

Delegated Report

Full Planning Application

Planning Application No: 20230284

Location: SGN Box White Horse Road Harvel Gravesend

Description: Erection of security fencing and infrastructure alterations.

Applicant: Mr Jarvest, SGN Plc

Site Visit Date: 13th April 2023

Submitted Documents/Plans

Planning Application Form;
Planning Statement;
Drawing No. 112/23/100 – Security Fencing and Alterations - Existing; and
Drawing No. 112/23/200 – Security Fencing and Alterations as Proposed.

Relevant Planning History

Reference	Description	Decision	Decision Date
19580633	Overhead electricity lines	-	06.03.1959

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- 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)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places
- 13 – Protecting Green Belt Land
- 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- SPG 4 - KCC Parking Standards (2006);
- Gravesham Landscape Character Assessment (2009); and
- The Kent Downs AONB Management Plan 2021-2026.

Consultations, Publicity and Representations

Consultees

Luddesdown Parish Council

No comments received.

GBC – Highways Officer

Proposals such as these always give concern. At certain angles and positions, even an open mesh fencing may form a solid looking fence restricting visibility. However, the need to ensure the equipment is safe is fully understood.

I would therefore suggest a temporary permission or trial installation may be appropriate to determine if there is impact on visibility.

Neighbouring properties

Consultation was by way of the displaying of a site notice and individual letters sent to two nearby properties with an overall expiry date of 5th May 2023. No comments have been received.

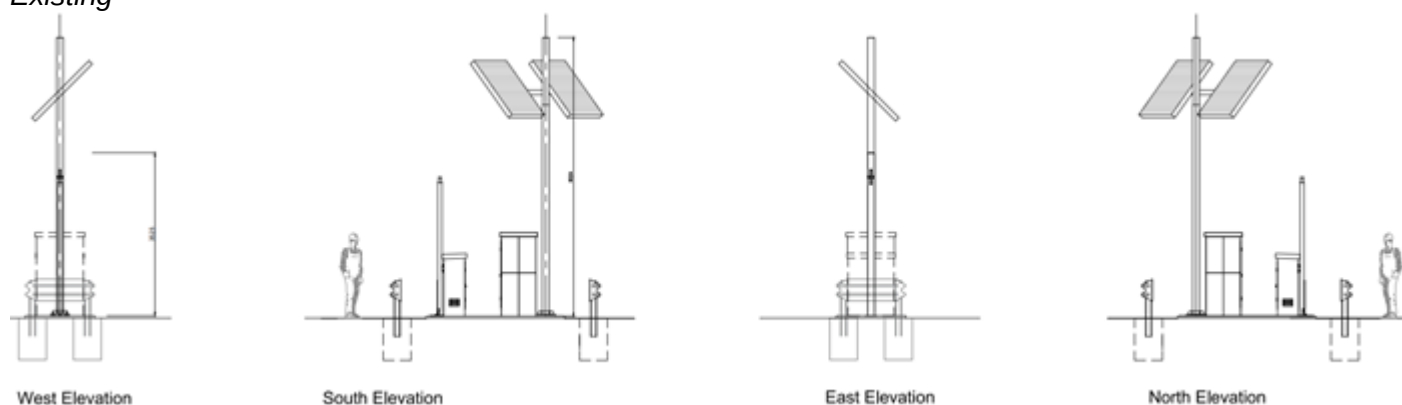
Officer's Analysis

Proposal

The application is for the erection of security fencing and infrastructure alterations to an existing SGN gas utility site, together with infrastructure alterations.

The proposed fencing would be green plastic-coated Securifor 358 type wire weld mesh securing fencing, measuring 3m high with an access gate. Alterations to the infrastructure would consist of the reduction in height of the 6m high pole supporting the photovoltaic panels, removal of the photovoltaic panels and supporting framework and the installation of a small wind turbine to generate electricity, together with the repositioning of one of the existing vehicle crash barrier. The altered supporting pole would measure 3.7m to the middle of the wind turbine.

Existing



Proposed



Site and Surrounding Area

The site is located in the Green Belt, in an Area of Outstanding Natural Beauty (AONB) and in the Luddesdown Downs Landscape Character Area as defined on the adopted Gravesham Local Plan Core Strategy policies map and this must be the starting point for determining this application.

The application site is an existing SGN gas utility site located on the grass verge directly adjacent to the north side of White Horse Road, within one mile east of the village of Vigo. To the north of the site is open field with mature hedging. The site has existing vehicular crash barriers located to the front and sides, with the rest of the utility site being accessible.

View from White Horse Road looking East

View from White Horse Road looking North East



As can be seen from the above images, the photovoltaic panels were not present.

The key issues in consideration of this application is;

- The appropriateness of the development within the Green Belt including very special circumstances
- Whether the proposal would adversely affect the Kent AONB.
- Whether the proposal would adversely impact on the landscape character of the site
- Whether the proposal would impact on neighbour amenity;
- Whether the proposal would result in any parking and highway safety issues;

The appropriateness of the development within the Green Belt

Para. 137 of the National Planning Policy Framework 2021 states that 'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'

Para. 147 states that 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

Para. 148 states that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

Para. 149 states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. The proposal does not involve the construction of any new buildings and therefore this paragraph does not apply.

Para. 150 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The proposed fencing and use of the land/site does not fall within any of the exceptions listed within para. 150 and therefore would be inappropriate development within the Green Belt.

'Very Special Circumstances'

The site is an existing public utility infrastructure which, according to the supporting Planning Statement, has been subject to theft and vandalism, and it was noted at the officer site visit that the photovoltaic panels were missing from the structure. However, there has not been any supporting evidence relating to the vandalism and theft that can substantiate the statement made. Linked to this, the applicant alludes to gas disruption and leaks occurring, but again, no evidence has been provided that this has happened to date. Therefore, whilst the Local Authority are not disputing that alterations may be required to secure and protect both the site and public, it will be necessary for supporting evidence to be submitted in order for the proposal to fall within 'very special circumstances'.

The solar panels being removed and replaced with a wind turbine will resolve the solar panel issue, however the 3m fencing being sought to provide security for kiosks that do not extend more than approx. 6 feet in height seems excessive. No evidence has been provided to show that alternatives have been considered and discounted – e.g. shorter fencing, difference cabinets/locking mechanism etc.

As such, and without evidence such as crime reports, to support the information within the Planning Statement, the proposal fails to justify that 'very special circumstances' exist.

It is acknowledged that the use of the land is not changing, and the alterations to the existing infrastructure decreasing the height of the existing supporting pole by 2.3m and the removal of the photovoltaic panels and the inclusion of a small wind turbine would have less visual prominence than the existing.

However, in terms of the proposed fencing and its location adjacent to the highway, this would be 3m high green powder coated metal fencing and whilst it has been designed to be open aspect and coloured to fit in with the surrounding landscape, it would still have a visual prominence on this rural road which is further compounded by the site also being within the Green Belt, an Area of Outstanding Natural Beauty and Luddesdown Down Local Landscape Character Area. Unsurprisingly there are no other structures in this location and little has been done to convince the local planning authority that the option put forward for consideration, is the most suitable option. Any structure 3m in height directly adjacent to a highway is a cause for concern, whether in a sensitive rural location or the urban area. Therefore in terms of design and scale, the proposed fencing fails to preserve the open character of the area, the Green Belt, AONB and Landscape Character Area.

Overall, it is considered that the proposal would be contrary to Policy CS02 of the Gravesham Local Plan Core Strategy 2014 and paras. 147 and 148 of the National Planning Policy Framework 2021.

AONB

Policies SD2, SD3 and LLC1 of the Kent Downs AONB Management Plan states;

- SD2 The local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements
- SD3 Ensure that development and changes to land use and land management cumulatively conserve and enhance the character and qualities of the Kent Downs AONB rather than detracting from it.
- LLC1 -The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.

Policy CS12 of the Local Plan Core Strategy (2014) states that the overall landscape character and valued landscapes will be conserved, restore and enhanced. The greatest weight will be given to conservation and enhancement of the landscape and natural beauty of the Kent Downs Area of Outstanding Natural Beauty and its setting.

Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty on Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.

Paragraph 177 of the NPPF goes on to state that when considering applications for development within Areas of Outstanding Natural Beauty, permission should be refused for major development other than on exceptional circumstances, and where it can be demonstrated that the development is in public interest.

The site is located within the Kent Downs Area of Outstanding Natural Beauty. The proposals would result in a 3m high fencing located on a prominent stretch of the highway with open fields to the north and south and would have a much greater visual impact than the existing arrangement. As such it is considered that the proposed fencing being 3m in height would result in a dominant feature, and without sufficient evidence or justification for the works (or exceptional circumstances as referenced in para.177) the proposal would have a detrimental impact on the AONB, contrary to paras. 176 and 177 of the National Planning Policy Framework 2021.

Landscape Character and street scene

The application site is located within Luddesdown Downs Landscape Character Area. This area is characterised by very undulating topography with farmland used as arable and pasture, irregular field patterns, fields divided by hedgerows, narrowing winding lanes, properties and farmsteads along lanes, and small settlements within valleys.

Policy CS12 of the Gravesham Core Strategy 2014 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.

As mentioned above, whilst the use of the site is not changing, the proposed fencing would result in a dominant enclosure on this current open stretch of highway that would be highly visible from the surrounding area. It is therefore considered that the proposed fencing, would detract from the open landscape character and introducing an uncharacteristic feature into the landscape, contrary to the objectives of Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Neighbouring Amenity

There will be minimal building works on site and therefore there will be no impact on the amenities of neighbouring properties in terms of loss of outlook, privacy, sunlight or daylight.

On this basis the proposed development could accord with Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.

Parking and Highways

The site is existing utility infrastructure and there is no formal parking on site. However, the wide grass verge allows for maintenance vehicles to safely park to the west of the site, clear of the road. The existing vehicular crash barriers would be retained with one of the barriers being moved slightly to allow for the new access gate.

Nonetheless, in terms of highway safety, the proposed fencing would be located within close proximity of the highway, which currently benefits from clear sightlines for road users. With a height of 3m and proximity to the highway, it would have the potential to detract the attention of vehicle users from the road and obstruct longer views of the road.

Therefore, without lack of evidence to the contrary, it is considered that the proposed fencing would have the potential to result in a detrimental highway safety impact, contrary to Policy CS11 of the Gravesham Local Plan Core Strategy 2014.

Conclusion

The proposed alterations to the existing utility infrastructure are considered acceptable, however the erection of 3m high security fencing on this open and prominent stretch of highway in this location would result in an inappropriate development in the Green Belt, without sufficient evidence to support 'very special circumstances'. The development is therefore considered to be an inappropriate development within the Green Belt and would have a detrimental impact on the open character and appearance of the landscape, Green Belt, AONB and has the potential to result in a detrimental impact on highway safety.

The development is therefore contrary to Policies CS02, CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paras. 147, 148, 176 and 177 of the National Planning Policy Framework 2021.

Recommendation:

Refusal.

See draft Decision

Case Officer:	Mrs Amanda Grout	Team Leader:	Miss Faye Hobbs
Signed:	<i>A Grout</i>	Signed:	
Dated:	17 th May 2023	Dated:	17 May 2023