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Delegated Report

Planning Application

Planning Application No: 20220284

Location: Land North Of Foxdene Wrotham Road Meopham Gravesend

Description: Erection of detached chalet bungalow

Applicant: Mr & Mrs William Walden

Site Visit Date: **7th June 2022**

Submitted Documents/Plans

Planning Application Form;
Planning Statement;
Drawing No. 001 – Location Plan, Existing and Proposed Block Plans;
Drawing No. 001 – Proposed Elevations; and
Drawing No. 001 – Proposed Floor Plans.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220250	Erection of a 3 bedroom detached chalet bungalow with associated parking, amenity space and landscaping.	Withdrawn	12.04.22
20150812	Conversion of existing outbuilding to a two bedroom residential dwelling with parking.	Permitted	07.10.2015

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development

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- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 - Design & Development Principles

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network
- T5 – Access to the Identified Highway Network

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 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 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;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

External

KCC – Biodiversity

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the application submission, we advise that the proposed development has limited potential to result in ecological impacts.

We have taken this view as the Design and Access Statement states that the residential garden is maintained as grassed lawn with large vegetable patch reducing the opportunities for notable and protected

Gravesham Borough Council

species to be present.

As such we are satisfied that there is no requirement for ecological information to be submitted with the planning application.

Instead, we recommend that a precautionary mitigation approach is submitted and implemented during construction works to minimise the potential for the works to result in the killing/injuring of protected/notable species such as reptiles and breeding birds when vegetation is removed. We advise to keep the grass regularly mowed until start of works.

We recommend securing this as a condition of planning permission if granted – suggested condition wording at the end of the comment.

Biodiversity and Ecological Enhancements

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes. We advise that measures to enhance biodiversity are secured as a condition of planning permission if granted. This is in accordance with Paragraph 180 of the NPPF "opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity" – suggested condition wording at the end of the comment.

Suggested Conditions

Biodiversity method statement

No development shall take place (including any ground works, site or vegetation clearance), until a method statement for the clearance of vegetation has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the following;

a) Purpose and objectives for the proposed works;
b) Working method necessary to achieve stated objectives;
c) Details of the methodology which will be followed if reptiles or nesting birds are found during the works;
d) Provision of habitat to move any species captured during the works in to;
e) Extent and location of proposed works shown on appropriate scale plans;
f) Persons responsible for implementing works.

Biodiversity and Ecological Enhancements

Within 3 months of planning permission being granted, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with provision of generous native planting where possible. The approved details will be implemented and thereafter retained.

<u>KCC - Highways & Transportation</u>

The proposal will utilise an existing access on Wrotham Road and I am satisfied that the construction of a single residential dwelling, would not result in a significant increase in traffic.

The parking provision is in accordance with the requirements of Kent Residential Parking Standards (IGN3) and there is adequate turning room to ensure vehicles can enter and exit the site in a forward gear. The applicants should also provide an electric vehicle charging point.

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Secure, covered storage is required, at a ratio of one space per bedroom. This can be in the form of a shed in the rear garden.

Subject to the above, I can confirm, that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway.
- Provision and maintenance of 2m x 2m pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision and permanent retention of an electric vehicle charging point prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do

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so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

KCC - Heritage Conservation (E & W)

The site lies within an area of multi-period archaeological potential. However, I consider it unlikely that these proposals, immediately adjacent to the existing dwelling, would have a significant below-ground archaeological impact and have no further comments to make in this case.

Meopham Parish Council

The Parish Council raises objections on the grounds (i) it is an inappropriate development in the Greenbelt and (ii) it would result in a second hereditament on a single residential site.

Internal

GBC - Environmental Protection Team (Regulatory Services)

The following to be considered:

Watching Brief
The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out

Code of Practice on Construction and Demolition
Please apply

Drainage/sewerage informative
The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

GBC – Highways Officer

I have no objections to this proposal, with three parking spaces and adequate area on site to turn a vehicle so it can enter and leave the highway in forward gear and suitable sight lines the development can only be considered acceptable in highway terms.

However. Looking at Google Street view I'm concerned about part of the statement made in the planning statement. The information given suggests that an existing access will be used, but observation suggests the access fronts land to the north of the site and a new access will need to be created.

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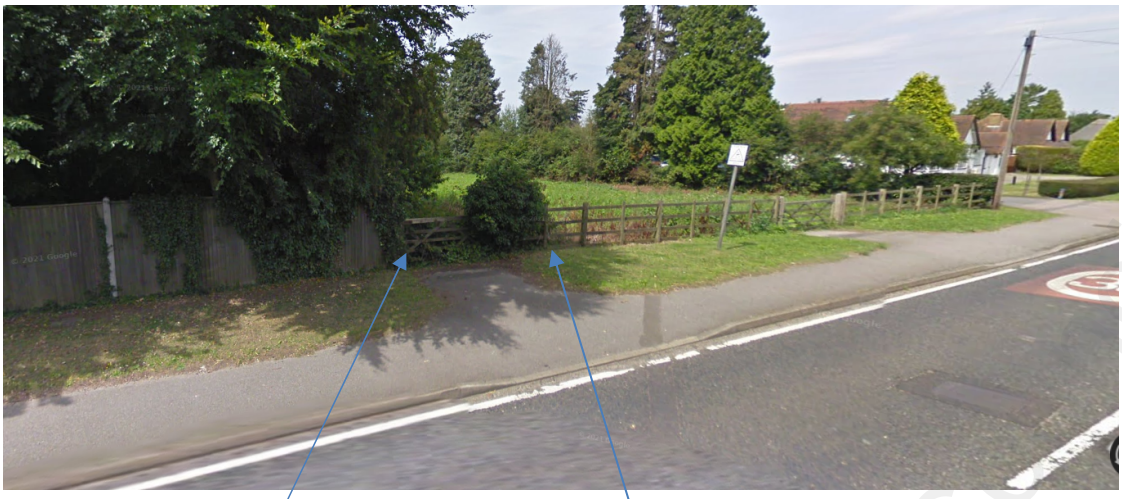


Site Boundary? Adjacent site? Google Street View August 2009

Looking at this image, the gates appear to be identical construction and there doesn't appear to be any boundary treatment to the right of the left hand gate.

Any new access should be 4.8 metres wide to allow two cars to pass for the first six metres before it tapers if required to 3 metres wide. No gates should be positioned within 6 metres of the highway to ensure any vehicle is parked clear of the highway whilst the gates are opened or closed.

Neighbouring properties

A site notice was displayed on site and 3 letters were sent out to surrounding properties with an overall consultation expiry date of 20th May 2022. No letters of representation have been received.

Analysis

Housing Supply
Adopted Policy CS02 (LPCS) sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the period. Evidence now available shows that the Council is not able to demonstrate a five-year housing supply (a 3.27 year supply has most recently been calculated within the statement published here), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF.

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(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 180)
- 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 67); 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.

As part of this balancing exercise it should be noted that paragraphs 130 and 134 of the NPPF (2021) requires development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the National Planning Policy Framework (NPPF) and established local planning policy taken as a whole.

Whilst the Council is currently unable to demonstrate a five year housing supply, the proposed development for a net increase of '1' no. dwelling would offer a minimal contribution towards meeting this local need and, accordingly, the Local Planning Authority considers that very limited weight in support of the application can be applied in this instance.

An appeal decision APP/K2230/W/16/3165704 (Appendix 1) dating from April 2017 has considered the benefit of converting an existing building within the Green Belt into two dwellings and the Inspector concluded:

"This development would involve the provision of a very modest amount of housing and I therefore consider that it would do little to enhance or maintain the vitality of the settlements in the area, in terms of supporting local services and businesses and that the poor access to every day local facilities would, in any event, outweigh any benefits to the area's vitality."

The above appeal decision makes it clear that two new dwellings would contribute to the housing supply but this would not be outweighed by the harm to the Green Belt/landscape.

Of further relevance is a recent Court of Appeal decision, Suffolk Coastal District Council v Hopkins Homes Ltd & Anor (England and Wales Court of Appeal (Civil Division) (Mar 17, 2016)) where the Judge stated the following:

39. Mr Clay and Mr Crean submitted that footnote 9 in paragraph 14 of the NPPF supports the "narrow" – or at least the "intermediate" or "compromise" – interpretation of paragraph 49. But we cannot see how it does. Footnote 9 explains the concept of specific policies in the NPPF indicating that development should be restricted. The NPPF policies it gives as examples relate to protected birds and habitats, Sites of Special Scientific Interest, the Green Belt, Local Green Space, Areas of Outstanding Natural Beauty, Heritage Coasts, National Parks, the Broads, heritage assets and locations at risk of flooding or coastal erosion (see paragraph 12 above). For all of these interests of acknowledged importance – some of them also subject to statutory protection – the NPPF has specific policies. The purpose of the footnote, we believe, is to underscore the continuing relevance and importance of these NPPF policies where they apply. In the context of decision-taking, such policies will continue to be relevant even "where the development plan is absent, silent or relevant policies are out-of-date". This does not mean that development plan policies that are out-of-date are rendered up-to-date by the continuing relevance of the restrictive policies to which the footnote refers. Both the restrictive policies of the NPPF, where they are relevant to a development control

decision, and out-of-date policies in the development plan will continue to command such weight as the decision-maker reasonably finds they should have in the making of the decision. There is nothing illogical or difficult about this, as a matter of principle.

It is therefore concluded that the additional dwelling proposed whilst having limited weight in support of the proposal is not considered to be sufficient to outweigh the harm to the Green Belt/landscape that would result from the development proposal which is discussed in the following sections of the report

Green Belt

The application site lies within the Green Belt as defined on the adopted Gravesham Local Plan Core Strategy (2014) policies map and this must be the starting point for determining this application. Given paragraph 140 of the 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.

Similarly, whilst the Council is committed under Policy CS02 to meet its full objectively assessed housing need for housing and employment and to undertake a strategic Green Belt review, if required, to achieve this end, it is not for a planning application to pre-empt due process given the outcome of this process may be to identify preferable and more sustainable alternatives.

On this, it is noted that the Inspector in finding the Gravesham Local Plan Core Strategy 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.

[NB: The full Inspector's report is attached as appendix 2]

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

- Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy, and

- 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.

Whether the proposal is inappropriate development in the Green Belt
Paragraph 149 states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include:-

a) Buildings for agriculture and forestry;
b) Provision of appropriate facilities (in connection with 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 preserves 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 in the development plan (including policies for rural exception sites); and
g) Limited infilling or the partial or complete redevelopment of previously developed land (brownfield 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.

Clearly, the first four bullet points do not apply in this instance as the proposal is not for agriculture or forestry; is not for appropriate facilities for outdoor sport, recreation of cemeteries; is not an extension or alteration of an existing building; and it is not a replacement building. Consideration therefore needs to be given as to whether the development falls under categories e) and g).

The site the subject to this application is land adjacent to the existing Foxdene which historically formed part of the residential curtilage of Leylands Farm Cottage. The site is fenced off from Foxdene and the surrounding buildings and is overgrown and has a number of mature trees and landscaping and is devoid of any buildings.

The Local Planning Authority therefore contends that the only exceptions that might apply under paragraph 149 of the NPPF (2021) in this case relates to; e) limited infilling in villages; or g) 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use'.

e) Limited infilling in villages

On this, it is noted that neither the NPPF or the development plan define the terms 'limited', 'infilling' or even what constitutes a 'village'. Because of this, the Local Planning Authority requires 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 Meopham Green is a village
- If Meopham Green 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.

<u>Whether Meopham Green is a village</u>
The adopted Gravesham Local Plan Core Strategy (2014) 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 (attached as appendix 3.)

As noted above, there is no definition of a 'village' in either the NPPF or the development plan. 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 DPD, 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.

This issue has been recently considered at appeal where the Planning Inspector (APP/K2230/W/16/3161653 Appendix 4 considered whether Culverstone Green is a village and the Inspector stated:

Culverstone Green is defined in the Council's Core Strategy (CS) 2014 as a 3rd tier settlement and it is inset from the Green Belt boundary. Paragraph 4.2.6 of the CS states that where 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. From what I have seen and read, it seems to me that Culverstone Green may be regarded as a 'village' for the purposes of this aspect of this appeal.

Meopham Green is a rural settlement inset from the Green Belt as defined by the Local Plan Policy Map. However, because it has all of the characteristics of a village in terms of having a school and a range of other facilities, treating Meopham Green as a 'village' would appear to be consistent with the intent of national Green Belt policy.

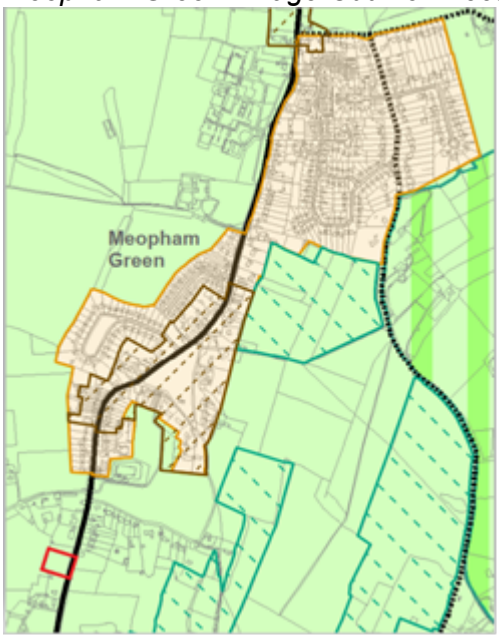
As paragraph 144 of the NPPF only allows 'villages' to be excluded from the Green Belt by way of an inset designation and the above mentioned rural settlements are inset from the Green Belt within the Gravesham Local Plan Core Strategy 2014, it is considered that Meopham Green should be treated as villages for the purposes of the application of planning policy.

<u>As Meopham Green is a village, where does its boundary lie relative to the application site?</u>
As Meopham Green is considered for the purposes of this application to be a village, the question arises what its boundaries are on the ground and whether the application site lies within those boundaries. In this context it will be noted that the Court of Appeal case for Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin) (Appendix 5) in quashing the original decision did not make a planning judgement as to where the boundary might lie, rather that the original Inspector had misdirected himself in accepting the Green Belt/inset boundary as being the edge of the village after he had noted the built development continuing to the east. The officer carried out an accompanied site visit on the 6th June 2022 and walked the village and application site and determined the boundary on the ground. The main built development of the village in relation to the site is located to the north of the site and the main Wrotham Road acts as a physical boundary.

Whilst the site is outside the inset rural settlement boundary, paragraph 4.2.6 of the Local Plan Core Strategy accepts that these boundaries do not necessarily represent their full extent. Rather, they are intended to relate to the coherent and established built up area where policy accepts infilling would not adversely affect local character or identity or impact on the openness of the Green Belt.

In this respect, the Local Planning Authority consider that there remains a clear distinction between the existing residential development to the north of Wrotham Road, and the existing land to the north of Foxdene.

Meopham Green Village Outline - Local Plan Core Strategy Proposals Map (application site outlined in red)



The following aerial photographs from 1940 to 1990 demonstrate how the village of Meopham Green around the application site evolved, and how the site has been devoid of development.

1940 Aerial Photo (Google Earth)

1960 Aerial Photograph (Google Earth

1990 Aerial Photograph (Google earth)

2003 Aerial Photograph (Google Earth)

2015 Aerial Photograph (Google Earth)

2020 Aerial Photograph (Google Earth)

Whilst the site originally formed part of the residential curtilage of Leylands Farm Cottage, the land was sold and permission given in October 2015 (Ref. 20150812) to convert an existing outbuilding into a two bedroom property, now known as Foxdene. The residential curtilage of Foxdene has clearly been defined by both soft and hard boundaries, together with residential paraphernalia such as hardstanding driveway. The application site clearly has no relationship with the adjacent Foxdene and surroundings dwellings within the village of Meopham Green. Furthermore as Meopham Green is a new village (post war redevelopment) Leylands Farm Cottage, to which the application site was originally part of, predates the village and was never included within the village of Meopham Green.

Essentially the land to the north of Foxdene which forms the application site is adjacent to the village boundary and has no relationship with the village.

As a result of the above the Local Planning Authority concludes that there remains a clear distinction between the more built up areas of Meopham Green and the original Leylands Farm Cottage, Foxdene and

the land to the north of Foxdene which is the subject of this application. Quite rightly the application site is washed over and where the Local Planning Authority considers it important to maintain openness as a key characteristic of the Green Belt.

The Local Planning Authority therefore contends that the designated rural village boundary shown on the adopted policies map remains justifiable on the ground and that the application site lies beyond it within the Green Belt. The proposal is therefore considered to be 'inappropriate' development in the Green Belt.

g) Limited infilling or the partial or complete redevelopment of previously developed land (brownfield land)

On this, it is noted that neither the NPPF (2021) or the development plan define the terms 'limited', 'infilling'. Because of this, the Local Planning Authority requires 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:

- Does the whole site fall within the definition of previously developed land
- Whether the proposal subject to this application can be considered 'limited'; and
- Whether the proposal constitutes 'Infilling'
- Whether the proposal would have a greater impact on the openness of the Green Belt than the existing development

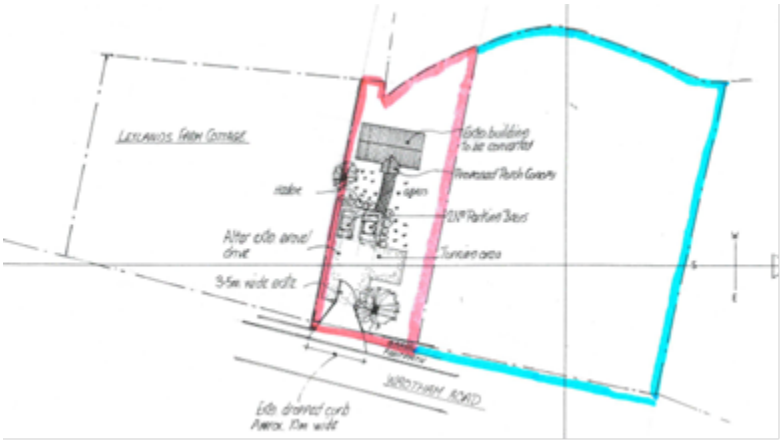
For the proposed development to constitute an 'exception' rather than be classed as 'inappropriate' development, it is contended that all of the above criteria need to be met.

<u>Is the application Site Previous Developed Land</u>
In the case of Dartford Borough Council v Secretary of State for Communities & Local Government (CO/3129/2015) the Deputy Judge held that the wording of the exemption to previously developed land, within the NPPF was significant. It reads "land in built-up areas such as: private residential gardens". As such, the Deputy Judge found that only residential gardens within the "built-up area" were exempt from the definition of previously developed land whereas, residential gardens outside "built up areas" were "brownfield". In terms of this current application, the site lies outside "built up areas" and whilst historically it formed part of the residential curtilage of Leylands Farm Cottage, it was separated in approximately 2007 and has never been developed or used as a private residential garden for either Leylands Farm Cottage or Foxdene.

The application site is devoid of any buildings or development and from the historic images above, there does not appear to have been any buildings on this land. As the planning history shows, in October 2015 planning permission was given to the land north of Leylands Farm Cottage for the *Conversion of existing outbuilding to a two bedroom residential dwelling with parking.* (ref. 20150812). This permission was implemented and the outbuilding is now renamed as Foxdene. From the officer site visit, post and rail fencing clearly separates Foxdene from the application site and the site has been allowed to become overgrown. As such the site cannot be considered to be used as residential garden and could be classified as scrub land.

Therefore in terms of the land directly to the north of Foxdene, it is not considered to fall within the definition of previous developed or brownfield land.

Block Plan for 20150812 *Land to North of Foxdene*



Taking all of the above into consideration and without any evidence to the contrary, the land to the north of Foxdene is not previously developed land (brownfield land).

Furthermore, the site is devoid of any sort of development and the proposal would include the pruning of the boundary trees and hedging which would open up to allow for more clear views of the site from the north, west and south and the construction of a chalet style detached dwelling would be highly visible from the surrounding Green Belt land, together with boundary treatment and hard landscaping for vehicular access and parking and all the domestic paraphernalia that would be associated with a domestic dwelling, which overall would have significant more built form and clustering than the existing. The proposal is therefore considered to be 'inappropriate' development in the Green Belt and contrary to paragraph 149(g) for the NPPF (2021).

<u>Whether the proposal subject of the appeal can be considered 'limited'.</u>
The application site has a width of 36.1m from the both side fences and a depth of 58.7m from the rear boundary of the site up to the front curtilage with Wrotham Road. This large site would be cleared of a substantial amount of trees and shrubbery and redeveloped to provide 1 new dwelling which due to the lack of any structures on this piece of land and it's separation from the village boundary, along with the scale of the property, together with the hardstanding and domestic paraphernalia, could not be viewed to be 'limited'.

This stance is shared by the planning inspectorate who dismissed an appeal (APP/F0114/W/16/3157766 attached as appendix 6) for the replacement of an existing workshop with two dwellings. The Inspector made the following comments on limited infill.

"Furthermore, the proposed two-storey dwellings would be substantially larger (bulk and mass) and have a greater visual impact than the existing single storey workshop. Consequently, having regard to the Framework, the proposed dwellings would not amount to limited infill in the context of the village as the cumulative effect of the proposed dwellings would have a greater impact on the openness of the Green Belt, by way of their height, bulk and mass. Therefore, the proposed dwellings would have the effect of materially reducing the openness of the Green Belt."

In light of the above appeal decision and the fact the demolition of a workshop and erection of 2 dwellings cannot be considered to be limited, then this application for the construction of one new dwelling on a site devoid of any development cannot be considered to be limited.

<u>Whether the proposal constitutes 'infilling'.</u>
Having established that the development is not limited the next issue to evaluate is if the proposal constitutes infilling. Neither the NPPF (2021) nor the development plan currently defines the term 'infilling'. However the Local Planning Authority accepts the generally agreed definition of infilling as the following:

The development of a small gap in an otherwise continuous built-up frontage, or the small-scale redevelopment of existing properties within such a frontage.

This application does not meet the above definition as it is not the development of a small gap between an otherwise built up frontage. The site consists of extensive trees and landscaping which covers the entire frontage. Foxdene to the south being the nearest property is set back from the frontage by 32m and Meopham Vets to the north being the next building is located 43m from the north side boundary of the application site, with no other structures other than post and rail fencing separating them. As such, there is no built-up frontage surrounding the site and in the case of this application it's clear that the development does not result in the infilling of a small gap in an otherwise continuous frontage. This application is essentially a redevelopment of a site.

Existing Site

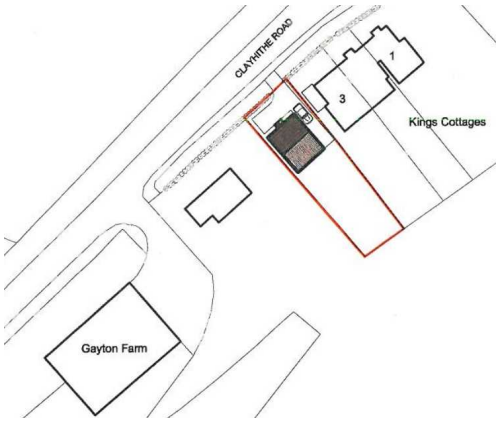
Proposed Site

Streetscene

The Inspectorate has considered the issue of infilling on numerous appeals and APP/W0530/A/13/2207789 (Attached as appendix 7) is particularly relevant as the Inspector concludes the following

"The adjacent Kings Cottage and Gaytons Farm form a detached small group of development otherwise surrounded by countryside. As such, neither they nor the appeal site form a particularly cohesive, built-up frontage in the Green Belt which can readily accommodate an additional dwelling without an urbanising effect. Given its verdant, overgrown condition, development on the appeal site would be conspicuous. Thus, I conclude that the scheme cannot be considered to be the limited infilling or redevelopment of a previously-developed site in line with the sixth bullet point exception."

The above is demonstrated on the below aerial photograph (2018) and the proposed block plan from the above appeal decision.



The direct similarities with the above appeal and this application is the frontage of the above appeal decision and this application do not form a particularly cohesive, built-up frontage in the Green Belt which can readily accommodate an additional dwelling without an urbanising effect.

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 (2021) and this has been clearly back up by appeal decisions mentioned above.

<u>Conclusion on Green Belt issues and assessment of harm</u>
The Local Planning Authority is of the opinion that the application site lies outside the defined settlement boundary (for the purposes of this assessment a village) of Meopham Green within the Green Belt; that there have been no significant changes in circumstances since that boundary was defined that would warrant a different interpretation being taken now; and that in any event, the entire site is not considered to be previous developed land (brownfield) and the proposal does not constitute limited infilling.

It is therefore considered that the proposal represents 'inappropriate' development in the Green Belt which is by definition harmful and which should only be permitted where the applicant can demonstrate 'very special circumstances' that clearly outweigh harm caused by inappropriateness and any other harm.

In undertaking the balancing exercise to determine whether or not those 'very special circumstances' clearly outweigh such harm, substantial weight must be accorded to the harm caused to the Green Belt.

The Local Planning Authority contends that harm to the Green Belt in this instance primarily comprises:

Permanent loss of openness – Openness and permanence are the essential characteristics of the Green Belt. The site is currently devoid of any development and has substantial amount of trees and shrubbery which contribute to the character of the Green Belt. The construction of a new 3 bedroom detached dwelling with associated parking, hardstanding, residential paraphernalia and lighting will permanently and irrevocably harm the Green Belt though loss of openness at this point. Whilst it may be possible to mitigate visual impact to a limited degree by screening, this cannot in itself overcome the adverse impact on

openness which is defined by the presence or absence of the building itself.

Encroachment of the countryside – This is a stated national purpose of the Green Belt at paragraph 138 of the NPPF (2021). The construction of an additional detached dwelling on this site would introduce urbanising features (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 built form of Foxdene to the surrounding open areas and open fields beyond. Whilst 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. Furthermore, the existing site has extensive mature hedging and trees along the north, east and western boundaries which a significant amount would be lost as a result of the proposed development, therefore resulting in wider views of the development.

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 Gravesham Local Plan Core Strategy (2014). As noted above, the local planning authority considers the proposal subject of the application to represent an encroachment in the countryside. This would take place as a result of the effective expansion southwards of the Meopham Green rural settlement. The Local Planning Authority is also concerned that this could establish a precedent for similar such development elsewhere in the borough.

<u>Consideration of 'very special circumstances'</u>
The applicant does not include any argument for 'very special circumstances'.

<u>Final balancing exercise on Green Belt issues</u>
The application site lies within the Green Belt and constitutes 'inappropriate' development. The proposal introduces 1 additional dwelling onto a site which currently does not contain any structures or development, and which contributes positively to the Green Belt. This proposal adversely impacts on the openness of the Green Belt at a point of transition between the more densely and finer grained development within the Meopham Green rural settlement, and the application site, the adjoining open fields and countryside to the south and west which are within the Green Belt. The introduction of built development on the application site would blur the distinction between the two areas and represent an encroachment of the countryside through the insertion of an urbanising form.

It is considered therefore that substantial weight should be accorded Green Belt harm as directed by the NPPF (2021).

The local planning authority is of the opinion that the applicant has failed to demonstrate the existence of 'very special circumstances' that clearly outweigh harm to the Green Belt caused by inappropriateness.

<u>Impact on the Landscape</u>
Section 15 of the NPPF (2021) highlights the importance of conserving and enhancing the natural environment, one aspect of which is the protection and enhancement of valued landscapes. Policy CS12 of Gravesham Local Plan Core Strategy states that the overall landscape character and valued landscapes within the Borough will be conserved, restored and enhanced and that proposals will take account of the Gravesham Landscape Character Assessment.

In May 2009 the Local Planning Authority published the Gravesham Landscape Character Assessment which identified 11 distinct areas within the borough. The application site falls within Meopham Downs Landscape Character Assessment.

The 2009 Landscape Character Assessment lists the following key characteristics found within Meopham Downs as follows:

- Gently undulating topography with a mixture of arable and pasture farmland

- Neat pattern of small square fields in the south
- Broader irregular shaped fields to the north
- Narrow lanes and roads lined with hedgerows
- Three large settlements located along A227 running east and west
- Traditional architecture surrounding village greens provide local vernacular

The Gravesham Landscape Character Assessment demonstrates the qualities with make the landscape area special and undermines Policy CS12 (LPCS) which seeks to conserve and enhance its quality.

Notwithstanding the landscaping and visual appraisal submitted with this application and the possible use of planning conditions to deal with soft landscaping/boundary treatment to reduce the visual appearance of the dwellings. The Local Planning Authority views that no amount of landscaping/planting will be able to replicate the current stance of the site which is devoid of development and has extensive trees and mature landscaping surrounding and within the site.

The introduction of a 1 dwelling with all the associated residential paraphernalia will undermine one of the key landscape characteristics of Meopham Downs which are gently undulating topography with a mixture of arable and pasture farmland.

A further impact of this scheme on the landscape would be the introduction of domestic parking on the site which is currently void of any domestic vehicle parking and associated lighting generated by the scheme, both from the dwellings, car movements, and external lighting for the development.

In summary, the proposed development would adversely affect the character of the rural area, becoming more suburban and less rural. The proposal would therefore cause harm to the landscape character and natural beauty of the valued landscape. Therefore this proposal would conflict with Policy CS12 (LPCS) which seeks to ensure valued landscapes will be conserved restored and enhanced.

Climate Change

Policy CS18 (LPCS) sets out the requirements for dealing with sustainable drainage and surface water run-off. The soakaways for the surface water drainage are unlikely to be acceptable to building regulations if they are within 5 metres of a building or highway and this would need to be confirmed with Building Control, if they consider the access as a highway for their purposes. In order to deal with Sustainable Urban Drainage Strategy (SUDS) for the site if permission was to be granted this would be dealt with through a planning condition which would look to include the following:

- Pervious pavements/road surface to allow water to drain through the surface;
- Outlet to pipes or infiltration to ground;
- Rain gardens for each dwelling (simple and small basins for roof water drainage); and
- Filter Drains.

Design

When evaluating the design of this proposal it needs to be considered against the design principles of Policy CS19 (LPCS) which require development to conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards. At a national level the NPPF (2021) in paragraph 126 provides guidance on providing good design.

Foxdene to the south of the site is a modern designed chalet style bungalow with the first floor rooms being served by modest single dormers. The proposed dwelling has been designed to reflect this arrangement and as such is considered acceptable.

It is considered that the design incorporates features of the existing dwelling to the south and as such, it is considered that the design of the proposed property would not integrate into the immediate setting and is acceptable in design terms. However, as this scheme is inappropriate development in Green Belt the

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principle of development is unacceptable.

The effect on neighbouring properties living conditions
Careful consideration has been made in regard to whether this development would adversely impact on the amenity of surrounding properties. Gravesham's adopted residential layout guidelines provide clear guidance on the window to window distance between dwellings and how to consider impact on overshadowing. Having considered these guidelines it is not considered that an adverse impact on neighbouring properties living conditions would result from the development proposed.

Living environment for future occupiers
The proposed development needs to ensure that the development will provide adequate living conditions for future occupiers and this is reinforced by the Council's Residential Layout Guidelines. These guidelines provide requirements for room sizes and amenity space. Consideration also needs to be given against how the scheme compares to the Nationally Described Space Standards.

In this case the proposed dwelling complies with all local and national room size standards and has acceptable garden depth/area in terms of size requirements against the adopted residential layout guidelines.

Effects on highway safety/parking provision
The scheme as submitted needs to be considered against saved policy T1, T5 and P3 (LPFR), Policy CS11 (LPCS) and Section 4 of the NPPF (2021). These policies ensure that development has an acceptable amount of parking, is not detrimental to the highway network and promotes sustainable transport methods.

The proposal would utilise the existing access which is served by a dropped kerb and access gate and would provide three parking spaces for a three bedroom property with adequate turning space to enter the site in a forward gear.

The GBC – Highways Officer comments relating to the use of the existing access is acknowledged.

Overall it is considered that the proposal would comply with Policy CS11 (LPCS, saved policies T1, T5 and P3 (LPFR) and Section 4 of the NPPF (2021). However, as this scheme is inappropriate development in Green Belt clarification on access, vision splays, cycle storage and service details have not taken place.

Sustainable Development
The NPPF (2021), taken as a whole, represents 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.

In the case of this application the site access road fronts onto Wrotham Road which is served by a bus route has a pavement and street lighting. Whilst Meopham Green does not have a local centre as defined on the Local Plan Policies Map, there are local amenities such children's centre, Meopham Dental Care, Meopham Fitness and Tennis Centre, restaurant and schools, all within easy access off the main Wrotham Road.

Therefore this proposal is considered to be in a sustainable location and complies with local and national planning policy in regard to sustainability.

Any other material considerations

Ecology and Biodiversity
No details or preliminary ecological appraisal were submitted with the application, however KCC Biodiversity confirmed that the proposed development has limited potential to result in ecological impacts.

However, following the officer site visit and viewing the current condition of the site with dense trees,

hedging and shrubbery covering the whole site, it is considered that there is the possibility of substantial wildlife being present within the site.

As such, if the application were to be supported in principle, it would be necessary for a preliminary ecological report to be submitted and additional information would be sought prior to determination of the planning application in relation for the need for further surveys along with any necessary mitigation measures for reptiles.

Reptile surveys have not been carried out. Due to the proposed site layout and disruption during development, it is unlikely that the reptile population, if present, can be retained on site. Therefore if reptiles are present details of a suitable off site reptile receptor site must be included within the submission. However, as this scheme is inappropriate development in Green Belt it would not be necessary for further surveys to be carried out before determining the application.

As a result of the proposed application, the existing overgrown areas within the site, together with the mature hedging, landscaping and numerous trees would be removed, resulting in a biodiversity net loss.

Overall it is considered that the proposed development would result in a biodiversity net loss to the area and would conflict with Policy CS12 (LPCS) and paragraphs 180 and 181 of the NPPF (2021).

Conclusion

It is acknowledged that the Council is currently unable to demonstrate a five-year housing supply and as the delivery of housing is 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 NPPF (2021).

The proposed development for a net increase of 1no. dwelling unit (in this case 1 house) would offer a minimal contribution towards meeting this local need and delivery and, accordingly, adds minimal weight in support of the application.

However, notwithstanding this a balanced approach has to be taken and it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (2021) and established local policy taken as a whole.

In this case the balance is tilted towards refusal 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 2021 Section 13 (Protecting Green Belt Land) indicates that the most important attribute of Green Belts is their openness. The development will not preserve the openness of the Green Belt through construction of 1 additional dwelling, associated hardstanding, lighting, car parking and residential paraphernalia and will conflict with the purposes of including land within the Green Belt as it will encroach into the countryside and urbanise the site. In the absence of any 'very special circumstances' that may otherwise outweigh the harm by reason of inappropriateness, and any other harm, the proposed development is considered to be contrary to the advice in Section 13 (Protecting Green Belt Land) of the National Planning Policy Framework (NPPF) 2021, and Policy CS02 (Scale and Distribution of Development) of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014).

2. The application site lies within the locally designated Meopham Downs Landscape Character Area, where local and national planning policy and guidance expect developments to conserve, restore and enhance the natural landscape. The proposed development, if permitted, would be harmful to

the landscape character when compared to the existing site. The harm from the redevelopment of the site in this instance would be derived from the bulk and massing of the dwelling, the associated hardstanding, lighting, car parking and residential paraphernalia. The application is therefore contrary to Policy CS12 and CS19 of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014) and Section 15 of the National Planning Policy Framework (NPPF) 2021.

3. The applicant has failed to provide any ecological evidence assessment covering the impact of the development on wildlife including reptiles. Together with the significant loss of mature landscaping, trees and scrub land, the proposal would result in a biodiversity net loss, contrary to Policy CS12 (LPCS) and paragraphs 180 and 181 of the National Planning Policy Framework (NPPF) 2021.

Recommendation:

Refusal

See draft Decision

Case Officer:	Mrs Amanda Grout	**Team Leader:**	Miss Faye Hobbs
Signed:	*A Grout*	**Signed:**	
Dated:	16th June 2022	**Dated:**	16 June 2022

Gravesham Borough Council