



PLANNING STATEMENT

Site Name: Unit 23 Apex Business Park

Site Location: Unit 23 Apex Business Park, Queens Farm Road, Lower Shorne, Kent, DA12 3HU

Planning Statement in support of the erection of a temporary structure for workshop/office to include installation of foundation slab.

On behalf of:

Name – Cross Rental Ltd.

Date – July 2025

Limitations

The conclusions drawn by Planning Geek Ltd are based on information supplied and could differ if the information is found to be inaccurate or misleading, in which case Planning Geek Ltd accepts no liability should additional information exist or becomes available with respect to this project.

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1. Introduction

1.1 This Planning Statement has been prepared by Planning Geek on behalf of Cross Rental Ltd., the leaseholder of Unit 23 Apex Business Park, Queens Farm Road, Lower Shorne, Kent, DA12 3HU. This statement is to support the retrospective application for the erection of a temporary structure for workshop/office. This is a revised proposal from the previously refused application 20240454 on the site.

1.2 This application is for the:

“Erection of temporary structure for workshop/office to include installation of foundation slab.”

2. Site and Surroundings

2.1 The application relates to a parcel of land which sits within a business park in and amongst other business in Lower Shorne, Kent. Please refer to the application Site Plan for details. The site is situated within the countryside, outside of a settlement policy boundary and within the Green Belt.

2.2 The site is within an industrial setting and lies adjacent to a railway line as well as other business uses. Further to the north of the site, south of the railway line is further commercial activities which appear in association with Network Rail. Beyond this to the east lies a further business park and commercial area, Nuralite Industrial Estate. The immediate area around the site is one of an industrial nature with a variety of

businesses operating from several industrial sites. The wider landscape is defined by verdant agricultural fields, interspersed with pockets of development with larger urban areas such as Gravesend further to the west and Higham, Shorne and Rochester to the south. The application site itself is accessed from Queens Farm Road.

3. Relevant Planning History

- 3.1 There are several useful and relevant planning applications which relate to this land and application.
- 3.2 Application GR/19970570 was a Certificate of Lawfulness in 1998 which confirmed the use of the Apex Business Park as a Sui Generis use consisting of:

The hiring, repair, refurbishment and sale of plant, equipment and portacabins; the open storage of such items and the open storage of scaffolding and liquid petroleum gas.

The application site was included at the time of application as land used for open storage, ancillary to the main use of the site. The Certificate was granted on the 16th of April 1998.

- 3.3 A further Certificate was Granted on the 26th of February 2002 for the use of Apex Business Park as Sui Generis use consisting of:

The hiring, repair, refurbishment and sale of plant, equipment and portacabins; the open storage of such items and the open storage of scaffolding and liquid petroleum

gas.

The application site was again included at the time of application as land used for open storage, ancillary to the main use of the site.

3.3 Subsequently, the land to which this application relates has been used as an independent (as opposed to ancillary) B8 storage and distribution unit for a scaffolding business in excess of 10 years on a continuous basis (and continues to be) separately from the other businesses on the site.

3.4 Finally, and most recently an application for a temporary building under 20240454 was refused by Gravesend Council on the 13th of November 2024 for the following reasons:

- 1. The proposed building will result in inappropriate development in the Green Belt that introduces a large building on a currently vacant site causing permanent detriment to the openness of the Green Belt. There are no very special circumstances that exist that would outweigh the harm resulting from the proposal by reason of inappropriateness, or any other harm. The development is therefore contrary to the requirements of paragraphs 152, 153 and 154 of the National Planning Policy Framework 2023, and Policy CS02 of the Gravesham Local Plan Core Strategy 2014.*
- 2. No details relating to the number, type and frequency of vehicle movements to and from the site and been provided and therefore, without this information, the highway impact cannot be assessed. The proposal is therefore contrary to policies T1, T3 and T4 of the Gravesham Local Plan 1994 and Policy CS11 of the Gravesham Core Strategy 2014.*

Since the application was refused a revised NPPF has been revised in December 2024 which has significantly altered the assessment of development within the Green Belt which is a notable change in circumstance and material considerations. In addition, the location of the temporary building has been relocated within the site.

4. Planning Policy

- 4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan

- 4.2 The development plan context for the site and the surrounding area is provided by the Gravesham Local Plan Core Strategy (September 2014) and Gravesham Local Plan - First Review (1994).
- 4.3 As confirmed within the Officer's Report Paragraph 33 (now Paragraph 34 NPPF 2024) 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.

- 4.4 Material considerations relevant to this planning application include national policy (primarily expressed through the National Planning Policy Framework (NPPF) (2024) and Planning Practice Guidance, the Council's emerging Local Plan Update, and additional guidance produced by the Council (including Supplementary Planning Documents (SPDs) and position statements).
- 4.5 The relevant policies to this application are as follows:

National Planning Policy Framework

- 4.6 The National Planning Policy Framework (the Framework) was revised on 12th December 2024. The Framework sets out the Government's economic, environmental and social planning policies for England and details how these are expected to be applied. It is a material consideration in planning decisions.

It should be noted that the application was refused with reference to the NPPF 2023 before the updated NPPF was released on the 12th December 2024.

- 4.7 The key paragraphs of the NPPF, relevant to considering the principle of development at the Site, are set out below:

Paragraph 39 is clear that *'Local planning authorities should approach decisions on proposed development in a positive and creative way...Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

Paragraph 85 highlights that, *'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'*

Paragraph 142 makes it clear that, *'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.'*

Paragraph 154 sets out how applications for development within the Green Belt should be considered and the exceptions for Green Belt Development. It states:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

(a) buildings for agriculture and forestry;

(b) the provision of appropriate facilities (in connection with the 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 preserve 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 (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), **which would not cause substantial harm to the openness of the Green Belt.***

Paragraph 155 sets out when development within the Green Belt should not be considered as inappropriate and states: “*The development of homes, commercial and other development in the Green Belt should also **not** be regarded as inappropriate where:*

- 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 proposed⁵⁶;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework⁵⁷; and*
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.”*

5. Proposed Development

- 5.1 This application seeks planning permission for the retrospective erection of temporary structure for workshop/office to include installation of foundation slab. This is to facilitate the expansion and growth of the business. The proposal is a revised application from the previously refused application wherein the design and location of the building has been altered.
- 5.2 The building consists of stacked storage containers to the sides with a roof on top. The building is shown on the plans to be 20m wide to include the containers (15.3m wide without the containers), 24m deep and approx. 5.2m high to the eaves and 8m to the pitch. Two of the double stacked containers will be used as offices.

6. Planning Issues & Assessment

- 6.1 Policy CS02 of the Gravesham Core Strategy 2014 sets out that *'In the rural area, development will be supported within those rural settlements inset from the Green Belt and defined on the Policies Map.....to maintain and diversify the rural economy, will be supported where it is compatible with national policies for protecting the Green Belt and policies in this plan.'*
- 6.2 As outlined above, the application site refers to an existing commercial yard set within a larger business park. The backdrop to the application site is therefore commercial in its nature. The application site also sits adjacent to a railway line and railway yard.

- 6.3 Nonetheless, the application site is located in the Green Belt. The Framework in paragraph 153 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It outlines that the construction of new buildings, other than in connection with a small number of exceptions set out in paragraph 154, or sites which accord with paragraph 155 should be regarded as inappropriate development.
- 6.4 One of these exceptions (Para 154 (g)) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), **which would not cause substantial harm to the openness of the Green Belt.**

The application site is considered to constitute previously developed land which is agreed with by the Local Authority and would result in the limited infilling of an existing commercial site. Further, the proposal would not cause substantial harm to the Green Belt. Substantial harm is a very high threshold. The proposal would, therefore, accord with Para 154 g) of the NPPF. As such, development upon the application site, despite being within the Green Belt would not be inappropriate development.

Nonetheless an assessment of the proposal under Paragraph 155 is undertaken below.

Paragraph 155 confirms that commercial buildings on the grey belt which do not undermine the purposes (taken together) of the remaining Green Belt across the area of the plan are also not inappropriate. This is set out further below.

- 6.5 Grey Belt is defined in Annex 2 of the NPPF 2024 and states: *“For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.”*

It is contended that the proposed site would accord with the definition of Grey Belt and

the land itself does not strongly contribute to any of the Green Belt purposes (a), (b) or (d) as set out in paragraph 143.

a) to check the unrestricted sprawl of large built-up areas

- 6.6 The application site constitutes previously developed land (as set out below) and is set within an existing commercial and built-up area. The proposed development would not extend the site any further into the countryside or Green Belt than is existing and is well contained within its immediate commercial setting. As such, the proposal would not result in harms to the Green Belt in this regard.

b) to prevent neighbouring towns merging into one another;

- 6.7 The proposal would not result in the coalescence of two neighbouring towns. As such the proposal would not result in harms to the Green Belt in this regard.

d) to preserve the setting and special character of historic towns;

- 6.8 The proposal would not have an impact on the setting or special character of a historic town. As such the proposal would not result in harms to the Green Belt in this regard.

Compliance with Paragraph 155 NPPF 2024

- 6.9 As part of Paragraph 155 there are two further 'tests' that the proposal must meet in order to be considered as not inappropriate development within the Green Belt. These relate to b. there is a demonstrated unmet need for the type of development proposed and c. the development would be in a sustainable location.

b. there is a demonstrated unmet need for the type of development proposed

- 6.10 Within the Gravesend Local Plan Core Strategy September 2014 in Section 5.1 Economy, Employment and Skills, the plan recognises the importance and need for delivering a sufficient supply of industrial/commercial uses which include storage and distribution uses. At paragraph 5.1.5 the council states:

"The Council recognises that jobs can be delivered from a range of sectors. One of the Council's areas of focus is to ensure that sufficient provision is made for B class employment, which includes offices, industrial and storage and distribution uses, and the range of job opportunities that this can provide." The plan goes on to say that this

will be achieved by “ensuring a range of provision for all employment sectors, to allow firms to start-up, grow and adapt to change;”. This is an existing employment site within the area which the proposal will enhance and help in delivering further (albeit temporary) storage and distribution sites. As such, it is considered there is a demonstrated unmet need for this type of development to firstly help deliver employment to the area as well as help the business to grow and adapt to change.

c. the development would be in a sustainable location.

- 6.11 As outlined above this is an existing employment site which is within a reasonable distance from the main built-up areas of Gravesend and the surrounding villages. There are a number of facilities in proximity of the site and the site is located off of a good size road network. It is considered that the site is and would remain a sustainable location for the type of uses which already existing upon the site.
- 6.12 As a result, the proposal is considered to meet the definition of Grey Belt and as per Paragraph 155 of the NPPF (2024) the proposal would not be inappropriate development. It is considered that had the application been determined following the revised NPPF the Local Authority could well have considered the proposal differently and granted permission for the development.

Previously Developed Land

- 6.13 The application site is currently used as a commercial centre/business park, with a number of businesses present on the site. There are numerous permanent buildings with materials ranging from corrugated iron, timber and brick and with several roof types, from pitched to sloping. Some of the existing buildings appear of sufficient size to be two storey. There are also large areas of hardstanding. The site cannot be described as anything other than previously developed land. The Local Planning Authority agreed within the previous Officer’s Report that the land would constitute Previously Developed Land.
- 6.14 In concluding that the application site is previously developed land, the development of which is supported by the Government. It is then necessary to decide, if the proposed development would cause substantial harm to the openness of the Green

Belt.

Openness

- 6.15 Whether Openness is impacted upon depends on a number of factors, including the scale and spatial/visual implications of the proposed development and its location. It is recognised that the effect on openness includes a spatial as well as a visual dimension.
- 6.16 Whilst it is considered by the LPA that the proposal would impact upon the openness of the Green Belt, it is contended by the applicant and their advisors that the proposal would not, when considered in its context, substantially harm the openness of the Green Belt.
- 6.17 The existing development on the wider commercial site already has a large impact on the openness of the Green Belt, with numerous buildings and areas of hardstanding being utilised within the Business Park. The application site itself is relatively flat and as a whole is not readily visible due to its location to the rear of the business park, being away from the public highway, other nearby buildings and the walls, fences and hedges surrounding the site.

The only viewpoints where the whole of the site can be seen is from the railway line and at the application site access internally within the business park site, and even this view is obscured by foliage/fencing and would be seen in the context of the existing development and various uses within the business park.

It is considered by the applicant and their advisors as a matter of planning judgement that the proposal would not harm the openness of the Green Belt. Whilst the proposal would add temporary built form, any changes to the site are localised, not readily visible from the public realm and set in the context of the commercial nature of the site. Overall, the siting and scale of the proposed development would not result in a spatial or visible loss of Green Belt openness.

- 6.18 The Local Planning Authority agree that the proposal would not have a significant impact on the wider landscape character which is set out on Page 11 of the previous

Officer Report under the 'Landscape Character' section. Wherein it is stated and concluded that:

"The site is unusual in that it forms part of an industrial area that has evolved over the years but is not designated as a use in the Local Plan. The character of the site is clearly industrial and does not relate to the surrounding arable farmland. As this area is within complete contrast to the wider landscape, a building on this plot will be seen within the context of industrial site rather than the open countryside within which it is located. Therefore, on balance, the building is not likely to have a significant impact on the wider landscape character and no objection is raised in this regard."

6.19 Whilst it is noted, the concern of the Local Authority that the site was vacant for a time, this was only for a brief timeframe and as a result of a new lease being taken up (by the applicant) with a new leaseholder on the land. The use of the land as B8 storage and distribution did not cease as part of this transition period.

6.20 Given the above, and notwithstanding the compliance with paragraph 155, the proposed development, which is situated upon Previously Developed Land, would not cause substantial harm to the openness of the Green Belt in line with policy. It follows that in accordance with paragraph 154 (g) of the Framework, the proposed development would not be inappropriate development in the Green Belt.

6.21 Policy CS02 of the Gravesham Core Strategy 2014 sets out that *'In the rural area, development will be supported within those rural settlements inset from the Green Belt and defined on the Policies Map.....to maintain and diversify the rural economy, will be supported where it is compatible with national policies for protecting the Green Belt and policies in this plan.'*

6.22 The proposal would help to maintain and diversify the rural economy in line with Policy CS02 of Gravesham Core Strategy 2014.

6.23 Contrary to the findings and Reason for Refusal set out by the Local Planning Authority, it is considered that the proposal would accord with the Green Belt Policy exemption as set out within the NPPF, would help to maintain and diversify the rural

economy and therefore would also accord with Policy CS02 of Gravesham Core Strategy 2014.

Reason for Refusal 2 – Vehicles Movement

- 6.24 A further reason for refusal was published upon the decision notice which raised concern with regards to the number and type of vehicular movements to and from the site.
- 6.25 Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.26 Policies T1, T3 and T4 of the Gravesham Local Plan 1994 and Policy CS11 of the Gravesham Core Strategy 2014 indicate that proposals would not be acceptable if they would result in harms to the local highway network.
- 6.27 It is considered, given the use of the site as an unrestricted B8 Storage and Distribution Yard (10 years of continuous use) that this Reason for Refusal is not applicable to the application site. Whilst the concerns are noted, it is not the intention of the applicant to significantly change and/or alter the vehicle patterns of the previous tenant. The site has a lawful (through the passage of time) unrestricted B8 use and the applicant is able in planning terms to use the site as required.
- 6.28 Notwithstanding this, in order to assist the Local Authority a high-level assessment of the likely trips to and from the site has been undertaken.
- 6.29 Typical trip rates for B8 Storage & Distribution units, based on the nationally accepted TRICS database are provided. The quoted trip rates (per 100 sqm GFA) for B8 (Storage & Distribution) use are shown below.

Time Period	Trip Rate (per 100 sqm GFA)		Total Trips
	<i>Arrivals</i>	<i>Departures</i>	
0730 - 0830	0.072	0.043	0.115
1630 - 1730	0.035	0.078	0.113
Daily	0.650	0.710	1.360

6.30 The proposed temporary building would measure approximately 480.2sqm. As such, the proposal would typically be expected to result in daily trips of **8.85** (5.45 daily arrivals + 3.4 daily departures = **8.85 daily trips**).

6.31 Whilst the nature of the site's use may vary on a given day as a result of the transient nature of the B8 Storage and Distribution use of the site, it is not considered there would be a significant increase in daily vehicle movements to and from the site.

6.32 Further, as outlined above the use of the site is unrestricted, in that there are no conditions in place to restrict vehicle movement to and from the site. The use of the site is considered, based upon the above figure, to not result in a significant cumulative impact on the road network as to be considered severe. As such, it is considered this Reason for Refusal is unable to be substantiated and should also fall away.

Biodiversity Net Gain

6.33 Since early 2024 there has been a national requirement for developments to provide a 10% biodiversity net gain (BNG). However, there are certain exceptions to this requirement including retrospective developments, developments achieved through permitted development, and development which would not impact more than 25sqm of on-site habitat. The proposed replacement temporary building is built upon the existing footprint of the former building on site. In addition, the application is retrospective. It is therefore considered to be exempt from the 10% BNG requirements.

7. Conclusion

- 7.1 The previous application on the site was refused based upon the development being inappropriate development within the Green Belt. As outlined above, it is considered by the applicant's and their advisors that the proposal would not constitute inappropriate development in the Green Belt. Firstly, the proposal would accord with exemption g) under Paragraph 154 of the revised NPPF. Notwithstanding this, the proposal would also appear to accord with paragraph 155 of the revised NPPF in that the site is Grey Belt, would meet the subsequent 'tests' as set out in para 155 and as such would again not be inappropriate development within the Green Belt.
- 7.2 It is also the view of the applicant and their advisors, as outlined above, that the proposed commercial building would be of appropriate design for the immediate character of the area and would not result in any substantial harms to the Green Belt or otherwise. The proposal would therefore be in accordance with the requirements of paragraphs 153, 154 and 155 of the National Planning Policy Framework 2024, and Policy CS02 of the Gravesham Local Plan Core Strategy 2014.
- 7.3 With regards to the subsequent reason for refusal, a high-level assessment has been undertaken which demonstrates the proposal would not result in a significant adverse impact on the highway network. Furthermore, there is an existing access to the site which is appropriate for the proposed use and the characteristics of the highway would not be significantly altered as a result of the development proposal. As such, the proposal is therefore in accordance with policies T1, T3 and T4 of the Gravesham Local Plan 1994 and Policy CS11 of the Gravesham Core Strategy 2014.
- 7.4 Whilst the proposal would change the appearance of the site and area, this would not be to a significantly level wherein the openness of the Greenbelt would be **substantially** affected. Similarly, the council previously did not consider that there would be any localised landscape harms.
- 7.5 The proposal would also help to promote the rural economy and support the continued growth of an existing company.
- 7.7 For these reasons, it is considered that the proposed development would

comply with the development plan and national planning policy. The Local Authority is therefore respectfully requested to grant permission for the application.

Planning Geek

August 2025