



Delegated Report

Listed Building Consent Application

Planning Application No: 20260255

Location: Whitehall Place 47 The Terrace Gravesend Kent

Description: Application for Listed Building Consent; Installation of an external and internal fibre telecommunications cable within a Grade II listed building to provide fibre connectivity.

Applicant: Openreach

Site Visit Date: 29/04/2026

Submitted Documents/Plans

- Application form;
- Site Location Plan;
- Images of Cable Route – Proposed;
- Image of Cable Route – Proposed;
- Image for External & Internal cable for fibre connectivity;
- Heritage Statement; and
- Design & Access Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20251124	The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of intention to Install fixed line broadband apparatus.	Objection	30.01.2026

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC2 – Listed Buildings
- TC3 – Development Affecting Conservation Areas

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

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

Other material considerations

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant listed building consent.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- Milton Place Conservation Area Character Appraisal (2009)
- Management Plan Gravesend Town Centre Conservation Areas (2009)

Informal Guidance

- GBC Listed Buildings A guide for owners and occupiers

Emerging Local Plan as a Material Consideration

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.

The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan**. This position would only change once the emerging Local Plan



has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

Consultees

No response from:

- GBC Conservation Officer
- National Amenity Societies

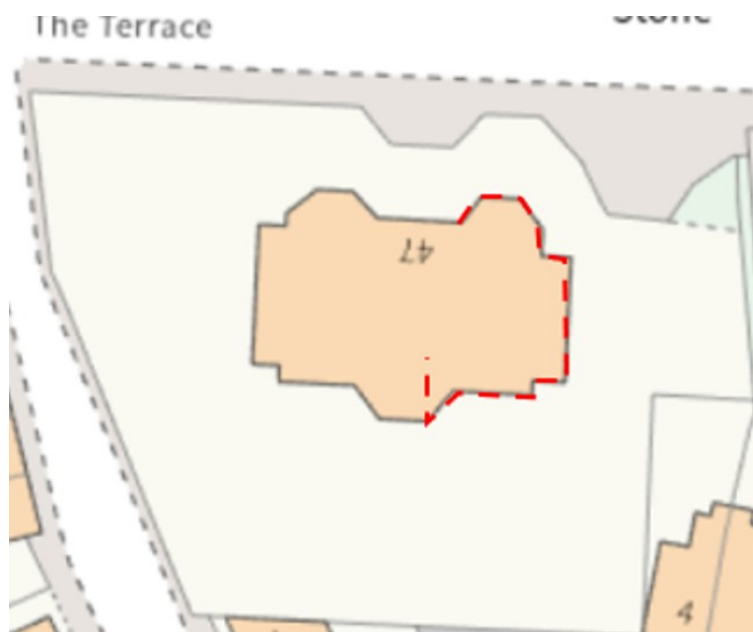
Publicity

The application was advertised by way of site and press notices with an overall consultation expiry date of 17.04.2026 – no responses received.

Officer's Analysis

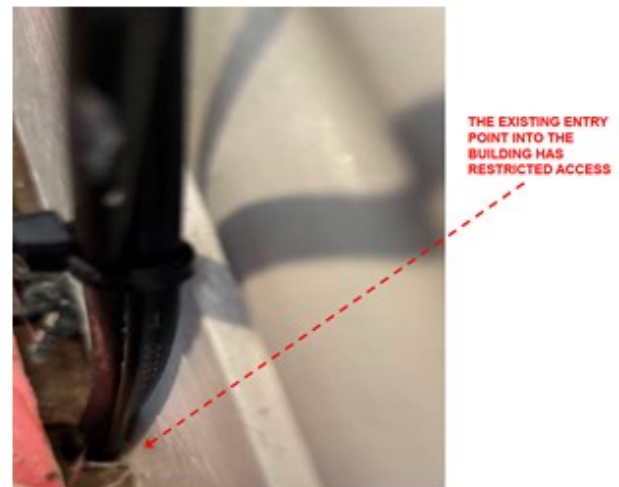
Whitehall Place, 47 The Terrace is a three storey building situated on the southern side of The Terrace. It is a grade II listed building and situated in the Milton Place Conservation Area. Opposite to the north is Custom House, a grade II listed building and terraced properties in Clarendon Road. To the east are three two storey terraced properties which front onto Gordon Place and Milton Court block of flats. To the south are two storey dwellings in Gordon Place and East Terrace. To the west is no. 46 The Terrace a three storey former public house now in use as a corner shop and dwellings in East Terrace.

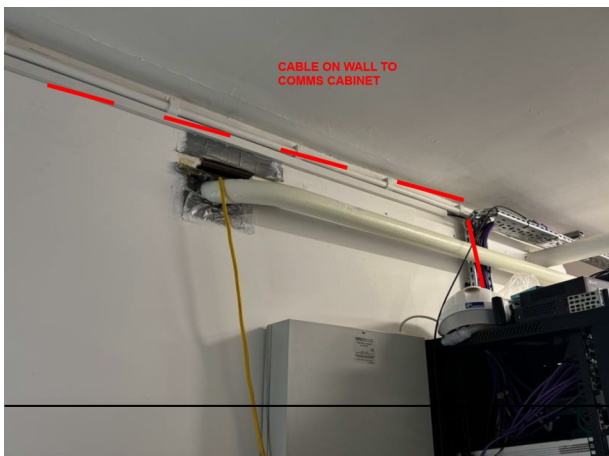
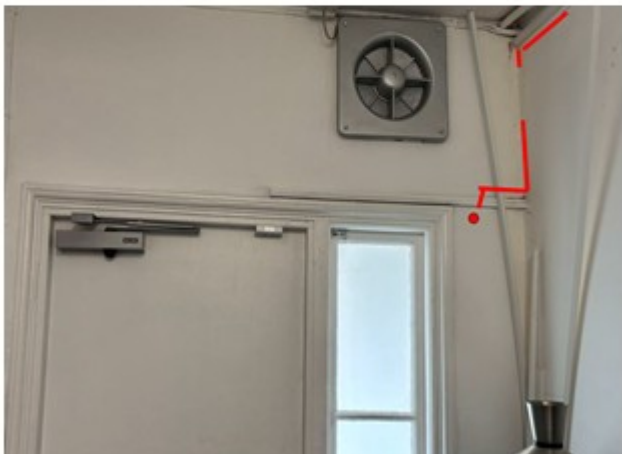
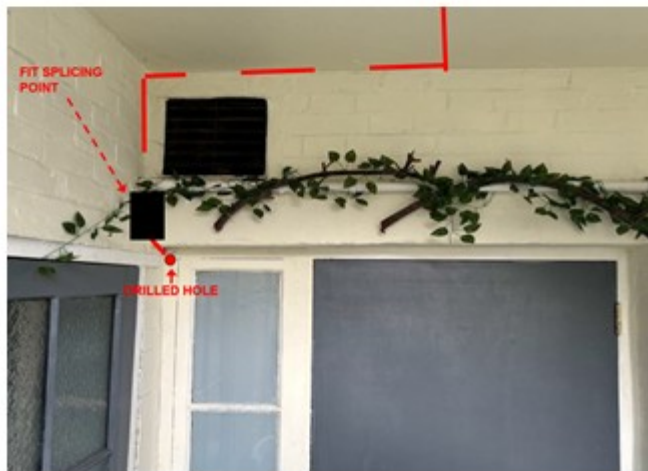
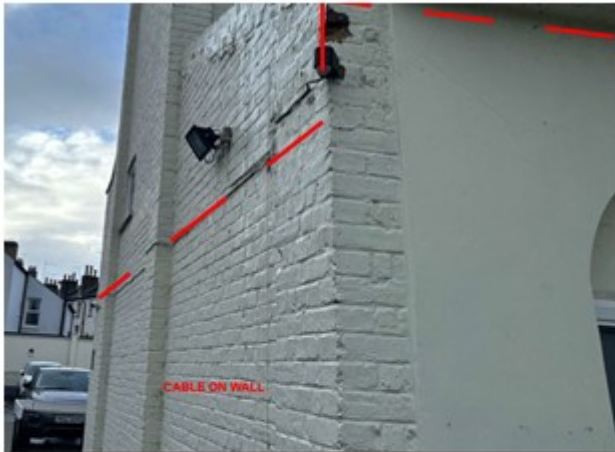
The proposal is to install external and internal fibre telecommunications cabling at this grade II listed building to provide fibre connectivity. The submitted information shows the route of the external and internal cabling would be as follows:



The applicant has provided photos of the inside and outside of the building showing the proposed route of

the cabling:





The principle consideration in the assessment of this application is therefore whether the proposal would protect the architectural and historic interest of this grade II listed building and whether it would preserve or enhance the character and appearance of the Milton Place Conservation Area.

At a local level Policy CS19 (LPCS) states that new development will be visually attractive, conserve and enhance the character of the local built, historic and natural environment and make a positive contribution to the street scene and the character of the area. Policy CS20 (LPCS) states that the Council will accord a high priority towards the preservation, protection and enhancement of its heritage and historic environment. Proposals and initiatives will be supported which preserve and, where appropriate, enhance the significance of the Borough's heritage assets and their setting where it contributes to the significance of the asset. Saved Policy TC2 (LPFR) states that in the case of applications for development involving alterations or extensions to listed buildings or affecting the setting of listed buildings, the primary consideration will be the maintenance of the integrity of the original listed building.

Whitehall Place, 47 The Terrace dates from the mid nineteenth century and has a simple classical design. It's front façade has three storey bays either side of the central section with the bays having windows in the front and both of the canted sides. There is also one three storey bay in the centre of the rear elevation of the building. The roof is a hipped roof with a dormer extension in the front roof slopes and both side roof slopes. There is a part two storey, part single storey flat roof extension on the western side elevation and a part three storey, part two storey extension on the east side elevation. To both side elevations and to the rear there are car parking areas.

The red dotted line and marked up photos show that the cabling would run as follows:

- The cabling would run up from the existing entry point in the floor of Building Suite 1, over the skirting, up the wall and a new hole is proposed to be drilled into the front wall of the building in order to bring the cabling to the outside;
- From there the cabling would run along the front elevation just above the top of the plinth of the building, around the canted bay feature and down the side elevation of the original part of building;
- At the junction with the single storey side extension it would run up to eaves level, go along the front of the extension and then on the corner of the extension would drop down slightly;
- It would then run across the whole of the flank elevation of the part three storey, part single storey side elevation just under the downlight where there is already some cabling;
- It would then go round onto the rear of the three storey side extension, then go up at the junction with the original part of the building and then run along the rear elevation and to halfway point of the canted bay feature following existing cabling;
- From there the cabling would run down into the alcove area and then enter the building through a new drilled hole at the corner of the doorframe;
- Inside the building it would then go up to the top of the wall and run along existing piping and then drop down into the communications cabinet.

Firstly there is no record of consent being granted for the existing cabling etc. on either the outside or inside of the building. Therefore, the fact that the proposed cabling would follow this existing cabling gives no weight to allowing this current proposal.

The proposed cabling would be extremely visible on the front, east side and rear elevations of the building. The cabling would be a highly prominent, modernising, incongruous feature starkly at odds with the character of the listed building. It would run extensively along, up, and down walls and along specific architectural features of the building such as the plinth and the canted bay feature, thereby creating not only an incongruous but also a haphazard appearance. It is considered that the large expanse of cabling would diminish with the whole appreciation of the building when viewed from the front, east side and rear elevations. It would be a jarring and obtrusive feature which would interfere with the simple, classical design of the building which is part of its special interest. Similarly, internally with the cabling running along the internal walls and features such as on the skirting, it would be an incongruous feature which would be harmful to the appreciation of the interior of the building as well as the harm from the two drilled holes in the original part of the building.

It is considered the proposed external and internal cabling would be extremely harmful to the architectural and historic interest of this grade II listed building. Following from this the external cabling would not preserve the character or appearance of the Milton Place Conservation Area, but cause harm to it.

The harm that would be caused is considered to be less than substantial and, in such circumstances, the NPPF (2024) advises at paragraph 215 that where a proposal would cause less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal. It is stated on the application form that the proposal is needed to provide fibre connectivity. This would be of benefit to the users of the building but it is not considered to be a public benefit which would outweigh the harm that would be caused to the architectural and historic interest of this grade II listed building or the character and appearance of the Milton Place Conservation Area.

The NPPF (2024) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Given there would be no public benefits and great weight should be given to the significance of a designated heritage asset, it is concluded that the proposed external and internal cabling would fail to preserve the special architectural and historic interest of this grade II listed building and the character and appearance of the Milton Place Conservation Area. As such, the proposed works would not satisfy the requirements of Sections 16 (2) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies CS19 and CS20 (LPCS), saved Policies TC2 and TC3 (LPFR) and sections 12 and 16 of the NPPF (2024).

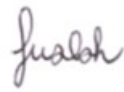
Conclusion

The proposed external and internal cabling would fail to preserve the special architectural and historic interest of this grade II listed building and the character and appearance of the Milton Place Conservation Area. As such, the proposed works would not satisfy the statutory requirement or the local and national planning policies set out above.

Recommendation

Refusal

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

Case Officer:	Ms Rebecca Harrison	Team Leader:	Mrs Faye Walsh
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	30th April 2026	Dated:	01 May 2026