

# PLANNING STATEMENT

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Cobhambury Barn, Cobhambury Road, Cobham

Gravesham Borough Council

# PLANNING STATEMENT

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Erection of an extension to existing lawful dwelling together with a new self-contained link-attached dwelling.

Cobhambury Barn, Cobhambury Road, Cobham DA12 3BT

Mr & Mrs Montila

April 2022

YOUR REF:

OUR REF: M21/1107.RPT.01

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# Introduction

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## Section 1

- 1.1 This Planning Statement has been prepared by **Tetlow King Planning** on behalf of Mr & Mrs Montila (hereafter '**the applicants**') to accompany the planning application for an extension and new self-contained dwelling at Cobhambury Barn, Cobham Road (hereafter '**the application site**').
- 1.2 This Planning Statement is submitted pursuant to Article 8 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and should be read in conjunction with the submitted application forms, certificates, plans and supporting documents.
- 1.3 This statement provides the background to the proposals, together with a description of the site and surroundings. The statement demonstrates the planning merits of the proposals, having regard to relevant National and Local Planning Policy and other important material considerations upon which it is considered this application should be determined.
- 1.4 This application has been prepared in accordance with Gravesham Borough Council's validation requirements, accompanying this Planning Statement are the following documents:
- Planning Application forms and ownership certificates;
  - Design and Access Statement by Rummey Design;
  - Site Location Plan - RD1769-Z0-P-L100;
  - Site Plan - RD1769-Z0-P-L101;
  - Site layout landscape - RD1769-Z0-P-L102;
  - Lower ground floor and ground floor plans - RD1769-Z1-P-A100;
  - First floor and roof plans - RD1769-Z1-P-A102;
  - South and east elevations and sections - RD1769-Z1-P-A500;
  - West and north elevations - RD1769-Z1-P-A501; and
  - East and south sections - RD1769-Z1-P-A502
- 1.5 This planning statement is set out as follows:
- Section 2 sets out the context of the site and its surroundings;

- Section 3 sets out the details of the proposals;
- Section 4 sets out the planning policy context and explores other material considerations;
- Section 5 sets out the planning considerations for the application cross referencing the proposals against the planning policy context and other material considerations; and
- Section 6 provides a summary and concludes that the proposals are supported by planning policy, therefore justifying the application should be approved.

# Site & Surroundings

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## Section 2

### The Site and Surroundings

- 2.1 Cobhambury Barn is located on the east side of Cobhambury Road. Cobhambury Barn is accessed via along drive which also serves Cobhambury Farmhouse. There is also a further access to the south which serves the commercial storage area located to the east.
- 2.2 Cobhambury Barn is a historic farm cluster adjacent to the settlement boundary of the village of Cobham, approx. 5 miles south of Gravesend. The farm lies within the Conservation Area although the proposed site for development falls outside the Conservation Area boundary.
- 2.3 The landscape immediately around Cobhambury Barn comprises commercial orchards to the west with the characteristic pattern of large arable fields and woodland to the east and south. The site enjoys panoramic views eastwards over fields and woodland, but is contained to the south, west and north by vegetation.
- 2.4 The village of Cobham is located in the north-west part of the Kent Downs Area of Outstanding Natural Beauty (AONB). The West Kent Downs landscape is typically characterised by deciduous woodland surrounding large arable fields, thick deciduous shaws and hedgerows, village settlements contained by woodland and a network of small country lanes.

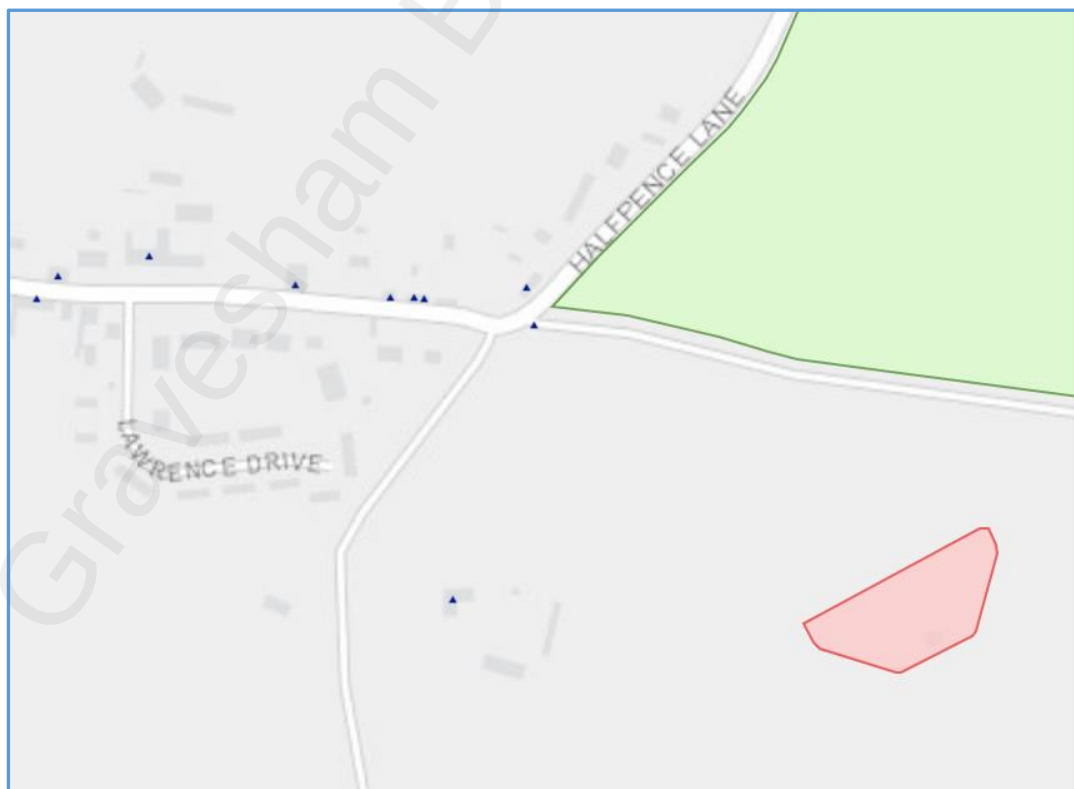
### Sites policy context

- 2.5 The application site is located outside of the defined rural settlement boundary of Cobham; immediately abutting the edge of the Cobham Conservation Area; within the Green Belt; and within the AONB (See figure 1).



**Figure 1: Gravesham Policy Map**

- 2.6 In terms of heritage assets, Historic England mapping identifies the following designated heritage assets within the immediate (see figure 2), the finer details of the types of those heritage assets are listed in table 1.



**Figure 2: Historic England Map**

| Heritage Asset Type    | Address                                   | Designation |
|------------------------|-------------------------------------------|-------------|
| Scheduled Monument     | World War II Heavy Anti-aircraft gun site |             |
| Historic Park & Garden | Cobham Hall                               | Grade II*   |
| Listed Building        | Cobhambury House                          | Grade II    |
| Listed Building        | Cobham War Memorial                       | Grade II    |
| Listed Building        | Dovecote at Lodge Farm                    | Grade II    |
| Listed Building        | The Dairy, Cobham Hall                    | Grade II*   |
| Listed Building        | Rose Cottage                              | Grade II    |
| Listed Building        | Forge Cottages                            | Grade II    |
| Listed Building        | Mill Farmhouse                            | Grade II    |
| Listed Building        | The Ship Inn                              | Grade II    |

**Table 1 – List of asset types**

### Planning History

- 2.7 An assessment of the planning history available on the Council's website has been undertaken. The website shows the sites planning history, some older applications are likely to be less relevant given the changes in planning policy over time but could still be a material consideration.
- 2.8 The most relevant are set out in the table below: (Table 2)

| Reference | Description                                                                                                                                                                                                                                                                                                                                  | Decision              |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 20180257  | Application for a Lawful Development Certificate in respect of the continued use of part of the outbuilding as a three-bedroom residential dwelling and retention of the extension to the western elevation to the outbuilding.                                                                                                              | Certificate Granted   |
| 20180268  | Application for a Lawful Development Certificate in respect of the retention of the swimming pool.                                                                                                                                                                                                                                           | Certificate Granted   |
| 20180269  | Application for a Lawful Development Certificate in respect of the retention of a single storey side extension.                                                                                                                                                                                                                              | Application Withdrawn |
| 20180270  | Application for a Lawful Development Certificate in respect of the continued use of land east of the outbuilding as B8 (storage and distribution).                                                                                                                                                                                           | Certificate Granted   |
| 20180578  | Retention of the single storey side extension to the main dwellinghouse and infill extension to the existing outbuilding.                                                                                                                                                                                                                    | Application Permitted |
| 19970562  | <b>**AMENDED APPLICATION/ REVISED DESCRIPTION**</b> Partial demolition of barn and its conversion and part rebuilding into a six-bedroom dwelling; conversion and part rebuilding of outbuildings to form garaging, gymnasium/sauna room, games room, store and 3 no. stables, involving demolition of 'Atcost' barn building; laying out of | Application Permitted |

|          |                                                                                                                                                                                                                                                                                                                                                                                                       |                     |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
|          | associated manoeuvring area and retention of portacabins during construction works.                                                                                                                                                                                                                                                                                                                   |                     |
| 19970519 | <b>**AMENDED APPLICATION/ REVISED DESCRIPTION**</b> Conversion and part rebuilding of barn into a six-bedroom dwelling; conversion and part rebuilding of outbuildings to form garaging, gymnasium/sauna room, games room, store and 3 no. stables, involving demolition of 'Atcost' barn building; laying out of associated manoeuvring area and retention of portacabins during construction works. | Application Refused |
| 19750436 | Removal of agricultural restriction.                                                                                                                                                                                                                                                                                                                                                                  | Application Refused |

**Table 2 – Application history**

# Development Proposals

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## Section 3

### Built Development

- 3.1 Full planning permission is sought for an extension to the existing lawful dwelling together with a link attached dwelling.
- 3.2 The vision for the site is a high quality two storey (consisting of ground floor and lower ground floor levels) residential dwelling of contemporary design that will meet the medical and social needs of the family for the long term.
- 3.3 In addition to, and linked to the proposed dwelling, the proposal also includes an extension to the existing dwelling which would provide additional accommodation for the lawful dwelling, (known as 'Jessica's House').

### Layout and Appearance

- 3.4 The design aims to replicate the appearance of a traditional farm courtyard. The proposal forms three parts to fit with the form of the existing buildings. A glazed link sits between the new modern barn and the existing building to distinguish the old from the new.

### Scale

- 3.5 The proposal forms a second subsidiary courtyard of modest scale and height which has been designed so that the proposal does not compete with the hierarchy of building and setting of Cobhambury house.

### Landscape

- 3.6 The land surrounding the site comprises commercial orchards to the west with the characteristic pattern of large arable fields and woodland to the east and south. The site enjoys panoramic views eastwards over fields and woodland, but is contained to the south, west and north by vegetation.
- 3.7 The new dwelling is carefully sited to use the existing gap in the perimeter vegetation but augmented using carefully manipulated land levels. These will give selected views over the land but will not allow the building itself to intrude on the AONB.

- 3.8 The proposals seek to create a new area of traditional orchard and wildflower planting to the south of the site, creation of a new green lane entrance way to the properties and reinforcement of the planting line demarking the eastern boundary of the site.

#### Access

- 3.9 Access to the site will be from the existing access off Cobhambury Road. The existing access drive currently divides, with a northern access serving Cobhambury Farmhouse and Cobhambury Barn.
- 3.10 The proposals seek to deliver the new improved means of access to the south of the site, through the new tree lined route to the south of the site and therefore separate to the main Cobhambury Farmhouse that is no longer within the applicant's ownership.

# Planning Policy Framework

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## Section 4

### Introduction

- 4.1 Statutory guidance and Development Plan policies have been important considerations in the preparation of the proposal and details of the relevant guidance against which the application is to be considered are set out below. The implications of these policies and other material considerations are addressed in Section 5 of this statement which set out the planning case.

### Development Plan Policy

- 4.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 an application should be determined in accordance with the development Plan unless material considerations indicate otherwise.

The current development Plan for the administrative area comprises the Gravesham Local Plan Core Strategy (2014) and Saved Policies of the Gravesham Local Plan First Review (2014). Other material considerations include Supplementary Planning and Planning Practice Guidance (PPG).

### Gravesham Local Plan Core Strategy (2014)

- 4.3 The Local Plan Core Strategy (hereafter LPCS) was adopted in 2014 and sets out the Council's strategic policies and proposals for the development and use of land within the Borough up to the period of March 2028.
- 4.4 The following policies are considered to be relevant in the context of this proposal and are considered in further detail in section 5 of this statement:
- *Policy CS01 - Sustainable Development* - This policy merely reaffirms the application of the approach to sustainable development as set out in the Framework.
  - *Policy CS02 Scale and Distribution of Development* - This policy seeks to ensure that at least 6,170 new dwellings are delivered in the Borough in the period up to 2028. It confirms that new development will be delivered by ensuring effective use of previously developed land and focussing development in the most sustainable

locations, whilst preserving the openness and maintaining the local and national purposes of the Green Belt and protecting it from inappropriate development.

- *Policy CS10 Physical and Social Infrastructure* – This policy states that the Council will support proposals that protect, retain or enhance existing physical and social infrastructure or that lead to the creation of additional infrastructure that improves the well-being of the community. Where there is threat of loss of existing infrastructure, consideration will be given to the viability and whether sufficient alternative provision is available. Additionally, all new development is expected to make the most efficient use of new and existing infrastructure.
- *Policy CS11 Transport* – refers to the potential impact on highways and the public transport network, caused by new developments and the importance of mitigating that impact using appropriate measures. It recognises the importance of providing sufficient parking in accordance with adopted parking standards. It also explains how the Council will support proposals which improve public transport provision and lead to improvements in walking and cycling facilities.
- *Policy CS12 Green Infrastructure* - states there will be no loss of biodiversity in the Borough, with emphasis being given to designated sites.
- *Policy CS14 Housing Type and Size* - indicates that the Council will protect the mix of housing in the existing housing stock, while new housing is expected to provide a range of dwelling types, taking into account the existing character and local need of an area, in order to secure sustainable and balance communities.
- *Policy CS18 Climate Change* - sets out a number of issues and procedures that developments need to address and confirm in order to reduce the impacts of climate change. The Council will require the use of Sustainable Urban Drainage Systems on all developments where technically and financially feasible.
- *Policy CS19 Development and Design Principles* - states that new development will be visually attractive, fit for purpose and locally distinctive. It also states that development should conserve and enhance the character of the local built, historic and natural environments, integrate well with the surrounding local area and meet anti-crime standards.
- *Policy CS20 Heritage and the Historic Environment* - states that the Council will accord a high priority towards the preservation, protection and enhancement of its

heritage and historic environment as a non-renewable resource, central to the regeneration of the area and the reinforcement of sense of place.

- 4.5 In accordance with the provisions of the Framework, a strategic review of the Core Strategy was undertaken in September 2019.
- 4.6 The review confirmed that policy CS02 would require modification to reflect the objectively assessed development needs noting that to review the development strategy and Green Belt boundaries requires assessment through the Plan making process.
- 4.7 The review considered that although policy CS12 was slightly out of conformity with the Framework in that it now requires net gains in biodiversity there was no requirement to modify the policy as the Framework is a material consideration.

#### [Gravesham Local Plan 1st Review \(1994\)](#)

- 4.8 The Local Plan 1<sup>st</sup> Review (LP) was adopted in 1994 and many of its policies were saved until subsequently superseded by the LPCS.
- 4.9 The following policies are considered to be relevant in the context of this proposal and are considered in further detail in section 5 of this statement:
  - *Policy TC3 Development Affecting Conservation Areas* - sets out the general approach to developments affecting the setting of conservation areas and the approach to assessing the impact and requiring a positive contribution.
  - *Policy C13 Extensions to Dwellings in the Countryside* - sets out that there is an overall limit of one third of the gross floor area of an original dwelling unless the increased floorspace has no overall effect on the existing bulk and appearance of the original dwelling. Any extensions must also be designed so as not to facilitate creation of a separate residential curtilage and should have sufficient external space so as to avoid undue visual intrusion into the open countryside.

#### [Material Considerations](#)

#### [National Planning Policy Framework \(2021\)](#)

- 4.10 In July 2021 the Government published the latest National Planning Policy Framework (the 'Framework') which sets out its objectives for securing sustainable economic growth and the approach for 'plan making' and 'decision taking' for all planning policy in England. Full regard must be had to the Framework (2021) as an overarching material consideration in the determination of this application.

- 4.11 At the heart of the revised Framework is a presumption in favour of sustainable development, encompassing social, economic, and environmental roles. The approach to sustainable development involves making the necessary decisions now to realise the vision of stimulating economic growth, maximising wellbeing, and protecting our environment, without negatively impacting on the ability of future generations to do the same.
- 4.12 Paragraph 8 of the Framework states that under this approach, planning is expected to deliver:
- a strong, flexible and sustainable economy, by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure (Economic role);
  - protection and enhancement of our natural, built and historic environment, prudent use of natural resources and actions to mitigate and adapt to climate change, including moving to a low carbon economy (Environmental role);
  - strong, vibrant and healthy communities, by providing an increased supply of housing to meet the needs of present and future generations; and by creating a good quality-built environment, with accessible local services, that reflects community needs and supports well-being (Social role).
- 4.13 Paragraph 11 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise, whilst paragraph 12 further states that developments that accord with an up-to-date Local Plan should be approved and those that conflict should be refused unless material considerations indicate otherwise.
- 4.14 Paragraph 23 confirms that development plans should continue to identify broad locations for development and include strategic policies to bring forward sufficient land to address objectively assessed needs.
- 4.15 Paragraph 38 reaffirms that decision makers should seek to approve applications for sustainable development wherever possible.
- 4.16 Paragraph 60 of the revised Framework establishes 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."*

- 4.17 Paragraph 68 sets out the process by which planning policies need to demonstrate a sufficient supply and mix of sites.
- 4.18 Paragraph 74 establishes the requirement for strategic policies to outline trajectories for housing delivery over the plan period with the requirement to maintain a minimum of five years' worth of housing. This supply is to include the relevant buffer amount depending on the position of the council, varying from 5% through to 20%.
- 4.19 Paragraph 78 sets out that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing development that reflect local need.
- 4.20 Paragraph 105 recognises that opportunities to maximise sustainable transport will vary between urban and rural areas, confirming that this needs to be reflected within plan-making and decision-taking.
- 4.21 Paragraph 111 clearly sets out that developments should only be refused on highway grounds where there is an unacceptable impact on highway safety or where the residual cumulative impacts on the road network would be severe.
- 4.22 Paragraph 119 reaffirms the aim to *"promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."*
- 4.23 Paragraph 126 of the Framework establishes that *"the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve."*
- 4.24 Paragraph 130 sets out that planning decisions should ensure that developments meet a number of design criteria, including that developments:
  - (a) *"will function well and add to the overall quality of the area..."*,
  - (b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - (c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting..."*
- 4.25 Paragraph 134 states that *"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on*

*design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

*(a) Development which reflects local design policies and government guidance on design, taking into account and local design guidance and supplementary planning documents such as design guides and codes; and/or*

*(b) Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

4.26 Section 13 sets out the role for protecting the Green Belt, to which great importance is attached (paragraph 133).

4.27 Paragraph 138 sets out that the Green Belt serves five purposes, namely:

*“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.”*

4.28 Paragraph 148 clearly sets out that *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

4.29 Paragraph 149 sets out certain criteria where exceptions to the construction of new buildings exist, which includes under criteria (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;”* and under criteria (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;”*

- 4.30 Paragraph 176 sets out that *“Great weight should be given to conserving and enhancing landscape and scenic beauty in...Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.”*
- 4.31 It then states that *“The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”*
- 4.32 In considering the impacts of development on biodiversity the Framework sets out at paragraph 180 the precautionary approach to considering impacts.
- 4.33 Section 16 of the Framework addresses conserving and enhancing the historic environment. Paragraph 194 establishes the requirement to properly describe the significance of any designated heritage asset(s) as part of any application in order to understand the potential impacts of proposals.
- 4.34 Paragraph 201 establishes that *“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”*
- 4.35 In the alternative, paragraph 202 sets out that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

#### National Planning Practice Guidance

- 4.36 Planning Practice Guidance published in March 2014 (“PPG”) is a ‘live’ document that builds on the principles within the Framework and provides further detailed technical guidance to complement the Framework.
- 4.37 The PPG reinforces the importance of the Framework as representing the most up-to-date Government planning policy, which must be taken into account where it is relevant to a planning decision. This includes the presumption in favour of development found at Paragraph 14 of the Framework.
- 4.38 Importantly, the PPG states that if decision takers choose not to follow the Framework, where it is a material consideration, clear and convincing reasons for doing so are needed (Paragraph: 006 Reference ID: 21b-006-20190315).

- 4.39 The PPG also sets out further guidance in relation to housing land availability assessments and the impact of these on five-year housing land supply matters.
- 4.40 Specifically, that *“Authorities can use evidence such as a Strategic Housing Land Availability Assessment (SHLAA)/ Housing and Economic Land Availability Assessment (HELAA) which will identify sites which may be suitable, available and achievable for housing development and also provide some evidence as to their deliverability. “In order to demonstrate 5 years’ worth of deliverable housing sites, strategic policy-making authorities will need to provide robust, up to date evidence to support plan preparation. Their judgments on deliverability of housing sites, including windfall sites, will need to be clearly and transparently set out.”* (Paragraph: 030 Reference ID: 3-030-20180913).
- 4.41 The PPG requires Councils to provide five years’ worth of housing against their housing requirements at all points during the Plan period, and that housing requirement figures in up-to-date adopted Local Plans should be used as a starting point for calculating five-year supply.
- 4.42 It confirms that considerable weight should be given to the housing requirement figures in adopted Local Plans which have successfully passed through the Examination process, unless significant new evidence comes to light.
- 4.43 It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs (Paragraph: 032 Reference ID: 3-032-20180913 and Paragraph: 038 Reference ID: 3-038-20180913).
- 4.44 When a 5-year housing supply plus a relevant buffer cannot be demonstrated by a Local Authority, then the presumption in favour of sustainable development will apply, as set out in footnote 7 on the Framework (Paragraph: 039 Reference ID: 3-039-20180913).
- 4.45 Section 64 of the PPG relates to the Green Belt and supports section 13 of the Framework. It confirms that when assessing the impact of proposals on openness there needs to be an assessment of both the spatial and visual aspects. It sets out three elements to be considered, noting that this is not an exhaustive list and other factors may also need to be assessed. The matters listed are
- *“openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*

- *the duration of the development, and its remendability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.”(Paragraph: 001 Reference ID: 64-001-20190722).*

# Planning Assessment

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## Section 5

- 5.1 This section of the statement provides an assessment of the proposed development having regard to the relevant planning policy background, the character of the local area and the site's planning history.
- 5.2 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'Development Plan' unless material considerations indicate otherwise.
- 5.3 The Framework states that housing applications should be considered in the context of the presumption of sustainable development. In determining whether housing on the site would be acceptable, the need for housing in the district will need to be balanced against other issues such as the sustainability of the site, character and appearance of the proposed development and highway safety.
- 5.4 This planning statement explains why some of the most relevant policies of the development plan should be considered out of date and attributed less weight. It concludes that whilst the proposed development constitutes inappropriate development there are very special circumstances that outweigh the harm by reason of inappropriateness and any other harm. This demonstrates that the adverse impacts of the development do not significantly and demonstrably outweigh the benefits.

### A. Principle of Development

- 5.5 The application site is not located within a defined settlement boundary and is within the Green Belt, where there is a presumption against inappropriate development. The site is also located within the AONB.
- 5.6 Section 13 of the Framework sets out that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open.
- 5.7 Paragraph 149 (Framework, 2021) outlines that the construction of buildings in the Green Belt shall be regarded as inappropriate development, which by definition is harmful to the Green Belt and should not be approved except in very special circumstances. However, exceptions to this include:

*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;*

5.8 Therefore, the Framework accepts that the partial or complete redevelopment of previously developed sites in the Green Belt, is appropriate providing it meets certain criteria.

5.9 Before the application is assessed against national and local plan policies, it is first important to establish the Council's housing land supply position as this is a 'material consideration'.

#### Housing Land Supply

5.10 The LPCS was adopted in 2014 and therefore does not meet the definition of a 'recently adopted Local Plan', as set out in Footnote 40 of the Framework. Paragraph 61 (Framework) sets out that strategic policies should be informed by a local housing need assessment to determine the minimum number of homes needed in an area.

5.11 Paragraph 74 (Framework) reaffirms the requirement for Councils to demonstrate 5 years supply of housing against their housing requirements plus an additional buffer of 5% to ensure choice and competition in the market for land, or 10% where the Council wishes to demonstrate the supply through an annual position statement of their adopted plan.

5.12 Paragraph 75 (Framework) introduces a new requirement for Councils to demonstrate delivery at 95% of its requirement over the previous three years, otherwise they will be required to prepare an Action Plan to determine the reasons for poor delivery and set out actions to increase future delivery rates.

5.13 The Housing Delivery Test: 2021 measurements. (January 2022) confirms the Council's current under delivery. It notes that the Council has consistently under delivered over the three-year period resulting in only 57% of its housing targets being delivered. As a consequence, the 'presumption in favour of development' is therefore engaged. (See Table 3).

| Year  | Homes required | Homes delivered | HDT measurement | HDT consequence |
|-------|----------------|-----------------|-----------------|-----------------|
| 18-19 | 325            | 292             |                 |                 |

|              |             |            |            |                    |
|--------------|-------------|------------|------------|--------------------|
| 19-20        | 393         | 164        |            |                    |
| 20-21        | 436         | 205        |            |                    |
| <b>Total</b> | <b>1154</b> | <b>661</b> | <b>57%</b> | <b>Presumption</b> |

Table 3: Housing Delivery Test 2021

5.14 The Council acknowledges that they cannot demonstrate a 5-year supply of housing.

#### B. Green Belt considerations

5.15 The application site is located in the Green Belt and relates in part to an extension to an existing dwelling, as well as the creation of an additional dwelling. As such the extension part of the application would be considered against the requirements of Saved policy C13 and Paragraph 149 (c) and (g) of the Framework.

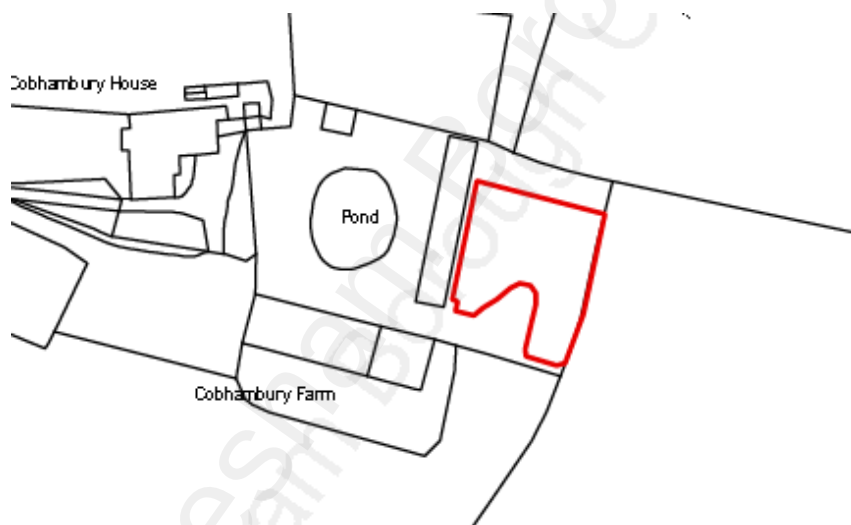
5.16 Saved policy C13 sets out that extension to dwellings will be considered on their merits but the Borough Council will expect certain criteria to be satisfied. In terms of Policy C13 and the proposed extension the following assessment would apply:

- (i) The existing dwelling is original having been approved by way of an LDC application under reference 20180257.
- (ii) The extension to the dwelling (taking account of the residential space proposed to be lost in the existing building), comprises an additional bedroom, family bathroom and carer's bedroom, provides a further 40m<sup>2</sup> (GEA) floorspace to the existing dwelling space which currently measures 125.7m<sup>2</sup>(GEA). This therefore falls below the one third limit and is not considered of its own accord to unacceptably add bulk to the original dwelling.
- (iii) Criteria iii is not applicable as such given that the extension does not provide basic amenities but merely makes the existing dwelling more accommodating for the needs of the family given their personal circumstances.
- (iv) The extension is directly linked to the main dwelling and sits within the existing residential curtilage such that it cannot be sub-divided.
- (v) The extension to the main dwelling sits within the existing residential curtilage as defined under application 20180257 in a form and manner such that it does not unacceptably intrude into the open countryside.
- (vi) The design of the extension replicates the existing agricultural form of the main dwelling in respect of form and materials and is not disproportionate of itself to the existing dwelling or the Green Belt setting.
- (vii) Criteria vii is not applicable to this application.

- 5.17 The extension to the original dwelling is therefore not considered contrary to the aims of saved policy C13.
- 5.18 Paragraph 149(c) of the Framework states that development is not inappropriate when it relates to an extension of a building providing that *“it does not result in disproportionate additions over and above the size of the original building”*. Disproportionate is not defined in terms of percentage increase, however given that the requirements of policy C13 are clear at the local level, it is considered that compliance with that policy also confers compliance with the requirements of the Framework relating to extensions.
- 5.19 The extension to the existing dwelling is therefore deemed to be in accordance with the adopted development Plan, such that it becomes necessary to consider whether or not the additional dwelling is also justified in accordance with the development Plan.
- 5.20 Paragraph 149(g) of the Framework states that a development is not inappropriate where it relates to *“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...”*
- 5.21 When considering compliance against paragraph 149(g) it is clear that the site represents previously developed land, is in continuing residential use (at least in part) and does not relate to any temporary buildings by reason of the unrestricted LDC approved for storage use of the site and thus permanent consent for the storage of containers. The only matter for consideration therefore is whether or not the proposals result in a greater impact on openness of the Green Belt.
- 5.22 Section 64 of the PPG relates to the Green Belt and supports section 13 of the Framework. It confirms that when assessing the impact of proposals on openness there needs to be an assessment of both the spatial and visual aspects. It sets out three elements to be considered, noting that this is not an exhaustive list and other factors may also need to be assessed. The matters listed are
- *“openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
  - *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*

- *the degree of activity likely to be generated, such as traffic generation.*”(Paragraph: 001 Reference ID: 64-001-20190722).

- 5.23 In terms of the PPG, the final two bullets are not conflicted with when assessed against the current use of the site as part residential and part commercial given that there is an existing lawful use for residential and commercial that will continue should this application fail. The amount of potential traffic generation will also reduce should the lawful commercial activity on site cease and be replaced by residential use as proposed.
- 5.24 The only matter therefore is whether the spatial or visual openness is impacted as a result of the proposals. In order to make a correct assessment of the impacts it is necessary to have regard to the LDC for commercial use of part of the site that would be extinguished as a consequence of the current proposals.
- 5.25 The terms of the LDC confirm that the site (as shown on the plan extract below as figure 3) benefits from a lawful use for B8 storage and distribution with no limits on the amount of storage or the height of storage containers on site.



**Figure 3 - Extract from LDC plan ref: 20180270**

- 5.26 Indeed, as evidenced in the image below, at various points over the period of use shipping containers on site have been double stacked (as shown in figure 4 below).



**Figure 4 - Photo on site showing double stacked containers**

- 5.27 The ability therefore to have double stacked containers within the application site, together with open storage of both plant equipment and materials therefore represents a more harmful impact to the openness of the site than would exist with the proposed development of the extension and new dwelling.
- 5.28 It is therefore concluded that whilst the proposals for the additional dwelling do not fall within the exception allowed for under paragraph 149(c) they would be capable of meeting the criteria under paragraph 149(g) and therefore not regarded as inappropriate development in the Green Belt. However, should that not be accepted by the Council then it is necessary to turn to paragraph 148 and consider whether or not there are any Very Special Circumstances.

#### *Very Special Circumstances*

- 5.29 There is no definite list for what constitutes very special circumstances. Case law notes that a number of factors, none of them 'very special' when considered in isolation, may when combined together amount to very special circumstance. The weight to be given to any particular factor will be very much a matter of degree and planning judgment and something for the decision-taker.

#### *Fallback position*

- 5.30 The Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.

- 5.31 As set out above (paragraphs 5.12 to 5.20) the site comprises previously developed land and benefits from a LDC for the “*continued use of the land east of the outbuilding as B8 (storage and distribution)*”.
- 5.32 The LDC is a material consideration as it comprises a genuine “fallback position”. As demonstrated, the lawful use (B8 storage and distribution) has no restriction or limits in place in respect of the amount or area of storage and/or the height of storage containers on site.
- 5.33 Therefore, as the certificate and plan do not expressly control development on the site, it is a material consideration that storage on the site could be double stack containers spread across the whole site as identified under the certificate. This would unquestionably have a significant impact upon openness with the storage containers at a height of 5.4 metres spread out across the majority of the site.
- 5.34 This is also not a situation of a theoretical fallback in terms of considering the implications of one use against the other and needing to make a judgement on the likelihood of the alternative development coming to fruition (the point that was considered in the context of *Mansell v Tonbridge & Malling BC [2017] EWCA Civ 1314*). This is because the alternative use of the site exists today in that it is being used for B8 storage and distribution in accordance with the certificate and is now only reduced as an operation on site due to the intention to proceed with the development the subject of this application.
- 5.35 The dwelling has been designed with the fallback position in mind. The proposed dwelling would range in height from approximately 4 metres to 5.6 metres in height at its maximum, and has been designed to improve openness when compared with the lawful development use and layout of the site.

#### *Personal Circumstances*

- 5.36 Whilst it is acknowledged that personal circumstances are not usually considered to constitute “very special circumstances” in this case, they are considered to be a significant material consideration that weigh heavily in favour of the scheme.
- 5.37 The applicant’s daughter, who has a family of her own, became extremely unwell in 2010 and was hospitalised for a number of weeks, even when she came home she continued to be unwell and would regularly be taken into hospital by ambulance on a weekly basis.

- 5.38 The applicant's daughter has been diagnosed with CRPS which is Chronic Regional Pain Syndrome and is not curable. It can only be managed by medication. Ranked among the most painful of all medical problems it has been nicknamed by RSDSA as the 'suicide disease' because there is no cure and limited effective treatment. The pain from CRPS is so severe that it has been known to drive people to the brink of death. On the McGill Pain Index, CRPS ranks 42 out of 50, making it one of the most severe pain conditions of all, even rated more painful than childbirth, amputation and the pain associated with cancer.
- 5.39 Her medication consists of:
- Morphine patches;
  - Codeine;
  - Cyclizine Hydrochloride;
  - Lorazepam; and
  - Diazepam
- 5.40 Retaining a level of independent living is very important for all the family as it provides a level of normality for everyone and more importantly a level of self-worth and dignity for the applicant's daughter.
- 5.41 Keeping the family together is very important and living alongside their daughter and the children allows the applicant to give the level of daily support required for their daughter to maintain her current independence.
- 5.42 The applicant's eldest grandchild has Autism and ADHD. The applicants take him to school every day and regularly collect him from school too. Due to the Autism and ADHD most days can be very challenging; living alongside allows the applicants to provide immediate hands-on response and assistance.
- 5.43 In addition, the applicant's youngest grandchild following her 1st birthday, was admitted into the Evelina Hospital in London and assessed as having Laryngomalacia. The laryngeal structure is malformed and floppy causing the tissue to fall over the airway opening and partially blocks resulting on regular choking on food and drink. A feeding tube was fitted and whilst this is improving with age, has had a significant effect on her relationship with food and drink and results in problems with dehydration and constipation as consequence continues to have regular appointments under the care of Gastro Team and ENT at the Evelina Hospital, London.
- 5.44 Working from home allows the applicant to give instant support on the numerous occasions that are required throughout the week, such as but not limited to:

1. Daily encouragement and visual monitoring;
2. Daily School Runs;
3. Housework;
4. Washing/Ironing;
5. Childcare;
6. PTSD support including chaperoning;
7. Cooking;
8. Taking children to clubs to allow them to have normality in their lives; and
9. Collecting prescriptions

5.45 It is clear that the applicant's daughter and her children are heavily reliant on the daily help and security that is provided by living as a family. The proposal would provide an important level of normality for both the applicants, their daughter and her family something that cannot be achieved by living in different houses and/or in different areas.

5.46 The proposal includes the ability for an overnight carer as well, to enable the main applicants to have time away whilst reassured that a carer is also on hand to provide the necessary care and support where required. Furthermore, the carer bedroom would also enable the carer to provide necessary support to the main applicants in later life, in particular Mr Montilla who also suffers mobility issues due to a previous work related accident that has an impact on daily life and will continue to affect mobility in later life.

#### *Innovative design*

5.47 As demonstrated in the Design and Access statement the landscape history of the site and its location within the Green Belt, AONB and adjacent to the Conservation Area has played an important role in guiding and developing the proposed design.

5.48 The design objectives and concerns related to the proposal's relationship with the ANOB, and with the traditional farm form, together with concern not to impinge on the curtilage of the listed Cobhambury House but to be sympathetic to the context in terms of visibility, scale, materiality, farm form and existing and future landscapes.

5.49 In this regard the scheme has progressed through many iterations as set out in the DAS, balancing the medical needs of the family with conservation, architecture, landscape, biodiversity and AONB considerations.

5.50 The proposed design aims to replicate the traditional courtyard farm. The south facing secondary courtyard is designed to emulate the form, scale and enclosure of traditional

Kentish farm courtyards, but also the hierarchy of spaces often found, (and which once existed at Cobhambury Farm).

### *Biodiversity*

- 5.51 The site is not included in any ecological designations. As set out in the Design and Access statement, from the available mapping evidence it suggests that this site has never been wooded but has been bounded by hedgerows which are now fragmented. There is the opportunity through the development to connect these to create, in effect, a nature recovery network on a small scale, in line with the Government's 25-year Environment Plan. This will benefit small mammals and the bird life which feeds upon them and will allow movement of species on this edge of settlement site where they are currently surrounded by predominantly arable land. The re-establishment of the traditional orchard will allow the improvement of a Biodiversity Action Plan environment.

### *C. AONB Impacts*

- 5.52 As set out in the site description, the site is located within the AONB. Accordingly, the application falls to be assessed in the context of paragraph 176 of the Framework, noting that it does not fall within the definition of major development and therefore not assessed against the requirements of paragraph 177.
- 5.53 A landscape visual appraisal accompanies the application. The report describes the baseline conditions with respect to the landscape character and visual amenity for the site and its surroundings. It then appraises the potential impacts on landscape character, visual amenity and views, arising from the proposed development, amplifying on mitigation measures aimed at enhancing the landscape and visual amenity, as a result of the proposed development.
- 5.54 The proposal has been sensitively designed to ensure that the lower ground level of the new accommodation is screened from any public viewpoints, and in a manner such that the green roof creates an appropriate backdrop for the scheme. This is all explained in more detail in the accompanying Design and Access Statement to justify the proposals in a landscape sense.
- 5.55 The conclusion however is that the development does not result in any significant adverse impacts on the AONB or its appreciation, therefore according with the requirements of paragraph 176 of the Framework.

- 5.56 In terms of new landscaping, the strategy is to create a new traditional orchard and wildflower meadow as detailed in Figure 5 below. The proposals are fully detailed within section 5.3 of the supporting Design and Access Statement.



Figure 5: Landscaping plan

- 5.57 The proposals therefore seek to integrate the new built development within the landscape, as well as enhancing the current landscape with significant new planting to enhance the quality of the site.

#### D. Design and Layout

##### Layout and Appearance

- 5.58 The new dwelling is carefully sited to use the existing gap in the perimeter vegetation but augmented using carefully manipulated land levels. These will give selected views over the land but will not allow the building itself to intrude on the AONB.
- 5.59 The traditional part of the new house forms the eastern "marker" of Cobham and it mimics the form of Kentish farmyards by creating a new small courtyard, predominantly facing south.
- 5.60 The existing dwelling (Jessica's House) is the link between new and old and helps create this new courtyard. The building will be a multigeneration house addressing the medical and social needs of the family for the long term. (Figure 6)

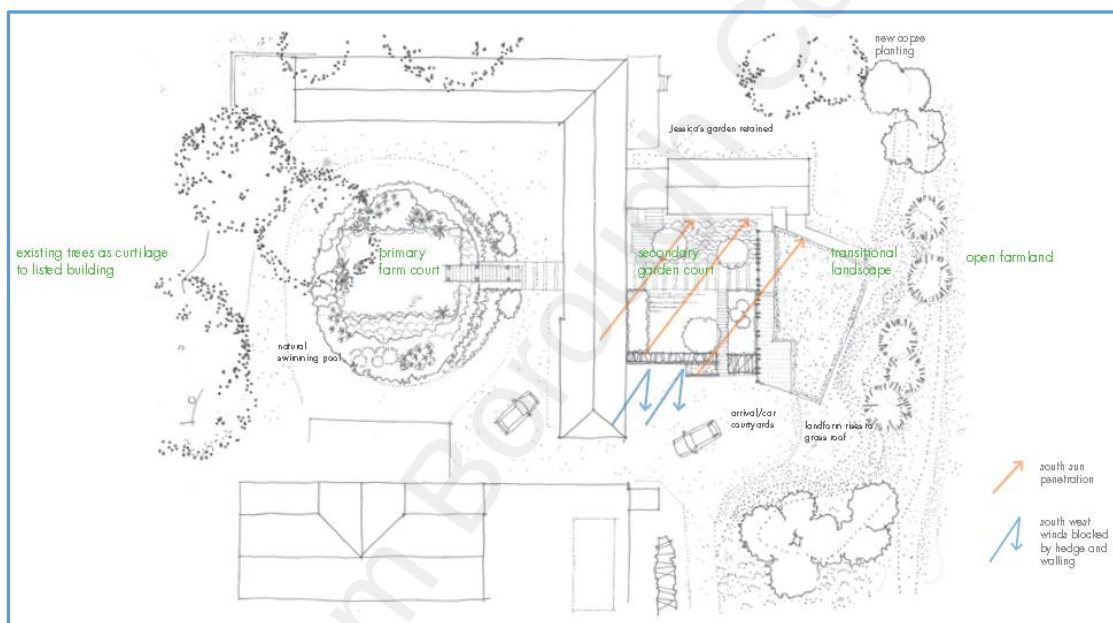
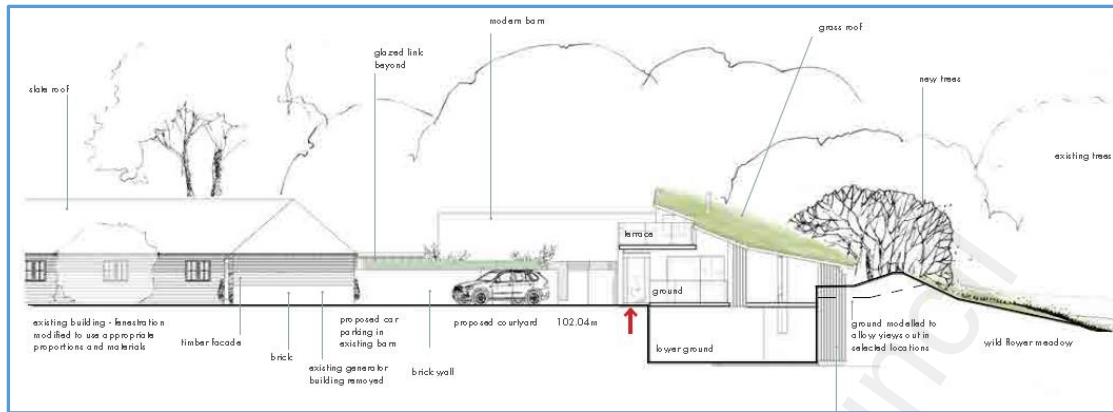


Figure 6 – Layout Plan

#### Scale and height

- 5.61 The scale of the proposed new dwelling is designed such that when viewed from the east it appears single storey in nature, other than in glimpsed views where the lower ground floor may be visible where it will be clad with a timber façade to appear appropriate to the setting.



**Figure 7 – Section drawing**

- 5.62 The design of the new accommodation therefore appears respectful of its surroundings, both in terms of the natural landscape pertaining to the Green Belt and AONB as well as the built landscape in regard to Cobhambury Barn and Cobhambury House (the Design and Access Statement address heritage impacts regarding the conservation area and listed building).

#### *Residential Accommodation*

- 5.63 Jessica's House is presently a 3-bedroom dwelling in accordance with the layout under the 2018 application. The proposal seeks to deliver a new 'wing' to the east of the main accommodation to deliver 3 bedrooms for the children in addition to the overnight carers bedroom when required. The main bedroom remains in the original building albeit that bedrooms 1 and 2 on the 2018 approved layout no longer form part of the residential accommodation.
- 5.64 Jessica's house is linked to the new dwelling via a subservient walkway, providing an enclosed means of connection between the properties for when the applicants are providing the care and assistance within Jessica's House. Similarly, the location of the carers bedroom means that care can be provided either to Jessica or to the applicant's noting the personal circumstances of Mr Montilla.
- 5.65 The proposed new dwelling has the main living accommodation on the ground level as open plan accommodation, whilst the en-suite bedroom facilities are provided on the lower ground level.
- 5.66 At first floor level a small office/study area is also provided within the main stair core and screened from wider public views by the oversailing green roof to the property.

#### *E. Trees*

- 5.67 No trees are proposed to be removed, as noted previously the new dwelling would be sited on land that is currently used for outside storage.
- 5.68 The landscape visual appraisal suggests enhanced tree planting to the northern and eastern boundary, with the eastern boundary encompassing a new area of traditional orchard planting.

## F. Transport

### *Access & Parking*

- 5.69 The site benefits from an existing access off Cobhambury Road which is to be retained as part of this application with no works necessary to address visibility or widths.

### *Parking*

- 5.70 The Kent County Council Design Guide Review – Residential Parking (2008) sets maximum parking standards for new development across the county. The Guidance sets out that for 2 bed houses in the rural area 1.5 spaces per unit will be required and for 4 bed houses 2 independently accessible spaces per unit.
- 5.71 The proposal would provide 2 covered spaces for the existing dwelling plus additional parking within the open courtyard to the front for visitor parking, and 2 further covered spaces for the proposed dwelling.

## G. Sustainability

- 5.72 In order to address the challenges arising from climate change, as well as the inherent issues with using fossil fuels for heating, the proposals seek to embrace renewable energy technologies across the site. The proposals seek to include all of the following elements in the scheme (as detailed in section 5.2 of the supporting Design and Access Statement);
- PV array to the southern slope of the extension to Jessica's House;
  - Ground source heat pump and loops within the wider landscape area;
  - Green roof to the new dwelling; and
  - Construction of a new dwelling as a solid state earth sheltered building to reduce heat loss and maintain a constant internal air temperature.
- 5.73 These are all integral components of the scheme that will reduce the impacts of the scheme in terms of climate change and use of non-renewal energy within the construction and operational lifetime of the development.

Gravesham Borough Council

# Conclusion

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## Section 6

- 6.1 The application site is located within the Green Belt and within the AONB. Paragraph 149 (Framework, 2021) outlines that the construction of buildings in the Green Belt shall be regarded as inappropriate development and should not be approved except in very special circumstances. Exceptions to this include:
- 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;
- 6.2 It has been demonstrated that the site comprises previously development land and has an unrestricted LDC for B8 storage and distribution, and as such Paragraph 149 (g) applies to the site.
- 6.3 It has been demonstrated that the lawful unrestricted fallback position is a material consideration and results in a more harmful impact to the openness of the site than would exist with the proposed development of the extension and new link attached dwelling. Furthermore, this use would also result in significantly more traffic related movements than those associated with the proposed development.
- 6.4 Should it be deemed that the proposals conflict with paragraph 149g) then a case for Very Special Circumstances has been set out demonstrating that the perceived harm by reason of inappropriateness and any other harm is outweighed by other considerations.
- 6.5 In this regard, it has been demonstrated that in this case there are unique and personal circumstances put forward to justify the need and quantum of development. These personal circumstances are not considered circumstances that are easily repeated and therefore would not set a precedent for similar development.
- 6.6 It has also been demonstrated that the extension to the existing dwelling would comply with saved Policy C13.
- 6.7 It has been demonstrated that the proposal for the new dwelling has been sensitively designed to ensure that the lower ground level of the new accommodation is screened from any public viewpoints, and in a manner such that the green roof creates an

appropriate backdrop which does not result in any significant adverse impacts on the AONB or its appreciation, therefore according with the requirements of paragraph 176 of the Framework.

- 6.8 The proposal would enhance biodiversity in the wider landscape by creating a traditional orchard and wildflower meadow in addition to the enhancement of the existing boundary treatments.