

Delegated Report

Full Planning Application

Planning Application No:	20241053
Location:	Walnut Hill Nursery, Walnut Hill Road, Gravesend, Kent
Description:	Re-cladding, re-roofing and associated alterations to openings of existing steel framed building.
Applicant:	Mr C Lawson
Site Visit Date:	7 January 2025

Submitted Documents/Plans

- Application form
- Planning, Design and Access Statement
- Drawing no. 101 (Site Location Plan)
- Drawing no. 102 (Existing Block Plan)
- Drawing no. 103 (Existing Floor Plan and Elevations)
- Drawing no. 104 (Proposed Block Plan)
- Drawing no. 105 (Proposed Floor Plan and Elevations)

Relevant Planning History

Reference	Description	Decision	Decision Date
20240607	Application to determine if prior approval is required for a proposed; conversion of a building to a commercial use Class E, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class R.	Refused	29.08.2024
20000600	Removal of existing portacabins and sheds and erection of a barn to provide equipment/materials storage, propagation area, potting and packing and loading areas at ground floor level and staff facilities, drying room, office and storage at mezzanine floor level and an external fire escape staircase at the side.	Permitted	18.05.2001
19970030	Removal of existing portakabins and sheds and erection of replacement building for gardening storage, machinery room, packing room and potting-up room at ground floor, incorporating sheltered walkway and refuse and chemical store, with office accommodation and storage at first floor level.	Refused	03.07.1997
19900708	Retention of portacabin and continue use as office/cloakroom/store room/rest room.	Permitted	16.01.1991
19870728	Retention and continued use of caravan as a canteen rest room and office	Refused	04.11.1987

19840450	Retention of caravan for use as a canteen rest room	Permitted	27.07.1984
19740322	Alterations, erection of a single storey extension at side for garage and at rear for lounge and dining room and formation of rooms in roof space.	Refused	14.10.1974

Development Plan

Gravesham Local Plan Core Strategy (2014)

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

- Section 2 – Achieving sustainable development
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment
- Section 15 – Conserving and enhancing the built environment

Supplementary Planning Guidance

- SPG 4 – KCC Parking Standards (2006)
- Gravesham Landscape Character Assessment (2009)
- Design for Gravesham – Design Code (2024)

Consultations, Publicity and Representations

Neighbouring properties

The application has been advertised by individual neighbour letters to 7 properties. The overall consultation period expired on 17 December 2024.

6 letters of representation have been received from neighbouring properties, objecting on the following grounds:

- Application 20000600 was approved on the grounds that all existing portacabins and sheds were removed. The cladding of the building is therefore an overdevelopment of the site in the Green Belt.
- The works are retrospective.
- The proposed cladding and roofing will transform the appearance of the building, which will be unsightly and obtrusive, and will have a negative visual impact on the area.
- The new framework for the building is bigger and higher than the existing metal frame.
- The use is not agricultural – the site is being used for commercial maintenance of HGVs with potential for ground contamination and use of hazardous materials.
- Tarmac and type 1 have been applied on parts of the site for HGV parking in connection with a commercial operating centre and no change of use application has been submitted.
- The site is operated in unsocial hours and there is noise and light pollution from its operation, which impacts on residential amenity and wildlife.
- It is obvious that the building will be used to facilitate the operations and vehicle maintenance that is required of an operating centre.

Local Ward Councillors were also consulted but no responses were received.

Officer's Analysis

Proposal

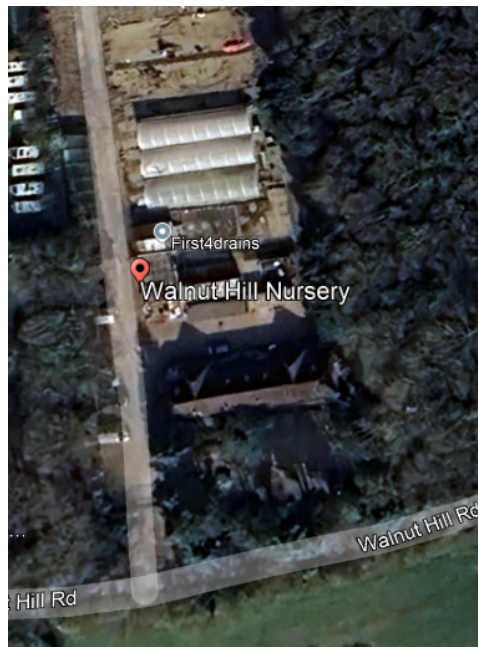
This application seeks permission for the re-cladding, re-roofing and associated alterations to the openings of an existing steel framed building. The proposal is already under construction.

The existing structure has been present on this former plant and flower nursery site since at least 1990 (as verified by historic Google Earth images). The site is now occupied by a new user (First4Drains, a drainage company), who have undertaken various changes to the site, including the current proposal.

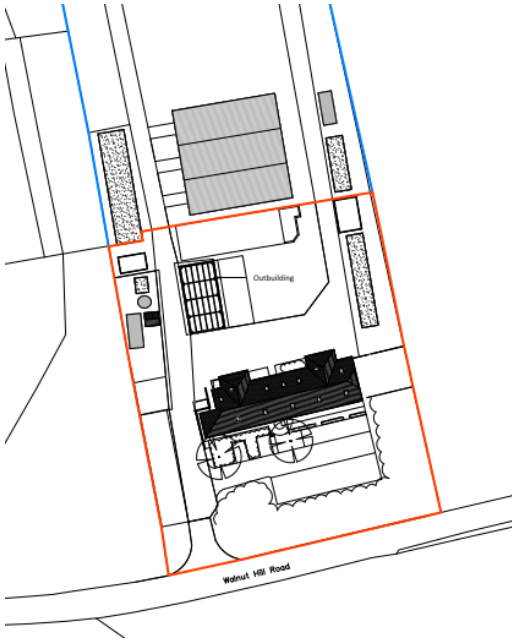
Google Earth 1990:



Current:



Existing Block Plan and photo of structure prior to addition of cladding:

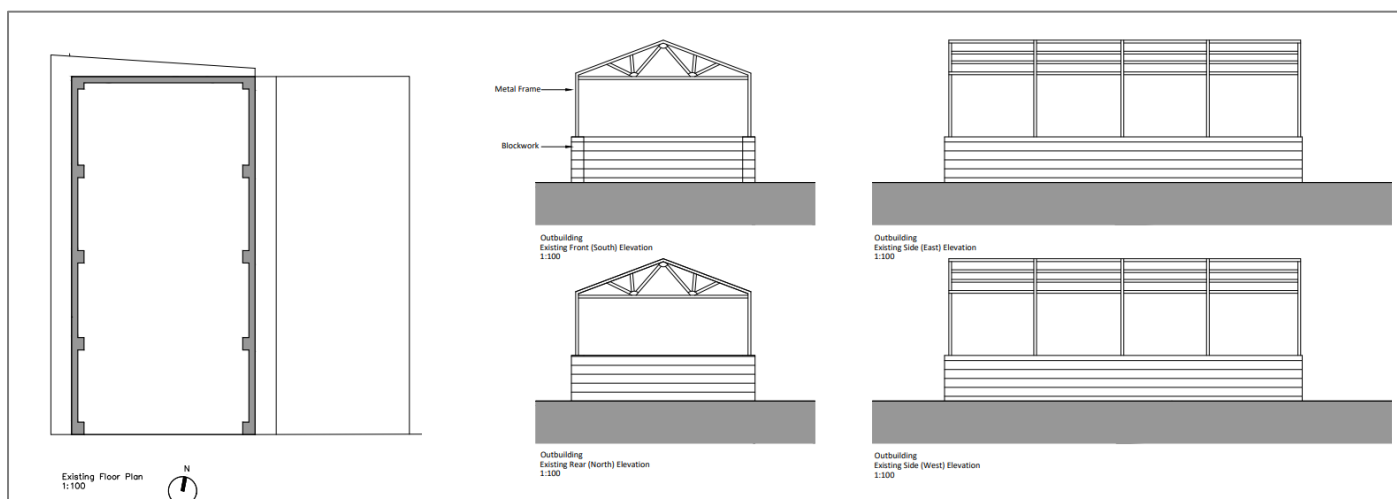


Current structure under construction:



The existing structure comprised blockwork around the lower part of the building and a steel frame above.

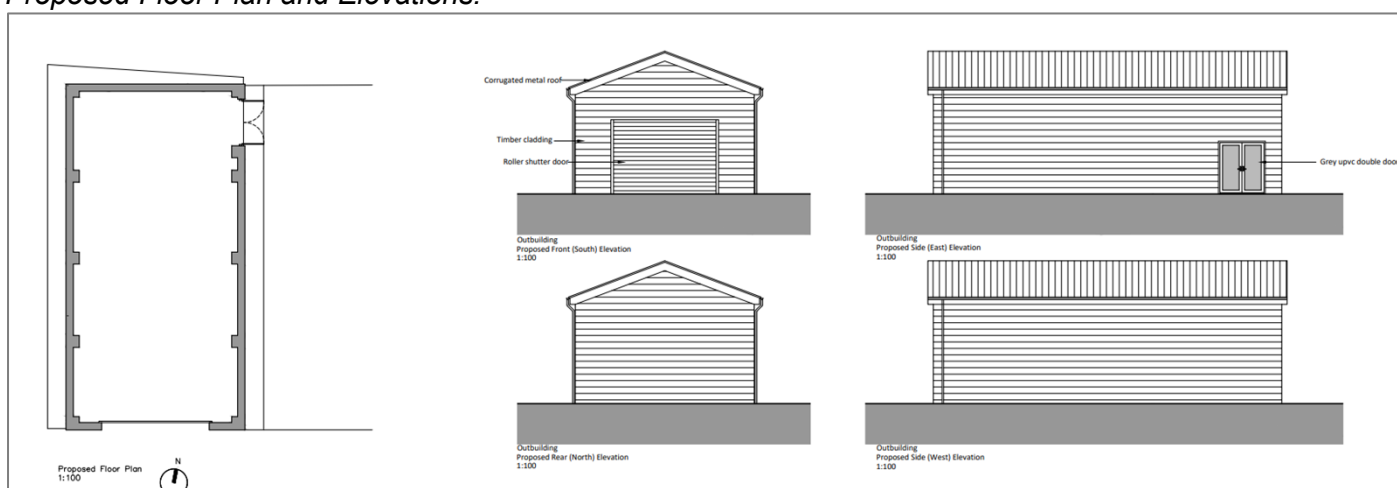
Existing Floor Plan and Elevations:



The building was conditioned to be removed under the 20000600 permission (see Planning History above) to compensate for the construction of the approved barn. However, this did not happen and the structure has become lawful through the passage of time.

The proposal involves the timber cladding of the walls and a corrugated metal roof. There will be a metal roller shutter door to the south elevation and a pedestrian entrance on the east elevation.

Proposed Floor Plan and Elevations:



There is no information within the application about the proposed use for this building; a change of use is not sought. On the site visit, the new owner of the site (First4Drains) verbally stated it would be used for storage. The application form states that the proposal does not involve the carrying out of industrial or commercial activities and processes and does not involve the use or storage of hazardous substances.

Principle Issues

The site lies outside the nearest settlement boundary of Istead Rise, and has a number of constraints, including being within the Green Belt, in the Istead Arable Farmlands Landscape Character Area and in an Archaeological Notification Area. Considering these designations, the main issues for consideration in the determination of this application are as follows:

- Principle of development in the Green Belt
- Impact on Landscape Character
- Residential amenity
- Parking and highways

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.

Local Planning Authorities should regard development as inappropriate in the Green Belt, unless certain exceptions apply (paragraph 154 of the NPPF 2024). In the case of this proposal, the following exceptions have been considered:

a) buildings for agriculture and forestry

The existing structure on the site was previously used as a workshop and storage space in connection with the former plant and flower nursery use. The nursery use is no longer operating from the site, and a drainage company (First4Drains) has taken ownership of the site. No change of use has been sought for the new occupation and therefore the **site is still classed as agricultural**. No information has been submitted about the use of the structure that is proposed to be enclosed but given the change in occupier, and the nature of the new operation, the enclosed building would not be used for agriculture or forestry purposes. Therefore, the proposal cannot be considered against this exception.

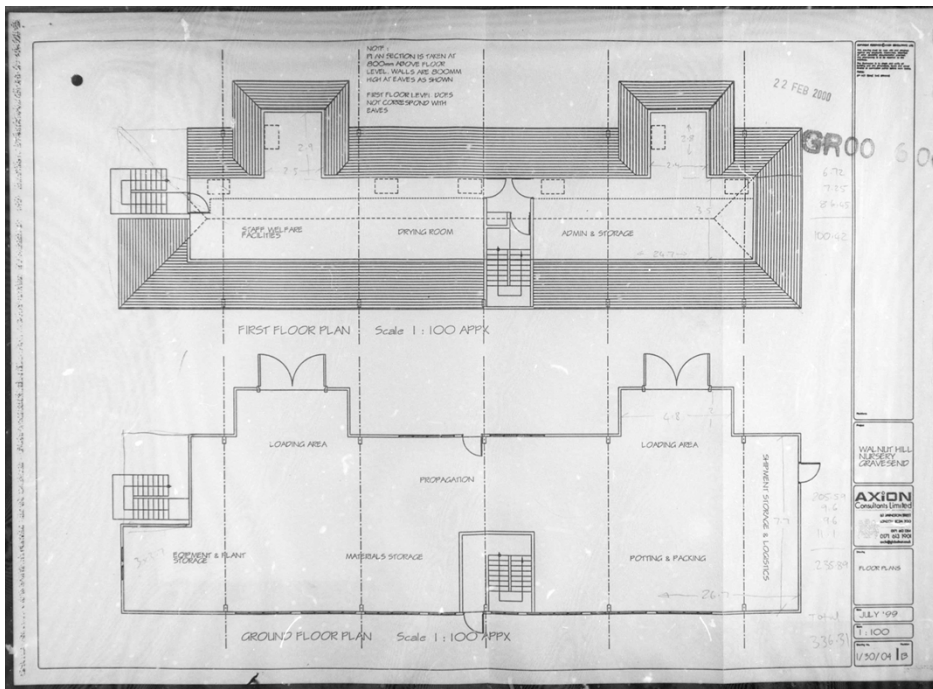
(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

As the existing structure comprises an open frame with no roof or walls it is not considered to meet the definition of a building. Therefore, the proposal cannot be considered against this exception.

g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

The definition of previously developed land excludes land that is or was last occupied by agricultural or forestry buildings. Whilst the front part of the site, where the application structure is located, is more 'built up' and includes buildings/structures for offices, workshops and storage and parking areas, there have been no planning applications relating to a change of use of the site. The 20000600 application, as set out in the Planning History section above, is the most recent application to have been submitted prior to the new owners taking over the site. This was for the frontage building on the site, which was proposed for use as a barn in connection with the nursery. The approved floor plans set out the use of the space for propagation, potting and packing, equipment, plant and materials storage, and loading. There were ancillary admin and staff welfare facilities in the roofspace:

20000600 Approved Floor Plans



The 20060600 application describes the use as agricultural/horticultural. As a flower and plant nursery, from previous planning records the previous use of the site is described as agricultural/horticultural.

It is useful to note that the planning permission for the barn required the removal of other existing buildings and structures on the site (including the current application structure) as their retention alongside the proposed barn was considered to be an overdevelopment of this site in the Green Belt.

On this basis, the site does not meet the definition of previously developed land, and therefore the proposal cannot be considered against this exception criterion.

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are: ... iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;...

As discussed above, the structure is not considered to meet the definition of a building, and no information has been submitted to demonstrate that that it is of permanent and substantial construction to the extent that it can be re-used. Therefore, the proposal cannot be considered against this exception criterion.

In summary, the proposal would not fall under any of the exceptions in paragraph 154 of the NPPF 2024, which would render the development inappropriate in the Green Belt.

Paragraph 155 of the NPPF 2024 also considers commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.*

Under point a. it must first be determined if the site would comprise grey belt land. In Annex 2: Glossary for the NPPF, grey belt is described as follows:

Grey belt: For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

The Glossary also defines previously developed land, which is stated to exclude land that is or was last occupied by agricultural or forestry buildings. As this is the case with the application site, it is not considered to comprise previously developed land, so fails to meet the grey belt definition on this element. In relation to the second part of the definition, paragraph 143 of the NPPF 2024 sets out the five purposes of the Green Belt (with the relevant points highlighted):

- 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.

The application site does not strongly contribute to these relevant purposes, as it is a contained former existing flower and plant nursery site and can therefore be described as grey belt.

Turning back to the paragraph 155 requirements above, as the site would meet the definition of grey belt land, the proposal would meet the requirements of 155(a).

In relation to a demonstrable unmet need for the development, **no justification has been provided for the proposal, and the application would therefore fail to comply with (b).**

In relation to point (c), as the application building is within the same curtilage as the wider lawful agricultural use for the purposes of point (c) it is considered to be sustainable.

For point (d), as the application does not involve the provision of housing, this criterion is not applicable.

As paragraph 155 requires all of the above points to be met (where applicable) in determining the appropriateness of development in the Green Belt, and it fails on point (b), the proposal is therefore deemed to be inappropriate.

This issue of failing to meet all the requirements in paragraph 155 has been similarly considered in a recent appeal decision relating to an outline application with all matters reserved for a maximum 8 dwellings on land between 124 and 142 Church Lane in Selston (see Appendix 1). In the same manner as this application, the proposed appeal development was considered to be grey belt land as the relevant purposes set out in paragraph 143 of the NPPF 2024 did not apply to the appeal site. The proposal met points a, b and c of paragraph 155 but as the proposal was not considered to meet the 'Golden Rules' requirements set out in point d, the Inspector considered that the principle that development in the Green Belt is inappropriate unless it meets one of the 8 exceptions set out in paragraph 154 was not retracted. This led to the Inspector's conclusion that the proposal would be inappropriate development in the Green Belt, which is by definition harmful, and to be given substantial weight.

Conclusions on Green Belt Issues

On the basis of the above considerations, the proposal to enclose the existing open structure is considered to be inappropriate development in the Green Belt and would fail to comply with the requirements of Section 13 of the NPPF 2024 relating to the protection of Green Belt land, notably paragraph 155d which requires a demonstrable unmet need for the development, and the proposal should be resisted on this basis. Inappropriate development is harmful and given substantial weight, in accordance with paragraph 153, and should not be approved except in very special circumstances. There are no special circumstances that have been put forward to justify this development and outweigh the harm to the Green Belt.

Landscape Impacts

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 application site is also located in the Istead Arable Farmlands Landscape Character Area within the Gravesham Landscape Character Assessment (GLCA) 2009 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 GLCA will be taken into account in determining applications. The GLCA states that the character area is defined by gently undulating topography with open arable fields divided by roads, tracks and occasional hedgerows, with orchards to the east and minor native woodland clumps. The overall condition of the landscape is poor and has moderate sensitivity. It is recommended that distinctive features and patterns of the landscape should be restored, while landscape elements that support landscape character should be created.

The Walnut Hill former nursery site is set back from the road behind metal entrance gates, within a treed setting. Due to the narrow and winding nature of the tree/hedge-lined Walnut Hill Road where the site is accessed from, public views into the site are fairly restricted until directly in front of the entrance.



Visually, the proposal would result in a change to the open frame appearance of the existing building within the site itself. However, the proposed enclosure of the structure would be within the established former nursery grounds, and the development would be seen only within this context. Wider views from the character area would be limited and would be viewed against the backdrop of the existing development and well-established boundaries.

The development would not therefore have an adverse effect on the rural character of the wider area. The site does not contribute to the distinctive features identified within the GLCA and is unlikely to add to those features as it would remain part of the former nursery grounds.

Overall, it is considered that the proposal would conserve the rural landscape context of this site within the Istead Arable Farmlands Landscape Character Area. As such, the proposal would comply with the relevant requirements of Policies CS02 and CS12 of the Core Strategy 2014, and paragraphs 187 and 189 of the NPPF 2024.

Design

Section 12 of the NPPF 2024 relates to achieving well-designed and beautiful places and sets out the Government's requirements in relation to design issues. Paragraph 131 emphasises the importance of achieving high quality, beautiful and sustainable buildings and places. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 of the NPPF 2024 also 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.

The structure is existing and in relation to the proposed design, the use of timber cladding is traditional in appearance and appropriate for a building in the rural area. In design terms, the proposal is considered to be acceptable, and will comply with the requirements of Policy CS19 of the Core Strategy 2014, and the relevant paragraphs in Section 12 of the NPPF 2024.

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). Paragraph 198 of the NPPF 2024 seeks to ensure that new development takes into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. 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 impacts from pollution.

Neighbouring Properties

Whilst it has formerly been more open in appearance, the application structure is existing. It is over 50m from the nearest residential property (Sheridan to the west). The cladding of the structure would not cause any sense of enclosure, loss of light, outlook or privacy to neighbouring properties, given the distance to the closest residential property.

Neighbour concerns have been raised relating to ground contamination and use of hazardous materials; however, the application form states that the proposal does not involve the carrying out of industrial or commercial activities and processes and does not involve the use or storage of hazardous substances. This could be conditioned. No change of use of the building is being sought with this application, which relates solely to the cladding of the building.

Given neighbour concerns about light pollution, whilst no lighting is proposed as part of this application, it could be appropriate to impose a condition relating to the submission of external lighting details if any lighting were to be installed on the building.

The proposal would comply with Policy CS19 of the Core Strategy 2014, and subject to a condition restricting certain activities as well as any external lighting, it would not adversely affect neighbouring amenity.

Parking and Highways

There are no changes proposed to the access or parking provision at the site in relation to this proposal. There would therefore be no parking or highway issues arising from the proposal, which would comply with Saved Policies T1, T5 and P3 of the Local Plan 1994 and Policies CS11 and CS19 of the Core Strategy 2014.

Any Other Material Planning Considerations

Biodiversity Net Gain (BNG)

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

In this case, as works have already commenced BNG does not apply.

Archaeology

The site lies within an area of archaeological potential. However, it is considered unlikely that the proposal would have a significant below-ground archaeological impact. The proposal therefore complies with Policy CS20 of the Core Strategy 2014 and paragraph 210 of the NPPF 2024.

Conclusion

Whilst the application site is considered to form grey belt land, the proposal to enclose the existing open structure does not meet any of the exception criteria for development in the Green Belt and would therefore be an inappropriate and harmful development in the Green Belt. There are no very special circumstances that exist that would outweigh the harm resulting from the proposal by reason of inappropriateness, or any other harm. The development is therefore contrary to the requirements of paragraphs 11, 153, 154 and 155 of the National Planning Policy Framework 2024, and Policy CS02 of the Gravesham Local Plan Core Strategy 2014.

Recommendation

The application is therefore recommended for refusal.

(For detailed reasons for refusal, see draft Decision)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Richard Hart
Signed:	<i>K. Parkin</i>	Signed:	<i>R Hart</i>
Dated:	22 January 2025	Dated:	24th January 2025