

Delegated Report

Planning Application

Planning Application No: 20230974

Location: Nutfield Farm, Priestwood Road, Meopham, Gravesend

Description: Demolition of the existing detached 4-bedroom dwelling, together with associated outbuildings and erection of a replacement detached 3-bedroom bungalow.

Applicant: Mr & Mrs Stephen Church

Submitted Documents/Plans

Application form
Design and Access Statement
Drawing no. 539/PL37 (comparison drawings)
Drawing no. 539/PL36 (overlay of existing and proposed dwelling plans and outbuildings)
Drawing no. 539/PL35 (proposed site section and cross section)
Drawing no. 539/PL34 (proposed roof plan)
Drawing no. 539/PL33 (proposed elevations)
Drawing no. 539/PL32 (proposed plan)
Drawing no. 539/05 (existing outbuildings)
Drawing no. 539/04 (existing elevations)
Drawing no. 539/03 (existing plan)
Drawing no. 539/PL31 (proposed site plan)
Drawing no. 539/02 (existing site plan)
Drawing no. 539/01 (site location plan)

Relevant Planning History

20230312	Demolition of the existing detached 4-bedroom dwelling, together with its associated garages and outbuildings and its replacement by a detached 3-bedroom bungalow with associated detached double garage and mower store.	Refused, appeal in progress	25.05.2023
20220792	Demolition of the existing 4 bed dwelling along with garages and outbuildings, and its replacement with a chalet style bungalow and garage.	Refused	09.09.2022
20100364	Retention of bungalow without complying with condition (iii) attached to planning permission	Permitted	20.04.2011

reference number GR/80/421 to allow the unrestricted occupancy of the dwelling

19830409	Erection of single storey extension to east elevation to form sitting room study and bedroom	Permitted	28.09.1983
19800840	Retention of a residential caravan for a temporary period of one year	Permitted	30.10.1980
19800421	Erection of a replacement agricultural bungalow	Permitted	28.07.1980
19800176	Erection of single storey side and rear extension to form bedroom passageway and hall	Refused	28.05.1980
19780964	Retention of a residential caravan	Refused	20.12.1978
19510006	Erection of a bungalow	Permitted	05.02.1951

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 - Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network
- C12 – Policy for Replacement Dwellings in the Countryside

Paragraph 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Householder Extensions/Alterations Design Guide (2021);
- Kent Downs Area of Outstanding Natural Beauty Management Plan and
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Consultees

Meopham Parish Council

We raise no objection to this application, subject to compliance with local planning policy.

We would request the removal of permitted development rights in the Council is minded to grant approval of the application.

Dickens' Country Protection Society

Thank you for your consultation letter of 25th September 2023 concerning the above planning application. The Society notes the site is in an area within which Green Belt Policies apply and the North Downs Area of Outstanding Natural Beauty. The Society made representations on a previous application ref. GR/2023/0312 which it is noted has been refused. This application is similar except that the proposed garage has been omitted. The effect of this proposal would be to create space on the site and the Society is concerned that the use of that space in an area within which Green Belt Policies apply and the North Downs Area of Outstanding Natural Beauty should be adequately controlled.

The Society would suggest therefore if consent is granted, permitted development rights should be withdrawn. If this is not practical as an alternative, it is suggested that conditions should be imposed limiting the size and height of any outbuilding to preserve the openness of the Green Belt.

Kent Fire and Rescue

Following my assessment of Fire and Rescue Service emergency access provisions for application number 20230974 I would like to make the following observations.

Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

If you require any further advice, please contact this office using the details above. Please be aware that the Building Safety office hours are 09:00-17:00 Monday to Friday.

Highway Development Management Officer

This is a replacement dwelling using an existing access, which could do with some improvement to sight lines, but as there is no intensification of use it cannot be insisted upon.

The gates are set back at some 6.7 metres from the carriageway edge, and the existing garage is retained. As a new building there should be a cycle store for three cycles to conform to the requirements of Kent County Council SPG4, one cycle parking space per dwelling and the existing garage appears to have sufficient space to provide this.

It should be noted that the garage does not conform to current guidance so a replacement would be welcomed. Kent County Council's SPG4 has a preferred double garage size of 6 metres wide by 5.5 metres deep, the absolute minimum acceptable width would be 5.4 metres, and this is to ensure reasonable pedestrian access to the vehicles is maintained. Additional space would be required for the mower and cycles.

Considering the previous application, the drive appeared to be only 5 metres wide, increasing to 6m immediately in front of the garage, which is unlikely to be enough to permit ease of movement into and out of the garages particularly if they are swing doors rather than roller or lift doors. A wider drive would be required to provide reasonable access and egress to/from the garage. Therefore, the previous proposed garage with the existing driveway width would be acceptable, although space would be required for the cycles.

The use of gravel drives should be discouraged due to the risk of gravel being deposited on the highway, which then becomes a danger to highway users. A bound permeable material is preferred, and aggregates can be used to mimic a gravel like finish.

The applicant should take note of Sections 148 and 149 of the Highways Act 1980

148 Penalty for depositing things or pitching booths etc. on highway.

If, without lawful authority or excuse—

- (a) a person deposits on a made-up carriageway any dung, compost or other material for dressing land, or any rubbish, or
- (b) a person deposits on any highway that consists of or comprises a made-up carriageway any dung, compost or other material for dressing land, or any rubbish, within 15 feet from the centre of that carriageway, or
- (c) a person deposits any thing whatsoever on a highway to the interruption of any user of the highway, or
- (d) a hawker or other itinerant trader pitches a booth, stall or stand, or encamps, on a highway.

he is guilty of an offence and liable to a fine not exceeding [**F1** level 3 on the standard scale].

149 Removal of things so deposited on highways as to be a nuisance etc.

- (1) If any thing is so deposited on a highway as to constitute a nuisance, the highway authority for the highway may by notice require the person who deposited it there to remove it forthwith and if he fails to comply with the notice the authority may make a complaint to a magistrates' court for a removal and disposal order under this section.
- (2) If the highway authority for any highway have reasonable grounds for considering—
 - (a) that any thing unlawfully deposited on the highway constitutes a danger (including a danger caused by obstructing the view) to users of the highway, and
 - (b) that the thing in question ought to be removed without the delay involved in giving notice or obtaining a removal and disposal order from a magistrates' court under this section,the authority may remove the thing forthwith.
- (3) The highway authority by whom a thing is removed in pursuance of subsection (2) above may either—
 - (a) recover from the person by whom it was deposited on the highway, or from any person claiming to be entitled to it, any expenses reasonably incurred by the authority in removing it, or
 - (b) make a complaint to a magistrates' court for a disposal order under this section.
- (4) A magistrates' court may, on a complaint made under this section, make an order authorising the complainant authority—
 - (a) either to remove the thing in question and dispose of it or, as the case may be, to dispose of the thing in question, and
 - (b) after payment out of any proceeds arising from the disposal of the expenses incurred in the removal and disposal, to apply the balance, if any, of the proceeds to the maintenance of highways maintainable at the public expense by them.
- (5) If the thing in question is not of sufficient value to defray the expenses of removing it, the complainant authority may recover from the person who deposited it on the highway the expenses, or the balance of the expenses, reasonably incurred by them in removing it.
- (6) A magistrates' court composed of a single justice may hear a complaint under this section.

I have no objections and subject to other planning requirements, it may be possible to incorporate a replacement garage either as part of this application or a new one.

Neighbouring properties

The application has been advertised by site notice and individual letters to six neighbouring properties. Four letters of support have been received. Main points:

- The property is ugly and a blot on the green belt
- The proposal will enhance the area and save the environment
- Everything gained approval before this and now GBC refuse all applications
- Improvement
- There are safety concerns with the existing house being timber clad

Officer's Analysis

Proposal

This application seeks planning permission for the demolition of the existing detached 4-bedroom dwelling, together with associated outbuildings and erection of a replacement detached 3-bedroom bungalow.

The replacement bungalow will be approx. 14m wide, 13.7m deep and 5.4m high with a hipped roof. The dwelling would have two front facing gables and a front porch. Internally the dwelling would contain a kitchen/diner, utility room, three bedrooms, one with ensuite, a bathroom and a living room.

The original bungalow located on the site was damaged in a fire and a replacement dwelling was granted permission under reference 19800421. This was then extended under reference 19830409 (it would appear the extension under reference 19800813 relates to Nutfield Bungalow to the south of the site which is now known as Nutfields).

Background

This application is a resubmission of the previously refused scheme (20230312 which is currently being appealed. The plans are shown below:



This was refused for the following reason:

The proposed replacement dwelling and garage will have an adverse cumulative impact on the openness of the Green Belt and the Harvel Wooded Downs Landscape Character Area, by virtue of disproportionate scale and increase in overall external footprint, height and bulk which would be highly visible from the street scene and surrounding area. Therefore, the proposal is contrary to the Design Guidance SPD (2021), Policy CS19 of Gravesham's Local Plan Core Strategy (2014), saved Policy C13 of the Gravesham Local Plan First Review (1994), as well as Sections 12 and 13 of the National Planning Policy Framework (2021).

The difference between this scheme and the current scheme is that the building has been reduced in height, depth and width and the roof has been redesigned to have a hip. A replacement garage is also no longer being proposed.

Site Description

The application site is located within the Green Belt, Area of Outstanding Natural Beauty and Harvel Wooded Downs Landscape Character Area. The site currently contains a bungalow, some small outbuildings and a garage. There is a large private garden to the east.

Green Belt

Policy CS02 allows development within the rural area where settlements are inset from the Green Belt which is not the case in this instance. Development outside of settlements will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the local plan.

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Para. 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para. 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Para. 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and lists seven exceptions. Exception (d) allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Saved Policy C12 of the Local Plan 1994, which relates to replacement dwellings in the countryside, must also be considered. However, this policy pre-dates the NPPF, and therefore greater weight should be given where the approach is consistent with paragraph 145 the NPPF.

Policy C12 of the Gravesham Local Plan 1994 states that there will be a strong presumption against allowing the replacement of existing dwellings which will only be set aside if the following criteria are

satisfied:-

(i) The existing dwelling must be an “original dwelling” in permanent use as a dwelling. Proposals for the replacement of dwellings which are not “original” but which have gained immunity from the enforcement of planning control will be considered on their individual merits, having regard to their origins, their location and the nature of the accommodation they currently provide.*

(ii) The existing dwelling must be in an appropriate location, meaning that it must be well related to existing roads and to essential services and must be in or close to an established rural settlement. The only exception to this criterion will be where the proposed replacement dwelling is required on the site for an agricultural worker, where the standard agricultural occupancy condition will be imposed.

(iii) The replacement dwelling must be of similar scale and mass to the existing dwelling and must be no larger than the existing dwelling, unless it can be demonstrated that modest enlargement+ is required to allow the provision of essential basic amenities such as a bathroom, toilet or kitchen, which currently do not exist or are clearly inadequate or to meet the special needs of the occupants.

(iv) The internal layout of the replacement dwelling shall not be such as to facilitate its later subdivision.

(v) The replacement dwelling should normally occupy the same site as the existing dwelling. Where it is agreed that the replacement dwelling may be located elsewhere on the plot, adequate safeguards# will be required to ensure the demolition of the existing dwelling.

(vi) The existing or proposed means of access, including access for fire fighting appliances, must be satisfactory.

(vii) The existing or proposed site drainage and means of soil and waste disposal must be satisfactory.

This policy conflicts with the NPPF in that it refers to the original dwelling rather than the existing dwelling. Policy C12 states that the replacement dwelling must not be larger than the existing (original dwelling) and paragraph 149d of the NPPF states that the replacement dwelling must not be materially larger. There is no definition of ‘materially larger’.

In this case, the existing building has a floor area of approx. 139sqm measured externally. The proposed building measures approx. 163sqm externally. This represents an increase of approx. 17% over and above the existing dwelling and 63% larger than the original dwelling built in 1980 (which measured approx. 100sqm). These calculations do not include the garage which is not being altered as part of this application.

The applicants have provided details of existing buildings that would be demolished as part of the proposals. These are the existing mower store, shed no. 1, three greenhouses and canopied area. The loss of the mower store and of shed 1 would equate to a loss of approx. 31sqm which will result in an overall decrease in built form across the site (and even more when taking into account the loss of the greenhouses).

Overall the proposed building, although larger than the existing building, is not materially larger when taking into account the loss of other buildings on the site. The loss of these outbuildings will improve the openness of the site and therefore the openness of the Green Belt. On balance, the proposal is considered acceptable in Green Belt terms.

Very special circumstances

The applicant’s agent has laboured the point that the thickness of modern walls is considerably thicker than the walls of the existing building and therefore a larger footprint will result from a similar internal floor area and states that this amounts to ‘very special circumstances’. As the proposal does not conflict with para. 149d very special circumstances do not need to be considered.

Openness

Again, as the proposal is considered to accord with paragraph 149d openness also does not need to be considered however it is noted that the loss of outbuildings will improve the openness of the site and therefore the Green Belt.

Design, Appearance and impact on Landscape Character and Area of Outstanding Natural Beauty

The existing dwelling is fairly utilitarian and functional in design terms and has no architectural merit. The but are predominantly rural in character. Some have more modern extensions, most notably Priesthood to the south, and surrounding properties are varied in size and appearance. The proposed dwelling with its dual fronting gables and hipped roof will result in an improvement on the existing and the change to a hipped roof rather than the gable proposed previously is welcomed. In terms of scale and proportion, the building is not significantly larger, is still a single storey dwelling and is better related to the road. The materials proposed are the same as the previous application and no objection was raised to these. In terms of appearance the proposal accords with policy CS19 of the Gravesham Core Strategy 2014 and paragraph 130 of the NPPF.

Landscape Character

The application site is located within the Harvel Wooded Down Landscape Character Area where key characteristics include ancient woodland, occasional traditional farmsteads and haphazard mosaic of residential plots and small holdings set within the woodland. The condition and sensitivity of the landscape is moderate and the guidelines are to conserve and create. The proposed replacement dwelling will include the loss of some of the existing outbuildings which will positively impact on the surrounding landscape and therefore no objection is raised. It is noted that the Design and Access Statement mentions the high conifer boundary treatment had not been considered in the previously refused application however, the impact of development on the Green Belt and surrounding landscape does not just have a visual element but also spatial and therefore if a development cannot be seen this does not mean that no harm will occur. In this instance, no harm is considered to occur.

AONB

The site is also located within an Area of Outstanding Natural Beauty. The adopted Kent Downs AONB Management Plan states that the local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements. It also states that it should be ensured that proposals do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB.

In terms of the Area of Outstanding Natural Beauty, for the same reasons as above, the plot is contained and the loss of outbuildings will improve the appearance of the site. The proposals therefore accord with the objectives set out in the AONB Management Plan.

Details of planting have been included with the application and a condition to require this to be implemented in first planting season is recommended.

The proposed replacement dwelling therefore accords with policies CS12 and CS19 of the Gravesham Core Strategy 2014, paragraphs 174 of the National Planning Policy Framework 2023 and policies SD2, SD7 and SD8 of the Kent Downs AONB Management Plan.

Amenity

Future Occupiers

The proposed dwelling will have an internal floor area of approx. 137sqm. This meets the requirements of the Technical Housing Standards which require 95sqm for a three bedroom, six person dwelling. Each bedroom meets the standards for a double room and the garden meets the local adopted standards in terms of area. Each habitable room is shown to have sufficient outlook and daylight.

Neighbours

Nutfields is located approx. 13m to the south of the application site. As the proposed dwelling is single storey and there is boundary treatment between the dwellings there will be no loss of outlook, daylight, sunlight or privacy.

Merryhill Farm is located approx. 11m to the north and for the same reasons above will suffer no loss of amenity from the proposed development.

The proposed replacement dwelling therefore accords with policy CS19 of the Gravesham Core Strategy 2014 and para. 130f of the NPPF.

Parking and Highways

This is a replacement dwelling using an existing access, which could do with some improvement to sight lines, but as there is no intensification of use it cannot be insisted upon.

The gates are set back at some 6.7 metres from the carriageway edge, and the existing garage is retained. As a new building there should be a cycle store for three cycles to conform to the requirements of Kent County Council SPG4, one cycle parking space per dwelling and the existing garage appears to have sufficient space to provide this.

It should be noted that the garage does not conform to current guidance however this is also an existing situation and no changes can be insisted upon.

The use of gravel drives should be discouraged due to the risk of gravel being deposited on the highway, which then becomes a danger to highway users. A bound permeable material is preferred, and aggregates can be used to mimic a gravel like finish. This can be controlled by condition.

The proposed development therefore accords with policy CS11 of the Gravesham Core Strategy 2014 and T1 and P3 of the Gravesham Local Plan 1994.

Conclusion

The proposed replacement dwelling will have no detrimental impact on the Green Belt, Landscape Character, amenities or highway safety and therefore accords with the above-mentioned policies and is recommended for approval.

Recommendation:

Permit

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

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>

Dated:	13 November 2023	Dated:	14th November 2023
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