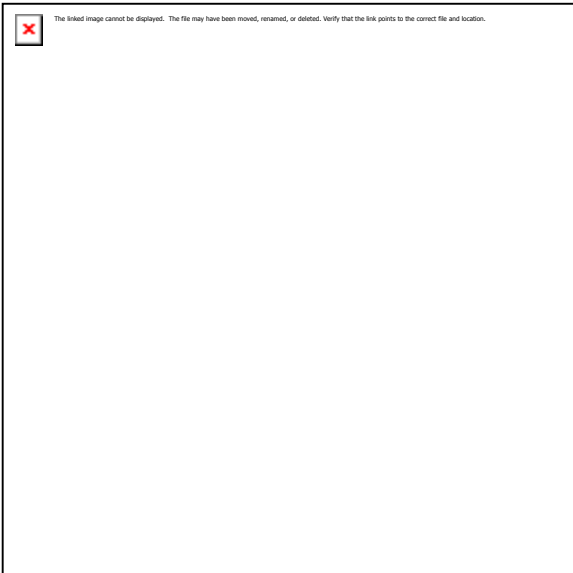




Delegated Report

Planning Application

Application no:	20211118
Location:	Willow Tree Farm And Holly Cottage Wrotham Road Meopham Gravesend
Description:	Demolition of existing Holly Cottage, creation of new shared access route, and the re-building of a replacement 4 bedroom chalet-bungalow with detached double garage on the site frontage and erection of 7no new 4 bedroom houses with integral double garages in gated development to the rear of the new Holly Cottage, and part rear garden of Willow Tree Farm.
Applicant:	Mr Gordon McQuade
Site Visit Date:	1 st October 2021 & 16 th November 2021

Submitted Documents/Plans

The application comprises the following documents and plans:

Documents

Planning Application Form received 16th September 2021;
Covering Letter received 14th September 2021;
Design & Access Statement received 14th September 2021;
Planning Statement received 14th September 2021;
Heritage Statement received 14th September 2021
Tree Survey received 14th September 2021;
Preliminary Ecological Appraisal Survey received 14th September 2021;
Letter from KCC Highways dated 21st July 2021;
KCC Highways Email dated 3rd August 2021;
Sketch – Courtyard Access Sketch - Plot 1;
Landscape and Visual Impact Assessment;
Utilities Assessment/Strategy;

Energy/Sustainability Assessment;

Flood Map;

Kent and Medway Biological Records Centre Conservation Concern Species Inventory;

Kent and Medway Biological Records Centre Kent Rare & Scarce Species Inventory;

Kent and Medway Biological Records Centre Invasive Non-native Species Inventory;

Kent and Medway Biological Records Centre Kent Bird Records Summary;

Kent and Medway Biological Records Centre Ecological Survey;

Kent and Medway Biological Records Centre Bat Survey;

Kent and Medway Biological Records Centre Protected Species Inventory;

Kent and Medway Biological Records Centre Known Bat Roost Locations;

Kent and Medway Biological Records Centre Statutory and non-statutory designated sites;

Consolidated Report;

Affordable Housing Statement;

Biodiversity Surveys and Reports;

Schedule of Drawings; and

Site Planning Appraisal Dated December 2019 received 15th November 2021.

Plans

Drawing No. HCD 05 Rev A – Existing Tree Survey;

Drawing No. HCD 04 Rev A – Existing Sections and Elevations;

Drawing No. HCD 03 Rev A – Existing Site Plan Services and Levels;

Drawing No. HCD 01 Rev A – Existing Location Plan;

Drawing No. HCD 02 Rev A – Proposed Location Plan;

Drawing No. HCD 06 Rev A – Proposed Site Plan Ground;

Drawing No. HCD 07 Rev A – Proposed Site Plan First Floor;

Drawing No. HCD 08 Rev A – Proposed Site Plan Roof;

Drawing No. HCD 09 Rev A – Proposed Site Plan Services and Levels;

Drawing No. HCD 10 Rev A – Proposed Sections and Elevations;

Drawing No. HCD 11 Rev A – Proposed Sections and Elevations;

Drawing No. HCD 12 Rev A – Vehicle Tracking DB32 Fire Appliance;

Drawing No. HCD 13 Rev A – Vehicle Tracking DB32 Pantechicon;

Drawing No. HCD 14 Rev A – Vehicle Tracking London Pumping Appliance;

Drawing No. HCD 15 Rev A – Proposed Ground, First & Roof Floor Plans (plot 1);

Drawing No. HCD 16 Rev A – Proposed Ground, First & Roof Floor Plans (plot 2);

Drawing No. HCD 17 Rev A – Proposed Ground, First & Roof Floor Plans (plot 3);

Drawing No. HCD 18 Rev A – Proposed Ground, First & Roof Floor Plans (plot 4);

Drawing No. HCD 19 Rev A – Proposed Ground, First & Roof Floor Plans (plot 5);

Drawing No. HCD 20 Rev A – Proposed Ground, First & Roof Floor Plans (plot 6);

Drawing No. HCD 21 Rev A – Proposed Ground, First & Roof Floor Plans (plot 7); and

Drawing No. HCD 22 Rev A – Proposed Ground, First & Roof Floor Plans (plot 8).

Procedural Issues

The application has been determined in accordance with the above submitted documents/plans and Paragraph 38 of the National Planning Policy Framework (NPPF) (2021) sets out adopting a positive and proactive approach to development proposals. In this case prior to this application being submitted the agent had entered into formal pre-application discussions with the Local Planning Authority in June 2020 for the *Demolition of Holly Cottage, and the erection of 16no 2 storey 2 bedroom flats, exclusively for over 55 year age group.* The pre-app submission was outline only with no details of design, property layout, parking or details relating to the impact on the existing site and surrounding area.

The current application differs from the pre-app submission in that it is for the *Demolition of existing Holly Cottage, creation of new shared access route, and the re-building of a replacement 4 bedroom chalet-bungalow with detached double garage on the site frontage and erection of 7no new 4 bedroom houses with integral double garages in gated development to the rear of the new Holly Cottage, and part rear garden of Willow Tree Farm.* As such the current application will be determined on its own merits with the additional details submitted for the proposal.

As discussed further in this report there is principal objection to the proposed development and it would not be possible to negotiate the scheme to overcome the conflict with local and national policy.

Therefore a decision issued within the agreed extension of time period would give the applicant a formal stance from the Local Planning Authority on its position with this application. In this instance an extension of

time was necessary in order for additional information required to be submitted by the applicant for review, together with an accompanied site visit.

No further information is considered necessary to be submitted or clarified by the applicant in order for the Local Planning Authority to determine the application.

Relevant Planning History

Application Ref. No.	Description	Status	Date
<i>Willow Tree Farm</i>			
20010416	Erection of first floor rear extension; alterations to existing roof involving enlargement and increased height of roof; construction of 2 dormer windows in front roof slope and one dormer window in rear roof slope to form 3 bedrooms and bathroom at first floor level in roof space.	Permission	20.07.2001
19900696	Erection of single storey side extension to form enlarged dining room and enlarged lounge.	Permission	13.11.1990
19900039	Erection of single storey side extension to form covered areas front and rear, two porches, lounge enlarged kitchen/diner with two bedrooms in the roof space and erection of a garage at the front.	Refused	01.03.1990
		Appeal Dismissed	24.07.1990
19890508	Erection of single storey side extension to form covered areas front and rear, two porches, lounge enlarged kitchen/diner with two bedrooms in the roof space and erection of a garage at the front.	Refused	14.08.1989
<i>Holly Cottage</i>			
20021010	Removal of conditions (iii) and (iv) of planning permission reference number GR/94/348 (for the construction of a new roof incorporating two dormer windows in the front roof slope to form bathroom at first floor level and erection of a front porch) to allow the roof space within the new roof to be used as two bedrooms and a velux window to be installed in the side roof slope.	Permission	30.01.2003
19940348	Construction of a new roof incorporating two dormer windows in the front roof slope to form bathroom at first floor level and erection of front porch.	Permission	05.08.1994
19940016	Construction of a new roof	Refused	20.04.1994

incorporating two dormer windows in the front roof slope and conversion of roof space to form two bedrooms and bath- room at 1st floor level and erection of a front porch.

19891019	Outline application for erection of a detached dwelling with associated garaging and formation of vehicular access onto a classified road.	Refused	28.02.1990
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Land to the North of Holly Cottage

20140358	Application for approval of condition 1 attached to planning permission reference number 20130710 relating to details of the landscaping scheme.	Approval of Details	03.06.2014
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20130710	Extension of residential garden into adjoining land.	Permission	13.01.2014
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20110632	Outline application for residential development for two dwellings.	Refused Appeal Dismissed	12.03.2012 18.02.2013
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20010104	Use of land as a car park with access via Meopham School for the staff of the Whitehill Service Station for a temporary period of 3 years.	Withdrawn	08.10.2001
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19891019	Outline application for erection of a detached dwelling with associated garaging and formation of vehicular access onto a classified road.	Refused	28.02.1990
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19780773	Outline application for the erection of a bungalow	Refused Appeal Dismissed	09.11.1978 08.05.1978
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19750744	Outline application for the erection of 2 bungalows	Refused	04.08.1975
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Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS16 – Affordable Housing
- CS18 – Climate Change
- CS19 - Design & Development Principles
- CS20 – Heritage and the Historic Environment

Paragraph 33 of the National Planning Policy Framework (NPPF) (2021) sets out those 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 the review found that the adopted Local Plan Core Strategy (LPCS) 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the National Planning Policy Framework (2021), the Council will also seek to replace these saved policies via the emerging Local Plan.

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network
- T5 – Access to the Identified Highway Network
- TC2 – Policy for Listed Buildings
- TC3 – Development Affecting Conservation Areas

National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPG 4 - KCC Parking Standards (2006)
- Landscape Character Assessment (2009)
- Rural Conservation Area Management Plan (2016)
- Meopham, The Street, Conservation Area Appraisal (2017)
- Technical Housing Standards - Nationally Described Space Standard (2015)
- KCC Guide to Development Contributions and the Provision of Community Infrastructure (2007)

The Council has a statutory duty under 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects the settling of listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning Listed Building and Conservation Areas Act 1990 (as amended) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Consultations, Publicity and Representations

Internal

Regulatory Services (Environmental Protection)

The following to be considered:

Code of Practice on Construction and Demolition
Please apply

Watching Brief Condition

Drainage/sewerage informative

Electric Vehicle Charging Point(s)

This Service would wish to see the inclusion of suitable electric vehicle charging facilities at the proposed dwellings in support of the Council's commitment to become carbon neutral by 2030.

GBC – Highways Officer

This proposal raises some questions and as presented I do not believe is a suitable development.

1. The applicant makes reference to pre-application discussions with Kent County Council's Highway Authority, but I cannot trace the details on the Council's web site.
2. The proposal as a gated development would not be considered for adoption and its layout would not meet highway design standards, so a management plan will be required for the ongoing maintenance of the access and any communal areas.
3. No details are given regarding the garage doors, but these should be set back from the edge of any area that people other than the residents of the property may traverse. This serves two purposes, a door isn't opened and potentially hit a passerby or a manoeuvring vehicle. Pedestrian and vehicular visibility is provided for any vehicle exiting the garage. This could be resolved by changing the garages to open sided barns, with low walls not exceeding 600mm in height to ensure small children can be seen and no doors to ensure there is no conflict with passing traffic be it pedestrian or vehicular. This refers to plots 4, 7 and 8.
4. In respect of plots 1, 2, 5 and 6 these all involve a dogleg, which is complicated at plot 1 (replacement Holly Cottage), with the need to pass through the boundary gates. Swept path drawings should be submitted to demonstrate that all garage spaces are readily accessible without traversing over a neighbour's parking area, by a BMW Series 5 or similar vehicle (5m long x 2.126m wide)
5. In the case of plot 2, an open sided barn with a low wall would be the preferred option due to the proximity of the accessway and the minimal to nil visibility for any emerging vehicle.
6. In terms of the submitted swept path drawings, these are based on DB32 requirements, which is a publication long out of date, having been replaced by Manual for Streets (2007), which is itself under review. To ensure refuse vehicle can enter and leave the site in forward gear, a lorry length of approximately 12 metres x 2.55m wide excluding mirrors is required, which is longer than the DB32 Pantechonicon. It is also noted that even with the swept path drawings submitted vehicles would overhang the areas adjacent to the access some or all of which may be private space and I do not consider acceptable, as unless protected these overhang areas could become lost.
7. As four bedroom properties, each plot would require provision for 4 cycles, SPG4, (Note this is not bicycles) so some provision needs to be made to accommodate adaptive cycles as well as the standard bicycle. Within the bicycle store, suitable provision should be made for the charging of electric cycles. Given the size of the rear gardens there is ample space to make suitable provision. The applicant should be referred to Local Transport Note 1/20 regarding the size of cycles and in particular adaptive cycles. If space is not required for an adaptive cycle then if it is included in a shed or similar the space can be easily repurposed.
8. Holly Cottage should ideally not have gates as inward opening gates conflict with access to the garage whilst inward or outward opening gates would result in a vehicle waiting on the communal access (although this is not highway) whilst the gates are opened or closed to the detriment of the rest of the development.
9. As Wrotham Road is a classified road, the applicant needs to demonstrate that vehicles parked at the new Holly Cottage can enter and leave the public highway in forward gear. Which currently appears to be impossible without multiple shunts. (Local PGN6)

My recommendation would be at present the application does not meet the requirements of a good layout to achieve a suitable environment for its residents and should be refused. The applicant needs to demonstrate that a 12 metre lorry (Refuse Vehicle) can turn within the site and he should turn many of the garages into open sided barns (or low 600mm high walls) to ensure there is adequate visibility for emerging vehicles. Doors to parking spaces should be unnecessary as the development is already secured by the main gate. Suitable provision should be made for the storage of cycles and there are issues with the replacement Holly Cottage in respect of access and on site turning to ensure a vehicle can enter and leave the highway in forward gear.

Finally it is noted that all the services are intended to be buried below the access way, whilst this may seem sensible, it does mean that any faults that are discovered that require excavation would prohibit vehicle access to the development site. It would be better if possible to locate such services in the margins to

reduce the risk of completely closing the access and displacing all vehicles on street. The applicant also needs to note that a manhole should be provided at each change of direction on a sewer to ease access at points where blockages may occur, it also considerably eases tracing the line of a sewer should it need to be excavated.

The applicant should also note that soakaways for the surface water drainage are unlikely to be acceptable to building regulations if they are within 5 metres of a building or highway. The applicant should confirm with Building Control, if they consider the access as a highway for their purposes.

External

KCC - Highways & Transportation

Provided the following requirements are secured by condition or planning obligation, then there are no objections on behalf of the local highway authority:-

1. Provision and maintenance of 43 metres x 2.4 metres x 43 metres visibility splays at the access with no obstructions over 1.05 metres above carriageway level within the splays, prior to use of the site commencing.
2. Provision and maintenance of 2.0 metres x 2.0 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.
3. Gates to open away from the highway and to be set back a minimum of 6.0 metres from the edge of the carriageway.

Please advise the applicant that they will require the separate consent of KCC Highways for the construction of any access works within the public highway.

Informative: It is important to note that planning 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 planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. 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.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that 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.

KCC - Biodiversity Officer

We have reviewed the preliminary ecological appraisal submitted in respect of this application and we advise that we are satisfied with the conclusions of the ecological report but additional information is sought prior to determination of the planning application.

- Further surveys along with any necessary mitigation measures for reptiles

Any further necessary surveys, and mitigation measures, will need to be submitted prior to determination of the planning application. This is in accordance with paragraph 99 of the ODPM 06/2005 which states: *"it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"*.

We highlight that if the recommenced reptile surveys were not carried out in 2021 the reptile surveys cannot commence until at least March 2022. Reptiles hibernate and therefore by October they are not sufficiently active to carry out a reptile survey.

Due to the proposed site layout it is unlikely that the reptile population, if present, can be retained on site. Therefore if reptiles are present details of a suitable off site reptile receptor site must be included within the submission.

One of the principles of the National Planning Policy Framework is that *"opportunities to improve biodiversity in and around developments should be integrated as part of their design"* We advise that a plan is submitted including details of how the site will enhance biodiversity (over and above any reptile mitigation required).

KCC Heritage

The application site is within an area of multi-period archaeological potential with evidence for Romano-British settlement immediately to the south. The existing houses on the site are of no archaeological interest. The site was not developed until the mid-20th century and there is the potential for any archaeological remains present at the site to be relatively undisturbed. The proposed development may impact on any such remains and therefore I recommend that the following condition is applied to any forthcoming consent:

AR5 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
i. archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and
ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

Meopham Parish Council

Meopham Parish Council object to this proposal as it is an inappropriate development in the Green Belt and is bordering on a conservation area.

Dickens' Country Protection Society

The Society wishes to register an objection to the application on the following grounds:-

- (a) The site is in an area in which Green Belt Policies apply where new residential development would not normally be permitted and no very special circumstances have been put forward that would warrant overriding Green Belt policy.
- (b) The proposal would result in a high density, undesirable form of backland development on the west side of Wrotham Road which is largely undeveloped.
- (c) Notwithstanding the Kent Country Council's stated opinion, the Society considers that there are significant local traffic issues to be taken into account in relation to the proposed development.
 - i. Approaching from the south the proposed access would be obscured by The George Public House (a grade II listed building).
 - ii. Opposite the site is a garage servicing and selling cars, already generating turning movements in Wrotham Road.
 - iii. In the same area on the west side of Wrotham Road, site line visibility is limited for vehicles emerging from the car park of The George Public House.
 - iv. The situation is made even more complex by traffic turning right into and emerging from The

Street on the east side of Wrotham Road.

- v. To the south of the site is Meadfield Road also generating turning movements on the east side of Wrotham Road.

In the Society's view, the traffic impact of a new gated access with additional movements in this location needs to be re-assessed.

- (d) The Society notes as part of the work in preparation for updating the Gravesham Local Plan the contribution the site makes to the Green Belt was assessed by the council's consultants and the harm resulting from its development was assessed as "moderate high" (Fig 5.11 site M10 refers). In the Society's views the overall impact of developing the site on the openness of the Green Belt would be significant since it would result in building in depth off Wrotham Road.
- (e) While the Society recognises that all planning applications must be judged on their merits, the Society is mindful of development pressure elsewhere in the Green Belt, the need for consistency and the precedent that could be set if consent was granted on this site.

KCC - Economic Development

We refer to the above planning application which concerns proposed residential development at Willow Tree Farm and Holly Cottage, Wrotham Road, Meopham, Gravesend, Kent DA13 0AH and comprising: 7 net new households (applicable for contributions as the site is more than 0.5ha).

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

Request Summary

	Per House (x7)	Total	Project
Primary Education	£6,800.00	£47,600.00	Towards expansion of the new St Georges CE Primary School
Secondary Education	£4,540.00	£31,780.00	Towards Expansion of Meopham School

	Per Dwelling (x7)	Total	Project
Community Learning	£16.42	£114.94	Towards additional resources for Adult Education "Victoria Centre", Darnley Rd, Gravesend DA11 ORX
Youth Service	£65.50	£458.50	Towards additional resources at Miracles Youth Centre, Windsor Road, Gravesend DA12 5BW
Library Bookstock	£55.45	£388.15	Towards additional stock, resources and services at Meopham Library, Wrotham Road, Meopham, Gravesend DA13 0AH
Social Care	£146.88	£1,028.16	Towards Age UK Fleming Resource Centre, Clarence Row, Gravesend DA12 1HJ
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£183.67	£1,285.69	Towards new WTS and capacity works to Pepper Hill HWRC
Broadband:	Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details. Reason: To provide high quality digital infrastructure in new developments as required by paragraph 114 NPPF.		
Highways	Kent Highway Services will respond separately		

Neighbouring properties

A site notice was displayed on site, press notice and 14 letters were sent out to surrounding properties with an overall consultation expiry date of 22nd October 2021. 4 letter of representation have been received all objecting to the scheme with the following summarised comments:

- Increased traffic and congestion
- Highway safety – additional cars emerging onto Wrotham Road
- Out of character
- Noise
- Parking

Analysis

Housing Supply

In addition adopted Policy CS02 (LPCS) sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the period. Evidence now available shows that the Council is not able to demonstrate a five-year housing supply (a 3.27 year supply has most recently been calculated within the statement published [here](#)), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF.

This requires that in regard to housing development, planning permission should be granted unless: *“the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.”*

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF(2021) at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 180)
- Sites of Special Scientific Interest;
- Green Belt,
- Local Green Space,
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats;
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 67); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 125(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

As part of this balancing exercise it should be noted that paragraphs 130 and 134 of the NPPF (2021) requires development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the National Planning Policy Framework (NPPF) and established local planning policy taken as a whole.

Whilst the Council is currently able to demonstrate a five year housing supply, the proposed development for a net increase of '7' no. dwellings would offer a modest contribution towards meeting this local need and, accordingly, the Local Planning Authority considers that very limited weight in support of the application can be applied in this instance.

An appeal decision APP/K2230/W/16/3165704 (Appendix 1) dating from April 2017 has considered the benefit of converting an existing building within the Green Belt into two dwellings and the Inspector concluded:

“This development would involve the provision of a very modest amount of housing and I therefore consider that it would do little to enhance or maintain the vitality of the settlements in the area, in terms of supporting local services and businesses and that the poor access to every day local facilities would, in any event, outweigh any benefits to the area's vitality.”

The above appeal decision makes it clear that two new dwellings would contribute to the housing supply but this would not be outweighed by the harm to the Green Belt/landscape.

Of further relevance is a recent Court of Appeal decision, Suffolk Coastal District Council v Hopkins Homes Ltd & Anor (England and Wales Court of Appeal (Civil Division) (Mar 17, 2016)) where the Judge stated the following:

39. Mr Clay and Mr Crean submitted that footnote 9 in paragraph 14 of the NPPF supports the "narrow" – or at least the "intermediate" or "compromise" – interpretation of paragraph 49. But we cannot see how it does. Footnote 9 explains the concept of specific policies in the NPPF indicating that development should be restricted. The NPPF policies it gives as examples relate to protected birds and habitats, Sites of Special Scientific Interest, the Green Belt, Local Green Space, Areas of Outstanding Natural Beauty, Heritage

Coasts, National Parks, the Broads, heritage assets and locations at risk of flooding or coastal erosion (see paragraph 12 above). For all of these interests of acknowledged importance – some of them also subject to statutory protection – the NPPF has specific policies. The purpose of the footnote, we believe, is to underscore the continuing relevance and importance of these NPPF policies where they apply. In the context of decision-taking, such policies will continue to be relevant even "where the development plan is absent, silent or relevant policies are out-of-date". This does not mean that development plan policies that are out-of-date are rendered up-to-date by the continuing relevance of the restrictive policies to which the footnote refers. Both the restrictive policies of the NPPF, where they are relevant to a development control decision, and out-of-date policies in the development plan will continue to command such weight as the decision-maker reasonably finds they should have in the making of the decision. There is nothing illogical or difficult about this, as a matter of principle.

It is therefore concluded that the additional dwellings proposed whilst having limited weight in support of the proposal is not considered to be sufficient to outweigh the harm to the Green Belt/landscape that would result from the development proposal which is discussed in the following sections of the report

Green Belt

The application site lies within the Green Belt as defined on the adopted Gravesham Local Plan Core Strategy (2014) policies map and this must be the starting point for determining this application. Given paragraph 140 of the NPPF (2021) states that Green Belt boundaries should only be amended in exceptional circumstances, in the context of the preparation or review of a Local Plan, it is not for the current application to seek to amend such a policy designation.

Similarly, whilst the Council is committed under Policy CS02 to meet its full objectively assessed housing need for housing and employment and to undertake a strategic Green Belt review, if required, to achieve this end, it is not for a planning application to pre-empt due process given the outcome of this process may be to identify preferable and more sustainable alternatives.

On this, it is noted that the Inspector in finding the Gravesham Local Plan Core Strategy sound, was clearly of the opinion that a plan-led process should be followed rather than the ad hoc release of sites. The Inspector's report states at paragraph 48 that:

Nevertheless, a small element of total new housing supply would still need to come from the Green Belt to meet the overall requirements in the plan period, albeit in the latter part thereof. This should only reasonably and realistically be identified as part of a formal Green Belt review process that includes full public consultation and a comparative assessment of realistic opportunities, rather than through any "one off" releases in advance thereof. This should be conducted through a formal statutory process, as distinct from any ad hoc site by site decisions that would not necessarily identify the most suitable and sustainable locations for any new housing that may be required in the Green Belt.

[NB: The full Inspector's report is attached as appendix 2]

It is therefore considered that the key issues in this case relating to the Green Belt are:

- Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy, and
- Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Whether the proposal is inappropriate development in the Green Belt

Paragraph 149 states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include:-

- a) Buildings for agriculture and forestry;
- b) Provision of appropriate facilities (in connection with existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facilities preserves the openness of the Green Belt and do not conflict with the purposes of including land within it;
- 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;
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) Limited infilling in villages;
 - f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) Limited infilling or the partial or complete redevelopment of previously developed land (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Clearly, the first four bullet points do not apply in this instance as the proposal is not for agriculture or forestry; is not for appropriate facilities for outdoor sport, recreation or cemeteries; is not an extension or alteration of an existing building; and whilst it is proposed to replace Holly Cottage as part of the scheme, overall it is not considered to be a replacement building. Consideration therefore needs to be given as to whether the development falls under categories e) and g).

The site the subject to this application is within residential use which contains 2 no. dwellings (Willow Tree Farm and Holly Cottage) and a number of ancillary buildings and associated parking.

The Local Planning Authority therefore contends that the only exceptions that might apply under paragraph 149 of the NPPF (2021) in this case relates to; e) limited infilling in villages; or g) 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use'.

e) Limited infilling in villages

On this, it is noted that neither the NPPF or the development plan define the terms 'limited', 'infilling' or even what constitutes a 'village'. Because of this, the Local Planning Authority requires that the following points need to be addressed to determine whether the proposal should be considered as an exception or be deemed 'inappropriate' development.

These points are:

- Whether Meopham Green is a village
- If Meopham Green is a village, where its boundary lies relative to the application site?
- Whether the proposal subject to this application can be considered 'limited'; and
- Whether the proposal constitutes 'Infilling'

For the proposed development to constitute an 'exception' rather than be classed as 'inappropriate' development, it is contended that all of the above criteria need to be met.

Whether Meopham Green is a village

The adopted Gravesham Local Plan Core Strategy (2014) at 4.2.4, Table 2 and at 4.2.6 sets out a settlement hierarchy with 13 rural settlements inset from the Green Belt and two others (Harvel and Luddesdown) that are 'washed over'. None are specifically identified as 'villages'.

It is stated at 4.2.6 that where the rural settlements have been inset, the boundaries do not define the full extent of each settlement but relate to a coherent and established built up area where infilling would not adversely affect local character and identity or impact on the openness of the Green Belt.

This settlement hierarchy is reproduced below:

First Tier Settlements	Gravesend/Northfleet/Ebbsfleet, i.e. the urban area
Second Tier Settlements	Istead Rise, Hook Green Meopham, Higham
Third Tier Settlements	Culverstone Green, Meopham Green, Vigo
Fourth Tier Settlements	Cobham, Shorne, Sole Street
Other Settlements	Harvel, Lower Higham, Luddesdown, Lower Shorne, Shorne Ridgeway, Three Crutches

As noted above, there is no definition of a 'village' in either the NPPF or the development plan. Whilst the boundaries and status of individual rural settlements may be subject to review in the context of the emerging Site Allocations and Development Management Policies DPD, the boundaries shown on the policies map derive directly and are unchanged from those shown on the Gravesham Local Plan First Review proposals map (1994) as villages under now defunct policy V1.

This issue has been recently considered at appeal where the Planning Inspector (APP/K2230/W/16/3161653 Appendix 4 considered whether Culverstone Green is a village and the Inspector stated:

Culverstone Green is defined in the Council's Core Strategy (CS) 2014 as a 3rd tier settlement and it is inset from the Green Belt boundary. Paragraph 4.2.6 of the CS states that where settlements have been inset, the boundaries do not define the full extent of each settlement but relate to a coherent and established built-up area where infilling would not adversely affect local character and identity or impact on the openness of the Green Belt. From what I have seen and read, it seems to me that Culverstone Green may be regarded as a 'village' for the purposes of this aspect of this appeal.

Meopham Green is a rural settlement inset from the Green Belt as defined by the Local Plan Policy Map. However, because it has all of the characteristics of a village in terms of having a school and a range of other facilities, treating Meopham Green as a 'village' would appear to be consistent with the intent of national Green Belt policy.

As paragraph 144 of the NPPF only allows 'villages' to be excluded from the Green Belt by way of an inset designation and the above mentioned rural settlements are inset from the Green Belt within the Gravesham Local Plan Core Strategy 2014, it is considered that Meopham Green should be treated as villages for the purposes of the application of planning policy.

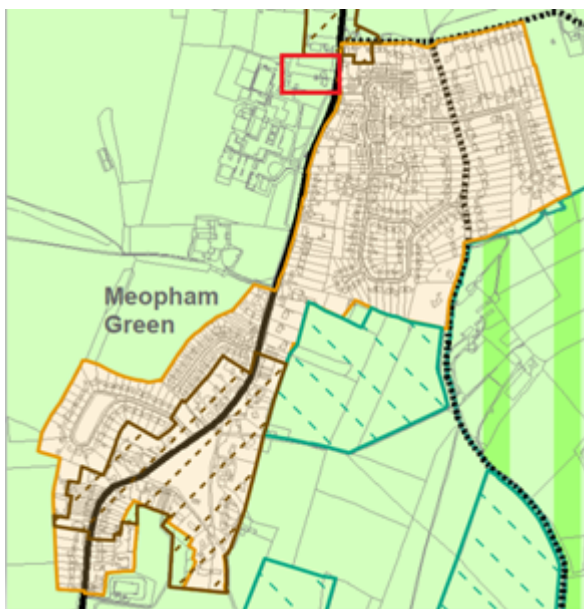
As Meopham Green is a village, where does its boundary lie relative to the application site?

As Meopham Green is considered for the purposes of this application to be a village, the question arises what are its boundaries on the ground and whether the application site lies within those boundaries. In this context it will be noted that the Court of Appeal case for Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin) (Appendix 5) in quashing the original decision did not make a planning judgement as to where the boundary might lie, rather that the original Inspector had misdirected himself in accepting the Green Belt/inset boundary as being the edge of the village after he had noted the built development continuing to the east. The officer carried out an accompanied site visit on the 16th November 2021 and walked the village and application site and determined the boundary on the ground. The main built development of the village in relation to the site is located to the east of the site and the main Wrotham Road acts as a physical boundary.

Whilst the site is outside the inset rural settlement boundary, paragraph 4.2.6 of the Local Plan Core Strategy accepts that these boundaries do not necessarily represent their full extent. Rather, they are intended to relate to the coherent and established built up area where policy accepts infilling would not adversely affect local character or identity or impact on the openness of the Green Belt.

In this respect, the Local Planning Authority consider that there remains a clear distinction between the existing residential development to the east of Wrotham Road, and the existing Willow Tree Farm and Holly Cottage.

Meopham Green Village Outline - Local Plan Core Strategy Proposals Map (application site outlined in red)



The following aerial photographs from 1940 to 1990 demonstrate how the village of Meopham Green around the application site evolved.

1940 Aerial Photo (Google Earth)



1960 Aerial Photograph (Google Earth)



1990 Aerial Photograph (Google earth)



2021 Aerial Photograph (Google Earth)



Whilst Willow Tree Farm and Holly Cottage are residential properties, they clearly have no relationship with the surroundings dwellings within the village of Meopham Green. Furthermore as Meopham Green is a new village (post war redevelopment) Willow Tree Farm and Holly Cottage predate the village and was never included within the village of Meopham Green.

Essentially Willow Tree Farm and Holly Cottage which form the application site are adjacent to the village boundary but have no relationship with the village.

As a result of the above the Local Planning Authority concludes that there remains a clear distinction

between the more built up areas of Meopham Green and both Willow Tree Farm and Holly Cottage to the west which is the subject of this application. Quite rightly the application site is washed over and where the Local Planning Authority considers it important to maintain openness as a key characteristic of the Green Belt.

The Local Planning Authority therefore contends that the designated rural village boundary shown on the adopted policies map remains justifiable on the ground and that the application site lies beyond it within the Green Belt. The proposal is therefore considered to be 'inappropriate' development in the Green Belt.

g) Limited infilling or the partial or complete redevelopment of previously developed land (brownfield land)

On this, it is noted that neither the NPPF (2021) or the development plan define the terms 'limited', 'infilling'. Because of this, the Local Planning Authority requires that the following points need to be addressed to determine whether the proposal should be considered as an exception or be deemed 'inappropriate' development.

These points are:

- Does the whole site fall within the definition of previously developed land
- Whether the proposal subject to this application can be considered 'limited'; and
- Whether the proposal constitutes 'Infilling'
- Whether the proposal would have a greater impact on the openness of the Green Belt than the existing development

For the proposed development to constitute an 'exception' rather than be classed as 'inappropriate' development, it is contended that all of the above criteria need to be met.

Is the application Site Previous Developed Land

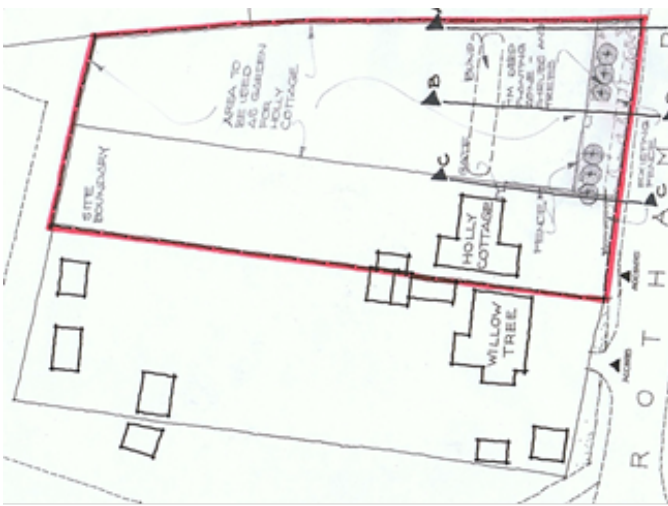
In the case of Dartford Borough Council v Secretary of State for Communities & Local Government (CO/3129/2015) the Deputy Judge held that the wording of the exemption to previously developed land, within the NPPF was significant. It reads "land in built-up areas such as: private residential gardens". As such, the Deputy Judge found that only residential gardens within the "built-up area" were exempt from the definition of previously developed land whereas, residential gardens outside "built up areas" were "brownfield". Therefore in terms of this current application, the site lies outside "built up areas" and as such, the private residential garden of the existing dwellings are considered to be brownfield and would fall under the definition of previous developed land.

The application site currently has two detached residential properties with associated parking to the front. To the rear of the properties are the residential garden areas which have a number of ancillary outbuildings. As the planning history shows, in January 2014 planning permission was given to the land south of the George Public House for the *Extension of residential garden into adjoining land* (ref. 20130710). However, from the officer site visit, it would appear that whilst the land remains within the ownership of Holly Cottage, the 2013 (20130710) planning permission has not been implemented and the land to the north is not being used as residential garden and could be classified as scrub land.

Furthermore, a portion of the land to the west of Holly Cottage has been fenced off and is also not used as residential garden. Therefore in terms of the land directly to the north of Holly Cottage, it is not considered to fall within the definition of previous developed or brownfield land.

Block Plan for 20130710

Land to North of Holly Cottage



Looking to Willow Tree Farm, the use of the rear garden has also varied uses with a number of single storey outbuildings and several vehicles being stored as part of the owner's hobby of restoration. Therefore it could also be argued that a large portion of Willow Tree Farm is also not considered to be residential garden.

In terms of the site as a whole, the following satellite images show the site in 1940, 1960, 1990, 2003, 2011, 2014, 2017, 2018, 2020 and 2021.

1940



1960



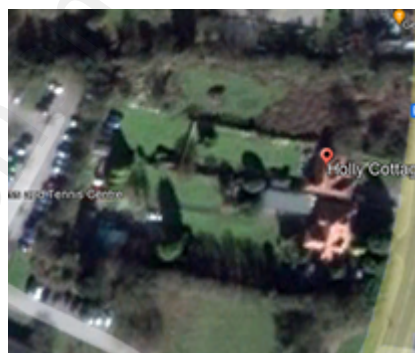
1990



2003



2011



2014



2017



2018



2020



2021



The most recent satellite images (2020 and 2021) show vehicles parked to the far west of the site, however this does not constitute development.

Taking all of the above into consideration and without any evidence to the contrary, the land that forms part of Willow Tree Farm falls within residential garden, however with regard to Holly Cottage, the 2013 planning permission (20130710) for the extension of residential garden into adjoining land, has not been implemented and therefore the land that runs to the north of Holly Cottage is not previously developed land (brownfield land).

Furthermore, whilst there are a number of outbuildings located to the rear of Willow Tree Farm these are all single storey and not visible from outside of the site due to the mature landscaping. The proposal would include the pruning of the boundary trees and hedging which would open up to allow for more clear views of the site from the north, west and south and the replacement of the single storey outbuildings with seven two storey detached properties within close proximity to the western boundary would be highly visible from the surrounding Green Belt land and would have significant more built form and clustering than the existing. The proposal is therefore considered to be 'inappropriate' development in the Green Belt and contrary to paragraph 149(g) for the NPPF (2021).

Whether the proposal subject of the appeal can be considered 'limited'.

The application site has a width of 87.97m from the rear north west corner of the site up to the front curtilage with Wrotham Road and the overall site width increases to 96m from the rear south west corner up to the front curtilage with Wrotham Road. This large site would be cleared of all structures with the exception of Willow Tree Farm (house and 3no. outbuildings only) and redeveloped to provide 1 replacement dwelling and 7 new dwellings which due to the number of dwellings proposed along with their scale could not be viewed to be 'limited'.

This stance is shared by the planning inspectorate who dismissed an appeal (APP/F0114/W/16/3157766 attached as appendix 6) for the replacement of an existing workshop with two dwellings. The Inspector made the following comments on limited infill.

"Furthermore, the proposed two-storey dwellings would be substantially larger (bulk and mass) and have a greater visual impact than the existing single storey workshop. Consequently, having regard to the Framework, the proposed dwellings would not amount to limited infill in the context of the village as the cumulative effect of the proposed dwellings would have a greater impact on the openness of the Green Belt, by way of their height, bulk and mass. Therefore, the proposed dwellings would have the effect of materially reducing the openness of the Green Belt."

In light of the above appeal decision and the fact the demolition of a workshop and erection of 2 dwellings cannot be considered to be limited then this application for demolition of one dwelling and 5 outbuildings on the site and erection of 8 dwellings cannot be considered to be limited.

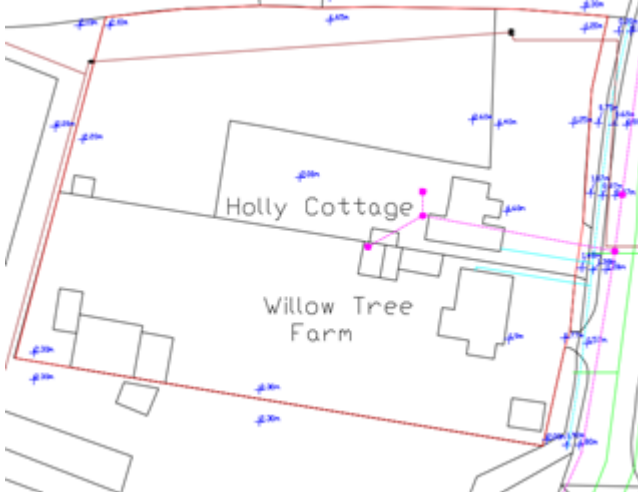
Whether the proposal constitutes 'infilling'.

Having established that the development is not limited the next issue to evaluate is if the proposal constitutes infilling. Neither the NPPF (2021) nor the development plan currently defines the term 'infilling'. However the Local Planning Authority accepts the generally agreed definition of infilling as the following:

The development of a small gap in an otherwise continuous built-up frontage, or the small-scale redevelopment of existing properties within such a frontage.

This application does not meet the above definition as it is not the development of a small gap between an otherwise built up frontage. The site consists of two single storey detached dwellings that are generous spaced apart within generous plots that have wide side and rear gardens and are both set back from the footpath by more than 15m. Whilst there is a built-up frontage, it is not continuous due to the presence of only two properties with generous side gardens and in the case of this application it's clear that the development does not result in the infilling of a small gap in an otherwise continuous frontage. To the north, south and west of the existing dwellings is residential garden with the only buildings being ancillary outbuildings to the host dwellings. This application is essentially a redevelopment of a site.

Existing Site



Proposed Site



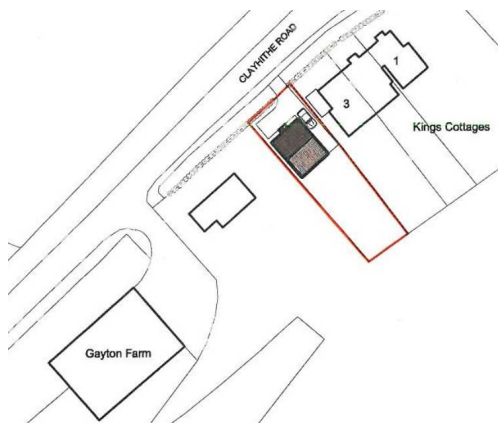
Whilst the majority of the new dwellings would be located to the rear, the replacement dwelling of Holly Cottage would have a wider frontage than the existing and the properties to the rear would be visible from the streetscene due to their relationship to Willow Tree Farm. Furthermore the replacement of one single storey dwelling and 5 outbuildings with 8 two storey detached dwellings with associated parking and is therefore not considered to be a small-scale redevelopment of existing properties within such a frontage.

Furthermore, the demolition of Holly Cottage would not fall under the definition of infilling as the property is being removed and rebuilt as part of the proposal to allow for the additional dwellings.

The Inspectorate has considered the issue of infilling on numerous appeals and APP/W0530/A/13/2207789 (Attached as appendix 7) is particularly relevant as the Inspector concludes the following

“The adjacent Kings Cottage and Gaytons Farm form a detached small group of development otherwise surrounded by countryside. As such, neither they nor the appeal site form a particularly cohesive, built-up frontage in the Green Belt which can readily accommodate an additional dwelling without an urbanising effect. Given its verdant, overgrown condition, development on the appeal site would be conspicuous. Thus, I conclude that the scheme cannot be considered to be the limited infilling or redevelopment of a previously-developed site in line with the sixth bullet point exception.”

The above is demonstrated on the below aerial photograph (2018) and the proposed block plan from the above appeal decision.



The direct similarities with the above appeal and this application is the frontage of the above appeal decision and this application do not form a particularly cohesive, built-up frontage in the Green Belt which can readily accommodate an additional dwelling without an urbanising effect.

In conclusion the Local Planning Authority is of the view that the proposal does not constitute infilling under the terms of paragraph 149 of the NPPF (2021) and this has been clearly back up by appeal decisions mentioned above.

Conclusion on Green Belt issues and assessment of harm

The Local Planning Authority is of the opinion that the application site lies outside the defined settlement boundary (for the purposes of this assessment a village) of Meopham Green within the Green Belt; that there have been no significant changes in circumstances since that boundary was defined that would warrant a different interpretation being taken now; and that in any event, the entire site is not considered to be previous developed land (brownfield) and the proposal does not constitute limited infilling.

It is therefore considered that the proposal represents 'inappropriate' development in the Green Belt which is by definition harmful and which should only be permitted where the appellant can demonstrate 'very special circumstances' that clearly outweigh harm caused by inappropriateness and any other harm.

In undertaking the balancing exercise to determine whether or not those 'very special circumstances' clearly outweigh such harm, substantial weight must be accorded to the harm caused to the Green Belt.

The Local Planning Authority contends that harm to the Green Belt in this instance primarily comprises:

Permanent loss of openness – Openness and permanence are the essential characteristics of the Green Belt. The site is currently occupied by two residential dwellings and a number of ancillary outbuildings which are appropriate development within the Green Belt. The construction of an additional 7 dwellings with garages, associated parking, hardstanding, residential paraphernalia and lighting will permanently and irrevocably harm the Green Belt through loss of openness at this point. Whilst it may be possible to mitigate visual impact to a limited degree by screening, this cannot in itself overcome the adverse impact on openness which is defined by the presence or absence of the buildings themselves.

Encroachment of the countryside – This is a stated national purpose of the Green Belt at paragraph 138 of the NPPF (2021). The construction of an additional 7 large detached dwellings on the site would introduce an urbanising features (Car parking, light pollution, hard landscaping and residential paraphernalia) that would adversely affect the character of the settlement at a point of transition from the built form of Willow Tree Farm and Holly Cottage to the rear gardens and open fields beyond. Whilst landscaping and boundary treatment could be introduced to reduce the impact of the development on the development would represent the encroachment of built development which would result in a reduction in openness. Furthermore, the existing site has extensive mature hedging and trees along the north, south and western boundaries which would be lost as a result of the proposed development, therefore resulting in wider views of the development the west.

Safeguarding the countryside by minimising the expansion of the Borough's rural settlements - This is a stated local purpose of the Green Belt as set out at paragraph 4.2.7 of the adopted Gravesham Local Plan Core Strategy (2014). As noted above, the local planning authority considers the proposal subject of the application to represent an encroachment in the countryside. This would take place as a result of the

effective expansion westwards of the Meopham Green rural settlement. The Local Planning Authority is also concerned that this could establish a precedent for similar such development elsewhere in the borough.

Consideration of 'very special circumstances'

The applicant does not include any argument for 'very special circumstances'.

Final balancing exercise on Green Belt issues

The application site lies within the Green Belt and constitutes 'inappropriate' development. The proposal introduces 7 additional dwellings onto a site which currently contains two dwellings and a number of ancillary outbuildings which are defined as appropriate dwelling within the Green Belt. This proposal adversely impacts on the openness of the Green Belt at a point of transition between the more densely and finer grained development within Meopham Green a rural settlement, and the application site, the adjoining open fields and countryside to the north and west which are within the Green Belt. The introduction of built development on the application site would blur the distinction between the two areas and represent an encroachment of the countryside through the insertion of an urbanising form.

It is considered therefore that substantial weight should be accorded Green Belt harm as directed by the NPPF (2021).

The local planning authority is of the opinion that the appellant has failed to demonstrate the existence of 'very special circumstances' that clearly outweigh harm to the Green Belt caused by inappropriateness.

Impact on the Landscape

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 of Gravesham Local Plan Core Strategy states that the overall landscape character and valued landscapes within the Borough will be conserved, restored and enhanced and that proposals will take account of the Gravesham Landscape Character Assessment.

In May 2009 the Local Planning Authority published the Gravesham Landscape Character Assessment which identified 11 distinct areas within the borough. The application site falls within Meopham Downs Landscape Character Assessment.

The 2009 Landscape Character Assessment lists the following key characteristics found within Meopham Downs as follows:

- Gently undulating topography with a mixture of arable and pasture farmland
- Neat pattern of small square fields in the south
- Broader irregular shaped fields to the north
- Narrow lanes and roads lined with hedgerows
- Three large settlements located along A227 running east and west
- Traditional architecture surrounding village greens provide local vernacular

The Gravesham Landscape Character Assessment demonstrates the qualities which make the landscape area special and undermines Policy CS12 (LPCS) which seeks to conserve and enhance its quality.

Notwithstanding the landscaping and visual appraisal submitted with this application and the possible use of planning conditions to deal with soft landscaping/boundary treatment to reduce the visual appearance of the dwellings. The Local Planning Authority views that no amount of landscaping/planting will be able to replicate the current stance of the site which is predominantly residential garden with mature landscaping surrounding and within the site. The outbuildings on the site are small and ancillary to the residential dwellings which is what you would expect to see within a residential garden.

The introduction of a cul-du-sac on this site of 8 dwellings with all the associated residential paraphernalia will undermine one of the key characteristics of Meopham Downs which are gently undulating topography with a mixture of arable and pasture farmland.

A further impact of this scheme on the landscape would be the introduction of domestic parking on the site which is currently void of any domestic vehicle parking and associated lighting generated by the scheme, both from the dwellings, car movements, and external lighting for the development.

In summary, the proposed development would adversely affect the character of the rural area, becoming more suburban and less rural. The proposal would therefore cause harm to the landscape character and natural beauty of the valued landscape. Therefore this proposal would conflict with Policy CS12 (LPCS) which seeks to ensure valued landscapes will be conserved restored and enhanced.

Climate Change

Policy CS18 (LPCS) sets out the requirements for dealing with sustainable drainage and surface water run-off. The soakaways for the surface water drainage are unlikely to be acceptable to building regulations if they are within 5 metres of a building or highway and this would need to be confirmed with Building Control, if they consider the access as a highway for their purposes. In order to deal with Sustainable Urban Drainage Strategy (SUDS) for the site if permission was to be granted this would be dealt with through a planning condition which would look to include the following:

- Pervious pavements/road surface to allow water to drain through the surface;
- Outlet to pipes or infiltration to ground;
- Rain gardens for each dwelling (simple and small basins for roof water drainage); and
- Filter Drains.

Design

When evaluating the design of this proposal it needs to be considered against the design principles of Policy CS19 (LPCS) which require development to conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards. At a national level the NPPF (2021) in paragraph 126 provides guidance on providing good design.

Willow Tree Farm and Holly Cottage are both detached chalet style bungalows with the first floor rooms being served by modest single dormers.

The replacement Holly Cottage (plot 1) has been designed to reflect the existing Willow Tree Farm and Holly Cottage and as such is considered acceptable.

In terms of Plots 2-7, the design is contemporary with all the properties being two storey with a large expanse of vertical glazing on the front elevations and Juliet balconies with glass balustrade above the projecting garages, together with a steep pitch to the rear with box style dormer windows projecting from the roofslopes. It is considered that the design does not incorporate any features of the existing dwellings and would appear incongruous in its setting when viewed against Willow Tree Farm, Holly Cottage and the adjacent Grade II listed The George Public House. As such, it is considered that the design of proposed properties do not integrate well within the immediate setting and are unacceptable in design terms. However, as this scheme is inappropriate development in Green Belt negotiations on design details have not taken place.

Impact on the adjacent conservation area and listed building

When considering the design of this proposal, it needs to be considered against the relevant local and national planning policy. Policy CS15 (LPCS) states that sites will be developed at a variety of densities depending on the sites location and accessibility to public transport. Furthermore, development needs to be delivered at a density that achieves good design and does not compromise the character of the area.

Policy CS19 (LPCS) states that the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. The NPPF (2021) sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

In considering this proposal, the impact on heritage assets needs to be considered Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area and sections 66(1) of the (Listed Buildings and Conservation Areas) Act 1990 are material consideration for this application.

These duties are reflected Section 16 of the NPPF (2021), Policy CS20 (LPCS) and saved policies TC2 and TC3 (LPFR). These policies set out that the Council will accord a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource central to the regeneration of the area and the reinforcement of sense of place Furthermore these policies expects development to make a positive contribution to Conservation Areas.

KCC Heritage stated in their comments that the application site is within an area of multi-period archaeological potential with evidence for Romano-British settlement immediately to the south. The existing houses on the site are of no archaeological interest. The site was not developed until the mid-20th century and there is the potential for any archaeological remains present at the site to be relatively undisturbed. The proposed development may impact on any such remains.

The site is located adjacent to The Street, Meopham Conservation Area and adjacent to The George Public House which is a Grade II listed building. The Street Meopham Conservation Area Appraisal (2017) identifies the tree, shrub and hedge growth along the west side of Wrotham Road from the north entry to the Conservation Area to the burial ground to the George Inn as a positive feature within the conservation area.

The proposed development would bring the built form closer to both the adjacent conservation area and Grade II listed building resulting in an urbanising development within close proximity to and within the setting of a listed building. This, together with the cul-de-sac pattern would result in the open setting being lost to development which would take away from the simpler and smaller scale setting that currently exists. It is therefore considered that the proposed scheme would result in a detrimental harm to the setting of a Grade II listed building, contrary to Policy CS20 (LPCS), Section 16 of the NPPF (2021) and the Meopham, The Street, Conservation Area Appraisal (2017).

The effect on neighbouring properties living conditions

Careful consideration has been made in regard to whether this development would adverse impact on the amenity of surrounding properties. Gravesham's adopted residential layout guidelines provide clear guidance on the window to window distance between dwellings and how to consider impact on overshadowing. Having considered these guidelines it is not considered that an adverse impact on neighbouring properties living conditions would result from the development proposed.

Living environment for future occupiers

The proposed development needs to ensure that the development will provide adequate living conditions for future occupiers and this is reinforced by the Council's Residential Layout Guidelines. These guidelines provide requirements for room sizes and amenity space. Consideration also needs to be given against how the scheme compares to the Nationally Described Space Standards.

In this case the proposed dwellings comply with all local and national room size standards and has acceptable garden depth/area in terms of size requirements against the adopted residential layout guidelines.

Effects on highway safety/parking provision

The scheme as submitted needs to be considered against saved policy T1, T5 and P3 (LPFR), Policy CS11 (LPCS) and Section 4 of the NPPF (2021). These policies ensure that development has an acceptable amount of parking, is not detrimental to the highway network and promotes sustainable transport methods.

It is considered this proposal does not meet the requirements of a good layout to achieve a suitable environment for its residents. There needs to be demonstration that a 12 metre lorry (Refuse Vehicle) can turn within the site. The garages do not have adequate visibility for emerging vehicles. There is not also not suitable provision for the storage of cycles. In terms of the replacement Holly Cottage in respect of access, there is not demonstration of sufficient on site turning to ensure a vehicle can enter and leave the highway in forward gear.

It is noted that all the services are intended to be buried below the access way, whilst this may seem sensible, it does mean that any faults that are discovered that require excavation would prohibit vehicle access to the development site. It would also be necessary for a manhole be provided at each change of direction on a sewer to ease access at points where blockages may occur, it also considerably eases tracing the line of a sewer should it need to be excavated.

Overall it is considered that the proposal is contrary to Policy CS11 (LPCS, saved policies T1, T5 and P3 (LPFR) and Section 4 of the NPPF (2021). However, as this scheme is inappropriate development in Green Belt negotiations on access, garage design, vision splays, cycle storage and service details have not taken place.

Planning Obligations

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism that we as a Council, often use to secure

financial contributions or other forms of mitigation such as affordable housing from developers, make a development proposal acceptable in planning terms.

In order for the Local Planning Authority to request financial contributions on behalf of third parties any contributions will need to meet all of the tests relating to paragraph 57 of the NPPF (2021) which are as follows:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- b) fairly and reasonably related in scale and kind to the development.

Developer Contributions

It is important to ensure that sufficient infrastructure is provided to meet the needs of new residents, employees and businesses in the Borough. As recognised in the NPPF (2021), the provision of new infrastructure is an important part of new development and the Council has worked with local service providers to identify their infrastructure needs over the plan period. Policy CS10 (LPCS) states that where new development generates a need for new infrastructure, developers will have to provide or contribute towards such provision, subject to viability consideration.

KCC have requested the following contributions:

Request Summary

	Per House (x7)	Total	Project
Primary Education	£6,800.00	£47,600.00	Towards expansion of the new St Georges CE Primary School
Secondary Education	£4,540.00	£31,780.00	Towards Expansion of Meopham School

	Per Dwelling (x7)	Total	Project
Community Learning	£16.42	£114.94	Towards additional resources for Adult Education "Victoria Centre", Darnley Rd, Gravesend DA11 0RX
Youth Service	£65.50	£458.50	Towards additional resources at Miracles Youth Centre, Windsor Road, Gravesend DA12 5BW
Library Bookstock	£55.45	£388.15	Towards additional stock, resources and services at Meopham Library, Wrotham Road, Meopham, Gravesend DA13 0AH
Social Care	£146.88	£1,028.16	Towards Age UK Fleming Resource Centre, Clarence Row, Gravesend DA12 1HJ
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£183.67	£1,285.69	Towards new WTS and capacity works to Pepper Hill HWRC
Broadband:	Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details. Reason: To provide high quality digital infrastructure in new developments as required by paragraph 114 NPPF.		
Highways	Kent Highway Services will respond separately		

KCC have requested £1,285.69 towards new Waste Transfer Station (WTS) and capacity works to Pepper Hill Household Waste Recycling Centre (HWRC).

Policy CS19 (LPCS) states that new development will incorporate appropriate facilities for the storage and recycling of waste.

No site specific schemes and combined with a lack of supporting information the KCC financial requests for Waste improvements. As such these requests do not meet the requirements of paragraph 57 of the NPPF (2021) and cannot be lawfully requested.

Affordable Housing

Policy CS16 (LPCS) states that the provision of affordable housing will be required on all new housing developments of 15 dwellings or more or on sites of 0.5 hectares or more in the urban area; and 3 units or more or on sites of 0.1 hectares or more in the rural area. As this site is within designated rural areas (refers to areas designated under section 157 (1) of the Housing Act 1985. These areas are National Parks, AONB's and any other area designated by order of the Secretary of State as a rural area. Meopham Parish was designated as a rural area under Statutory Instrument 1999 No. 1307: The Housing (Right to Acquire or Enfranchise) (Designated Rural Areas) Order 1999. (See: <http://www.opsi.gov.uk/si/si1999/19991307.htm>).

The requirement for affordable housing on this site would be 35% which equates to 3 of the 8 dwellings. The Local Planning Authority recognises that the Written Ministerial Statement of the 28 November 2014 as an "other statements of government policy" that can be a relevant material consideration when deciding applications. The intention of the Written Ministerial Statement is to ensure that financial contributions do not become a disproportionate burden for small scale developers and thus frustrate housing supply.

Therefore the Local Planning Authority will consider Policy CS16 (LPCS) as part of the decision making process for this planning application. Give recent evidence, as set out in the Local Planning Authority strategic Housing & Economic needs assessment, incorporating a strategic housing market assessment (SHENA) of affordable housing need, considerable weight in its balancing of the Local Plan Core Strategy, Written Ministerial Statement and Planning Practice Guidance results in a conflict between the national threshold relating to the provision of affordable housing in the Written Ministerial Statement and the Planning Practice Guidance and the local thresholds set out in Policy CS16 (LPCS).

However, the above issue relating to a conflict between the national threshold relating to the provision of affordable housing in the Written Ministerial Statement and the Planning Practice Guidance and the local thresholds have been recently dealt with by the Inspectorate for appeal APP/V5570/W/17/3183143 (Appendix 8)

Paragraphs 6 – 17 of APP/V5570/W/17/3183143 appeal decision which concludes that where there is a conflict between Core Strategy Policies, the Written Ministerial Statement and Planning Practice Guidance it is the decision-maker to decide how much weight to give to relevant policies with regards to the circumstances of each specific application.

In the case of this application all the available evidence, including previous and current SHENA points to a going high level of local need for affordable housing. However, targets in the plan have to be not only practical but also economically viable if delivery is to be maximised over time. The evidence by the Inspector in his Local Plan Core Strategy examination report in the Local Planning Authorities Affordable Housing Viability Study is considered satisfactory and sufficient to justify that the levels and thresholds set out in the Local Plan Core Strategy are appropriate as overall borough targets. It also confirms the generally differing residual land values between urban and rural sites, with the latter able to support a higher percentage provision, as well as a smaller site size threshold given the large ratio of new homes built on sites of less than 5 units there.

The applicant has stated in paragraph 2.2 of their supporting planning statement, as set out below, that a financial proposal may be submitted for consideration.

"Correspondence from the Consultants, Graham Simpkin Planning has been issued directly to Gravesham Borough Council in this respect, in order that a financial proposal may be submitted for consideration."

The financial proposal mentioned in paragraph 2.2 has not been seen by the planning officer and therefore in

principle cannot be accepted. As this scheme is inappropriate development in Green Belt, a copy of this financial proposal or any further information has not been requested.

Bearing all of the above in mind, this proposal is therefore considered to be contrary to Policy CS16 of Gravesham Core Strategy, as no affordable housing is currently being offered by the applicant.

Sustainable Development

The NPPF (2021), taken as a whole, represent the Government's view of what constitutes sustainable development. Paragraph 80 of the NPPF (2021) provides specific advice on sustainable development in rural areas and seeks to avoid new isolated homes in the countryside.

In the case of this application the site access road fronts onto Wrotham Road which is served by a bus route has a pavement and street lighting. Whilst Meopham Green does not have a local centre as defined on the Local Plan Policies Map, there are local amenities such children's centre, Meopham Dental Care, Meopham Fitness and Tennis Centre, restaurant and schools, all within easy access off the main Wrotham Road.

Therefore this proposal is considered to be in a sustainable location and complies with local and national planning policy in regard to sustainability.

Any other material considerations

Ecology and Biodiversity

In terms of the preliminary ecological appraisal submitted with the application, KCC Biodiversity confirmed they are satisfied with the conclusions of the ecological report, however additional information is sought prior to determination of the planning application in relation for the need for further surveys along with any necessary mitigation measures for reptiles.

Reptile surveys were not carried out in 2021 and cannot commence until at least March 2022 due to reptiles hibernate and therefore by October they are not sufficiently active to carry out a reptile survey. Due to the proposed site layout it is unlikely that the reptile population, if present, can be retained on site. Therefore if reptiles are present details of a suitable off site reptile receptor site must be included within the submission. However, as this scheme is inappropriate development in Green Belt it would not be necessary for further surveys to be carried out before determining the application.

The west of the site is residential garden area which benefits from mature landscaping, hedging and a number of trees as shown on the supporting Tree Constraints Plan. As a result of the proposed application, the existing lawn areas to the front, side and rear, together with the mature hedging, landscaping and numerous trees would be removed, result in a biodiversity net loss.

Overall it is considered that the proposed development would result in a biodiversity net loss to the area and would conflict with Policy CS12 (LPCS) and paragraphs 180 and 181 of the NPPF (2021).

Conclusion

It is acknowledged that the Council is currently unable to demonstrate a five-year housing supply and as the delivery of housing is substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Policy CS02 (LPCS) must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF (2021).

The proposed development for a net increase of 7no. dwelling units (in this case 7 houses) would offer a minimal contribution towards meeting this local need and delivery and, accordingly, adds some weight in support of the application.

However, notwithstanding this a balanced approach has to be taken and it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (2021) and established local policy taken as a whole.

In this case the balance is tilted towards refusal for the following reasons:

1. The site is within the approved Metropolitan Green Belt. Within the Green Belt there is a strong presumption against permitting new development outside of the present defined extent of urban

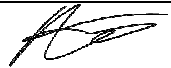
areas and the present extent of any village. National Planning Policy Framework 2021 Section 13 (Protecting Green Belt Land) indicates that the most important attribute of Green Belts is their openness. The development will not preserve the openness of the Green Belt through construction of 7 additional dwellings, associated hardstanding, lighting, car parking and residential paraphernalia and will conflict with the purposes of including land within the Green Belt as it will encroach into the countryside and urbanise the site. In the absence of any 'very special circumstances' that may otherwise outweigh the harm by reason of inappropriateness, and any other harm, the proposed development is considered to be contrary to the advice in Section 13 (Protecting Green Belt Land) of the National Planning Policy Framework (NPPF) 2021, and Policy CS02 (Scale and Distribution of Development) of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014).

2. The proposed development by virtue of increase in the built form in close proximity to the adjacent The Street, Meopham Conservation Area and the Grade II Listed Building (The George Inn PH) would result in an urbanising development within close proximity to and within the setting of a listed building. This, together with the cul-de-sac pattern would result in the open setting being lost to development which would take away from the simpler and smaller scale setting that currently exists. The proposed scheme would result in a detrimental harm to the setting of a Grade II listed building and the adjacent conservation area, contrary to Policy CS20 (LPCS), Section 16 of the National Planning Policy Framework (NPPF) 2021 and the Meopham, The Street, Conservation Area Appraisal (2017).
3. The application site lies within the locally designated Meopham Downs Landscape Character Area, where local and national planning policy and guidance expect developments to conserve, restore and enhance the natural landscape. The proposed development, if permitted, would be harmful to the landscape character when compared to the existing site. The harm from the redevelopment of the site in this instance would be derived from the bulk and massing of the dwellings, the associated hardstanding, lighting, car parking and residential paraphernalia. The application is therefore contrary to Policy CS12 and CS19 of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014) and Section 15 of the National Planning Policy Framework (NPPF) 2021.
4. By virtue of the proposed access, road and parking layout, the proposal does not meet the requirements of a good layout to achieve a suitable environment for its residents. The proposal would result in adequate turning space for a 12 metre lorry (Refuse Vehicle) and the garages do not have adequate visibility for emerging vehicles. The proposal is therefore contrary to Policy CS11 (LPCS, saved policies T1, T5 and P3 (LPFR) and Section 4 of the National Planning Policy Framework (NPPF) 2021.
5. The applicant has failed to provide any ecological evidence assessment covering the impact of the development on reptiles. Together with the significant loss of mature landscaping, trees, scrub land and extensive garden areas, the proposal would result in a biodiversity net loss, contrary to Policy CS12 (LPCS) and paragraphs 180 and 181 of the National Planning Policy Framework (NPPF) 2021.
6. The proposed development fails to make any provision for affordable housing. As such the proposal is contrary to Policy CS16 of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014).

Recommendation:

Refusal

See draft Decision

Case Officer:	Mrs Amanda Grout	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>

Dated:	23 rd November 2021	Dated:	23rd November 2021
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Gravesham Borough Council

Appendices

- Appendix 1 – APP/K2230/W/16/3165704 Appeal Decision
- Appendix 2 – Inspector Report on Core Strategy (July 2014)
- Appendix 3 – Settlement Hierarchy Technical Paper December 2009
- Appendix 4 – APP/K2230/W/16/3161653 Appeal Decision
- Appendix 5 – Wood vs Secretary of State for Communities and Local Government 2014 EWHC 683
- Appendix 6 – APP/F0114/W/16/3157766 Appeal Decision
- Appendix 7 – APP/W0530/A/13/2207789 Appeal Decision
- Appendix 8 – APP/V5570/W/17/3183143 Appeal Decision

Gravesham Borough Council