Firstly, whilst the site is in the countryside and the Green Belt, it is not within an Area of Outstanding Beauty.
- 6.3 Despite the Council's initial claims as part of their pre-application response, it has now been proven that the subject land is lawfully residential used in connection with that of Starwood. As such, the Site is also previously developed land, as it is residential garden land not within a built-up area. It is not, as initially described by the Council, as being potentially recreational paddock land.
- 6.4 Given the above, it is quite possible that the proposed alterations to the stable building frame and the erection of a double garage can be considered as exceptions to the otherwise inappropriateness of new buildings in the Green Belt, as set out in parts (c) and (d) of paragraph 149 of the Framework.

Green Belt

- 6.5 The proposed development entails two aspects, which were not separated out as part of GBC's assessment of the previous application. The first aspect involves a number of alterations as well as two extensions to an existing steel framed barn. The applicant wishes to proceed with this aspect under part (c) of paragraph 149 of the Framework that permits "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building." Applying this paragraph does not result in queries relating to use or permanence of the existing building. The second aspect involves the demolition of all domestic outbuildings and containers and their replacement with a double garage.
- 6.6 As was acknowledged in an Inspector's recent appeal decision within GBC (3298308, attached as Appendix GSP1), the impact on openness is implicitly taken into account in the exceptions to inappropriate development unless there is a specific requirement to consider the actual effect on openness. Paragraph 19 of appeal decision 3266223 reaches a similar conclusion when judging an exception under paragraph 149(d) and goes on to take account of the limited visibility of a residential conversion that also involved the change of use of land from agricultural to residential which is not relevant here (see Appendix GSP2). In this case, Framework Paragraph 149(c) and (d) do not require an additional consideration of openness. As such, there is no requirement to separately assess the impact of the development on the openness of the Green Belt. Nor is there a requirement to ensure that the proposal does not conflict with the purposes of including land within the Green Belt (unlike the exceptions in paragraph 150).

- 6.7 Dealing first with part (c), the Framework does not include guidance on what is considered to be 'disproportionate'. In essence, whether or not extensions and alterations are disproportionate is a matter of planning judgement, having regard to the particulars of a proposed development and the relevant site-specific circumstances. The front porch and single storey rear extension will add 84.3 cubic metres to the steel framed barn that is currently 644 cubic metres in volume. The extensions total just 13% of the existing volume of the steel framed barn. This is considered to be 'proportionate.' No assessment as to the relevance of part (c) of paragraph 149 was included in GBC's previous delegated report for reasons unknown to the applicant.
- 6.8 Regarding the proposed double garage, this amounts to 116 cubic metres, whilst the quantity of the built form to be demolished and removed from the site amounts to 351 cubic metres. This is a 67% reduction in the amount of built form that is being proposed in regards to the replacement domestic outbuildings. Evidently, domestic outbuildings being removed from the site and replaced with a single domestic outbuilding means that the use is exactly the same. Compliance with part (d) of paragraph 149 is met because of this and because it is not proposing a materially larger replacement building. It will also ensure the consolidation of built form across the site. Even taken together with the extensions to the steel framed barn, 844 cubic metres of built form will exist, down from the 995 cubic metres that is present (a 15% reduction). It is noted that GBC previously held that the proposal would not be in the same use, but the applicant is unsure as to how GBC reached this conclusion when domestic outbuildings are being exchanged for domestic outbuildings.
- 6.9 GBC's previous delegated report was critical of the applicant's arguments that the hay barn was to be altered and extended to create a dwelling and that "this appears to run contrary to the argument that the development is a replacement building." It needs to be made clear that the works to the hay barn do not involve a replacement building and no such case was advanced previously.

Other Green Belt Matters

- 6.10 It is made clear in this and the previous statement that following GBC's pre-application response the applicant opted to alter the hay barn as opposed to replacing it with a potentially larger structure. Had the whole development involved replacing buildings (which would have been in the same use of course following the LDCE) then paragraph 149(d) evidently gives the applicant the ability to apply for replacement buildings that are larger, but not 'materially larger.' It does not seem sensical to suggest that an alternative that would allow for an uplift in built form within the Site could actually proceed entirely under part (d) of paragraph 149, but alterations and extensions to an existing structure and a replacement outbuilding cannot be considered as falling within multiple exceptions set out in paragraph 149, even though there would be a significant overall reduction in built form.
- 6.11 Whilst the applicant's position is that there is no change in the use of the land, as it has already been proven to form part of Starwood's rear garden, if GBC is minded to disagree with this, in addition to the appeal decision included as Appendix GSP2,

appeal decision 3235302, included as Appendix GSP3, is an allowed development involving the material change of use of the land from agricultural to residential.

- 6.12 GBC also suggested previously that the increase in hardstanding, even if indicated as being reinforced grass, would have a greater impact on openness. It is unclear to the applicant as to how GBC could come to this view when the proposed amounted to 395 sqm yet 400 sqm of existing hardstanding that is not reinforced grass currently exists. A reduction in hardstanding is what is proposed here.

Visual Impact

- 6.12 If GBC do not consider the development to be covered by the exceptions in parts (c) and (d) of paragraph 149, then, in already acknowledging that the site is previously developed land, an assessment should take place as to whether it could be approved under paragraph 149(g) development (which also avoids any arguments about use). The remaining test under part (g) is whether there would be a greater impact on openness by comparison to the existing development. Again, a 15% reduction in built form as well as its consolidation must be given proper consideration in offsetting any potential increase in paraphernalia.
- 6.13 It has been established that openness has both a spatial and visual aspect, the former being taken to mean the absence of built form, whilst the weight given to the latter is a matter of planning judgment for the decision maker.
- 6.14 In regards to the alterations to the hay barn, these will all take place at the ground level only. There will be no increase in the height of the structure, and thus also its presence within the wider landscape. The alterations to the existing structure and the proposed double garage will be screened by a combination of the existing timber fencing to the rear that adjoins the paddock, and fencing and planting along all other boundaries. It is expected that the newly formed separate curtilage will result in a 2m high enclosure dividing Starwood. This will also assist in screening any views of the altered structure from what will become the nearest and most exposed neighbouring dwelling. As is covered in more detail later, the proposed alterations are not considered to be out of keeping or harmful to the wider landscape, a position that GBC agreed with in connection with the previous application, despite that being for a larger and arguably less-sensitive design.
- 6.15 The proposed detached double garage will replace all existing outbuildings and storage containers that currently exist within the site. This built form is somewhat scattered across the site and in terms of openness this will have an impact on the Green Belt. In visual terms the site will benefit from the uplift resulting from the construction of the proposed scheme which will, as an incidental outbuilding, be accommodated easily into the main built footprint and become subordinate to the main building, whilst also resulting in the removal of outbuildings from the western periphery of the curtilage that adjoins the open countryside. This will also serve to improve the effect of any development within the site upon the countryside (notwithstanding that any conflict with the purposes of including land within the Green Belt is not relevant to any of the exceptions in paragraph 149).

- 6.16 As part of this application, a topographical survey was completed to check and ensure that the minimal additional height of the double garage by comparison to existing incidental structures will be viewed as a subordinate structure with the main converted steel framed structure dominating the backdrop, as it currently exists.
- 6.17 From further beyond the site, an extract from Google Streetview is included below and shows the available views of the site from Pear Tree Lane. This confirms that no views of the rear part of the Site are possible (including the existing framed structure):



- 6.18 It is considered that the design of the unit and outbuilding, and the demolition of buildings and structures that line and dominate the north-western boundary, in combination with a conditioned landscaping scheme proposing the replacement of non-native species with native species, will collectively result in a positive effect on the visual aspect of the Green Belt in this location.
- 6.19 These conclusions, with the focus being on consolidation of built form, the unobtrusive setting back of the new dwelling with the removal of outbuildings closer to the front, it is clear that the Green Belt would not appear visually less open from the perspective of a public view from the main highway. Such views are consistent with paragraphs 10 and 11 of the included appeal decision in Sevenoaks (appeal ref: 3236750, attached as Appendix GSP4).
- 6.20 Furthermore, in the case of [20200947](#), GBC found a proposal to be acceptable involving the demolition of existing storage buildings and the erection of a detached 4 bedroom chalet bungalow in the Green Belt that was 24.5% larger than the volume of the buildings that were to be demolished, concluding that (even with this uplift in built form) the proposal would still be an exception under part (g) of paragraph 149 of the Framework. With no change of use of the land relevant to this case and a material reduction in built form it seems to the applicant that it would be unreasonable for

GBC to conclude that this proposal at Starwood is not an exception under part (g) of paragraph 149 if GBC concludes parts (c) and (d) are not relevant.

Conclusions on Green Belt

- 6.21 Overall, on the issue of Green Belt impact, this revised proposal, by comparison to the pre-application and the previously refused proposal, should be considered acceptable and falling within the terms of the exceptions set out in parts (c) and (d) of paragraph 149 of the Framework, or part (g) should GBC not accept the applicant's arguments that both (c) and (d) would act as valid exceptions to this development in the Green Belt.

Character and Landscape Impact

- 6.22 Approximately 80% of the authority is within a designated Landscape Character Area (LCA). The site is within the Shorne Woodlands LCA. GBC's Landscape Character Assessment notes that this area's key characteristics are: (a) wooded ridge isolated by the A2; (b) rural with significant woodland; (c) residential ribbon development and hard urban edge. The key features of this LCA include its: (a) undulating topography; (b) chestnut coppice woodland; (c) strong sense of enclosure; (d) traditional village greens; (e) varied building style and age; (f) chequered brickwork and ornamental brickwork; (g) few highways and busier roads along character area boundaries. The sensitivity of the landscape is categorised as moderate and it states: "the aims are to conserve areas in good condition and reinforce the distinctive features and elements of the landscape." Additional aims involve the conservation and reinforcement of the wooded character through continued coppice management as well as for the ecological interest of the woodland, although as the subject proposal does not affect woodlands, these aims are not relevant.
- 6.23 The pre-application response acknowledged that "the site is not highly visible from surrounding roads or any nearby public footpaths", but added that "the existing structures on the site are not necessarily alien features in the countryside or Green Belt and have the appearance of agricultural buildings." The response expressed a view that it would introduce a residential use with a more permanent, solid building, together with associated residential paraphernalia and pressure for further buildings such as garages and hardstandings. These views were, of course, expressed on the incorrect understanding that the site was not already in residential use. The residential use of the site has now been proven to be lawful as a result of the certificate issued under reference 20210376.
- 6.24 As a result of that decision, the existing structures are incidental to the residential use and the proposed replacement double garage will also be an incidental building to the same use. The decision to retain and alter the stable framed structure also means that its height will remain as it exists. The issue of pressure for additional operational development is not relevant (as has been proven in appeal cases), notwithstanding the fact that GBC has the ability to remove permitted development rights placing greater control over matters such as extensions, outbuildings and hard surfacing.

- 6.25 Typical rural design features are included as part of the elevational treatment of the altered and extended framed structure and the proposed garage. These include:
- Low overhanging eaves;
 - A wide, but shallow building;
 - A symmetrical principal façade;
 - Gable ends to the roof;
 - Flush gable verge detail;
 - Proportionate and matching openings;
 - Vertical openings;
 - Window surrounds.
- 6.26 Regarding character, the formation of the additional dwelling within this 0.6 hectare site would result in a density of just 3.33 dwellings per hectare. Neighbouring residential dwellings sit within plots similar in size and shape to the reduced plot for Starwood, and, as such, the density is more reflective of the area than the current density of 1.66 dwellings per hectare.
- 6.27 There are many examples of long access roads providing access to backland dwellings along this stretch of Pear Tree Lane. Therefore, the proposed form and layout would not be out of keeping with the prevailing character of development in the area. In any case, it is difficult to see how it would be possible to suggest that such a layout would cause any material harm.
- 6.28 Given that the development will be located within the existing lawful previously developed land, this and the overall design will ensure that the new dwelling and outbuilding do not cause unacceptable harm to the character and appearance of the surrounding area, particularly in consideration of those outbuildings and steel containers that will be removed as a result of the development. If necessary, a condition could secure further details of all external materials to be used.

Highway Safety

- 6.29 At the pre-application stage, GBC's own highways officer took proper account of the presence of the existing access and road and use of the incidental stables and paddocks, concluding that the development involving an additional dwelling would not result in any highway implications. However, the pre-application response added that any submitted scheme would need to show that the access serving the site accords with the required standards. The access that serves the subject site was the subject of a recent planning permission in its own right. It would be unreasonable to revisit the merits of the vehicular access again, when this should have occurred at the time that application 20171122 was being determined. This application does, however, present an opportunity to condition the access to prevent any obstruction of the available visibility splays above a specified height.

Living Conditions

- 6.30 The properties would be sufficiently separated at almost 80m apart. The retained curtilage serving Starwood is intended to have a minimum garden depth of 28m,

whilst the new property is likely to have a 54m long front garden and 21m deep rear garden. To the north-west of the site is meadow land and although land to the south forms part of the residential curtilage serving Colesmead, the dwelling itself is over 90m away to the south and benefits from an extensive 120m deep rear garden.

- 6.31 For the proposed occupants, they will benefit from a private front garden that will be over 50m deep and an equally private rear garden of over 20m. The floor plan confirms room sizes that accord with the NDSS and with all living accommodation at the ground floor and the aforementioned separating distances, there can be no concerns in regards to a loss of privacy.
- 6.32 It is therefore considered that the development will comply with policy CS19 that seeks to safeguard amenity for both existing neighbouring occupants and the intended occupants.

Ecological Impact

- 6.33 A phase 1 ecology report (PEA) accompanies this submission and follows a site visit carried out on 1st March 2022. The report acknowledges that it comprises grazed modified grassland with scattered trees, areas of hardstanding and eight buildings. Further survey work was recommended to determine the presence/likely absence of roosting bats in T4 but this is not to be removed as part of the plans. Further survey work was recommended in regard to great crested newt within the Site and a separate Ecological Impact Assessment also accompanies this application.
- 6.34 Mitigation, without the requirement for further survey work, is recommended for foraging and commuting bats, badger, hedgehog and nesting birds. Full details are set out in section 10 of the PEA. Recommended appropriate biodiversity enhancement measures are set out in section 11.
- 6.35 The Ecological Impact Assessment confirms that in applying the Habitat Suitability Index (HSI), as a result of a visit on 14th April 2022, the nearest pond (WB2) was unlikely to be supporting great crested newt.
- 6.36 As advised at the pre-application stage, it is understood that the application site falls within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) and that additional housing development is likely to lead to further increases in recreational use of the SPA's. The applicant agrees, in principle, to [pay the tariff contribution of £275.88](#).
- 6.37 Subject to the above, it is considered that there will be no grounds to refuse this application on the basis that it fails to prevent any net loss of biodiversity. The application also presents an opportunity to enhance habitats.

Five-year Housing Land Supply

- 6.38 It is understood that the Council cannot presently demonstrate an up-to-date 5YHLS when measured against its objectively assessed need, meaning that the presumption in

favour of sustainable development, as set out in paragraph 11(d) of the Framework, is engaged. For decisions this means:

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.*

6.39 If the Council conclude that the development would not result in inappropriate development in the Green Belt, then it would be appropriate to assess such an application against part (ii) of paragraph 11(d). Given that the applicant considers that it would be possible to ensure there are no harms or disbenefits, the following are clear benefits of the proposal:

- The additional housing will make a positive contribution to the Council's housing needs;
- It would result in a more effective use of previously developed land and increase housing densities in the area, as promoted by the Framework;
- The provision of housing would bring economic benefits in the short term, through employment and investment related to construction activity, and the longer term, through the spending power of local residents that would benefit local shops and businesses;
- It would result in the removal of sporadic low-quality built form that is already under-used and is likely to become vacant within the near future;
- Landscaping and ecological enhancements can be secured as part of a planning permission, that would otherwise not be the case;
- Framework support for this proposal is provided in paragraphs: 60 (significantly boosting housing supply), 69 (small windfalls), 119 (effective use of land for homes), 123 (taking a positive approach to re-use of buildings where this helps to meet needs).

6.40 It is therefore considered that there would be no adverse impacts of allowing the proposal and certainly not to the extent that these would “significantly and demonstrably outweigh the benefits” when assessed against the policies in the Framework taken as a whole.

7.0 CONCLUSIONS

7.1 The applicant believes that this revised development will not result in any demonstrable harm to the nearest neighbouring residents, nor the countryside or the Green Belt. It is considered that the detailed design will ensure that there would be no adverse impact on the character of the area and would not result in any other harms.

As such, the presumption in favour of sustainable development applies. The starting point of the presumption is that permission should be granted.

- 7.2 As such, in accordance with paragraphs 11 and 38 of the Framework, and in consideration of all relevant development plan policies and material considerations, this application should be viewed positively by the authority and it is respectfully requested that this submission is approved.