

Delegated Report

Householder Planning Application

Planning Application No: 20220824

Location: The Orchard Melliker Lane Meopham Gravesend

Description: Retention of fencing on the land.

Applicant: Mr and Mrs Singleton

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Planning Application Form;
Covering Letter and Supporting Statement;
Drawing No. 22-17-01 Rev A – Location Plan; and
Drawing No. 2-17-02 Rev A – Layout Plan & Section.

Relevant Planning History

Reference	Description	Decision	Decision Date
20070948	Erection of a single storey detached building to provide an indoor swimming pool, gym, sauna, shower room and plant room.	Permission	19.12.2007
20070679	Application for Lawful Development Certificate for the proposed erection of a single storey building to provide a swimming pool enclosure with gym, sauna, plant room and shower room.	Certificate Granted	19.09.2007
20040674	Retention of 8' high wooden fence around south boundary and part of east and west boundaries.	Permission	15.09.2004
20041011	Erection of a single storey building in the garden to provide an indoor swimming pool, gym, sauna, plant room and changing rooms/shower rooms.	Certificate Granted	22.12.2004
20020015	Erection of part first floor and part two storey rear extension to form family room, enlarged snooker room, utility room and enlarged kitchen at ground floor level with 3 bedrooms, bathroom, 4 en-suite bathrooms, dressing room, stairwell and landing at first floor level; alterations to all 4 elevations and roof and repositioning of tower room.	Permission	19.04.2002

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure

- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places
- 13 – Protecting Green Belt Land
- 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006);
- Gravesham Landscape Character Assessment (2009).

Consultations, Publicity and Representations

Consultees

Meopham Parish Council

The Parish Council supports this fence being up for the period of 2 years but then removed. If not removed we would encourage enforcement action.

Neighbouring properties

A site notice was displayed on site and individual letters sent to 8 surrounding properties with an overall expiry date of 26th August 2022. One letter of representation was received making the following comments;

“The fence is out of character and erected on agricultural land, totally out of character with the lane and surrounding area. I was under the influence that agricultural land had to be fenced in stock fencing or countryside hedging.”

Officer's Analysis

Procedural Matter

The covering letter states that part of the close boarded fence was erected more than four years ago, with the remaining section within the last four years. The green mesh fencing has been erected within the last four years and whilst some of the timber close board fencing may have been in situ longer than four years, this application will be assessed in its entirety and it is not to assess if part of the erected fencing is lawful. It is therefore for the applicant to prove lawfulness through the passage of time through the lawful development certificate procedure.

In addition, the type of application submitted has been a householder application for retention of fencing around the land. Whilst it is not disputed that land that is the subject of this application, is within the ownership of the applicant and the associated property, The Orchard, is a residential dwelling, it is not entirely clear if the land to which the fence has been erected falls within the residential curtilage of the property.

Looking to the submitted plan (shown below), there appears to be clear definition of the residential curtilage of The Orchard, and the land to the west which forms part of this application.



This is also supported by the satellite images below, which clearly show a separation of the parcels of land.

Satellite Images 1940



1960



1990



2003



2007



2013



The presence of mature hedging and fencing in the above images, indicates that there is a clear definition between the land to the west of The Orchard and the residential curtilage of the dwelling.

Furthermore, it can be clearly seen from the following images that the an additional fence or means of enclosure was erected some time between 2015 and 2018, clearly separating the land and removing the boundary that once sat directly to the west of The Orchard.

2015



2018



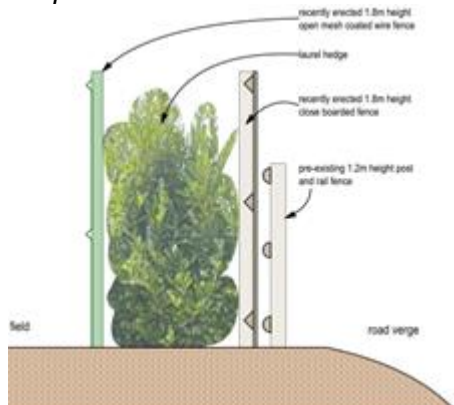
Taking above into account, it is considered that the land that is the subject of this application does not fall within the residential curtilage of the associated property, The Orchard, and therefore a householder planning application is not the appropriate type of application in this instance and that full planning permission would be required.

Whilst it is considered that a householder application is the incorrect procedure in this instance, the following issues are still relevant for a full planning application and in the interest of transparency, the proposal has been assessed against the main issues.

Proposal

This application seeks planning permission for the retention of fencing on the land. There are three rows of fencing located along the north west boundary of the site – the pre-existing approx. 1.2m high post and rail fencing, the 1.8m high close board fencing behind, and a 1.8m high wire mesh fencing. A laurel hedge has been shown on the submitted plans to separate the two 1.8m high fencing.

Proposed Section



The covering letter states the applicant intends to remove the close board fencing once the vegetation has grown and that the wire mesh fencing would remain as a security measure. Whilst this is acknowledged, the covering letter also states that that a portion of the close boarded fencing has been in place in excess of four years and the remaining close board fencing being in situ less than four years, and as such, the temporary nature of the fencing is questionable.

Site and Surrounding Area

The site is located in the Green Belt and in the Meopham Downs Landscape Character Area as defined on the adopted Gravesham Local Plan Core Strategy policies map and this must be the starting point for determining this application.

The application site at is a parcel of land to the west of the residential dwelling, The Orchard, and as laid out above in the procedural section, is considered to fall out of the residential curtilage of the associated dwelling. However, the extensive open fields to the west of The Orchard, appear to fall within the site ownership. The portion of the site relevant to this application is locate to the west of the host dwelling.



The appropriateness of the development within the Green Belt

Inappropriate development in the Green Belt is development that by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to say that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The NPPF (2021) notes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. At paragraph 138 the NPPF (2021) lists the 5 purposes which the Green Belt serves. Of particular relevance in this case is that it assists in safeguarding the countryside from encroachment.

Policy CS02 of the Gravesham Local Plan Core Strategy (September 2014) (LPCS) 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 (LPCS).

The fencing by virtue of height and design are typical of a more urban area and has a more domestic appearance to the streetscene, resulting in loss of the open views of the surrounding area and Green Belt.

In summary it is considered that this extension is contrary to local and national planning policy.

Impact on openness and the purposes of the Green Belt

Having determined that the proposal is an inappropriate development in the Green Belt, it is necessary to assess the effect on the openness and the purposes of including land in the Green Belt. The NPPF (2021) notes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence.

The fencing has resulted in a hardening of the north west boundary of the site, obscuring the open view of the fields. The increase in fence boundary height as well as the impermeable design has resulted in material harm to the openness of the Green Belt.

Therefore, the proposal is considered to be contrary to Policy CS02 (LPCS) and Section 13 of the NPPF (2021).

Satellite View



Design, Character and Appearance

The site, prior to the erection of the current fencing, was bounded by low level post and rail fencing with mature hedging which is a common feature within the surrounding area. The surrounding character is of low level open aspect timber fencing of varying design with mature hedging, which provides open views of the surrounding agricultural fields and farmsteads.

Site Prior to Erection of Fencing



Surrounding Streetscene



There has been two additional sets of fencing erected on the north west corner of the site with a 1.8 mesh coated wire fence and 1.8m close boarded fence set in front, separated by laurel hedging. The existing 1.2m high post and rail fence would remain to the front. The combination of the wire fence, and close boarding fencing has resulted in a feature that is both out of character with the area in terms of material and design, together with a loss of the openness of the area and a hardening of the streetscene.

As such, it is considered that the fencing is an unacceptable development within this open area, contrary to Policy CS19 (LPCS) and Sections 12, 13 and 15 of the NPPF 2021.

Neighbouring Amenity

Due to the separation between the application site and the surrounding properties, no overshadowing, loss of light, outlook or privacy detrimental to the neighbouring properties has occurred.

Parking & Highways

The location of the fencing is set behind the existing post and rail fencing. Whilst the new fencing is close boarded, it would be set sufficiently away as to not result in obscured views when entering or existing the junction.

Any Other Material Planning Considerations

Landscape Character Area

Section 15 of the NPPF (2021) highlights the importance of conserving and enhancing the natural environment, one aspect of which is the protection and enhancement of valued landscapes. Policy CS12 (LPCS) seeks to protect the Green infrastructure within the Borough and states that the overall landscape character and valued landscapes will be conserved, restored and enhanced and the greatest weight will be given to the conservation and enhancement of the landscape and natural beauty of the Kent Downs AONB and its setting.

The application site is located within the Meopham Downs Landscape Character Area. The topography is gently undulating with a mixture of arable and pasture farmland. The area is characterised by neat pattern of small square fields in the south, broader irregular shaped fields to the north, with narrow lanes and road lined with hedgerows. The condition is good and the guidelines are to conserve and reinforce.

Policy CS12 (LPCS) seeks to protect the Green infrastructure within the Borough and states at 5.7.26 the overall landscape character and valued landscapes will be conserved, restored and enhanced.

By virtue of the location, additional height and solid design and materials, it is considered that the new fencing has resulted in harm to the character and appearance of the Meopham Downs Landscape Character Area.

Conclusion & Recommendation

The land to west of The Orchard is considered to fall outside of the residential curtilage of the residential dwelling known as The Orchard, and it is therefore considered that a Householder Planning Application is an inappropriate procedure in this instance and that the development would require the benefit of full planning permission.

The fencing by virtue of location, height and design has resulted in harm to the openness of the Green Belt and is harmful to the Meopham Downs Landscape Character Area. Therefore the proposal is an inappropriate development in the Green Belt, contrary to Policies CS01 (Sustainable Development), CS02 (Scale and Distribution of Development) and CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014), and Sections 12 and 13 of the National Planning Policy Framework (2021).

By virtue of the location, height, design and materials, the fencing is considered to be unacceptable, as it is a dominant feature that has resulted in the hardening of the streetscene, that is considered to be detrimental to the character and appearance of the streetscene and area as a whole. The development is therefore contrary to the requirements of section 12 of the National Planning Policy Framework 2021 and Policies CS02 and CS19 of the Gravesham Local Plan Core Strategy 2014.

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Amanda Grout	Team Leader:	Richard Hart
Signed:	<i>A Grout</i>	Signed:	<i>R Hart</i>
Dated:	28 th March 2023	Dated:	28th March 2023