



Delegated Report

Full Planning Application

Planning Application No:	20251012
Location:	Brookers Farm, Luddesdown Road, Luddesdown, Gravesend
Description:	Erection of a temporary marquee and shipping container to house a pop-up pub for a period of 6 months.
Applicant:	Mr Steve Chappell
Site Visit Date:	Desktop assessment

Submitted Documents/Plans

Application form
Planning, Design and Access Statement
Drawing no. DHA/36436/100 (Site Location Plan)
Drawing no. DHA/36436/101 (Existing Site Layout Plan)
Drawing no. DHA/36436/102 (Proposed Site Layout Plan)
Drawing no. DHA/36436/103 (Proposed Plans and Elevations Marquee)
Drawing no. DHA/36436/104 (Proposed Plans and Elevations Pop Up Pub)
Biodiversity Net Gain Assessment
Biodiversity Net Gain Metric Calculation

Relevant Planning History

Reference	Description	Decision	Decision Date
20251150	Application to determine if prior approval is required for the installation of a surfaced pathway for agricultural use at Brookers Farm, Luddesdown in accordance with Schedule 2, Part 6, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.	Pending	
20251092	Application for a Proposed Lawful Development Certificate; to create additional ground floor space within existing building for new storage area for wine shop; conversion of existing staff room into storage/wine tasting room; creating internal doorways connecting the wine shop with the adjacent tasting rooms; reconfiguring and replacing ground floor toilets with installation of new external windows on side elevation. Creation of first floor mezzanine floor space for new wine tasting room.	Pending	
20250934	Advertisement Consent for non-Illuminated fascia sign for Cellar Door Shop.	Pending	
20250840	Retention/installation of 59 wine tanks and grape presses.	Pending	
20250839	Application for an Existing Lawful Development Certificate	Certificate	15.10.2025

	for the continued use of part of the agricultural building as a small wine shop (Cellar Door) and vineyard/farm Offices in association with the existing agricultural operations.	Granted	
20250787	Application for the approval of condition 8 (Soft Landscaping Scheme) attached to planning reference number 20240091.	Approval of details	24.09.2025
20250351	Application for approval of condition 5 and 7 attached to planning permission reference number 20240091 relating to external lighting and details shall be provided of the Electric Vehicle (EV) charging points and passive provision.	Approval of details	04.07.2025
20250115	Application for the part approval of condition 4 attached to planning reference number 20240091 for archaeological field evaluation and safeguarding measures to ensure preservation.	Approval of details	17.02.2025
20250053	Erection of a rear and side extension and refurbishment of the Golden Lion pub including landscaping, parking and associated works.	Permitted	31.03.2025
20240996	Application for approval of condition 4 attached to planning permission reference number 20240091 relating to the implementation of archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable and any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation, recording, reporting and dissemination of the results.	Approval of details	18.12.2024
20240091	Engineering works to construct a formal car parking area for Vineyard Farms Ltd office, winery and vineyard workers, and other users of Brookers Farm.	Permitted	05.04.2024
20240039	Prior notification under Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use from an agricultural building to a flexible use as offices and off licence (Use Class E).	Refused	02.04.2024
20240021	Prior notification under Class B of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the addition of 9 additional fermentation tanks to existing 41 already in place.	Prior Approval Not Required	09.02.2024
20231252	Prior notification under Part 3 Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of an Agricultural Cellar Door to sell wine and farm produce from the Silverhand Estate.	Withdrawn	16.01.2024
20231145	Prior notification under Part 3 Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of 9 additional Wine Fermentation and Storage Tanks.	Refused	03.01.2024
20231116	Retrospective application for the necessary engineering operational works to construct a track to service an associated compost/storage area.	Permission	11.01.2024
20231110	Engineering works to construct a formal car parking area for Vineyard Farms Ltd office, and winery and vineyard workers; and other users of Brookers Farm.	Refused	22.12.2023
20230454	Application for retrospective temporary consent for the	Temporary	22.06.2023

	erection of 41 wine fermentation and storage tanks	permission	
20230181	Engineering works to construct a formal car parking area for Vineyard Farms Ltd office, and winery and vineyard workers.	Refused	24.05.2023
20210607	Retrospective application for erection of two storage/fermentation tanks.	Temporary permission	23.07.2021
19880177	Erection of two agricultural buildings to form grain store, workshop/general purposes building.	Permission	23.05.1988
19500058	Alteration of existing and erection of new farm buildings	Permission	08.05.1950

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS07 – Economy, Employment and Skills
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development and Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

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

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

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

National Planning Policy Framework (2024)

- 2 – Achieving sustainable development
- 6 – Building a strong, competitive economy
- 9 – Promoting sustainable transport
- 12 – Achieving well-designed places
- 13 – Protecting Green Belt Land
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG4 - KCC Parking Standards (2006)
- Design for Gravesham – Design Code (2024)
- Gravesham Landscape Character Assessment (2009)
- Kent Downs AONB Management Plan 2021-2026
- Landscape Character Assessment Update 2020

Consultations, Publicity and Representations

External Consultees

KCC Biodiversity

The following comments are based on the understanding that the landscaping for application 20240091 have only been implemented in the last 12-18 months.

Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications⁵⁸ for development (unless exempt^{59,60},) must deliver at least a 10% biodiversity net gain (BNG), shown via use of the Statutory Biodiversity Metric prior to commencement of any development.

Having reviewed the proposals we consider this application to be exempt from mandatory biodiversity net gain, so that mandatory biodiversity net gain of 10% will not apply. We consider this application exempt because:

- The development will not impact any onsite priority habitat; AND
- The development will not impact more than 25 square metres of onsite habitat with a biodiversity value greater than zero; AND
- The development will not impact more than 5 metres of onsite linear habitat.

We have taken this view as the application is only for a temporary permission for 6 months and page 35 of the Statutory Biodiversity Metric User Guide states the following:

You do not need to record a habitat as lost when there are temporary impacts to a habitat and the area can be restored to both:

- baseline habitat type within two years of the initial impact; and
- baseline condition within two years of the initial impact

As the current hedgerow has been planted for a maximum of 18 months it is our view that the replanted hedgerow can be back in the same condition within 2 years of works commencing on site. Therefore from a BNG perspective there will be no loss of habitat within the site. We advise that this approach would not be possible if the hedgerow within the site had been mature as it would have taken at least 5 years to have re-established in the same condition and therefore would not be considered a temporary impact.

We advise that if planning permission is granted a condition must be included requiring the habitat to be re-established within the first planting season following the dismantling of the temporary pub.

If possible, we recommend that the existing hedgerow is translocated to the rear of the proposed pub and then moved back to its original location once the pub has been dismantled.

We have not provided suggested condition wording as we will defer to the LPA on the wording.

Lighting

The proposed car park already has lighting, but we presume that additional lighting will be installed. We recommend that any lighting on the pub is only operational when the pub is open / staff are working.

KCC Highways

Whilst the access to the proposal is along a narrow, unlit, narrow lane making it unsuitable for pedestrians and reliant on travel by private car, this is no different to the existing public house. Adequate car parking is available at the busiest times for the facility.

Therefore, no objection is raised on highway grounds to this application.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

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

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

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

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>

Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

Kent Downs National Landscape Unit

Thank you for your recent consultation on the above. The following comments are on behalf of the Kent Downs National Landscape (NL) team and as such are at an officer level and do not necessarily represent the comments of the whole Kent Downs NL partnership. The legal context of our response and list of

National Landscape/AONB guidance is set out at Appendix 1 below.

On 22 November 2023, all designated Areas of Outstanding Beauty (AONBs) in England and Wales were renamed 'National Landscapes' (NLs). Accordingly, the Kent Downs AONB is now the Kent Downs National Landscape. Its legal designation and policy status remain the same.

Also of note is the changes introduced through the Levelling-Up and Regeneration Act 2023, which came into force on 26/December 2023. The Act amends the Countryside and Rights of Way Act, which is the primary legislation relating to AONBs and replaces the previous Duty of Regard to AONBs set out at S85 with a new, strengthened requirement that:

'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'. (Part 12 - Miscellaneous; Section 245. Protected Landscapes; paras (5) - (10).

This clearly places a much stronger duty on relevant authorities, which includes local authorities, to ensure that their actions and decisions seek to conserve and enhance AONBs, marking a significant change to the legal context of AONB policy.

Further advice is provided in Appendix 2.

On 22nd November 2023, all AONBs in England and Wales were renamed National Landscape s. The Kent Downs National Landscape is the new name for the Kent Downs AONB.

Beautiful, thriving landscapes that everyone feels part of.

National Planning Policy

The application site lies within the Kent Downs National Landscape. The application therefore needs to be tested against the purpose of the designation, to conserve and enhance natural beauty and the way that this purpose is represented in national and local policy. Section 85 of the Countryside and Rights of Way Act 2000, as amended by the Levelling Up and Regeneration Act, requires that local authorities 'must seek to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty' in making decisions that affect the designated area.

The National Planning Policy Framework (NPPF) paragraph 189 requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The scale and extent of development within these designated areas should be limited.

NPPF paragraph 11 explains the presumption in favour of sustainable development. For decision-making this means that proposals in accordance with the development plan should be approved. Part d says that where there are no relevant development plan policies or the relevant ones are out of date then permission should be granted unless:

"i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed⁷; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination".

National Landscapes are listed in footnote 7 and the most relevant policies in the Framework are paragraphs 189 and 190. A court of appeal case¹ confirms that, if a proposal causes harm to a National Landscape sufficient to refuse planning permission if there were no other considerations, then the presumption in favour (or 'tilted balance' expressed in ii) above should be disengaged. The decision-maker

should therefore conduct a normal planning balancing exercise, applying appropriate weight to each consideration, to come to a decision. This will of course include giving great weight to the National Landscape as required by NPPF paragraph 189.

The national PPG revised in 2019 provides additional guidance on new development in National Parks and AONBs (Paragraph: 041 Reference ID: 8-041-20190721). This specifies that ‘all development within nationally protected landscapes needs to be located and designed in a way that reflects their status as landscapes of the highest quality’.

Major Development

In the event that the decision-maker concludes that development is ‘major’ in terms of its impact on the National Landscape, paragraph 190 of the NPPF states that “Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Footnote 67 states: “For the purposes of paragraphs 189 and 190, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined”.

Local Planning Policy

Adopted Gravesham Local Plan Core Strategy policy CS12 seeks to conserve, restore and enhance the landscape character of the Borough and requires that the greatest weight is given to the conservation and enhancement of the landscape and natural beauty of the Kent Downs AONB and its setting.

Kent Downs AONB Management Plan

Under the Countryside and Rights of Way Act, local authorities are required to prepare an AONB Management Plan which must “formulate the policies for the management of the AONB and for carrying out their functions in relation to it”. The Kent Downs National Landscape team produces a Management Plan on behalf of the local authorities within the National Landscape. The Kent Downs Management Plan, Third Revision 2021 to 2026 has been adopted by all the local authorities in the Kent Downs, including Gravesham Borough Council. The Management Plan sets out the policy for the conservation, enhancement and management of the National Landscape in a series of aims, actions and Principles.

The National Planning Policy Guidance 2019, confirms that Management Plans can be a material consideration when assessing planning applications (Paragraph: 040 Reference ID: 8-040-20190721) and this view is confirmed in previous appeal decisions, including APP/U2235/W/19/3232201, Cossington Fields Farm North, Bell Lane, Boxley, Maidstone where at paragraph 5 of the Inspectorate’s decision letter it is stated that “I am mindful of the policies contained within the Kent Downs AONB Management Plan (2014-2019) requiring development to conserve and enhance natural beauty of AONB to which I attach substantial weight.” The decision can be downloaded at:

<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3232201>

The following principles from the Management Plan are considered to be of particular relevance to the application:

MMP2 The Kent Downs AONB is a material consideration in plan making and decision taking, and so local authorities will give a high priority to the AONB Management Plan vision, aims, principles and actions in Local Plans, development management decisions, planning enforcement cases and in taking forward their other relevant functions.

On 22nd November 2023, all AONBs in England and Wales were renamed National Landscapes. The Kent Downs National Landscape is the new name for the Kent Downs AONB.

Beautiful, thriving landscapes that everyone feels part of.

SD1 Ensure that policies, plans, projects and net gain investments affecting the Kent Downs AONB take a landscape led approach are long term, framed by the Sustainable Development Goals appropriate to the Kent Downs, cross cutting and recurrent themes, the vision, aims and principles of the AONB Management Plan.

SD2 The local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements.

SD3 Ensure that development and changes to land use and land management cumulatively conserve and enhance the character and qualities of the Kent Downs AONB rather than detracting from it.

SD7 New projects, proposals and programmes shall conserve and enhance tranquillity and where possible dark night skies.

SD8 Ensure proposals, projects and programmes do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB.

SD9 The particular historic and locally distinctive character of rural settlements and buildings of the Kent Downs AONB will be maintained and strengthened. The use of sustainably sourced locally-derived materials for restoration and conversion work will be encouraged. New developments will be expected to apply appropriate design guidance and to be complementary to local character in form, siting, scale, contribution to settlement pattern and choice of materials.

LLC1 The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.

FL5 Farm diversification activities will be supported if they help achieve the vision, aims and principles of the Kent Downs AONB Management Plan.

FL7 Proposals for conversion from agricultural land to leisure use and the creation of both agricultural and non-agricultural structures must demonstrate that there will be no individual or cumulative negative impact on the landscape character and qualities of the Kent Downs AONB.

Landscape Character The site lies within the Cobham sub-area of the West Kent Downs Character Area as identified in the Landscape Assessment of the Kent Downs AONB, updated in 2020. Within this landscape character area, key characteristics are identified as a dip-slope landform of dry valleys running roughly north-south, interspersed with broad undulating ridges and plateaux, extensive blocks of woodland, as well as strips of woodland on valley sides, luxuriant hedgerows and (in places) parkland trees add to the sense of enclosure and of a well-treed landscape. Arable agriculture is the predominant land use, with some pasture. Fields vary in shape and size, but are generally hedged. A strongly historic landscape, much of which has seen relatively little landscape change, historic settlements and churches are linked by a network of ancient lanes, within a setting of fields, woodland and historic parkland. Main roads are limited to the periphery, and the lanes which run through it are generally narrow, quiet and lined with trees or hedges. Some are sunken, particularly where they cut through valley sides.

Landscape Management Recommendations include:

- Protect the deeply rural character of the area, resisting development which gives it a more urbanised character. This includes retaining the character of rural lanes.
- Protect historic features of the landscape- these include Listed Buildings, Conservation Areas etc. (and their settings and views), but also the historic hedgerows, farms and lanes which have formed the fabric of the landscape for centuries.
- Protect the enclosed landscapes of the dry valleys formed by the steep valley sides and numerous woodland blocks.
- Promote access and sensitive recreation in this area, including signage, interpretation, path restoration etc. where needed and generate a coherent shared plan between individual sites. This should be balanced with enabling a viable agricultural landscape.
- Ensure that any new development around historic villages respects the scale, layout, massing and materials of existing buildings, and also their relationship with the landform.

Impacts on the Kent Downs National Landscape

The application seeks consent for the installation of steel container and a marquee structure, both proposed for a temporary period of six months to enable the existing public house to remain operational while works take place in the format of a 'pop up'. It is advised that the structures will be removed at the end of the six month refurbishment period and that the landscaping that is required to be removed to facilitate the structures would be reinstated.

The proposed structures are proposed to be sited mainly within the newly formed car park adjacent to the Brookers Farm farmstead, but would also encroach slightly southwards into agricultural land south of this. In respect of potential landscape impacts and the KDNL, the Planning Statement sets out at 4.2.12:

"The proposed development is small in scale and time limited. The proposed development would be visible from short distant views from Cutters Ridge Road and Luddesdown Road but set within a dry valley that precludes long distance views of the site. Views of the proposed development would be seen in the context of the existing car park and the farm buildings of Brookers Farm behind."

This statement fails to acknowledge that the development would also be visible from the extensive Public Rights of Way network that surrounds the site, with numerous public footpaths traversing the dry valley sides and tops, from which the structures are likely to be visible. Of particular concern to the KDNL is the proposed marquee structure. The scale and plastic white canvas material of this structure is such that it is likely to appear particularly prominent in views, due to its shiny surface and pale colour which would draw the eye and appear as an incongruous feature in this sensitive landscape. It is our conclusion that this would neither conserve nor enhance natural beauty. While noting that consent is sought for a temporary period only, we would recommend that should the principle of development be found to be acceptable, that an alternative to the proposed marquee is provided, or alternative materials are used on the marquee, such as a darker coloured canvas (non-reflective) material.

We would also request that any consent issued is for the temporary period applied for only and that conditions are attached requiring the reinstatement of the land, including the removed car park landscaping.

Luddesdown Parish Council

Luddesdown Parish Council has considered the application for the above property and wishes to make the following comments:

- LPC do not object to the installation of a temporary container in the staff car park to house a pop-up pub whilst the works are being carried out at the Lion PH.
- LPC expect the temporary container to be removed from the site after six months and anything that was moved or removed in the staff car park needs to be reinstated.

Internal Consultees

GBC Commercial Health

No objection in principle as long as they will be operating as a wet pub only.

If, however, the applicant wishes to offer food then further details of any temporary kitchen will be required.

GBC Environmental Protection

It is understood that the container and associated marquee will be used whilst the pub itself is being refurbished. Whilst there is no objection to this use, the marquee (which is to be used for seating) will offer little in terms of sound insulation. The Planning Statement advises that there will be no live music. In addition, it is advised that there should be no amplified music in the form of DJ's, karaoke etc. Any amplified music must be at background levels only.

GBC Licensing

No comments.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places

Neighbouring properties

The application has been advertised by individual neighbour letters to 2 properties, and on site. The overall consultation period expired on 3 November 2025.

No letters of representation have been received from neighbouring properties

The Dickens Country Protection Society, KCC Heritage, and the Local Ward Councillors were also consulted, and no responses were received.

Officer's Analysis

Proposal

This application seeks full planning permission for the erection of a temporary marquee and shipping container to house a pop-up pub for a period of 6 months, during The Lion Pub refurbishment.

The proposal will comprise the installation of a 11m long x 2.4m wide x 2.5m high container, fitted with doors, windows, bar, seating and other facilities, and an 18m long x 6m wide x 3.1m high marquee. The container will accommodate the main bar and provide indoor seating, while the adjoining marquee will offer covered outdoor seating for customers. The container will be finished in black painted metal. Black aluminium-framed double-glazed windows will provide natural light. The marquee will be traditional in appearance with clear plastic window panels.

The container and the marquee would be located on the edge of the car park:



This would result in the temporary loss of 4 car parking spaces. Minimal additional landscaping is proposed including additional hedgerow and a further tree to ensure that a 10% BNG is achieved despite the temporary nature of the scheme.

The proposed pop-up facilities will operate for a period of 6 months, during the refurbishment works to The Lion pub (granted under planning application ref: 20250053). The pub was formerly known as The Golden Lion. These works were programmed to start in October but have been delayed.

Following the expiration of the temporary 6-month period, the container and marquee will be removed from the site. All existing landscaping would be reinstated. No permanent hardstanding or foundations are required to be installed as part of the development.

The pop-up pub would operate only during the normal permitted business hours for The Lion.

Principle Issues

Paragraphs 88 and 89 of the NPPF 2024 relate to supporting a prosperous rural economy. The

development and diversification of agricultural rural businesses should be enabled, and it should be recognised that proposals to meet local business needs may be required in such areas, in locations that are not well served by public transport. It will be important, however, to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

Policy CS07 of the Core Strategy 2014 also supports proposals that promote the appropriate expansion and diversification of the rural area economy. Policy CS02 supports development outside rural settlements, including proposals to diversify and maintain the rural economy, where it is compatible with national policies for protecting the Green Belt and policies in this plan.

This proposal is located in the countryside, outside any rural settlement, in the Green Belt, in the Kent Downs National Landscape and Luddesdown Downs Landscape Character Area. The application site relates to the business of The Lion pub, which lies to the north-east of the site, which has been granted permission for extension and refurbishment.

The application site is located on the edge of the car park recently constructed for employees and visitors of the Silverhand Estate vineyard, located at the Brookers Farm site next to the pub. The pub is also part of the Silverhand Estate.

National and local policy is generally supportive of such rural business development and expansion, subject to compatibility with policies for protecting the Green Belt and other policies in the development plan.

The main issues for consideration in the determination of this application are as follows:

- Appropriateness of development in the Green Belt
- Landscape impacts
- Residential amenity matters
- Parking and highways issues.

Principle of Development in the Green Belt

Policy CS02 of the Core Strategy 2014 prioritises development in the urban area as a sustainable location for development. In the rural area it states that development will be supported within rural settlements that are inset from the Green Belt and defined on the Policies Map. Development outside those settlements (which is the case here), will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the Core Strategy 2014.

Green Belts are of great importance. The fundamental aim of Green Belt policy is to prevent urban sprawl by preserving the open and permanent characteristics of Green Belts (paragraph 142 of the NPPF 2024). Paragraph 153 of the NPPF 2024 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' 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

Any harm to the Green Belt should be given substantial weight. Development in the Green Belt is inappropriate unless either one of the exceptions in paragraph 154 applies (which they do not) or it would utilise grey belt and satisfy all three criteria set out in paragraph 155 of the NPPF 2024 (which it does not). The proposal would therefore be considered inappropriate development in the Green Belt, and as a result only very special circumstances would be required to justify it in this location.

In the submitted Planning Statement the very special circumstances of the case are set out as follows:

- **Supporting the rural economy and community assets.** The proposal enables the continued operation of The Lion during refurbishment, maintaining a valued rural pub that serves the local

community. This helps secure the long-term viability and prosperity of the existing rural pub as a community asset, mitigate income loss during the refurbishment and keeping the staff who work in the pub employed during this period.

- **Temporary and reversible impact.** The impact of the proposed development would be time limited to 6 months after which the marquee and container are removed, and all landscaping will be reinstated. No hardstanding or permanent foundations are required and shortly after its removal there will be no evidence of its previous existence.

Paragraph 88 of the NPPF 2024 states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas and the development and diversification of agricultural rural businesses. Policy CS07 of the Core Strategy 2014 sets out that proposals that promote the appropriate expansion and diversification of the rural area economy will be supported. The pop-up pub will allow the continued employment of The Lion staff during the refurbishment works and continue to provide a venue for customers of the pub. The proposal would therefore comply with the economic policy aims for the rural area economy and would be acceptable in this regard.

The proposal would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, and whilst there may be some limited Green Belt impact, the temporary and reversible nature of the proposal in particular is considered to outweigh such harm.

Appropriate conditions can be used to support the temporary nature of the application by limiting the period of operation, as well as removing the permitted buildings within a specified period.

Landscape Impacts

Paragraph 135 of the NPPF 2024 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well-designed and respects the character and appearance of the surrounding area.

Paragraph 187 of the NPPF 2024 aims for development to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. The site lies within the Kent Downs National Landscape. Reflective of paragraph 189 of the NPPF 2024, Policy SD2 of the Management Plan 2021-2026 recognises the need to conserve and enhance the local character, qualities, distinctiveness and natural resources of the National Landscape. Principle SD8 seeks to ensure that proposals do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB.

The site is located within the West Kent Downs Landscape Character Area of the Kent Downs Landscape Character Assessment (LCA) Update 2020 and within the Luddesdown Sub Area. Summary characteristics of this Character Area include the dip-slop landform of dry valleys running north-south, interspersed with broad, undulating ridges and plateaux; extensive blocks of woodland, as well as strips on valley sides with the topography and woodland restricting views in much of the area, but with occasional long views along valleys. One of the Landscape Management Recommendations within the LCA includes protecting the deeply rural character of the area, resisting development which gives it a more urbanised character.

The application site is also located in the Luddesdown Downs Landscape Character Area within the Gravesham Landscape Character Assessment and as such, Policy CS12 of the Core Strategy 2014 is also relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham LCA will be taken into account in determining applications. The LCA states the area is defined by very undulating topography with arable farmland and pasture, irregular field patterns, fields divided by native hedgerows and areas of native woodland that all contribute to the rural character of the area. The condition of the landscape is generally good, its sensitivity high. The guidelines for the area focus on conserving the distinctive features that are found in the area to protect and maintain its character and quality, including conserving hedgerows.

In their advice on the proposal, the Kent Downs National Landscape (KDNL) team has noted the proposed structures are proposed to be sited mainly within the newly formed car park adjacent to the Brookers Farm farmstead but would also encroach slightly southwards into agricultural land south of this. There is a particular concern the development would also be visible from the extensive Public Rights of Way network that surrounds the site, with numerous public footpaths traversing the dry valley sides and tops, from which the structures are likely to be visible. Of particular concern to the KDNL is the proposed marquee structure. The scale and plastic white canvas material of this structure is such that it is likely to appear particularly prominent in views, due to its shiny surface and pale colour which would draw the eye and appear as an incongruous feature in this sensitive landscape.

This concern was raised with the applicant, and as a result, the colour of the marquee has been amended to green. On this basis, given that the proposal is for a temporary period, the concern of the KDNL team is considered to have been addressed and the proposal would sufficiently conserve the natural beauty of the area. Again, it will be imperative to impose conditions requiring the reinstatement of the land subsequent to the first use of the pub, including the removed car park landscaping.

Residential Amenity

The NPPF 2024 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 135f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land, and avoid adverse environmental impacts from pollution.

The container and marquee will be used whilst the pub is being refurbished. The submitted Planning Statement states that the pop-up pub would operate in accordance with normal business hours for the Lion Pub. Whilst there is no objection to this temporary use from an environmental protection perspective, the marquee (which is to be used for seating) will offer little in terms of sound insulation. The Planning Statement advises that there will be no live music. The Council's Environmental Protection team has advised that there should be no amplified music in the form of DJ's, karaoke etc., and any amplified music must be at background levels only. This can be conditioned.

Due to its location some distance away from residential properties and the temporary nature, the proposal is considered to safeguard the amenity of residential properties in compliance with Policy CS19 of the Core Strategy 2014 and relevant NPPF paragraphs.

Parking and Highways

The submitted Planning Statement states that access to the pop-up pub will be via the existing car park entrance from Luddesdown Road. Vehicles will continue to use the existing parking facilities, which currently provide a total of 56 spaces. The proposal results in a temporary loss of 4 of these spaces.

As the existing access and parking arrangements will remain, and the pop-up pub will be used by existing customers of The Lion while it is close, there are no objections from a highways and parking perspective.

Kent County Council Highways team state that whilst the access to the proposal is along a narrow, unlit, narrow lane making it unsuitable for pedestrians and reliant on travel by private car, this is no different to the existing public house. Adequate car parking is available at the busiest times for the facility.

There would therefore be no adverse parking or highway issues resulting from the proposal, which would comply with Saved Policies T1 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014.

Any Other Material Planning Considerations

Biodiversity

Paragraph 187 of the NPPF 2024 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity. Policy CS12 of the Core Strategy seeks to protect sites designated for their biodiversity value based on their level of importance and enhance, restore, recreate and maintain habitats particularly within Biodiversity Opportunity Areas, which is a designation of this site. However, as the works involve a temporary pop-up pub, and there will be no permanent biodiversity impacts and therefore the proposal would comply with the requirements of the aforementioned policies.

Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications for development (unless exempt 59,60) must deliver at least a 10% biodiversity net gain (BNG), shown via use of the Statutory Biodiversity Metric prior to commencement of any development.

KCC Biodiversity reviewed the proposals and considered this application to be exempt from mandatory biodiversity net gain, so that the mandatory biodiversity net gain of 10% will not apply. This application is exempt because:

- The development will not impact any onsite priority habitat; AND
- The development will not impact more than 25 square metres of onsite habitat with a biodiversity value greater than zero; AND
- The development will not impact more than 5 metres of onsite linear habitat.

This view has been taken as the application is only for a temporary permission for 6 months and page 35 of the Statutory Biodiversity Metric User Guide states the following:

You do not need to record a habitat as lost when there are temporary impacts to a habitat and the area can be restored to both:

- *baseline habitat type within two years of the initial impact; and*
- *baseline condition within two years of the initial impact*

As the current hedgerow for the car park approved under application 20240091 has been planted for less than 18 months, the view is taken that the replanted hedgerow can be back in the same condition within 2 years of works commencing on site. Therefore, from a BNG perspective there will be no loss of habitat within the site. It is advised that this approach would not be possible if the hedgerow within the site had been mature as it would have taken at least 5 years to have re-established in the same condition and therefore would not be considered a temporary impact.

Biodiversity net gain has been accommodated within the application, with the re-instatement of the removed hedgerow, new hedgerow and a new native species tree. It would be preferable for the existing hedgerow to be translocated to the rear of the proposed pop-up pub and then moved back to its original location once the pub has been dismantled. A condition must be included requiring the habitat to be re-established within the first planting season following the dismantling of the temporary pub. On this basis, the proposal is considered to be acceptable.

The proposed car park already has lighting, but it is presumed that additional lighting will be installed. Any lighting on the pub should only be operational when the pub is open / staff are working.

Heritage

The NPPF 2024 places great significance on the desirability of sustaining and enhancing heritage assets, and on new development making a positive contribution to local character and distinctiveness (paragraph 203). This is echoed in Policy CS20 of the Core Strategy 2014, which states that the significance of the Borough's heritage assets and their setting should always be preserved or enhanced. Saved Policy TC2 of the Local Plan 1994 sets out that for development involving alterations to listed buildings or affecting the

setting of listed buildings, the primary consideration is the maintenance of the integrity of the original listed building. Proposals must be sympathetic in terms of their appearance and materials. Saved Policy TC7 states that development on important archaeological sites will not normally be permitted.

As the proposal involves a pop-up pub that will be temporary in nature, the proposal would not have any archaeological impact or impact on the setting of listed buildings, the closest of which lie some distance away. In this respect the proposal complies with the relevant requirements of saved Policies TC2 and TC7 of the Local Plan 1994, Policy CS20 of the Core Strategy 2014 and Section 16 of the NPPF 2024.

Conclusion

The proposed development is inappropriate in the Green Belt, but the very special circumstances of the case, involving the temporary nature of the pop-up pub and the employment and community benefits, weigh in favour of the proposal and are considered to override the Green Belt harm in this instance. The proposal would also be acceptable with regard to landscape, residential amenity, parking and highways, heritage asset and biodiversity impacts, and would therefore be in accordance with the requirements of paragraphs 88, 116, 135, 153, 187, 189 and 203 of the NPPF 2024, Policies CS02, CS07, CS11, CS12, CS19 and CS20 of the Core Strategy 2014 and saved Policies TC2, TC7 and T1 of the Local Plan First Review 1994.

Recommendation

Temporary permission with conditions

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Richard Hart
Signed:	<i>K. Parkin</i>	Signed:	<i>R Hart</i>
Dated:	1 December 2025	Dated:	2nd December