



Appeal Decision

Site visit made on 9 September 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2025

Appeal Ref: APP/K2230/W/25/3363163

**Unit 23 Apex Business Park, Queens Farm Road, Lower Shorne, Gravesend
DA12 3HU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Louise Hall (Hireheat Ltd) against the decision of Gravesham Borough Council.
 - The application Ref is 20240454.
 - The development is described as erection of temporary structure for workshop/office to include installation of foundation slab.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A building has already been erected on the site and is occupied. It consists of two parallel rows of stacked metal containers, with the intervening area roofed over and enclosed by end walls. Although this broadly corresponds with the design on the drawings, the building is further forward than indicated on the plans. There is also an additional lean-to projection at the rear and extra window and door openings not shown on the plans. For the avoidance of doubt, I have considered the appeal based on the proposed plans.
3. The building is described as temporary on the application form, without specifying the period for which planning permission is sought. The Design and Access Statement associates the development with a five-year lease expiring 31 January 2029. While I have noted that the building appears capable of enduring beyond that point, I have considered the appeal on the understanding that a temporary permission is sought, corresponding with the duration of the lease.
4. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024, after the application was determined. It included changes relevant to development in the Green Belt, which both parties have addressed in their evidence for this appeal. I have taken the revised Framework and the parties' evidence on the relevant changes into account.

Main Issues

5. The main issues are:
 - whether the development is inappropriate development in the Green Belt, having regard to the Framework and relevant development plan policies, and

- the effect of vehicle movements associated with the development on the local highway network.

Reasons

Green Belt

6. The appeal site is one of several plots in an existing business park in a rural area. It is at the far end of the internal access road, adjoining other commercial units on two sides, railway sidings to the north and open fields to the east. At the time of my site visit, the building which has been erected appeared to be in use as an industrial workshop. There were also ancillary offices and staff facilities on the site, as well as a considerable level of outdoor storage, including shipping containers, plant and equipment. In the rest of the business park, I observed a range of other commercial/industrial uses, including waste processing, skip hire and vehicle repairs. There are other buildings of comparable scale and similarly utilitarian appearance. Boundary treatments between plots and around the perimeter include metal palisade fencing and stacked railway sleepers.
7. According to the planning histories provided by both main parties, a Lawful Development Certificate (LDC) was granted most recently in 2002 for a sui generis use described as the hiring, repair, refurbishment and sale of plant, equipment and portacabins; the open storage of such items and the open storage of scaffolding and liquid petroleum gas. The LDC describes a storage area to the east of the business park, with a three-metre height limit of open storage ancillary to the primary use of the site. The appeal site is in that location, and the appellant acknowledges that its established use as described in the LDC was for outdoor storage ancillary to the main use of the site.
8. There is no evidence before me of any LDC or planning permission having been granted more recently, to confirm that the site has subsequently gained an established use for an independent storage and distribution use. Conversely, while the Council states that the site has been vacant for around four years, the appellant explains that this was due to a change in leaseholder and asserts that the established use has not been abandoned. In any case, it is not the function of this appeal to determine the lawful use of the site. Both parties agree that the site is previously developed land as defined in Annex 2 of the Framework, and I have considered the appeal on that basis.
9. In the Gravesham Local Plan Core Strategy (CS), Policy CS02 states amongst other things that, outside settlements in the Green Belt, development will be supported where it is compatible with national policies for protecting the Green Belt. In the Framework, paragraphs 154 and 155 list forms of development which are defined as not being inappropriate in the Green Belt. Paragraph 154g allows for the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, where such redevelopment would not cause substantial harm to the openness of the Green Belt. On the basis that the site is previously developed land, the development is capable of benefitting from those provisions, despite the recent period of vacancy. The key consideration is whether there is substantial harm to the openness of the Green Belt.
10. The building has a sizable footprint and is considerably taller than the ancillary outdoor storage use which had been established through the passage of time, judging by the three-metre height limit described in the LDC. Despite being

described as temporary, it introduces a larger and more solidly built feature onto the site. There are, however, other buildings of a similar scale in very close proximity, as well as some sizable fences and other boundary enclosures, areas of outdoor storage and substantial commercial vehicles. These features collectively compromise the level of openness within the confines of the business park. Since the appeal site is enclosed by high fences and adjoins other commercial units on two sides, even when it was vacant, it would have had a relatively contained character. That moderates the overall effect of the development on openness in spatial terms.

11. While public views are very limited due to the other commercial development, the upper part of the building as built can be seen across the fields, particularly from the lane to the south. However, other commercial buildings are visible to a similar extent. Despite its height, the visible part of the building is a relatively minor component in the vista from the lane. The bright blue finish draws the eye, but could be modified by condition, to blend with the more subdued colouring of the end walls and roof.
12. Overall, based on the proposed plans and my observations on site, the building in question causes some harm to the openness of the Green Belt, due to its height, bulk, footprint and degree of apparent permanence. There are both spatial and visual aspects to the harm. However, when its context within the business park is taken into account, there is not a substantial level of harm to the openness of the Green Belt. The development therefore comprises redevelopment of previously developed land within the parameters in paragraph 154g of the Framework.
13. For that reason, I conclude that the development is not inappropriate development in the Green Belt, having regard to the Framework. Consequently, it does not conflict with Policy CS02, which defers to national policy for the definition of inappropriate development. Having reached that conclusion, there is no need for me to consider whether or not the development accords with the criteria in paragraph 155 of the Framework regarding development on Grey Belt land.

Highways

14. The second reason for refusal relates to a lack of information about vehicle movements, without specifying whether the underlying concern relates to highway safety, traffic generation, or both. Representations from Shorne Parish Council raise more specific highway concerns, encompassing both highway safety and additional commercial traffic on the surrounding rural lanes. I have had regard to both factors when considering the potential effect on the local highway network.
15. The site is accessed through the business park, using the existing entrance gates, which accommodate two-way vehicle movement. Inside the gates is a hard surfaced internal access road, from which each of the units and yards is accessed. Just outside, on the adjacent section of Queens Farm Road, there is additional hardstanding, where several vehicles were parked, in a somewhat congested manner, at the time of my site visit. There is also a tight and physically constricted bend in the road immediately to the south of the entrance.
16. The surrounding lanes are rural in character, being narrow in width and bounded by hedgerows and soft verges. There were frequent movements of skip lorries and other commercial vehicles to and from the business park at the time of my site visit, with oncoming vehicles having to pull aside onto the verges.

17. There are a few houses a short distance away, also accessed via Queens Farm Road, so there will be some interaction between domestic and commercial traffic. Public rights of way are signposted to either side of the rural lanes and representations refer to use of the highway network by walkers and cyclists, with the National Cycle Route being accessible on the northern side of the railway and a footbridge currently under construction. On that basis, there appears every likelihood of more vulnerable road users being present.
18. The additional trip generation evidence provided with the appeal is based on a B8 storage and distribution use. However, a General Industrial (B2) use is specified on the application form, and the building is described as a workshop and offices. Therefore, the additional traffic evidence does not clearly describe the level of vehicle movement or types of vehicles likely to be associated with the current use of the site.
19. Employees in a workshop or office could be expected to travel to and from the site on a daily basis and several cars and vans were parked at the site throughout my site visit. The number of parked vehicles implied a level of daily trips significantly in excess of the 2 or 3 daily arrivals and departures suggested by the appellant. Given the history of previous commercial use, it may be that the residual effect of any additional traffic on the road network is not severe. Nevertheless, that has not been evidenced in a manner relevant to the actual intended use.
20. The occupier's business activities are described on the application form as manufacture and production of boiler plant. There were some sizable examples of such plant present during my site visit, including items which could only realistically be transported to and from the site using heavy vehicles. Additional large vehicle movements could particularly increase the risk of conflict with more vulnerable road users within the more physically restricted areas of the highway. No evidence has been presented to demonstrate whether such risks could be acceptably managed or mitigated. As such, there is an identifiable risk that the development may unacceptably compromise the safety of other highway users, contrary to paragraph 116 of the Framework.
21. For the above reasons, on the basis of the information before me, I am not satisfied that vehicle movements associated with the development avoid having a harmfully detrimental effect on the local highway network, with the highway safety considerations being of particular concern. That conflicts with saved Policies T1, T3 and T4 of the Gravesham Local Plan 1994 which collectively aim to ensure that all development is adequately served by the highway network and limit the impact of additional commercial vehicle traffic outside built up areas and in areas not well related to the primary and distributor highway network.
22. The development also fails to accord with relevant requirements in CS Policy CS11, which include that development should mitigate its impact on the highway network and that applications are supported by evidence to identify and manage highway requirements arising from the development.

Other Matters

23. The development is to facilitate the expansion and growth of an existing business, with some associated economic benefit. However, while the Core Strategy recognises the need for a sufficient supply of B class uses, and the Framework is supportive of the expansion and adaptation of existing businesses, in neither case

is such support at the expense of other relevant planning matters such as highway safety being properly addressed. There is no contribution towards any unmet need for storage and distribution uses, since a B2 use is sought. Although it is stated that there is a lack of another suitable available site to meet the occupier's requirements, no substantive evidence is provided in support of that assertion. There is also little evidence that the industrial use makes any specific contribution to the local rural economy or that the occupier needs to be located in a rural area.

24. Although the site relates closely to the other commercial uses in the business park, it is outside any settlement and lacks access by public transport. While there is evidence of recreational walking and cycling, the narrow, unlit lanes are not conducive to commuting from the surrounding settlements by those means. Therefore, there is no clear advantage to the location in terms of its accessibility.
25. Neither a landscaping condition nor any other planning conditions could adequately address the shortfall in evidence that an adverse impact on highway safety could be avoided. Even if the building was only present for the duration of the current lease, any unacceptable impact on highway safety would still endure for a number of years.
26. The Council did not allege any harm to the character and appearance of the area or the effect on heritage assets, although representations did express concerns on both counts. In addition to highlighting the public views of the site described above, those representations reveal that road access to the business park is through the Queens Farm Conservation Area. A plan detailing the Conservation Area boundaries has not been provided, but there is a clearly identifiable historic farmstead in that location, which includes a cluster of converted farm buildings and traditional rural dwellings, seen within an agricultural setting.
27. The existing commercial traffic will already have some effect on the character of the Conservation Area, and no specific evidence has been adduced that any incremental traffic growth is materially harmful compared to the status quo, when considered in relation to the significance of the designated heritage asset. In any case, absence of identified harm is a neutral factor, weighing neither for nor against the development.
28. Overall, the factors in favour of the development are limited and largely unsubstantiated. Even if considered collectively, they do not outweigh the conflict with the development plan in relation to highway safety.
29. Had I been minded to allow the appeal, it would have been necessary to seek further information from the parties about any likely significant effect on the nearby North Kent Marshes Special Protection Area and Ramsar site. However, as I am dismissing the appeal for other reasons, there is no need to consider the effect on Habitats Sites further. Similarly, while I have had regard to other issues raised in representations, those could not affect the outcome of the appeal based on the conclusions reached above, so do not need to be addressed further in this decision.

Conclusion

30. The development conflicts with the development plan and no material considerations indicate that a decision should be made otherwise than in

accordance with the development plan. Therefore, the appeal should be dismissed.

Jane Smith

INSPECTOR