

Planning Statement



**APPLICATION FOR
PERMISSION IN PRINCIPLE
BY:**

MRS C. E. TARR

RELATING TO:

**HORNS OAK FARM
HORNS OAK ROAD
MEOPHAM,
GRAVESEND
KENT
DA13 0BX**



01689 836334



enquiries@replanning.co.uk



www.replanning.co.uk

Robinson Escott Planning LLP,

Downe House, 303 High Street, Orpington, Kent BR6 0NN

1. INTRODUCTION

- 1.1. I am instructed by my client Mrs C.E. Tarr to submit, under the Town and Country Planning (Permission in Principle) (Amendment) Order 2017, an application for Permission in Principle (PiP) for the following works at Horns Oak Farm, Horns Oak Road, Meopham:

“Development of site to provide up to 5no. residential units.”

- 1.2. In accordance with the Town and Country Planning Regulations 2012 (as amended) PiP applications attract a fee of £503 for each 0.1ha of site area (or part thereof). In this case, the site comprises 0.2ha, and as such the fee is £1006.
- 1.3. This will be paid online once the Council is in receipt of the application and has provided a reference number.

2. THE APPLICATION SITE AND SURROUNDING AREA:

- 2.1. The application site is located on the northern side of Horns Oak Road, approximately 80m south from the junction with Whitehill Road. In terms of position, it is 1.1km south-east of Meopham Green.

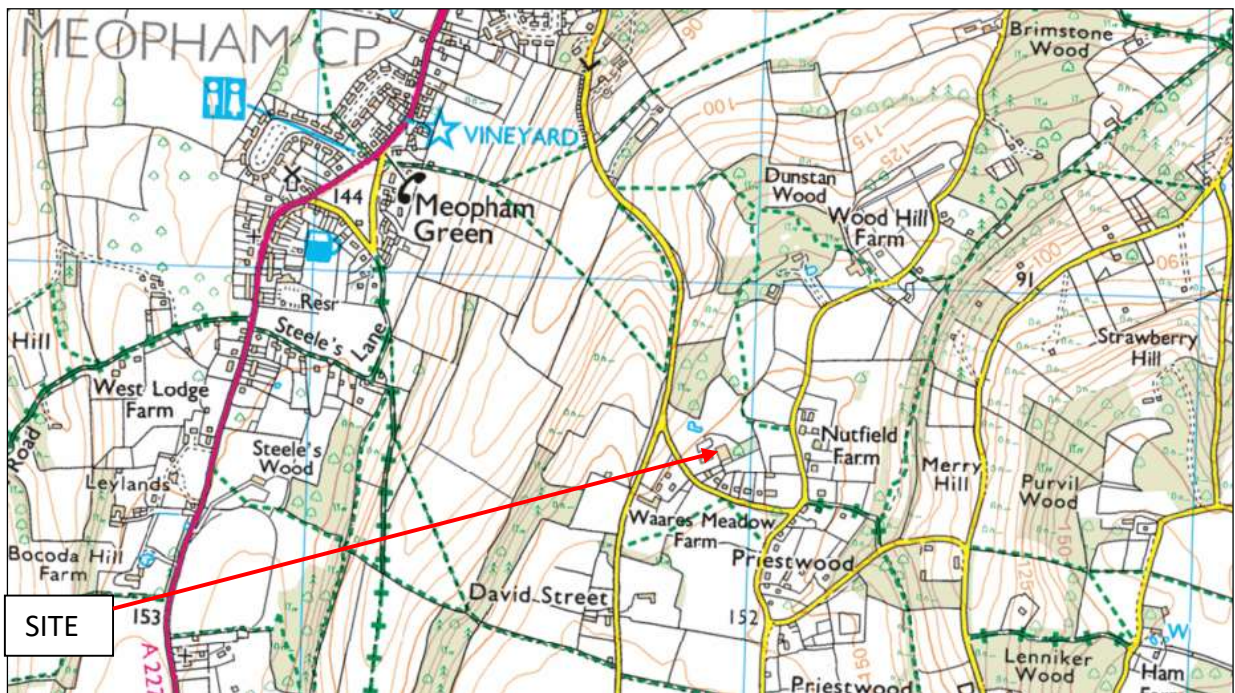


Figure 1: OS Map of site.

- 2.2. The site comprises Horn Oak Farm, a large detached dwelling set back from the highway behind mature landscaping. Vehicular access from the highway passes along the southern flank of the property and provides access to the application building, which is east of Horns Oak Farm.
- 2.3. The building is a large detached structure consisting of traditional construction and appearance. Around the building, there is formal parking to the northern and western flanks. The ground floor of the building consists of two sections. One half of the building comprises stables / equine use with associated hay, tack and equipment stores. The other half of the ground floor of the building is used by Absolute Action and comprises office and workshop for the design and production of sustainable fibre optic and low energy LED lighting and equipment. The ground

floor commercial use consists of an entrance hall, main office and workshop. Other ancillary elements include a kitchen, store and toilets. There is also a first floor to the building which comprises a first floor office. Above the workshop is a self-contained 2no. bedroom flat within the applicant's ownership.

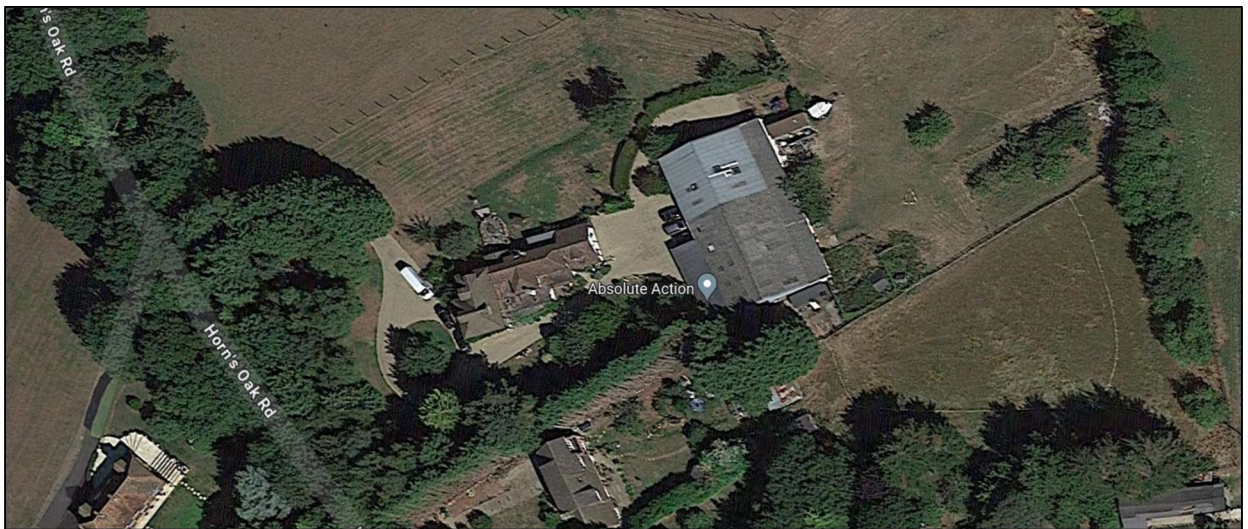


Figure 2: Aerial photo of site.

- 2.4. The site is located in the Metropolitan Green Belt and Kent Downs National Landscape. However, the building is not listed or locally listed, nor situated within a Conservation Area.



Figure 3: Extract from Gravesham Proposals Map.



Figure 4: Flood Map.

2.5. The site is also located in Flood Zone 1.

3. RELEVANT PLANNING HISTORY:

(i) Site – Historic Applications

3.1. The following historic applications are relevant to the site:

- **19920349 - Continue use of part of agricultural barn as workshop and storage (application permitted).**

3.2. This permitted part of the barn which is subject of this application, to be used for a workshop and storage. The permission attached a condition which meant the permission would inure solely for the benefit of the applicant and his immediate family. In addition, no power driven machinery was permitted in the workshop. An extract of the conditions is outlined below:

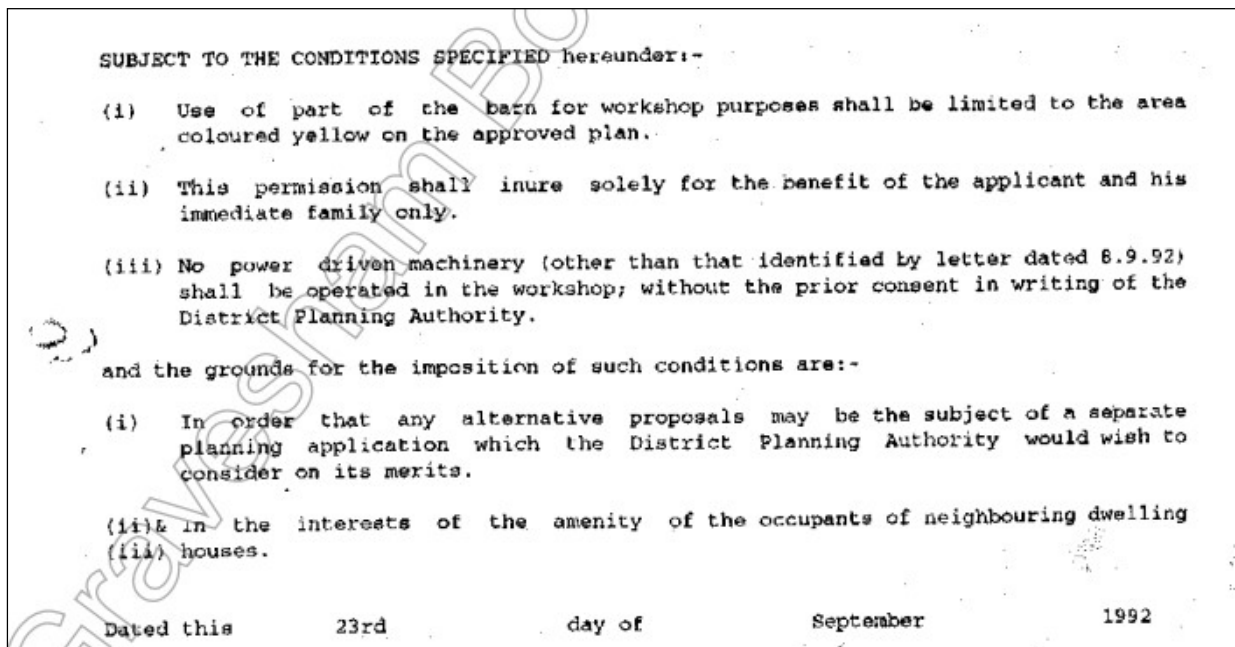


Figure 5: Conditions from 1992 permission.

- **20000204 - Application for the variation of conditions (i), (ii) and (iii) of planning permission ref. no. GR/92/349 relating to continued use of part of agricultural barn for workshop and storage, to permit its use as a workshop and storage for the assembly of fibre optic units with office/showroom at first floor level (application refused).**

3.3. This application sought to vary/remove the conditions of the 1992 consent, and proposed to use the building for workshop and storage for the assembly of fibre optic units with an office/showroom at first floor level. The proposal was refused by the Council on Green Belt, conversion of a farm building and highways grounds.

- **20000613 - Application for variation of conditions (i), (ii) and (iii) of planning permission reference number GR/92/349 relating to continued use of part of agricultural barn for workshop and storage, to permit its use as a workshop and storage for the assembly of fibre optic units with office at first floor level (application refused).**

3.4. This subsequent application was refused on the same grounds as planning application 20000204.

- **20030532 | Change of use of part of barn from agricultural use to office and workshop in connection with the design and manufacture of fibre optic lighting (application refused).**

3.5. This final proposal which sought a straight change of use part of the building was refused on the following grounds:

- 1 The proposal is contrary to the provisions of Policy MGB3 of the approved Kent Structure Plan, Policy GB2 of the Gravesham Local Plan First Review and Policy RA2 of the Gravesham Local Plan Second Review Deposit Version which include the site within the Metropolitan Green Belt. Within the Green Belt there is a strong presumption against permitting new development outside the present defined extent of any village unless it conforms with the open recreation function of the Green Belt or is directly related to agricultural or other uses appropriate to the rural area, the development does not fall within these categories.
- 2 The proposal does not meet the criteria for the conversion of farm buildings to other uses as set out in Policies C11 of the Gravesham Local Plan First Review and RA4 of the Local Plan Second Review Deposit Version in that the nature and intensity of use would be detrimental to traffic safety, the proposal also conflicts with Policies RS1 and RS5 of the approved Kent Structure Plan and the advice in PPG2 (Green Belts) which indicates that the re-use of buildings in the Green Belt may be rejected where there are specific and convincing planning reasons such as traffic grounds.
- 3 The proposal, if permitted, will result in additional vehicular traffic using a network of substandard rural roads,

Figure 6: Refusal grounds 2003 application.

- 3.6. It is noted that the Kent Structure Plan has now been abolished and policies GB2, RA2 and RA4 are now no longer saved policies as they are not consistent with National policy or have been superseded by the Gravesham Core Strategy.
- 3.7. However historic permissions demonstrate that repeated attempts to make the application site an unrestricted employment premises have been resisted by the Council.

(ii) Site – 2020 Planning Applications

- 3.8. The following permissions were approved in 2020 under the following references:
 - **20200117 | Application for retention of change of use from barn to B1 (office) and B1C (workshop) for the design and production of sustainable fibre optic and low energy LED lighting (application permitted).**
 - **20200121 | Application for a Lawful Development Certificate in respect of the continued use of the first floor of the barn as a separate residential flat (granted).**

3.9. Planning permission approved the barn as a B1 (office) and B1c (workshop) which has now been superseded to Class E(g) under the Use Classes Order updates from 1 September 2020. The planning unit of the site was defined by the below red line:

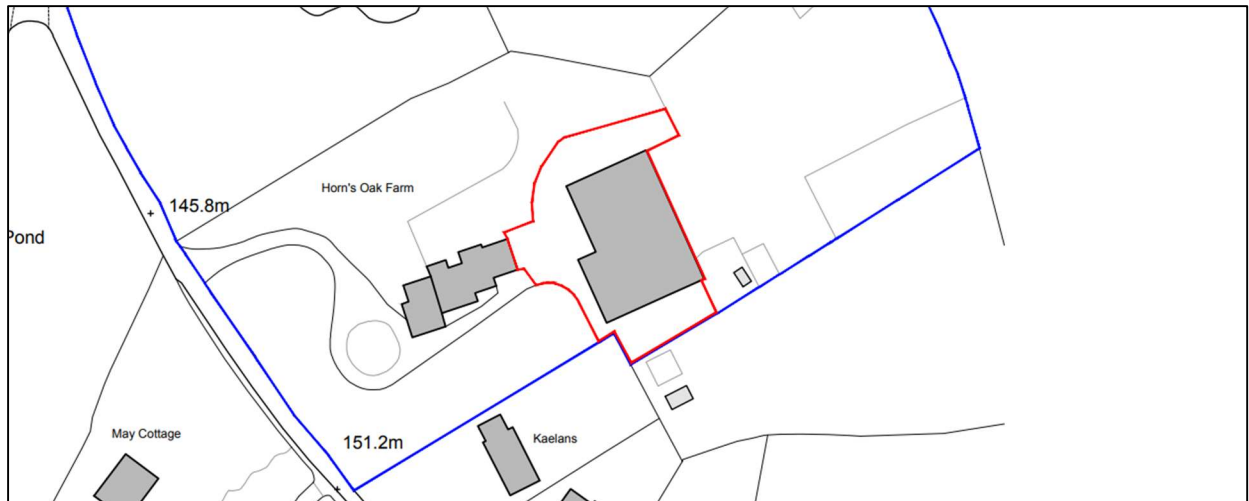


Figure 7: Planning unit of site.

3.10. However, in line with the historic planning application, the following condition was also attached to the permission which restricted the use of the building for the applicant only.

3.	This permission shall relate solely for the benefit of the applicant and her immediate family only unless otherwise agreed in writing by the Local Planning Authority.
Reason:	To ensure control over any changes to future business use to allow assessment of the potential impact on amenity in accordance with Policy CS19 of the Core Strategy 2014.

Figure 8: Condition of 2020 planning permission.

3.11. The origin of the condition was based on amenity impact as well as highways safety, with the following comment received by the Highways Officer:

"Given the site has been operational for a few years, I doubt on highway issues a Planning Inspector would accept an objection on highway grounds at least in isolation as the current use has stood the test of time. However, B1 uses can result in a variety of different users and

traffic generation, both in terms of numbers and size of vehicles. I would therefore suggest if you are minded to approve that the use should be specific to the current occupier only.”

3.12. The 2020 lawful development certificate formalised the use of the first floor as a 2 bedroom apartment.

(iii) Borough

3.13. The Council cannot 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) (2023).

4. THE APPLICATION PROPOSAL

- 4.1. The development proposes to demolish the existing building on site which comprises office/workshop, stables and a 2no. bedroom apartment. The existing building will be replaced by a proposal of up to 5no. dwellings which will be situated on the footprint of the existing building, with gardens and parking areas.
- 4.2. The houses would be accessed via a new access which would run along the northern flank of Horns Oak Farm, within its defined residential curtilage. Cars entering and exiting the site onto the public highway will utilise the existing access onto Horns Oak Road.
- 4.3. Since this is an application for the PiP, the planning considerations are limited to location, land use and quantum of development. As required by the PPG, other matters of detail will be dealt with at the Technical Details application stage.
- 4.4. The submitted plans are indicative but have been prepared to inform the Green Belt consideration for the proposed development.

5. PLANNING POLICY:

5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 Act states that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise.

5.2. The Development Plan comprises:

- Gravesham Local Plan Core Strategy (LPCS) (September 2014)
- Saved Policies in the Gravesham Local Plan First Review (November 1994)

5.3. The Council undertook such a review in September 2019 and the review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the National Planning Policy Framework (2023), the Council will also seek to replace these saved policies via the emerging Local Plan.

5.4. The Planning Practice Guidance and National Planning Policy Framework (2023) are material planning considerations.

Planning Practice Guidance

5.5. The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

National Planning Policy Framework (2023)

Section 5 - Delivering a sufficient supply of homes

- 5.6. Paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

Section 13 – Protecting Green Belt Land

- 5.7. Paragraph 142 states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.8. Paragraph 143 sets out the five purposes of the Green Belt:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.9. Paragraph 152 states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.

5.10. Paragraph 153 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

5.11. Paragraph 154 states that local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this amongst others are:

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - **not have a greater impact on the openness of the Green Belt than the existing development;**

Gravesham Local Plan Core Strategy (LPCS) (September 2014)

5.12. The following policies are considered relevant to this PiP:

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS07 – Economy, Employment and Skills
- CS11 – Transport

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

5.13. The following policies are considered relevant to this PiP:

- C11 – Change of Use of Redundant Buildings in the Countryside
- T1 – Impact of Development on the Highway
- T4 – Development Outside the Built-Up Area
- P3 – Vehicle Parking Standards

6. PLANNING MERITS:

- 6.1. The planning considerations for PiP applications are limited to **use, location and quantum**, with all other matters to be addressed at the subsequent 'Technical Details' stage. With this in mind and given the planning designations of the site, these will be assessed separately. Considerations relating to developer contributions is also outlined.

Use

- 6.2. Part of the existing building which is to be demolished comprises an office / workshop use which was formalised under planning application **20200117**. The applicant, who lives at Horns Oak Farm, owns Absolute Action which operates from the site. The applicant is in the process of retiring and selling the business. The business which is considering purchasing Absolute Action has confirmed they would have no intention of retaining the existing building for the commercial use, given the buildings condition, poor access, restrictive personal permission and proximity to the main dwelling.
- 6.3. As detailed in this statement repeated attempts to obtain consent for an unrestricted commercial use have been resisted by the Council historically. In addition, the approval of planning permission **20200117** was only approved on the basis that this was for the benefit of the applicant only. The reason for this condition was two-fold, one was to preserve amenity; the other was on highways grounds.
- 6.4. Given the close proximity of the commercial premises to the dwelling at Horns Oak Farm and that the access to the business runs alongside the southern flank of the property, the re-use of the building for an alternative user/business is not considered suitable, based on the reasoning of condition 3 of planning permission **20200117**.
- 6.5. Given the existence of the personal permission and the Council's historical resistance to an unrestricted commercial use on the site, it can be concluded that the existing premises is no

longer suited for employment purposes. In addition, it has been outlined that an alternative user of the building would have an unacceptable environmental impact on the area. For this reason, the loss of the existing use is acceptable in this instance, in line with Policy CS07 of the Gravesham Local Plan Core Strategy 2014.

- 6.6. Based on the above discussion, the proposal to change the use of the site and to propose up to 5no. dwellings is acceptable in terms of use.

Location

- 6.7. The existing site comprises Horns Oak Farm, a large, detached dwelling and associated annex. The building which is proposed to be demolished includes a lawful 2no. bedroom apartment. The site is situated on the northern side of Horns Oak Farm, which comprises a ribbon of dwellings. To the east there is a further ribbon development on the eastern side of Priestwood Road and Brimstone Hill and on the southern side of Chandlers Hill. The site is not considered isolated therefore and is surrounded by residential development.
- 6.8. Policy as set out in the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. Weight is given to small and medium development sites to deliver housing. The importance of making best and most efficient use of land has been strengthened within Section 11 of the NPPF 2023.
- 6.9. Given the constraints of the Borough, the redevelopment of this previously developed land avoids developing greenfield sites and valued landscapes elsewhere in the Borough. Given the existing use of the site as equine, commercial and residential use, the site clearly comprises previously developed land in line with the definition within Annex 2 of the NPPF which states:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

6.10. Although in the Green Belt, the site therefore meets the first limb of paragraph 154(g) of the NPPF which permits the construction of new buildings as part of the complete redevelopment of previously developed land.

6.11. Based on the above discussion, the proposal of up to 5no. dwellings is acceptable in terms of location.

Quantum

(i) Green Belt

6.12. Bullet point (g) of paragraph 154 of the Framework states that limited infilling **or** the partial **or** the complete redevelopment of previously land, whether redundant or in continuing use is appropriate development in the Green Belt. This is subject to an ‘openness test’ which involves, as a matter of planning judgement, an assessment of whether the proposed development would not have a greater impact on the openness of the Green Belt than the existing development.

6.13. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Openness is,

to a large extent, the absence of perceived development, whether in the form of buildings, engineering or other operations or a material change of use of land.

- 6.14. However, assessment of Green Belt openness must also necessarily encompass a wider analysis than simply a comparison between footprint, volume and height of existing buildings to proposed building. There is a visual dimension to openness and this is explicit in undertaking the Green Belt openness assessment. The Court of Appeal made this plain in the judgement of ***Turner v SoS for Communities and Local Government [2016] EWCA Civ 466***.

“The concept of ‘openness of the Green Belt’ is not narrowly limited to the volumetric approach. The word openness is open textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents.

The openness of the Green Belt has a spatial aspect as well as a visual aspect, and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result of the location of a new or materially larger building there. But, as observed above, it does not follow that openness of the Green Belt has no visual dimension.”

(Lord Justice Sales)

- 6.15. The Turner judgment asserted that the consideration of openness cannot depend on a volumetric approach; rather, it is also necessary to consider the spatial implications of a proposal. In other words, a development scheme cannot rely on the volumetric assessment alone: it is necessary to take account of wider considerations, including the spatial implications of a proposal in such a location.

6.16. Even so, the volumetric appraisal is a beneficial starting point to analyse the openness test.

6.17. In order to consider the acceptability of the quantum of development as part of this PiP, footprint and volume measurements have been taken for the existing building. In addition, an indicative proposal for 5no. units has been prepared to show an indicative quantum of floor area and volume for such a proposal to address this consideration. This is outlined below:

	Existing	Proposed
Footprint (m2)* (GEA)	698.89m2	333m2
Volume (m3)*	3352.8m3	1582m3

6.18. In respect of footprint, the proposal will result in a reduction of floor area 365.89m2, a percentage reduction of **52.3%**. Volumetrically, the proposal will result in a reduction in volume of 1770.8m3, a percentage reduction of **52.8%**. These represent significant reductions in built form across the site which will enhance the openness of the Green Belt. The above table therefore demonstrates that the indicative scheme of up to 5no. dwellings would preserve the openness of the Green Belt volumetrically.

6.19. In the light of Turner however, as well as the volumetric appraisal of a development it is also necessary to consider the spatial implications of the development on the site.

6.20. The indicative development shows that the 5no. dwellings would be situated on the footprint of the existing building. The height of the proposed dwellings will be lower than the existing building. All the gardens are situated on land which comprises previously developed land ensuring that there will not be an encroachment into the surrounding countryside. The parking area for the dwelling utilises the existing parking area for the existing commercial use. Finally, the proposed access is located on residential curtilage and will therefore not harm the openness of the Green Belt.

6.21. Taking the above factors into consideration, the indicative scheme of up to 5no. dwellings would cause no harm to the openness of the Green Belt and that, having regard to bullet point (g) of paragraph 154 of the Framework, the scheme comprises appropriate development in the Green Belt.

(ii) Highways

6.22. The lawful commercial use is served off the existing vehicular access to Horns Oak Farm. This has good visibility to the east and west onto Horns Oak Road. The use has been operating at the site since 2013, with no accidents recorded since this time.

6.23. There are 7no. employees for the existing use which attract 6no. cars to the property per day. This results in a total of 12no. vehicular trips across the working day. Commercial deliveries and collections to the site regularly exceed 10 x 2 way vehicular trips per day. The current business purchase from and sell products abroad which use different carriers which attracts these deliveries and collections. Vehicles range from HGVs to commercial vans.

6.24. The proposed use of up to 5no. dwellings will not result in an increase in vehicular movements to the site compared to the existing use. The indicative proposal shows a new internal access road to serve the development. The level of vehicular trips associated with the indicative scheme would not cause a severe impact on the public highway network in line with paragraph 115 of the NPPF. Given the negligible impact on the highway the nature and intensity of the use is not detrimental to traffic safety in line with Policy CS11 of the Gravesham Saved Local Plan.

6.25. Based on the above discussion, the proposal of up to 5no. dwellings is acceptable in terms of quantum.

Developer Contributions

6.26. The Planning Practice Guidance outlines that Local planning authorities may agree planning obligations at the technical details consent stage where the statutory tests have been met.

6.27. **Planning obligations cannot be secured at the permission in principle stage.**

7. CONCLUSION

7.1. The PiP consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. This Planning Statement has outlined the first stage and has considered whether the site is suitable in principle. This Planning Statement has assessed the scope of PiP which is limited to **use, location and quantum** of the development.

7.2. It has been outlined that the loss of the existing use of the site is acceptable. This is because:

- The applicant, who lives at Horns Oak Farm, owns Absolute Action which operates from the site. The applicant is in the process of retiring and selling the business. The business considering purchasing the business has confirmed they have no intention of retaining the existing building for the commercial use, given the buildings condition, poor access, restrictive conditions and proximity to the main dwelling.
- The approval of planning permission **20200117** was only approved on the basis that this was for the benefit of the applicant only. This was on amenity and highways grounds.
- The re-use of the building for an alternative user/business is not considered suitable, based on the reasoning of condition 3 of planning permission **20200117**.

7.3. The statement has also outlined that the use for residential is considered suitable given the Council's Housing Needs and lack of housing supply.

7.4. In terms of location, it has been demonstrated that the site consists, and is surrounded by, residential development and comprises previously developed land.

7.5. In terms of quantum, it has been outlined that the indicative scheme of up to 5no. dwellings would meet the requirements of paragraph 154(g) of the NPPF and would preserve the openness of the Green Belt. It has also been demonstrated that a proposal for up to 5no. dwellings will

not result in any increase in highways activity given the existing use of the site and the proposal will be acceptable in terms of highways safety and convenience.

7.6. I trust the enclosed is sufficient for you to register this PiP and look forward to receiving confirmation of its validation and subsequent determination within 5 weeks. Following this, we will address the detailed planning considerations in a subsequent Technical Details application.