

Planning Statement

Walnut Hill Nursery, Walnut Hill
Road, Istead Rise, Kent, DA13 9HL

Application for permission in principle for
the erection of up to 9 No. dwellings



RTPI

Chartered Town Planners



PlanMan

By: **GRAHAM SIMPKIN PLANNING**

For: **First4Drains**

Project reference: **PR4459**

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office@gsplanning.uk



GSP

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1 Introduction

- 1.1 This Planning Statement has been submitted in support of an application for the following development at Walnut Hill Nursery, Walnut Hill Road, Istead Rise, Kent, DA13 9HL (hereafter referred to as 'the Site'):

Application for permission in principle for the erection of up to 9 No. dwellings

- 1.2 The proposed development affects the following Land Registry title(s):

Title Number	Description	Owner
K421608	WALNUT HILL NURSERY WALNUT HILL ROAD, GRAVESEND DA13 9HL	The Applicant

- 1.3 The application is accompanied by the following plans and documents:

- 4459 - 01 Site Location Plan
- Contaminated Report (R Carr)
- Planning Statement (GSP) and Appendix 1 (appeal decision 3354156)
- Transport Statement (PT Planners)

2 Site Context

- 2.1 This Site extends to some 0.99 ha within a largely rectangular parcel of land and is situated on the north side of Walnut Hill Road, where the Site can be directly accessed. This is the Site's only access, which is currently protected by closeable metal gates.
- 2.2 The previous lawful use of the Site was as a commercial plant nursery, which ceased operations in 2022. Since then, the Site has been occupied by the Applicant's business, First4Drains, which operates as a drainage company.
- 2.3 Just beyond the Site a large brick building exists and is used for administrative purposes by the 16 staff who are employed by First4Drains. There is also vehicle parking adjacent to the building for said staff.
- 2.4 The brick building comprises four skylights on the principal elevation, red tiles on the roof and porch, as well as black framed windows and black guttering and downpipes.
- 2.5 Beyond the main building, there are a number of structures that are used for the storage of materials and specialist equipment, as well as personal space for employees.
- 2.6 The Site is directly adjacent to what was understood to be part of the Conifers Camping and Caravanning Club to the west, whilst it is bound by woodland to the north and east, and the main road to the south.
- 2.7 This Site is the subject of the following planning constraints and characteristics:
- Metropolitan Green Belt
 - Close Ancient Woodland (13m due east to Walnut Wood)
 - Flood Zone 1 (low possibility of flooding from rivers or the sea)

3 Relevant History

3.1 The following records are understood to be relevant to the Site:

[Retention of portacabin and continue use as office/cloakroom/store room/rest room](#)

Ref. No: 19900708 | Validated: Fri 30 Nov 1990 | Status: Application Permitted

[REVISED APPLICATION Removal of existing portacabins and sheds and erection of replacement building for gardening storage, machinery room, packing room and potting-up room at ground floor, incorporating sheltered walkway and refuse and chemical store, with office accommodation and storage at first floor level.](#)

Ref. No: 19970030 | Validated: Fri 17 Jan 1997 | Status: Application Refused – The application was refused on the basis that the proposal would be seriously detrimental to the character and amenity of the landscape, and the openness of the Green Belt by virtue of the height, bulk, and scale of the development proposed.

[Removal of existing portacabins and sheds and erection of a barn to provide equipment/materials storage, propagation area, potting and packing and loading areas at ground floor level and staff facilities, drying room, office and storage at mezzanine floor level and an external fire escape staircase at the side.](#)

Ref. No: 20000600 | Validated: Thu 22 Feb 2001 | Status: Application Permitted

[Application to determine if prior approval is required for a proposed conversion of a building to a commercial use Class E, of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015 \(as amended\) - Schedule 2, Part 3, Class R.](#)

Ref. No: 20240607 | Status: Refused on the following grounds:

The application fails to meet the permitted development criteria as set out in Class R of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), particularly with regards to the curtilage definition under condition R.2 (a)(i), and the timing of the application submission under R.3 (1)(b). The proposal would not, therefore, be permitted development, and this application for prior approval is refused.

Furthermore, if prior approval were to have been required under R.3 (1)(b), it would have been refused, as the use of the site is considered to cause harm with

regard to highways, noise and contamination matters, and insufficient information has been submitted to address these impacts.

Re-cladding, re-roofing and associated alterations to openings of existing steel-framed building.

Ref. No: 20241053 | Status: Refused on the basis that the proposal fails to meet any of the exception criteria for development in the Green Belt and therefore would be harmful development in the Green Belt.

Retrospective erection of a front porch

Ref. No: 20241054 | Status: Permitted.

Retrospective erection of a detached outbuilding

Ref. No: 20241055 | Status: Refused on the basis that the proposal fails to meet any of the exception criteria for development in the Green Belt and therefore would be harmful development in the Green Belt.

The Site was also subject to an appeal hearing against an enforcement notice relating to the sui generis use of the land for offices/parking in connection with the Applicant's drainage business ([3358530](#)). It was concluded by the Inspector that the development as a whole constituted inappropriate development in the Green Belt whilst also resulting in adverse harm to neighbouring residents and highway safety.

4 Proposed Development

4.1 The application entails the following elements:

- Permission in principle application for the erection of up to 9 No. dwellings
- To utilise the existing access to the Site from Walnut Hill Road

5 Planning Policy

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Court of Appeal has clarified that for a decision maker, this means establishing whether a proposal is in accordance with the development plan as a whole. The question of compliance with one policy should not dictate the outcome of a proposal in the absence of considering compliance with all other relevant policies. Decision makers are therefore tasked with identifying and understanding all relevant policies and material considerations in order to reach a properly informed planning judgment on a proposal, and to avoid an irrational or vulnerable decision that may be subject to criticism in a public law challenge.
- 5.2 Paragraph 2 of the National Planning Policy Framework ('the Framework') reiterates what is said in Section 38(6), whilst paragraph 12 of the Framework is clear that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 5.3 Paragraph 39 of the Framework encourages local planning authorities to approach decisions on proposed development in a positive and creative way. It also encourages working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, adding that decision-makers should seek to approve applications for sustainable development where possible.
- 5.4 Annexe 1 of the Framework confirms that for the purposes of decision-taking, the policies in the plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. It adds that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with greater weight being given to those policies that are closer to the policies in the Framework.

Development Plan

- 5.5 It is understood that the Development Plan for the area within which the Site is located comprises the following documents:

- Gravesham Local Plan Core Strategy 2014 (CS)
- Saved Policies in the Gravesham Local Plan First Review 1994 (LPFR)

5.6 The CS sets out a long-term vision for the future of Gravesham based on evidence of the need to support communities and outline what makes Gravesham a distinctive and attractive place to live and work. Furthermore, it helps to support and inform sustainable development via investment in infrastructure, economic development, and regeneration proposals within the borough, while promoting healthy communities. Lastly, it aims to provide a consistent basis for planning application decisions. The following policies are considered relevant:

- CS01 – Sustainable development
- CS02 – Scale and distribution of development
- CS11 – Transport
- CS12 – Green Infrastructure (including Green Belt)
- CS15 – Housing density
- CS19 – Development and Design Principles

5.7 The LPFR was replaced by the adopted Local Plan (2014). In September 2007, the Secretary of State issued a direction on policies to be saved and deleted. The following saved policies are considered relevant to this application:

- T1, T3, T4 – Impact of Development on the highway network
- T5 – Access to the identified Highway Network

Other Material Considerations

The Framework

5.8 In summary, the following paragraphs are considered most relevant as additional material considerations in the determination of this application:

- 7 – Achieving sustainable development
- 11 – Presumption in favour of sustainable development
- 61 – Delivering a sufficient supply of homes
- 73 – Importance of small and medium sites
- 110 – transport solutions vary between urban and rural areas
- 115/116 – highway safety
- 124 – Making effective use of land
- 125 – promote and support development of under-utilised land and buildings

- 127 – decisions to reflect changes in the demand for land
- 128 – positive approach to applications for alternative uses of land
- 129 – making efficient use of land
- 143 – Five purposes of the Green Belt
- 153 – Proposals affecting the Green Belt
- 155 – Exceptions to development in the Green Belt
- 187 – decisions to contribute to and enhance the natural environment

6 Planning Assessment

Key Issues

6.1 The following are considered to be the key issues in the assessment of this application:

1. Green Belt
2. Land Use
3. Location
4. Quantum

1. Green Belt

6.2 Paragraph 142 of the Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Paragraph 153 states that when considering any planning application, LPAs should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. It adds that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances.

6.3 Paragraph 155 then sets out that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where all the following apply:

- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b) There is a demonstrable unmet need for the type of development proposed;
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d) Where applicable, the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.

6.4 It is therefore necessary to assess the proposal against paragraph 155 of the Framework to determine whether it would give rise to any harm to the Green Belt.

- a) *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*

6.5 To begin with, it was established by the Inspector as part of the recent appeal decision at Walnut Hill Nursery ([3358530](#)) that the Site should be considered as 'grey belt' since it does not strongly contribute to purposes (a), (b) or (d) of paragraph 143 of the Framework.

6.6 The Inspector then proceeds to make clear that, concerning criterion (a), 'the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, thus criterion a. of paragraph 155 is met'.

6.7 This evidently demonstrates that the Site meets the requirements of criterion (a) of paragraph 155.

b) There is a demonstrable unmet need for the type of development proposed;

6.8 Footnote 56 of the Framework, which concerns criterion (b), explicitly states that in the case of applications involving the provision of housing, a demonstrable unmet need means the lack of a five-year supply of deliverable housing sites.

6.9 It has been made clear in the 'five-year land supply statement (2024-29)', which was issued by GBC in February 2024, that they are currently unable to demonstrate a deliverable supply of sites for housing against their housing need over the next five years.

6.10 Based on GBC's calculations, the Borough can currently only demonstrate a 3-year land supply for housing. In turn, GBC must consider planning applications against paragraph 11 of the Framework (presumption in favour of sustainable development).

6.11 The lack of housing land supply is considered to be sufficient evidence to demonstrate an unmet need for the type of development, which is proposed at the Site, adhering to criterion (b) of paragraph 155.

c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and

6.12 In light of the Inspector's decision for [3358530](#), whereby it was concluded that *the development* (i.e. not the Site) was in an unsustainable location for that specific mixed use, a transport consultant has been engaged for the subject application to establish if this would continue to be the case for a Class C3 use. This point is covered in more detail below.

- 6.13 The Applicant firstly contests that, despite the rural nature of the Site, it is still within close proximity to nearby settlements and is by no means isolated. The first is Istead Rise, which is 0.9 miles away or 3 minutes by vehicle. As described in paragraph 2.3.6 of the CS, Istead Rise is considered to be the Borough's second largest settlement (with 3,400 residents when the document was published) and comprises a range of services such as a primary school, a GP surgery, a small supermarket and a post office. It also has a bus service to Gravesend and Sevenoaks.
- 6.14 It is also considered that the Site is within close proximity of Meopham, which is 1.3 miles away or 5 minutes by vehicle. Paragraph 2.3.7 of the CS demonstrates that Meopham, which is split into Hook Green and Meopham Green, has a range of services.
- 6.15 Hook Green has several shops, a post office and an employment site. At Meopham, there is also a railway station with regular services to the Medway Towns, Bromley and London Victoria. Meopham Green has a number of employment sites. Both Hook Green and Meopham Green have a bus service to Gravesend and Sevenoaks, and they share a primary school, a secondary school, a library and a GP surgery.
- 6.16 Although there are limited convenient walking options from the Site to the above settlements the Framework is clear that development in one village may support services in a village nearby and sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
- 6.17 It was also accepted in Appeal Decision [3358530](#) that the Site is within a 10-minute walk to the nearest bus stop; however, there was a lack of evidence concerning the bus frequency.
- 6.18 The bus stop in question is Nash Bank, which is situated within 800m of the Site on the east side of Wrotham Road, is served by the 308 to Sevenoaks which stops at 07:03, 07:11, 09:31, 11:01, 12:31, 14:21, 17:01 and 18:01. There are also 3 further buses (306, 305 and V1) that stop at Nash Bank, but these are considered to serve the school.
- 6.19 There is also a bus stop on the opposite side of the road that provides the return route for the 308 from Sevenoaks to Gravesend, which stops at 10:14, 11:39, 13:09, 14:39, 15:53, 16:35, 16:43, 18:41.

- 6.20 Within 1.1km of the Site, along New Barn Road to the west, there are multiple daytime bus routes that serve Bluewater, Gravesend, Longfield and New Ash Green (the 489 and 470). Additional school services also stop there that provide connections to Wilmington, Wrotham and Gravesend (34, NAG1, NAG2 and 418).
- 6.21 It is considered that by virtue of the required car journeys being brief, the limited scale of the development, settlements being easily accessible by bicycle and bus stops being within a 10 to 15-minute walk, the Site should be considered to be in a sustainable location when compared to its rural context.
- 6.22 A further material consideration is the traffic that is likely to be generated by any housing development within the Site by comparison to the lawful use. The Applicant was correct to take account of this as stated in the evidence relating to the previous appeal and is confirmed in paragraph 18 of that appeal decision where the Inspector stated: "in determining whether the location is sustainable, account should be taken of the lawful use of the site."
- 6.23 Assuming 9 dwellings are erected, the accompanying Transport Statement confirms that traffic is still likely to be materially less than that associated with a commercial nursery. Therefore, whilst the Inspector took the view that the sui generis commercial use of the Site would be less sustainable than the lawful commercial nursery, the evidence now before GBC confirms that up to 9 houses would not result in more trips by private vehicles, meaning it cannot reasonably be said to be less sustainable than the lawful use. The Site is not a greenfield, agricultural parcel of land, free from any previous lawful development. It is reasonable to suggest that collectively this must factor into whether the development complies with criterion (c).
- 6.24 Lastly, criterion (d) is considered not to be relevant to this application since it does not constitute 'major development' as the Site is under 1 hectare and only allows for up to 9 dwellings.
- 6.25 Overall, it is considered that the subject application would not result in any demonstrable harm to the Green Belt as it adheres to paragraphs 110, 115 and 155 of the Framework and its associated criteria.

2. Land use

- 6.26 In the immediate vicinity of the Site, there is a mix of land uses; however, the majority are residential units. There is no built form to the north of the Site for over 500m, which is the settlement boundary for Istead Rise.

- 6.27 The adjoining parcel of land to the east is known as the 'land on the north side of Walnut Hill Road, Gravesend' and comprises solely ancient woodland. Adjacent to this and also due east is a dwelling known as Green Mount. The total distance between the Site and Green Mount is approximately 45m from the closest points.
- 6.28 Due south east of the Site are two dwellings known as Three Gables and Walnut Hill Lodge, both of which are on extensive parcels of land and numerous outbuildings.
- 6.29 To the southwest of the Site are two large semi-detached dwellings known as Pinefield and South House. Similar to the above, both have large gardens and several outbuildings.
- 6.30 Adjacent to the west boundary of the Site, there is a dwelling known as Sheridan, as well as a site known as The Conifers, which is a camping and caravanning club.
- 6.31 Beyond the immediately adjacent parcels of land, Walnut Hill Road is sporadically scattered with dwellings along the north side of the road, such as Stavesacre Cottage, Stavesacre, and Sunnyslope, as well as The Bungalow to the south.
- 6.32 It is considered that the delivery of up to 9 additional residential units would not be out of keeping with the use of the surrounding land on the basis that it is predominantly surrounded by dwellings. This also means that the Site cannot be described as isolated.
- 6.33 It is also important to point out that with no five-year housing land supply, there is a clear need for housing and that this would be a more appropriate, sympathetic and compatible land use in this location by comparison to both the previous unlawful use and the lawful commercial nursery use which did and could continue to result in the use of larger vehicles using local roads, as well as contributing to amenity issues.

3. Location

- 6.34 The location of the Site and its sustainability have been explored in detail in part 1 of this assessment under 'Green Belt', and it is considered to have been established that the Site is in a suitable location for housing.

4. Quantum

- 6.35 The maximum number of proposed dwellings at the Site (g) is considered to be appropriate when compared to the size and shape of the planning unit. Each dwelling will have adequate space for landscaping, access and amenity space.
- 6.36 The number of units proposed reflects a modest and proportionate level of development that avoids over-intensification. Detailed layout and amenity considerations will be addressed through a subsequent Technical Details Consent application.
- 6.37 The surrounding properties are predominantly detached on extensive parcels of land. The proposed density, at approximately 9 dwellings per hectare, is considered to align with the established character of Walnut Hill Road.
- 6.38 This is considered to be in accordance with policy CS15 of the CS, which states that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area.

7 Conclusions

- 7.1 Overall, it is considered that the proposal is appropriate development in the Green Belt as it adheres to paragraph 155 of the Framework. It has been highlighted that the Site is established grey belt land, in a sustainable location in a borough that has a demonstrable unmet need for housing.
- 7.2 Even if the Council disagree and consider it to be inappropriate development in the Green Belt, the extent of the inappropriateness needs to result in a *strong* reason for refusing the development proposed, given the Council's five-year housing land supply position. Given the lawful use of the Site and limited contribution to the Green Belt it is said that this cannot reasonably be the case.
- 7.3 The proposal is also considered to be a more appropriate use of the land when considering the extant enforcement notice, the existing lawful use, as well as the surrounding context of Istead Rise and Meopham.
- 7.4 The location is also considered to be sustainable for a 'rural' site as a result of the nearby transport links to the wider area and the short distances between the nearby settlements, whilst the anticipated traffic generation, even for 9 dwellings, is likely to be materially less than that associated with a commercial nursery covering 1 hectare.
- 7.5 In a recent 'permission in principle' appeal decision ([3354156](#)) for 5 houses, an Inspector found that the location was unacceptable, but on balance, with a 3.31 year housing land supply (i.e. better than GBC's current position), plus consideration of the Framework's acknowledgement that "small sites can make an important contribution to meeting housing requirements of an area", these factors were given significant weight and should also apply to the subject proposal. This proves that even if GBC were to conclude that the development is not in a sustainable location, this would not, on its own, form a *strong* reason to refuse the application.
- 7.6 Lastly, the maximum quantum of the proposal is considered to be in keeping with the size of the Site as well as nearby dwellings. It will not result in an over-intensification or over-development of the Site.
- 7.7 In consideration of all relevant development plan policies and material considerations, this application should be viewed positively by the authority, and it is respectfully requested that permission be granted in principle for up to 9 dwellings within the Site.