



Delegated Report

Full Planning Application

Application No:	20221121
Location:	Land North Of Wildacre, Sole Street, Cobham, Gravesend, Kent, DA13 0XZ
Description:	Erection of detached family dwelling of two storey design with integral garage, driveway and associated landscaping with dwelling to be served by existing vehicular access
Applicant:	Mr David Dean, Robinson Escott Planning
Site Visit:	N/A Desktop Assessment

Submitted Documents/Plans

- Application Form - dated 19/10/2022;
- Design and Access Statement (PH/21/161);
- Supplementary Information - Gravesham's Draft Management Plan Policies Document;
- Supplementary Information - Appeal Decision - Badgers Mount, Sevenoaks (APP/G2245/W/19/3230759);
- Supplementary Information - Sevenoaks Borough Council Delegated Report (ref.18/03609/FUL);
- Drawing no. 5054.PL1 - Rev. A - Proposed Floor Plans and Elevations;
- Drawing no. 5054.PL2 - Rev. B - Proposed Block Plan (scale - 1:250);
- Drawing no. 5054.PL3 - Site Location Plan (scale - 1:1250).

Plan Note

The application site is an open paddock that seems to be vacant, contrary to the evidence provided on the site location plan (Drawing no. 5054.PL3). The site location plan shows two buildings within the curtilage, that were not visible on inspection when displaying the site notice. An investigation of satellite imagery demonstrates that in 2003 there were two buildings present on the site that correlate with those shown on the site plan.



(Google Earth - December 2003)



(Site Plan)

The building to the rear of the site has been demolished, however it seems that the smaller building is present albeit significantly covered by foliage and hard to distinguish. An enforcement investigation in 2019 shows a pitched roof structure in the position of the building on the site plan. Moreover, this building is still somewhat visible in the latest google street view from November 2022.



27/06/2019



11/2022

Even though the site plan is erroneous, the agent was not contacted to amend the drawing. The investigation undertaken by the Local Planning Authority is sufficient and the site is considered to be an open paddock within the Green Belt.

Relevant Planning History

Reference	Description	Decision	Decision Date
20161112	Erection of a 5no.bedroom dwelling and detached double garage.	REFUSED	17.03.2017
2017/00018/ REF		APPEAL DISMISSED	18.09.2017
19980573	Use of land for the keeping of horses and erection of a stable block comprising 3 stables.	PERMITTED	03.12.1998
19980213	Use of land for the keeping of horses and erection of a stable block comprising three stables.	REFUSED	14.08.1998
19770609	Outline application for the erection of one single storey dwelling house	REFUSED	05.10.1977
19760132	Outline application for the erection of one single storey dwelling	REFUSED	30.03.1976

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS12 - Green Infrastructure
- CS18 - Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- Section 2 - Achieving sustainable development
- Section 5 - Delivering a sufficient supply of homes
- Section 12 - Achieving well-designed places
- Section 13 - Protecting Green Belt Land
- Section 15 - Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 - amended June 2020
- Technical Housing Standards - Nationally Described Space Standard (2015)
- SPG 4 - KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guidance (SPD) (2021)
- Gravesham Landscape Character Assessment (2009)
- KENT Downs AONB Management Plan, Third Edition (2021)

Consultations, Publicity and Representations

External Consultees

Kent Downs Area of Outstanding Natural Beauty Management Unit - The local planning authority has a legal duty to take account of the purposes of AONB designation in determining the application i.e. the conservation and enhancement of the area's natural beauty. In addition to consideration of the proposal against the local authority's development plan, account should be taken of paragraphs 176 and 177 of the NPPF and the principles and objectives of the [Kent Downs AONB Management Plan, Third Revision](#) 2021 to 2026. The Management Plan is adopted by all the local authorities in Kent as their policy for the management of the AONB and for the carrying out of their functions in relation to it. The national [PPG](#) confirms that AONB Management Plans can be a material consideration in determining planning applications.

The principle of whether the proposal lies within the settlement boundaries and complies with policies relating to sustainable development and the Green Belt in Gravesham's Local Plan are for the judgement of the Council. In respect of AONB impacts, we consider the site to be relatively well contained within the wider landscape and to relate well to existing settlement pattern and consider that subject to an appropriate design, a new dwelling on the site could be provided while meeting AONB objectives. The proposed design of the dwelling is contemporary in nature and while we raise no objection in principle to contemporary design, buildings in the AONB need to adopt a design approach that fits with and complements the values, traditions, forms and patterns of the past, adopting a contemporary interpretation of local vernacular. In our view, the proposed design fails to achieve this, with the only interpretation of local vernacular being a limited use of timber cladding.

The proposed use of slate as a roofing material is of particular concern, especially combined with the extensive use of render; traditional materials in the Kent Downs are bricks and clay tiles, with predominantly rich hues of reds and oranges with occasional use of burnt headers and flint. These prevailing materials are a product of the underlying geology and their use embeds local distinctiveness in the built fabric of the Kent

Downs. This distinctiveness began to be eroded in the mid-19th century with the advent of the railways enabling the use of imported materials such as slate and buff/yellow brick, as is demonstrated with nearby development in the village. This dilution of local distinctiveness is harmful to the character of the Kent Downs and should not be exacerbated by the use of non-local materials in new developments. Use of the right local materials is a key factor in creating a development that is truly 'of the place' and is considered particularly important where a non-traditional form of building is proposed, as is the case here, to provide some reference and connection to the local vernacular. We note that there is a small area proposed with 'stone slips' but no further detail is provided, so we are unable to comment on the appropriateness of this material.

Should the principle of a residential development be considered acceptable, we would therefore request that the materials palette is reviewed.

Kent County Council (Public Rights of Way) - Public Rights of Way NS191 lies to the north of the application area and affects the application and I therefore enclose a copy of the Public Rights of Way network map showing the definitive line of the path for your information.

I am looking for a planning condition that the fence on the footpath boundary is placed at least 2 metres from the edge of the footpath which is in turn 2 metres wide. Thus it should be at least 4 metres from the fence on the opposite side of the path. The 2 metre verge is to be maintained by the householder so as to not become taller than 1 metre in height and must maintain the 2 metre width of the path.

If this cannot be met then I am objecting to the application. This is due to the path becoming claustrophobic and against good practice if the fence is placed against the path boundary. This may lead to less use due to the path not being seen as safe especially after dark.

It is important to advise the applicants that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.

Luddesdown Parish Council - The Parish Council wishes to raise the following comments on the above application:

- The Council objects to this application on the grounds of inappropriate development in the Green Belt. In addition to this, it is sited outside the existing curtilage of Sole Street.
- There are no special circumstances to justify the development occurring
- We are concerned about a detrimental impact on the existing footpath and therefore would be supportive of a 4-metre exclusion zone if the Council was minded to grant approval

Cobham Parish Council - Cobham Parish Council objects to this application. This is within the Green Belt and there are no significant reasons this should be ignored. Site also outside the village boundary.

If GBC is considering permitting this application CPC would like to see a suitable Section 106 contribution that benefits Cobham Parish.

Dickens Protection Society - The Society would wish to register an objection to this application on the grounds that the site is in an area within the Green Belt, where policies apply and new residential development would not normally be permitted. No special circumstances have been put forward that would warrant overriding Green Belt policy.

Internal Consultees

GBC Environmental Protection (Regulatory Services) - Not consulted on this application, but comment from previous refusal (ref. 20161112) remain relevant. This comment requested that a contaminated land watching brief condition is attached to a decision notice, if permission is granted, as the site has been

subject to fly tipping.

GBC Highways Officer - This application requires very careful consideration. At the access 43m x 2.4m x 43m vehicle visibility splays are required. The sight line is liable to cross the property boundary so they should be plotted, and the boundary fence, wall or hedge set back behind the visibility requirement. Everything in front of the boundary fence etc. would have to be maintained below 800mm except in the pedestrian visibility splay where it would be a maximum height of 600mm.

Pedestrian visibility splays of 2m x 2m 45° degree right angled triangle should also be plotted and protected. The 2m is measured along the back edge of the footway and the sides of the drive on both sides of the access.

Gates should be set back 5.5 metres from the highway boundary in accordance with Kent County Council's guidance.

11/Gates - Have you or are you considering installing gates?

The gates should not open outwards onto the public highway and you should have at least 5.5m clearance to ensure vehicles are not obstructing the public highway on accessing your property

With regards to the construction of the drive, the section between the highway boundary and gates should be a bound permeable material to reduce the risk of gravel being dragged onto the highway, where it would become a hazard.

Local Ward Councillors - No comment received.

Neighbouring properties

A notice was displayed on site 2nd November 2022.

In addition, five surrounding properties were consulted and no representations were received. The consultation period expired 25th November 2022.

Previous Applications

This application follows a refusal (ref. 20161112) and a dismissed appeal (2017/00018/REF). The previous application proposed the "erection of a 5no.bedroom dwelling and detached double garage" and was refused by the Local Planning Authority for the following reasons:

- 1. The site is within the approved Metropolitan Green Belt. Within the Green Belt there is a strong presumption against permitting new development outside of the present defined extent of urban areas and the present extent of any village. National Planning Policy Framework Section 9 (Protecting Green Belt Land) indicates that the most important attribute of Green Belts is their openness. The proposed development is inappropriate development and would cause harm to the Green Belt, and to the character and appearance of the area. As such the proposal is considered to be contrary to the advice in National Planning Policy Framework Section 9 (Protecting Green Belt Land), and Policy CS02 (Scale and Distribution of Development) of the Core Strategy.*
- 2. The site lies in the designated countryside outside the confines of the urban areas and rural settlements. The proposal comprises of residential development in the countryside, being within an unsustainable location and contrary to Policies CS01 and CS02 of Gravesham Core Strategy and paragraph 55 of the National Planning Policy Framework 2012.*
- 3. The site is within a designated landscape character area of Meopham Downs and nationally important North Downs Area of Outstanding Natural Beauty. The proposed development would result in an unsightly presence in the landscape which would result in an obtrusive development which would fail to conserve the landscape and scenic beauty of the Area of Outstanding Natural*

Beauty which is a nationally sensitive landscape. The development is therefore contrary to Policy CS12 (Green Infrastructure) of Gravesham Core Strategy (2014) and paragraph 115 of the National Planning Policy Framework.

In order to receive a favourable decision, this proposal must be considered to overcome the reasons for refusal attached to the previous application.

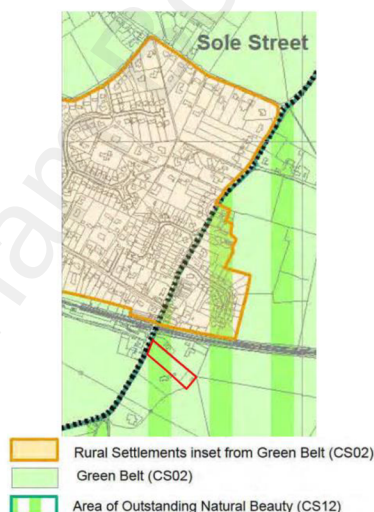
Officer's Analysis

Site Description and Context

The application site is located to the south of the rural settlement of Sole Street. The site is a vacant but generous plot. There are three other properties abutting the site, which have a sporadic arrangement, are significantly set-back from the highway and occupy large and heavily landscaped plots.



The location within the Green Belt and Kent Downs Area of Outstanding Natural Beauty (AONB) must be the starting point for determining this application.



Paragraph 140 of the National Planning Policy Framework (NPPF) (2021) states that Green Belt boundaries should only be amended in exceptional circumstances, in the context of the preparation or review of a Local Plan, it is not for the current application to seek to amend such a policy designation.

On this matter, it is noted that the Inspector in finding the Gravesham Local Plan Core Strategy (LPCS) (2014) sound, was clearly of the opinion that a plan-led process should be followed rather than the ad hoc release of sites. The Inspector's report states at paragraph 48 that:

Nevertheless, a small element of total new housing supply would still need to come from the Green Belt to meet the overall requirements in the plan period, albeit in the latter part thereof. This should only reasonably and realistically be identified as part of a formal Green Belt review process that includes full public consultation and a comparative assessment of realistic opportunities, rather than through any "one

off' releases in advance thereof. This should be conducted through a formal statutory process, as distinct from any ad hoc site by site decisions that would not necessarily identify the most suitable and sustainable locations for any new housing that may be required in the Green Belt.

It is therefore considered that the key issues in this application relating to the Green Belt are:

- Whether the proposal is inappropriate development in the Green Belt for the purposes of the NPPF (2021) and LPCS.
- Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Proposed Development

This application proposes the demolition of the existing sheds on the site and erection of a four-bedroom dwelling. The new dwelling will be two storey, with the main body of the building having a pitched roof with two gable ends. There would be a 1.5 storey element will project forward of the main body of the building, which is at a lower level with one dormer windows on each of the pitched roof slopes. At the rear there would be a single storey pitched roof extension.



The dimensions of each element of the proposed dwelling are as follows:

Main Body

- Depth - 6.35m
- Width - 14.15m
- Height (max) - 8.55m
- Height (eave) - 5.4m

Front Projection

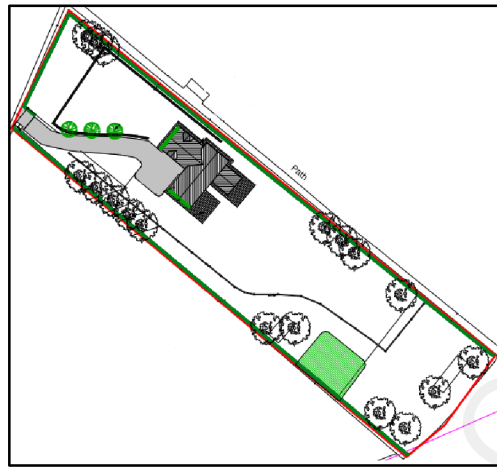
- Depth - 7.2m
- Width - 6.32
- Height (max) - 7.6m
- Height (eave) - 4.45m

Rear Extension

- Depth - 4.8m
- Width - 4.52m
- Height (max) - 4.3m
- Height (eave) - 2.7m

Internally, at ground floor, there would be an open plan kitchen/living/dining room, a pantry and utility, a study, lounge, w.c. and garage. At first floor level there would be two ensuite bedrooms, two bedrooms, a family bathroom and walk-in wardrobe.

The proposed layout of the development is shown in the screenshot below. There will be a large driveway and hardstanding to the front, with the property set-back from the highway.



Housing Need

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 3.27 year supply has most recently been calculated), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Policy CS02 (LPCS) must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2021). This requires that in regard to housing development, planning 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 the development proposed; 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.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF (2021) at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 182);
- Sites of Special Scientific Interest;
- Green Belt;
- Local Green Space;
- Areas of Outstanding Natural Beauty;
- Irreplaceable habitats;
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68); and
- Areas at risk of flooding or coastal change.

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 125(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 for a net increase of '1' residential units would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other

requirements of the NPPF (2021).

Green Belt

The application site is located in the Green Belt and as such Policy CS02 (LPCS) is relevant. Development in the urban area is prioritised as the sustainable location for development. In the rural area, Policy CS02 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, i.e. in the Green Belt, will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the LPCS.

There are five principle issues in determining this application;

1. Is the proposed development appropriate in the Green Belt?
2. The effect of the proposal on the openness of the Green Belt;
3. Any very special circumstances?
4. Sustainability;
5. Impact on the landscape;
6. The effect on the character and appearance of the area; and
7. Other matters.

1. Is the proposed development appropriate in the Green Belt?

There are strict policy considerations within the Green Belt whereby paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to say that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless it falls within the specified exceptions. The NPPF (paragraph 149) exceptions to this are: -

- (a) *Buildings for agriculture and forestry;*
- (b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- (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;*
- (e) *limited infilling in villages;*
- (f) *limited affordable housing for local community needs under policies set out the development plan (including policies for rural exception sites); and*
- (g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - *not have a greater impact on the openness of the Green Belt than the existing development; or*
 - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

The Local Planning Authority considers that the site should be assessed against bullet point five under paragraph 149 of the NPPF in respect to 'limited infilling in villages', which is the argument put forward by the applicant in the 'Design and Access Statement (PH/21/161)'. It is noted that neither the NPPF or the LPCS define the terms 'limited', 'infilling' or even what constitutes a 'village'. On this basis, the Local Planning Authority consider that the following points need to be addressed to determine whether the proposal should be considered as an exception or be deemed 'inappropriate' development.

These points are:

- Whether Sole Street is a village?
- If Sole Street is a village, where its boundary lies relative to the application site?
- Whether the proposal subject to this application can be considered 'limited'?; and
- Whether the proposal constitutes 'infilling'?

For the proposed development to constitute an 'exception' rather than be classed as 'inappropriate' development, it is contended that all of the above criteria need to be met.

Is Sole Street a village?

The adopted Gravesham LPCS at 4.2.4, Table 2 and at 4.2.6 sets out a settlement hierarchy with 13 rural settlements inset from the Green Belt and two others (Harvel and Luddesdown) that are 'washed over'. None are specifically identified as 'villages'.

It is stated at 4.2.6 that where the rural settlements have been inset, the boundaries do not define the full extent of each settlement but relate to a coherent and established built up area where infilling would not adversely affect local character and identity or impact on the openness of the Green Belt.

This settlement hierarchy is reproduced below:

First Tier Settlements	Gravesend, Northfleet, Ebbsfleet, i.e. the urban area
Second Tier Settlements	Istead Rise, Hook Green Meopham, Higham
Third Tier Settlements	Culverstone Green, Meopham Green, Vigo
Fourth Tier Settlements	Cobham, Shorne, Sole Street
Other Settlements	Harvel, Lower Higham, Luddesdown, Lower Shorne, Shorne Ridgeway, Three Crutches

Source: Settlement Hierarchy Technical Paper (December 2009)

As aforementioned, there is no definition of a 'village' in either the NPPF or the LPCS. Whilst the boundaries and status of individual rural settlements may be subject to review in the context of the emerging Site Allocations and Development Management Policies, the boundaries shown on the policies map derive directly and are unchanged from those shown on the Gravesham Local Plan First Review proposals map (1994) as villages under now defunct policy V1.

As paragraph 149 of the NPPF only allows 'villages' to be excluded from the Green Belt by way of an inset designation and all of the above rural settlements are inset, it is accepted that they must by definition be treated as villages.

As Sole Street is a village, where does its boundary lie relative to the application site?

For the purpose of this application Sole Street is considered a village, and therefore the next criteria to assess is where the boundary of the village lies on the ground in relation to the application site. The

previous report (ref. 20161112) and the Inspector in the dismissed appeal (APP/2017/00018/REF - Appendix 1), both considered that the application site falls outside of the boundary of Sole Street. For example, the Inspector stated that:

"In my view, and in this instance, the main point in question is whether the appeal site, and the properties either side, are in a 'village'. The starting point for assessing this can reasonably be the settlement boundary of Sole Street, which the appeal site and adjoining properties are located outside of being on the southern side of the rail line. However, a village for the purposes of applying Green Belt policy is not always defined by its settlement boundary.

When considering matters 'on the ground' the public house and rail station are located on the southern side of the rail line but are sizeable buildings with a built character to their immediate surroundings. Additionally Whitecroft and Leighton are visible from Camer Road and their frontage is defined by a brick wall. These properties could be considered as being part of the built form of the village as it tapers off into the countryside. However, Wildacre is not readily visible from the public realm and the boundaries of this property are defined by very mature hedging. It is also separated from Whitecroft by the appeal site, which has the characteristics of a paddock and is a significant open feature that contributes to the rural character that begins to take hold south of the rail line.

As such, whilst the railway line is a rationale point in establishing the southern edge of Sole Street I nevertheless consider the public right of way north of the appeal site marks the boundary between built development and a sense of more open countryside beyond. As such, neither the appeal site nor Wildacre are in a village and therefore, regardless of whether the proposal is infilling or not, the development of the appeal site would not amount to infilling within a village when applying the penultimate bullet point in Paragraph 89 of the Framework."

In a more recent appeal decision in Cobham, Gravesend (APP/K2230/W/21/3282506 - Appendix 2) the Inspector made reference to other appeal decisions that considered the links to villages, the physical connection of built frontages and infilling (which will be assessed later in this section):

"Reference is made to an appeal decision at School Lane, Higham (Ref: APP/K2230/W/20/3255704). In that case the Inspector found a strong physical connection between the site and the village as it was directly opposite and visible from the built-up area of Higham. That is not so here. My decision at Wrotham Road, Culverstone Green also considered similar issues (Ref: APP/K2230/W/21/3273757). However, that site was immediately adjoined by development and was part of a long-established and continuous built frontage. Those circumstances do not obtain in this appeal which can therefore be distinguished from both of those cases.

Whilst there may be functional links to Cobham, the appeal site is physically outside the village. Therefore, irrespective of whether it would be "limited infilling", the proposal would not take place in a village. As such, it would not comply with the exception allowed for by paragraph 149 of the Framework and would be inappropriate development in the Green Belt."

The assessment by the Inspector at the Cobham considered that the sites location outside of the village would mean that even if the proposal were infilling. The physical interruption of the railway line is a clear distinction between Sole Street and the more sporadic finer grain development within the Green Belt and AONB to the south, and as such the proposal would fail to meet the exception criteria set out in paragraph 149 of the NPPF (2021).

Whether the proposed development considered 'limited'?

The proposal only comprises a single detached dwelling it could be considered to be 'limited', even though the dwelling is a significant size.

Whether the proposal constitute 'infilling'?

There is no definition for 'infilling' within either the NPPF or the LPCS, however there is Case Law evidence (Wood v Secretary of State for Communities and Local Government [2014] EWHC 683), whereby infilling was interpreted as development in a gap within an otherwise built-up frontage. Nevertheless, Inspectors have dealt with the issue of infilling and their assessments are material planning considerations.

In a recent appeal in Scarisbrick (APP/P2365/W/22/3294427 - Appendix 3), the Inspector considered other factors that impact 'infilling', stating that *"while the properties to the north of the site share such a frontage, this is not the case for those immediately to the south. This is due to their setback and orientation relative to the street, with the dwellings sitting back from and perpendicular to Bescar Lane"*. Moreover, the *"spacing and boundary treatments between the properties contribute to a visual and physical separation from neighbouring development"*. These factors lead the Inspector to conclude that the proposal not to consider the proposal infill development and the site not being a gap within a built up frontage.

Some earlier appeal decisions were discussed in the previous refusal, which are similar to the proposed development and remain relevant to this proposal:

- APP/P3420/A/14/2227000 (Appendix 4) - Land adjacent to Wall Farm House, Nantwich Road, Audley ST7 8DL - site comprised a plot lying in the Green Belt set within an area of ribbon development outside the defined settlement boundary. The Inspector considered this in light of paragraph 89 of the NPPF and whether it could be accepted as an exception as limited infilling in a village. No view was expressed on whether the site was in the village because the Inspector came to the conclusion that the width of the plot taken together with the fact that the adjoining property to the east was well set back and screened from the public highway accentuated the gap to such an extent that the development could not be considered as infilling.
- APP/X1925/A/13/2205699 (Appendix 5) - Land adjacent to 20 Maydencroft Lane, Gosmore, Hitchin, Herts SG4 7QB - site lies within Green Belt on the edge of small village of Gosmore. Application considered in the context of paragraph 89 of the NPPF and whether it constituted limited infilling in a village. Inspector concluded that the site did not lie within the built up core of the village and, although the frontage comprised a high brick wall, it was at a point of transition where the character changed from a built up to an open frontage. Because the nursing home was set back from the frontage and this part of the lane was not built up, the Inspector concluded that this would not be filling a small gap and could not be considered to be infill.

The above appeals deal with key similarities to this application as, the density and pattern of development as well as the physical connection with the village, being important considerations within the assessment of a proposal being infilling.

In the dismissed appeal on this site (ref. APP/K2230/W/17/3176951 - Appendix 1) the Inspector considered that there was *"some merit in this [infill] argument"* that was presented by the appellant, but even though the site abuts three other properties, these *"do not form a built frontage... [and] are too far from one another to be considered a discernible group of closely associated buildings"*. As such the Inspector concluded that *"the appeal scheme would not adhere to the definition of infilling"*. There has been no material change to the application site or surroundings following the dismissed appeal and therefore, as concluded by the Inspector, the development does not meet the definition of infilling and by virtue of being physically outside the village would not be appropriate development within the Green Belt.

In conclusion the Local Planning Authority is of the view that the proposal does not constitute infilling under the terms of paragraph 149 of the NPPF, and has been clearly supported by appeal decisions.

2. The effect of the proposal on the openness of the Green Belt

Paragraph 137 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also states that the essential characteristics of Green Belts are their openness and permanence.

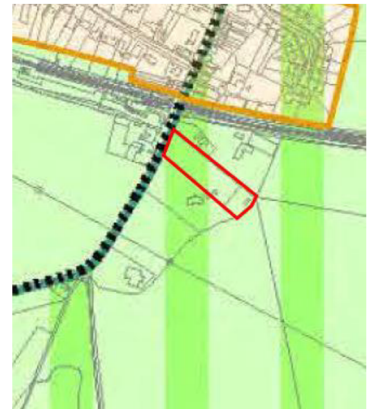
The openness of the Green Belt has both spatial and visual aspects, and any new built form of development is harmful to its open character. The new dwelling would significantly exceed the height, scale and massing of the existing structure currently on the site. As aforementioned in this report, the existing site has the appearance of an open paddock, which would be lost as a result of the significant increase in built development. Therefore, the open appearance of the site would be lost, and the visual openness of the Green Belt eroded.

Additionally, the appearance of the development would be consistent with a residential use and the use of the site would change to a domestic scene. The new dwelling will occupy a large proportion of the width of the site, with a large driveway to the front and a patioed sections in the garden area to the rear. This change in appearance from an open paddock to residential property would encroach on the open and undeveloped appearance of the site and surrounding area. Therefore, in spatial terms there would also be a harmful loss of openness.

Below is an assessment of the harm that the proposed development will have on the Green Belt.

Permanent loss of openness - Openness and permanence are the essential characteristics of the Green Belt. The large dwelling, associated parking, hardstanding, residential paraphernalia and lighting will permanently and irrevocably harm the Green Belt through loss of openness. Whilst it may be possible to mitigate visual impact to a limited degree by screening, this cannot overcome the adverse impact on openness which is defined by the presence or absence of the buildings themselves.

Encroachment of the countryside - This is a stated national purpose of the Green Belt at paragraph 142 of the NPPF (2021). The construction of a new dwelling on the site would introduce urbanising features (additional car parking, light pollution, hard landscaping and residential paraphernalia) that would adversely affect the character of the settlement at a point of transition from the denser built form within the village to the north of the railway line to the more open and sporadic development in the Green Belt to the south (as demonstrated in the Gravesham Local Plan Policy Map (2014)).



Although landscaping and boundary treatment could be introduced to reduce the impact of the development, the development would represent the encroachment of built development which would result in a reduction in openness.

Safeguarding the countryside by minimising the expansion of the Borough's rural settlements - This is a stated local purpose of the Green Belt as set out at paragraph 4.2.7 of the adopted LPCS. As noted above, the Local Planning Authority considers the proposal subject of the application to represent an encroachment of the countryside.

Reference back to paragraphs 147 and 148 of the NPPF (2021) informs us that inappropriate development in the Green Belt should not be approved except in very special circumstances and that very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whether the development causes any other harm and whether there are any other relevant considerations to balance the overall planning argument, should now be considered.

3. Consideration of 'very special circumstances'

Having concluded that the development is inappropriate development, very special circumstances need to be considered as part of the Green Belt assessment. No specific arguments have been put forward by the applicant in relation to the assessment of 'very special circumstances', however arguments have been

presented in the form of supplementary information. These supplementary documents include Gravesham's Draft Management Plan Policies Document (2020), an appeal decision and a local authority decision from Sevenoaks.

The copy of Gravesham's Draft Development Management Policies Document (Reg 18) (2020) on limited infilling in villages demonstrate the direction of travel the Council is going, however the weight that these emerging policies may be accorded at this stage is very limited. They are not adopted policies and therefore in this instance the LPCS (2014) policies and the NPPF (2021) are the policy context on which this application should be determined.

The appeal decision from Badgers Wood, Sevenoaks (ref: APP/G2245/W/19/3230759) was an outline application for a single detached dwelling with all matters reserved. The Inspector considered that the development was limited infilling in a village and an exception under both (e) and (g) of paragraph 145 of the NPPF. However, as aforementioned within this report, the railway line was considered the boundary of the village in this case and numerous appeal decisions support that the proposed dwelling would not be infilling, and therefore very limited weight can be given to this supplementary appeal decision at Badgers Mount.

Lastly, the Sevenoaks Borough Council approval was considered to be infill development in the Green Belt. However this development had significant differences to the current application. For instance, the adjacent properties had a consistent building line, orientation and set-back from the highway, which were key considerations for an infill development as highlighted in appeal decisions referenced above. As such, this decision by Sevenoaks BC is not considered to be relevant or a material consideration.

Overall, the additional arguments presented within this application are not considered to address the concerns assessed earlier in this section and therefore none of the arguments put forward are considered to tip the balance of inappropriate development in the Green Belt.

Final Balancing Exercise on Green Belt Issues

Overall, the application site is an open paddock not in the village, and the three adjoining properties do not form a built frontage, are too far from one another to be considered a group of closely associated buildings and therefore the proposal is not limited infilling and is inappropriate development within the Green Belt, harmful to its open permanence, whilst encroaching on the countryside. Therefore, it is considered that substantial weight should be accorded to the harm caused to the Green Belt in line with the NPPF (2021).

4. Sustainability

The NPPF (2021), taken as a whole, represent the Government's view of what constitutes sustainable development. Paragraph 80 of the NPPF (2021) provides specific advice on sustainable development in rural areas and seeks to avoid new isolated homes in the countryside unless there are special circumstances, which are listed as follows:

- a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) The development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) The development would involve the subdivision of an existing residential dwelling;*
- e) The design is of exceptional quality, in that it:*
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

The application site is in a well-placed location with good access to public transport, opposite a public house and the local village shop, all of which are accessible by lit pavements. Therefore, the proposed development is considered to be in a sustainable location and the proposal accords with paragraph 80 of the NPPF (2021) and CS01 (LPCS).

5. Impact on the Landscape

In addition to being within the Green Belt, the site is located within the Meopham Downs landscape character area. This area is characterised by gently undulating topography with a mix of arable and pasture farmland, three large settlements located along the A227 and traditional architecture surrounding village greens providing local vernacular. Policy CS12 (LPCS) seeks to protect the Green infrastructure within the Borough and states at 5.7.26 the overall landscape character and valued landscapes will be conserved, restored and enhanced.

The site is also in the Kent Downs Area of Outstanding Natural Beauty. Policy CS12 states that the overall landscape character and valued landscapes will be conserved, restored and enhanced with the greatest weight being given the conservation and enhancement of the landscape and natural beauty of the Kent Downs Areas of Outstanding Natural Beauty and its setting.

The construction of detached dwelling on open paddock land would have an adverse impact on the landscape and AONB. Although landscaping and boundary treatments are proposed, this would not be able to replicate the current state of the site, and the open paddock characteristics are common features within the countryside. The introduction of a large dwelling on the site with all the associated residential paraphernalia will appear as an alien feature within the landscape. Moreover, as highlighted by the Kent Downs AONB Management Unit, the modern material palate of render and timber cladding will exacerbate the alien appearance of the proposed dwelling within the landscape and significantly increase the harm caused.

Therefore, the proposed development will be harmful to the Meopham Downs landscape character area and AONB, contrary to Policy CS12 (LPCS).

6. The Effect on the Character and Appearance of the Area

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. Moreover, Section 12 (Achieving well-designed places) of the NPPF (2021) sets out that developments should function well and add to the overall quality of the area, be visually attractive and sympathetic to local character.

Gravesham's newly published Householder Extensions/Alterations Design Guidance SPD (2021) set out key principles for new developments. Generally, the SPD highlights the importance of new development complimenting and corresponding to existing character and the wider context. In this case, the rural character of the area and other surrounding dwellings should be considered.

The new dwelling's main body would be a pitched roof two storey building with two gable ends. There would be a 1.5 storey element will project forward of the main body of the building, which is at a lower level with one dormer windows on each of the pitched roof slopes. At the rear there would be a single storey pitched roof extension.

The main body of the proposed dwelling is not excessive in size or bulk and is proportionate to the width of the plot. The front projection is subservient in terms of height and the upper level will be timber clad which serves to breakup the built form and distinguish the projection from the main body of the house. The rear projection is small and not excessive in depth, however it is at odds with the L-shaped design of the property.

It is considered that the overall design of the dwelling could be improved upon, and were the principle deemed acceptable, negotiations would have been undertaken regarding this. Nevertheless, the scheme is not contrary to policy in relation to the design.

7. Other matters

Amenity of Future Occupiers

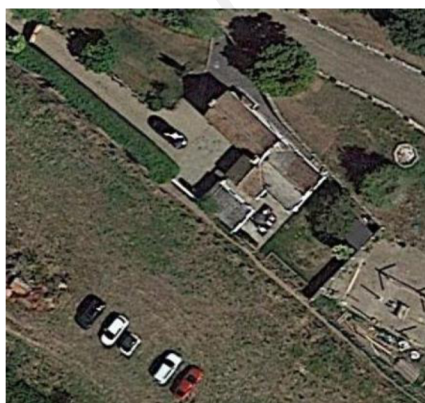
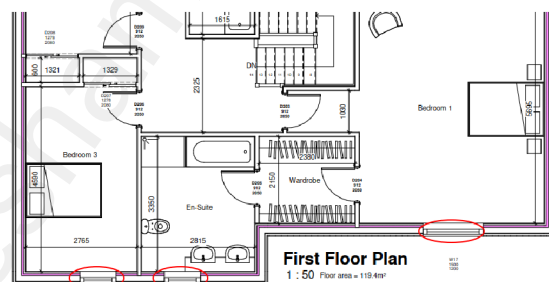
Policy CS19 (LPCS) and Section 12 of the NPPF (2021) require developments to provide adequate living conditions for future occupiers, which is reinforced by the Council's Residential Layout Guidelines (2020) and the Nationally Described Space Standards (2015). These provide minimum requirements for room sizes and amenity space.

The rooms in the proposed dwelling are in accordance with Gravesham's Residential Layout Guidelines (2020) and will receive sufficient natural light. The garden size is also in accordance with the RLG. Therefore, the development is considered to safeguard the amenity of future occupiers in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

Impact on amenity of surrounding properties

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of neighbouring properties and land and Section 12 of the NPPF (2021) requires development to have a high standard of amenity for existing users (in this case surrounding properties).

The proposed dwelling will be approx. 14m from the closest neighbouring property (Montilla), located to the north. There will be three first floor windows facing 'Montilla', which will detrimentally impact on the privacy of the neighbour. It is noted that one of the flank windows serve a bathroom and will be obscure glazed, however the other windows serve bedrooms. Notwithstanding the bathroom window, the two bedroom window will result in direct overlooking of the entire garden of the neighbour, with the bathroom window increasing further the perception of overlooking. The images below highlight the window positions, the layout of the garden of Montilla and the sightlines from the windows of the proposed dwelling into the private amenity space of the neighbour.



The property to the south of the site (Wildacre) would be approx. 33m from the new dwelling and will be fronting onto the new dwelling. In addition, the property to the north-east (Leighton) will be approx. 35m

from the new dwelling and will similarly front onto the rear of the new dwelling. The distance and orientation of these properties is considered to address concerns with any potential overlooking.

The proposed dwelling is not considered to cause any impact on neighbouring properties in terms of loss of light, outlook or sense of enclosure. This is due to their orientation, varied set-backs and the separation distances between the properties.

Nevertheless, the proposal is an unneighbourly development that will significantly impact on the private amenity of the existing and future residents of Montilla, by virtue of introducing three first floor flank windows within a 15m distance of the neighbour resulting in the garden being completely overlooked. As such, the proposal fails to safeguard the amenity of surrounding occupiers contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

Parking and Highways

The development should have an acceptable amount of parking, not be detrimental to the highway network and promote sustainable transport methods, to accord with saved policy T1 and P3 of Gravesham Local Plan First Review (1994), Policy CS11 (LPCS) and Section 4 of the NPPF (2021).

The plans submitted do not demonstrate any visibility splays for the access. Due to the speed of Camer Road, the sightline requirements at the access are 43m x 2.4m x 43m, and there should be no obstruction to the sightlines above 600mm to adhere to the pedestrian visibility requirements. Moreover, the gates should be set-back from the highway edge by 5.5m to ensure that vehicles do not obstruct the carriageway when accessing the property.

Although these factors have not been addressed in this proposal, they could be achieved on this site. Therefore, it is not sufficient grounds to refuse the development, however if the principle of the development was deemed acceptable, negotiations would have been undertaken regarding this.

Impact on the Public Right of Way

The public footpath NS191 runs along the northern boundary of the site. Although this proposal is not considered to directly impact on the public footpath, however the erection of fencing on the edge of the footpath and a new building could create an unappealing route for pedestrians. Kent County Council have expressed concerns with the path becoming claustrophobic by virtue of the fencing being placed against the path boundary.

If permission were forthcoming, the Local Planning Authority would look at attached conditions relating to the boundary treatments in order to address the concerns set out by Kent County Council Public Rights of Way.

Conclusion

The application has been fully considered and is contrary to local and national planning policy.

The site is an open paddock not in the village, the three adjoining properties do not form a built frontage, are too far from one another to be considered a group of closely associated buildings and therefore the proposal is not limited infilling and is inappropriate development within the Green Belt, harmful to its open permanence, whilst encroaching on the countryside. The erection of a large new dwelling will appear as an alien feature on an open paddock by virtue of a modern material palette, causing harm to the Meopham Downs landscape character area and Kent Downs Area of Outstanding Natural Beauty. As such, the development is contrary to Policies CS02, CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014), as well as Sections 9 and 12 of the National Planning Policy Framework (2021).

The proposal is an unneighbourly development that will significantly impact on the private amenity of the existing and future residents of Montilla, by virtue of introducing three first floor flank windows directly

overlooking the garden of the neighbour. As such, the proposal fails to safeguard the amenity of surrounding occupiers contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2021).

Therefore, this application has failed to address grounds of refusal 1 and 3 attached to the previous application (ref. 20161112), these grounds will be adapted slightly but remain relevant to this application. As such it is recommended that planning permission is refused.

Recommendation

Refusal

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	19 th December 2022	Dated:	20 December 2022