



Delegated Report

Planning Application

Planning Application No: 20250481

Location: Willow Platt Hermitage Road Higham Rochester

Description: Demolition of bungalow and erection of a two storey self build dwelling on the site of the former bungalow (part retrospective).

Applicant: Mr & Mrs A Gill

Submitted Documents/Plans

Application form;
Planning Design & Access Statement
Drawing No.24/453.01 A – Existing Plans & Elevations
Drawing No.24/453.02 – Proposed Plans & Elevations
Drawing No.24/453.03 – Proposed Plans & Elevations

Relevant Planning History

Reference	Description	Decision	Decision Date
20230345 Appeal ref: 2023/00036/REF	Application for prior approval under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for enlargement of a dwelling by construction of additional storey with a maximum height of 7.95 metres.	Refused and Allowed at Appeal	Application: 24.05.23 Appeal: 14.12.23
20230251	Prior approval application for a single storey rear extension with a depth of 8.00 metres, maximum height of 4.00 metres and eaves height of 2.59 metres.	Prior Approval Not Required	11.04.23
20211339	Application for a Lawful Development Certificate in respect of the existing use as a residential dwelling without a agricultural condition.	Granted	04.04.2022
19590225 (TH/6/59/216)	Erection of bungalow for agricultural worker	Permitted	04.08.1959
19590216 (TH/6/59/216)	Erection of a bungalow for agricultural worker	Permitted	04.08.1959
19560221 (TH/6/56/180)	Site for erection of an agricultural bungalow	Permitted	26.10.1956

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Design and Development Principle

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development onto the Highway Network
- C12 – Replacement Dwellings in the Countryside
- C13 – Extensions to Dwellings in the Countryside

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

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

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places
- Section 13 – Protecting Green Belt Land

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 Guide (2021)
- Design for Gravesham – Design Code (2024)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Consultees

KCC Biodiversity

Extensive comments provided which are available on the file. In summary no objection subject to conditions.

Natural England

No objection

Kent Highways
No objection

Dickens' Country Protection Society

The Society would wish to object to the above planning application on the grounds that the site is in an area within which Green Belt Policies apply. The size of the extension and alterations is excessive and in the Society's view does not conform to paragraph 154 (c) of the National Planning Policy Framework (December 2024).

KCC Heritage

The site lies within an area of multi-period archaeological potential. However, based on existing Historic Environment Record data for the area and the relatively limited extent of the proposed works, I consider it unlikely that these proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

Neighbouring properties

3 surrounding properties were consulted and a site notice displayed on site. The overall consultation period expired on 19 June 2025. One letter of support received stating the following:

The existing structure has long been vacant and is now in a state of disrepair, no longer fit for modern living or beneficial to the surrounding community. Its replacement with a thoughtfully designed, sympathetic new dwelling presents a valuable opportunity to rejuvenate the site in a way that is both responsible and forward-thinking.

The proposed development is in keeping with the character of the local area. The design and materials have clearly been chosen with sensitivity to the rural setting and the established architectural vernacular. Rather than detract from the landscape, this new home will contribute positively to the area's visual and social fabric.

Importantly, the application supports the long-standing values of our rural community, where family life, sustainability, and strong neighbourly ties remain central. The creation of a new family home will help maintain the vitality of the local area, supporting schools, services, and community initiatives. In summary, this proposal strikes the right balance between necessary renewal and respectful design. I believe it will make a meaningful and lasting contribution to the community and urge you to grant planning permission.

Officer's Analysis

Proposal

This proposal relates to the construction of a dwellinghouse. The original bungalow has been demolished without planning permission, and so the proposal relates to the construction of a new dwelling to replace the demolished bungalow.



Image taken 16.02.23 – Prior to demolition



Image taken 14.11.24 – Post demolition

The original dwellinghouse was intended for agricultural worker occupation and was originally conditioned to restrict its occupation to agricultural workers. This condition was removed in 2021. The site is in a rural area in the Metropolitan Green Belt. The site is in the Arable Farmlands Landscape Character Area and in the Thames Estuary and Marshes Ramsar Buffer Zone.

Green Belt Assessment

The Local Plan Core Strategy (LPCS 2014), at Policy CS02, set's out that the Green Belt is defined on the Policies Map, and development in the Green Belt will be supported where it is compatible with national policies (i.e. Chapter 13 Protecting Green Belt land of the NPPF (2024)) for protecting the Green Belt and policies within the Development Plan.

As the proposal is for the replacement of a building, the proposal must be considered under Para. 154 and the exception set out at 154d). Whilst the site has previously been lawfully developed (i.e. the now-demolished original bungalow) and constitutes previously developed land, the proposal does not fall within the requirements of Para. 154g).

In addition to the exceptions under Para. 154, the NPP4 (2024) identifies further circumstances where development is not inappropriate in the Green Belt. Para. 155 states the development of homes should not be regarded as inappropriate where (a) the development would utilise 'grey belt' land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; (b) there is a demonstrable unmet need for the type of development proposed; (c) the development would be in a sustainable location, with particular reference to Para.'s 110 and 115; and (d) where applicable the development proposed meets the 'Golden Rules' requirements set out in Framework Para.'s 156-157. As the proposal is for a replacement dwelling rather than the development of a home that would utilise grey belt land, meet a demonstrable unmet need and be a development in a sustainable location, the proposal is not considered to meet the requirements of Para. 154-155.

Havin concluded the proposal does not meet any of the expectations above Very Special Circumstances (VPC) need to be considered.

Very Special Circumstances

As set out in the planning history for the site, a number of prior approvals and a certificate of lawful development allowed for various extensions to the property, which could have been constructed.

During pre-app discussions it was agreed that whilst the dwelling was prematurely demolished, the LPA took this view into account and supported an approach for a replacement dwelling in line with what was previously approved. This is summarised in an extracted from the supporting planning statement.

We undertook a pre-application enquiry with the response to this enquiry. In summary, the response advised that a two storey house with a floor area equivalent to the previously approved first floor extension and ground floor of the original bungalow would be acceptable. The planning department confirmed it would support an planning application for house comprising the equivalent area of the bungalow on the ground floor, the previously approved first floor extension and previously approved 8 metre deep ground floor rear extension. We hereby submit an application for this level of accommodation.

The LPA agree that the previous history is a material consideration as the previous approvals could have been implemented if they hadn't demolished the dwelling. This forms the basis of the very special circumstances and any the proposal is considered acceptable in accordance with para.153 of the NPPF.

In addition, due to the existing property being demolished and no longer in existence, the replacement dwelling will provide a dwelling to help towards the Council's lack of 5 year supply which is set out below.

In Hopkins Homes Ltd v Secretary of State for Communities and Local Government [2017] 1 W.L.R. 1865,

Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the National Planning Policy Framework (NPPF) (2024) expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

"It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policymaking role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than "guidance" and as such a "material consideration" for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme."

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in February 2025, it demonstrates that based on data up for the period 2024-2029, the Council can only demonstrate a land supply of 3 years.

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2024). This requires that in regard to housing development, planning permission should be granted unless:

*"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
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 at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 194)
- 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 75)
- 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 129(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

Design, Character and Appearance

In assessing the appeal against the determination to refuse an application for 'prior approval under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for enlargement of a dwelling by construction of additional storey with a maximum height of 7.95 metres.', under planning reference 20230345, the inspector stated:

'12. I acknowledge that the property may well have been originally provided as an agricultural workers bungalow, and its single storey nature reflects a more subservient appearance in respect to the surrounding properties. However, whilst the increase in height of the proposed property would be more visual outside the site, the resultant external appearance of the appeal property would not be at odds with the appearance of the immediate area, nor would it appear visually dominant or oppressive. While the increase in height would make the appeal property larger, it would not result in any appreciable harm to the open and verdant character of the area. Consequently, the proposal would not harm the external appearance of the immediate surroundings.'

Based on this inspector's assessment, a two-storey element would not be considered principally harmful to the openness of the area or visually dominant or oppressive, despite its significant increase in floorspace.

As shown below the design has been amended to remove the side extension and reduce the bulk and massing of the dwelling which results in an acceptable scheme. This is demonstrated below.

Proposed Design



Pre-app Design



The dimensions of the currently proposed replacement dwelling match up with the first floor extension allowed on appeal, and the prior approval granted for the rear extension. Although attempts had been made

previously to further enlarge the property, these has been resisted, leading to the current application.

Landscape Character Area.

It is also noted that landscapes, historically farmsteads are traditionally featured by larger farmhouses with associated small agricultural workers houses and other outbuildings associated with agriculture. Taking into account the Inspectors view on the upwards extensions and the prior approval fall back of 8m rear extension it is considered this development does not have material harm on the landscape. In order to ensure the impact on the landscape does not go beyond the fallback positions all permitted development rights will be removed from the site. No conflict with CS12 (LPCS).

Amenity of Future Occupiers

The proposed dwellinghouse is a large building. All rooms meet the required internal space standards, many significantly exceeding these minimums. The plot is large and so there is no concern regarding external space standards as a result of the proposal. No conflict with CS19 (LPCS).

Neighbouring Amenity

The plot is large and enclosed by planting. Subject to landscape details and proposed site plan, the development would likely not result in overshadowing or overlooking of the neighbouring plots. No conflict with CS19 (LPCS).

Highways & Parking

Parking details have not been provided in detail but there is sufficient space on site. Details of this will be secured via a planning condition.

Biodiversity

This application states it is a self and custom build dwelling and therefore exempt from BNG. A relevant informative will be included on the decision notice.

As set out in paragraphs 187 and 193 of the National Planning Policy Framework (NPPF) 2024, biodiversity should be maintained and enhanced through the planning system. Enhancement refers to providing net benefits for biodiversity over and above requirements for BNG, avoidance, mitigation and compensation. As such, we advise that an enhancement plan is provided and a condition wording is suggested below.

Within three months of works commencement, a detailed plan(s) showing how the development will enhance biodiversity, will be submitted to, and approved in writing by, the local planning authority. This will include the installation of durable bat and bird boxes, log piles, hibernacula, hedgehog homes and native species included in any planting. The approved measures will be implemented and retained thereafter.

A lighting condition will also be included to protect Nocturnal animals in the area.

A preliminary ecological Appraisal has been submitted and reviewed by KCC and subject their suggested conditions no adverse impact on biodiversity.

Heritage

KCC heritage raise no objection to this proposal.

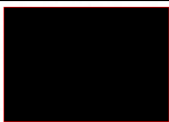
Conclusion

The proposal is deemed to demonstrate very special circumstances and the design reflects the fall back positions. Subject to appropriate conditions the development can be supported.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Richard Hart	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	14th August 2025	Dated:	15 August 2025