



Delegated Report

Full Planning Application

Planning Application No: 20241055

Location: Walnut Hill Nursery, Walnut Hill Road, Gravesend Kent

Description: Retrospective erection of a detached outbuilding.

Applicant: First4Drains

Site Visit Date: 7 January 2025

Submitted Documents/Plans

Application form
Planning, Design and Access Statement
Drawing no. 301 (Site Location Plan)
Drawing no. 302 (Pre Existing Block Plan)
Drawing no. 303 (Existing Block Plan)
Drawing no. 304 (Pre Existing Outbuildings)
Drawing no. 305 (Existing Outbuildings Floor Plans)
Drawing no. 306 (Existing Outbuildings Elevations 1 of 2)
Drawing no. 307 (Existing Outbuildings Elevations 2 of 2)
Drawing no. 308 (Proposed Block Plan)

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 portacabins 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
19750608	Outline application for erection of a leisure centre containing a sauna bath and associated changing rooms showers and lavatories lounge bar and restaurant squash courts snooker room kitchen and stores	Refused	18.11.1975

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 9 properties. The overall consultation period expired on 18 December 2024.

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

- The application is retrospective and shows no regard for planning rules and regulations.
- The developer has chosen to divide their overall development of the site into small elements to hide the true impact of their development.
- Application 20000600 was approved on the grounds that all existing portacabins and sheds were removed to justify the size of the proposed barn.
- A small non-permanent shed was removed to make way for the much larger, permanent outbuilding.
- The low-level canopy to be removed can only be described as a temporary structure and its removal does not justify the outbuilding.
- The outbuilding is an overdevelopment of the site in the Green Belt.
- Allowing this and any further built development would be facilitating the development of the site into a 24/7 depo and maintenance yard for HGVs and vans, which is an illegal unauthorised use of the site.
- There are two Licence Applications pending decision with the Office of the Traffic Commissioner for the site to be an operating centre for 23 HGVs and it currently has an interim license for 14 HGVs.
- The proposals are transforming the site from a quiet horticultural activity to an industrial one, incompatible with the Green Belt location and unsuitable for the local road network.
- There are numerous outbuildings on the existing block plan, many of which are unauthorised portacabins brought onto the site in 2024 that have been wood clad, making them appear more permanent and demonstrating overdevelopment with no intention to follow planning requirements.
- The use is not agricultural; it is being used for storage of commercial machinery in conjunction with the current HGV operating centre.
- 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. This includes the neighbouring camping and caravanning site, whose visitor numbers have been affected by the new use.

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

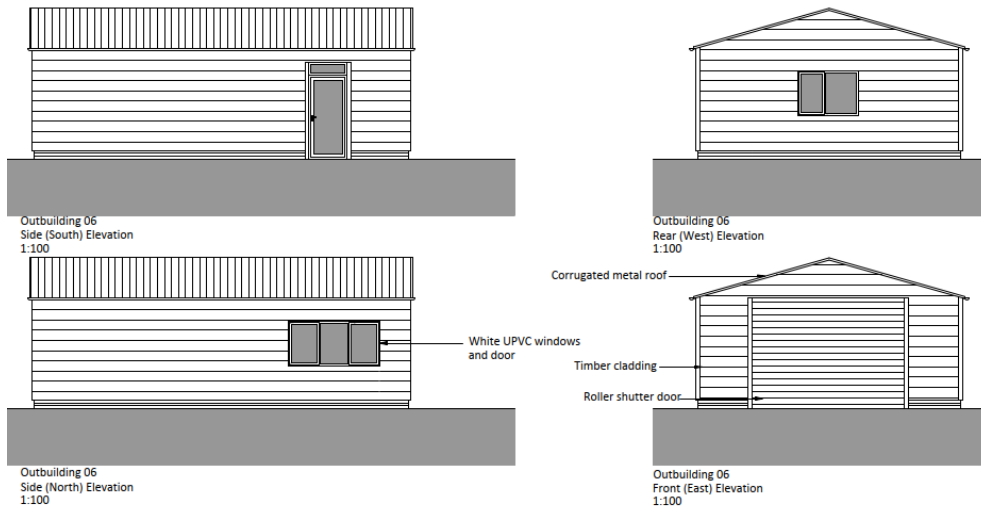
Officer's Analysis

Proposal

This application seeks retrospective permission for the erection of a detached outbuilding.

The outbuilding has been constructed to the rear of an existing large open structure (for which an application has also been submitted relating to the cladding of this structure and has been refused):





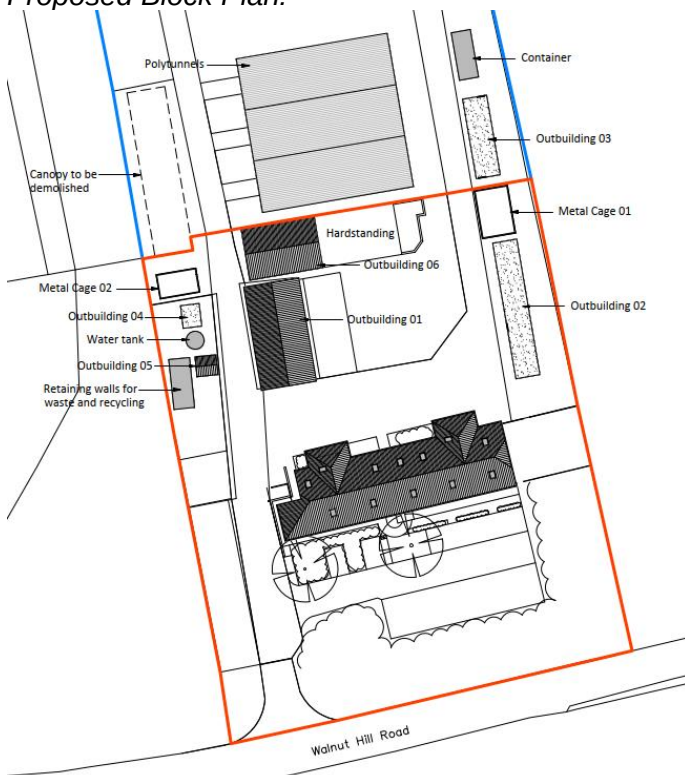
The outbuilding measures 9.4m in length, 6.45m in width and has an eaves height of 2.75m and a ridge height of 3.65m. In terms of footprint, it amounts to 61m² and has a volume of 200m³.

The outbuilding is clad in black timber and has a metal roller shutter door on the front (east) elevation, white UPVC windows on the side (north) and rear (west) elevation and a door on the side (south) elevation.

There is no information about the proposed use of the outbuilding and the floor plan does not clarify this, but it is assumed it will be in connection with the recent new ownership of the site by First4Drains, a drainage company.

As part of the proposal, it is intended to demolish the existing detached canopy that is located adjacent to the western site boundary, as shown on the block plan and image below. The volume of this amounts to 209m³.

Proposed Block Plan:





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 are applicable:

a) buildings for agriculture and forestry

As a former flower and plant nursery, from previous planning records the use of the site was described as agricultural/horticultural. There have been no change of use applications nor Lawful Development Certificates submitted to determine any different use at the site, either before or after the new owners, First4Drains, took over. Therefore, the site is still classed as having an agricultural use. No information has been submitted about the use of the retrospective outbuilding, but given the change in occupier, and the nature of the new operation, the outbuilding would not be used for agriculture or forestry purposes. Therefore, the proposal cannot be considered against this exception.

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

The submitted Planning Statement considers that as the proposal involves the demolition of the detached canopy, this exception criterion is relevant.

However, the canopy cannot be described as a building. It is a metal structure with fabric walls, previously used in connection with the nursery:



The OnTheMarket.com sales particulars for the nursery described this as a metal compound used as trolley security and an area for shade-loving plants. This structure clearly had an agricultural use. Furthermore, the new outbuilding would be used in connection with the new drainage company occupier of the site, which is not an agricultural use, and therefore, whilst the volume of the existing structure and the new outbuilding may be similar, the new outbuilding would not be in the same use. It is therefore not considered that this exception is applicable to the proposal.

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 outbuilding 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 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 a 'potting' shed in the location of the new outbuilding), as their retention alongside the proposed barn was considered to be an overdevelopment of this site in the Green Belt.

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

In conclusion, 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 retrospective outbuilding, 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

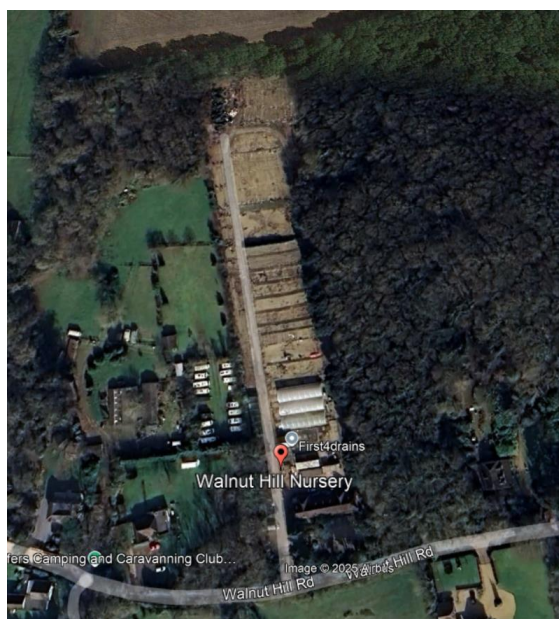
On the basis of the above considerations, the proposal for the retrospective outbuilding is considered to be inappropriate development in the Green Belt and would fail to comply with the requirements of Section 13 of the NPPF 2024 relating to the protection of Green Belt land, notably paragraph 155d 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 that would 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. Views of the retrospective outbuilding are obscured by the main frontage building and open structure behind.



The outbuilding 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.

In relation to the design of the outbuilding, the use of timber cladding is traditional in appearance and appropriate for a building in the rural area, in keeping with other buildings on the site. In design terms alone, 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

The retrospective outbuilding is over 50m from the nearest residential property. Its position between existing larger structures 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.

Any Other Material Planning Considerations

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.

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, the proposal is covered by an exemption; as the proposal involves a retrospective outbuilding on existing hardstanding, it does not impact a priority habitat and impacts less than 25 square metres of on-site habitat or 5 metres of on-site linear habitats. BNG is therefore not required in this case.

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 for the retrospective outbuilding 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
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Signed:	<i>K. Parkin</i>	Signed:	<i>R Hart</i>
Dated:	23 January 2025	Dated:	24th January 2025