

# Delegated Report

## Full Planning Application

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|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Planning Application No:</b> | 20250864                                                                                                                                              |
| <b>Location:</b>                | Walnut Hill Nursery, Walnut Hill Road, Gravesend, Kent                                                                                                |
| <b>Description:</b>             | Retrospective change of use of main frontage building to Class E (g)(i) office use with associated hard surfacing to create additional parking space. |
| <b>Applicant:</b>               | Mr Chris Lawson                                                                                                                                       |
| <b>Site Visit Date:</b>         | Desktop assessment                                                                                                                                    |

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### Background

When the applicant took over the site, an unauthorised change of use occurred, and enforcement action was taken against the material change of use of the land, which included the buildings, from an agricultural use to a mixed use of Use Class E (Commercial, Business and Service) and *sui-generis* use in relation to the operation of a drainage company including the parking of HGV tanker lorries. The appeal against the enforcement notice was lost and the enforcement notice was upheld. This is currently being dealt with separately. It is understood that the HGVs are no longer on the site.

The office use of the main building at the front of the site was not considered inappropriate development at the appeal, but as the development related to the change of use of the whole site with other unacceptable uses being carried out on the site, overall the development was considered to constitute inappropriate development which was harmful to the Green Belt, as well as to living conditions and highway safety.

This current application has been submitted solely for the office use of the main building at the front of the site, with associated parking around the building, including a new formalised parking area at the rear.

### **Submitted Documents/Plans**

Application form  
Drawing no. 01 Rev. A (Site Location Plan)  
Drawing no. 02 Rev. A (Existing Block Plan)  
Drawing no. 03 (Existing GF Plan)  
Drawing no. 04 (Existing FF Plan)  
Drawing no. 05 (Existing Elevations (1 of 2))  
Drawing no. 06 (Existing Elevations (2 of 2))  
Drawing no. 08 Rev. A (Proposed Block Plan)  
Drawing no. 09 (Proposed GF Plan)  
Drawing no. 10 (Proposed FF Plan)  
Drawing no. 11 (Proposed Elevations (1 of 2))  
Drawing no. 12 (Proposed Elevations (2 of 2))  
Planning, Design and Access Statement  
Acoustic Assessment (Ref: 162526, dated 28/07/2025)  
Phase 1 Geo Environmental Desk Study and Preliminary Risk Assessment (Ref: 4244/25, dated July 2025)  
Revised Transport Statement (November 2025)

Superseded:

Drawing no. 01 (Site Location Plan)  
Drawing no. 02 (Existing Block Plan)  
Drawing no. 08 (Proposed Block Plan)  
Drawing no. 07 (Existing Outbuilding Plan and Elevations)  
Drawing no. 13 (Proposed Outbuilding Plan and Elevations)  
Transport Statement (August 2025)

## Relevant Planning History

| Reference       | Description                                                                                                                                                                                                                                                                                                                                                                                                                                  | Decision         | Decision Date |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------|
| 20250876        | Permission in Principle application; Erection of up to 9 dwellings and associated works.                                                                                                                                                                                                                                                                                                                                                     | Refused          | 08.10.25      |
| AP 2025/001/ENF | Appeal against the Enforcement Notice that without the benefit of planning permission, the material change of use of the Land which includes the buildings) from an agricultural use to a mixed use of Use Class E (Commercial, Business and Service) and Sui-Generis Use in relation to the operation of a drainage company including for the avoidance of doubt the parking of HGV tanker lorries in connection with the unauthorised use. | Appeal Dismissed | 02.06.2025    |
| 20241055        | Retrospective erection of a detached outbuilding.                                                                                                                                                                                                                                                                                                                                                                                            | Refused          | 24.01.2025    |
| 20241054        | Retrospective erection of a front porch.                                                                                                                                                                                                                                                                                                                                                                                                     | Permitted        | 22.01.2025    |
| 20241053        | Re-cladding, re-roofing and associated alterations to openings of existing steel framed building.                                                                                                                                                                                                                                                                                                                                            | Refused          | 24.01.2025    |
| 20240607        | 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.                                                                                                                                                                               | Refused          | 29.08.2024    |
| 20000600        | 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.                                                                                                                     | Permitted        | 18.05.2001    |
| 19970030        | Removal of existing portakabins 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.                                                                                                                                           | Refused          | 03.07.1997    |
| 19900708        | Retention of portacabin and continue use as office/cloakroom/store room/rest room.                                                                                                                                                                                                                                                                                                                                                           | Permitted        | 16.01.1991    |
| 19870728        | Retention and continued use of caravan as a canteen rest room and office                                                                                                                                                                                                                                                                                                                                                                     | Refused          | 04.11.1987    |
| 19840450        | Retention of caravan for use as a canteen rest room                                                                                                                                                                                                                                                                                                                                                                                          | Permitted        | 27.07.1984    |
| 19770525        | Outline application for use of site for riding school comprising stables loose boxes haystore and tackroom                                                                                                                                                                                                                                                                                                                                   | Refused          | 01.09.1977    |

## Development Plan

#### Gravesham Local Plan Core Strategy (2014)

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

#### Gravesham Local Plan: First Review (1994)

- T1 – Impact of Development on the Highway Network
- T5 – Access to the Identified Highway Network
- P3 – Vehicle Parking Standards

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.

#### National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment
- Section 15 – Conserving and enhancing the built environment

#### Supplementary Planning Guidance

- SPG 4 – KCC Parking Standards (2006)
- Gravesham Landscape Character Assessment (2009)
- Design for Gravesham – Design Code (2024)

### **Consultations, Publicity and Representations**

#### External Consultees

##### *Environment Agency*

We have no objection to the proposed development subject to the following planning conditions being included in any permission granted.

Please refer to the following sections for our full response:

- Section 1: Technical comments
- Section 2: Conditions & Informative
- Section 3: Advice to the Applicant

Please note that our comments are based on the details available to us at the time of writing. If any subsequent changes are made to the application, please reconsult us.

#### Section 1: Technical comments

We have reviewed the Phase I Geo Environmental Desk Study and Preliminary Risk Assessment that has been submitted in support of this planning application. Please note that our comments are related solely to the protection of the water environment in the vicinity of the site.

We are satisfied with the completed assessment and conclusion that risks to controlled waters from previous uses of the site are unlikely.

We do however recommend the inclusion of an 'unsuspected contamination' condition.

Surface water run-off from the HGV parking area may contain hazardous pollutants and as such any discharge to ground from these areas would be subject to risk assessment with acceptable effluent treatment provided.

## Section 2: Conditions and informatives

### Note to the LPA: Condition wording

If you wish to amend the wording of our requested conditions or if you wish to merge them with other statutory consultees/Local Planning Authority conditions, please contact us to discuss the revised wording.

#### Condition 1 (Previously Unidentified Contamination)

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until further investigation and a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the LPA. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 187 of the NPPF.

#### Condition 2 (Infiltration of surface drainage)

No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraphs 186 and 196 of the National Planning Policy Framework.

### Informative

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

## Section 3: Advice to the Applicant

### Planning advice service

Should you wish us to review any technical documents or want further advice to meet the requirements of the conditions recommended, we may do this as part of our charged for planning advice service.

Further engagement will provide you with certainty of our position as to what our response to your planning application will be. It should also result in a better quality and more environmentally sensitive development.

As part of our charged for service we will provide a dedicated project manager to act as a single point of

contact to help resolve any problems. We currently charge £115 per hour, plus VAT. We will provide you with an estimated cost for any further discussions or review of documents. The standard terms of our charged for service are available [here](#).

If you would like more information on our planning advice service, including a cost estimate, please contact us at [kslplanning@environment-agency.gov.uk](mailto:kslplanning@environment-agency.gov.uk)

#### *KCC Highways 30.09.2025*

This application is supported by a Transport Statement dated 1st September 2025 which covers all of the essential highway issues, and raises a number of concerns.

The primary concern is the unsustainable location of the site and the proposal does not comply with Paragraphs 110 to 115 of the NPPF, with almost all travel using the private car. The local lanes are narrow, single track and unlit and are not suitable for walking or cycling and access to public transport is infrequent and is 800m distant along the same narrow lanes. However, it is accepted that this proposal for a small rural development and the opportunities of introducing mitigating measures to improve sustainable transport are very limited. It is recommended that a Condition is applied to any consent granted for the submission of a Travel Plan, complete with targets, in writing and approved by the LPA within 3 months of that consent. The primary mitigating measure is expected to be an element of car sharing that can be monitored by the applicant.

My second concern is the data obtained from TRICS regarding the previous and proposed uses. The data from TRICS for the previous use – a garden nursery / plant centre – is reliant on a single “Garden Centre” in a “Suburban” location with a GFA of 3700 sqm. This can be considerably different to a rural plant nursery and is likely to generate far greater traffic movements. This is compared with, again from TRICS, predicted traffic generation for an office use in “Edge of Town” location, not rural locations, and therefore not considered comparable. Since this is a retrospective application, it is expected that data from the site itself should be obtained and compared with likely generation from a nursery / plant sales use.

It must be accepted, however, that the proposed office use is likely to generate much lower, if any commercial vehicles other than light vans. Again, a survey of the existing operation could quantify this.

My third concern is the evidence contained in the Transport Statement regarding passing places available along the local lanes – Walnut Hill Road and Nash Bank. These are far from being formal parking places but areas of potential mud where the roadside verge has been eroded. Also it includes private accesses which cannot be relied upon to be used in the future and could be closed off. It is recommended that mitigating measures in the form of hard surfaced passing places are provided at intervals that are intervisible. Proposals should be submitted prior to any decision is made by the LPA in order to ensure that such a proposal is feasible.

In conclusion, it is requested that a holding objection is placed on this application whilst awaiting the submission of a revised Transport Statement which fully addresses the issues detailed above.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do

not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore

important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>

Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

*KCC Highways 15.12.2025 [Subsequent to revised Transport Statement]*

Further to my previous consultation response dated 30th September 2025, I have now had discussions with the applicant's agent regarding the use of the TRICS database for estimating the expected traffic generation from this proposal. The revised Transport Statement predicts that the office development is likely to generate approximately 10 vehicle movements in each of the am and pm peak hours. This level of movements is considered not to have any significant impact on the local highway network.

In order to keep traffic movements to a minimum it has been agreed with the applicant's agent that a Travel Plan should be submitted and maintained in order to reduce the reliance on the private car and outlining the proposed aims, objectives, targets, measures, and monitoring arrangements. This should be secured by a planning condition and should be maintained for a period of at least 5 years. A typical appropriate and generally acceptable Travel Plan is attached as an Appendix to the revised submitted Transport Statement.

I can therefore confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

1 The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

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For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Further guidance for applicants, including information about how to clarify the highway boundary and links

to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

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Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

#### *Kent Police*

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We recommend SBD guidance is utilised to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme.

1. We recommend the applicant review current site security and boundary treatments. We recommend boundary treatments be a minimum of 1.8m and the installation of lockable gates to the sides of the unit to provide controlled access to the rear. These gates must be flush to the building line to optimize surveillance.
2. We recommend natural surveillance for parking areas. As a secondary layer of security, we would also recommend CCTV be installed to further monitor use. We also strongly recommend gating access roads/ parking areas to prevent nuisance parking and misuse out of hours.
3. Defined pedestrian routes to/ from the building are recommended to improve safety and avoid pedestrian and vehicle conflict.
4. Cycle storage must be well lit and with natural surveillance. We recommend the sold secure or SBD recommended products for additional security.
5. Lighting - Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g., a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. we recommend that a suitable lighting policy is installed to ensure that the units and staff have safe access to and from the units and to help deflect criminality. External lighting to conform to min standard of BS5489-1:2020.
6. CCTV to be installed, especially in areas with limited natural surveillance such as rear of the building, utility areas/ bin stores, and on the access/exit road. We also recommend cameras in the following areas to keep users safe and monitor their movements; any access points including emergency exits, loading/ unloading areas, car park and reception, main office/ safe. The CCTV must not infringe any lighting plan.
7. We strongly recommend alarms, with an auto-dial function, be installed on all external doors, including emergency exits.
8. If new external doorsets are proposed (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors, we recommend these to meet PAS 24: 2022 UKAS certified standard, STS 201 (certified to PAS 24:2022) or LPS 2081 Issue 1 Security Rating B+. Please note PAS 24 is a minimum-security standard, and communal doors may require a higher standard, such as STS or LPS.
9. If new windows are proposed on the ground floor or potentially vulnerable e.g. from flat roofs or balconies, we recommend these to meet PAS 24: 2022 UKAS certified standard, STS 204 (certified to PAS 24:2022) or LPS 2081 Issue 1 Security Rating A, STS 222 Issue 4 Burglar Resistance, LPS 1175 Issue 8

Security Rating A1, STS 202 Issue 12 Burglar Resistance BR1 or LPS 1673 Issue 1 Attack Rating AR.A60. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.

10. Access control. Adequate access control is required for the main entrance point of the building as well as any other access points located to the side or rear. In addition to this, access control is recommended for areas used by staff only such as office space, storage rooms and other restricted areas.

11. Bin Stores must be secure, lit and, if in an area with limited natural surveillance we recommend CCTV cameras be installed. We also strongly advise against placing this store close enough to the building that it can be used as a climbing aid into the building when closed. Please note where there is a mixed-use building, residential and commercial bins must be segregated.

12. If the building has roof access for maintenance of solar panels and lift shafts etc., we recommend that ladders/ access doors to these areas are securely locked so that members of the public are unable to access this area. We also require CCTV to cover this area in order to monitor unauthorized access.

13. Any pre-existing or new trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.

If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

#### Internal Consultees

##### *GBC Environmental Protection*

The following to be considered:

##### Noise

The 'Acoustic Assessment' by Ned Johnson Acoustic Consultants dated 28/07/2025 (Report Ref: 162526) has been reviewed. This is very much a re-iteration of the report submitted for the Appeal against the Enforcement Notice (also by Ned Johnson Acoustics dated 12/02/2025 Report Ref: 502425). It utilises the same noise measurements as for the February report, so comments are the much the same. The methodology of the assessment using a BS4142 Assessment is accepted, but noise measurements have only been taken for a very briefly period of time – 2 hours during 08:00 and 10:00. Whilst it is appreciated that following the dismissal of the Enforcement Appeal, the tankers appear to have been removed from the site, it would be preferable for more up to date noise measurements to have been taken over a longer period in relation to the current activities associated with the proposed development as it now operates.

The proposed operating hours are 09:00 to 17:00 Monday to Friday. These are acceptable and will minimise the disturbance that was caused to nearby neighbours with the previous operation of the site where vehicles, including HGV's, were coming and going throughout the night.

If planning is minded to grant the permission, it is recommended that a condition is attached to any planning permission that prohibits any use of and access to the site outside of the above hours and also prohibits HGVs from accessing the site at any time.

##### Contaminated Land

An updated 'Contamination Assessment' dated July 2025 by R Carr Geotechnical Services (Report Ref:

4244/25) has been submitted and reviewed. As before, the overall conclusion is that there is a low risk of contamination to the underlying aquifer, and the site/use as a whole is classed as low risk. The report also advises that surface water drainage of the parking area must be appropriately designed with interceptors and any excavated material as part of the car parking area should be appropriately disposed of.

To cover any risk associated with the excavation and removal of any materials on site prior to the laying of the parking area, a watching brief condition as follows is recommended:

#### Watching Brief

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

#### Lighting

Complaints previously received by Environmental Protection also related to lighting from the site. Although this related primarily to light from the vehicles coming and going late at night when it was dark, it also related to PIR lighting being triggered. With regards to external lighting, if external/PIR lighting is proposed for the offices and parking area, it must be designed in accordance with the ILP Guidance GN01/21 'Guidance for the reduction of obtrusive light'. This can be addressed by way of an appropriately worded condition.

#### Neighbouring properties

The application has been advertised on site and by individual neighbour letters to 8 properties. The overall consultation period expired on 19 December 2025.

Eight letters of representation have been received from neighbouring properties, objecting on the following grounds:

- Previous nursery use was in keeping and caused no problems. The site should maintain its agricultural status.
- There is no justification for applying retrospectively.
- There is a clear intention to change the site into commercial/industrial/housing uses.
- Removing some of the site from the application boundary has not stopped the commercial operation.
- There is a concern that the rest of the site could still be used to support the activities at the front of the site, particularly as the only access comes from the front of the site.
- The rear parking area is included to secure the use of this area as a depot and adds no benefit to the office use.
- Why would an office need a dedicated space for an LGV?
- The parallel parking space on the west boundary is located next to where vehicles are being washed, loaded and loaded (with no ground receptors) with rubbish thrown into permanently sited skips. None of this is associated with an office use.
- The enforcement appeal decision noted that the office was not the primary use of the site as the commercial vehicles are a main part of the business, without which the business would not be able to be undertaken. Approving this application will enable the commercial operations to continue and given the manner in which the site has been developed with all planning rules being flouted, any further attempt to control the site, such as with conditions, will be ignored.
- This is a Green Belt site that has been substantially damaged by the applicant's unauthorised activities on the site.
- There will be increased traffic movements which will be dangerous to existing road users
- The narrow road with no footpath is not suitable for increased traffic from the use.
- The access is totally unsuitable for such a business.
- There are minimal passing points on Walnut Hill Road and the roads edges are showing signs of

deterioration.

- There are serious concerns about road safety on the local roads serving the use.
- Whilst traffic incidents have not been reported it does not mean they have not occurred.
- An interim operating license for HGVs has not been removed pending a Traffic Commissioners appeal – any approval of commercial/office activities will mean the site is available and HGVs could return to the site.
- The previous nursery use had minimal impact in terms of vehicle volumes. Since the applicant has operated at the site the volume of vehicles has increased substantially.
- The traffic generation figures used for the previous nursery have been produced using incorrect assumptions and data.
- The Transport Report should not be given weight as the statistics are not accurate; the use does not operate in the manner suggested.
- The revised Transport Statement has been produced with the sole purpose of satisfying KCC Highways so their objection is removed. It has manipulated data and the figures that have been provided have been taken over a limited time period that gives a false indication of vehicle moments and volumes – the actual impact from the use is already being seen as the use is in operation, and it does not reflect the predictions in the Transport Statement. Road safety concerns have not been addressed. The Transport Statement excludes commercial vehicles.
- Noise and hours of operation are not suitable for a Green Belt area.
- The Acoustic Report cannot be relied upon as it does not mention the HGV/van/truck movements that occur, and the data was taken over a very limited period.
- The site is still being used as a commercial depot with extensive vehicle movements including at unsociable hours; there are no defined hours of operation.
- The noise from the site is not what would be expected from an office but from a depot and existing boundary fences do not have noise cancelling qualities or obscure headlights.
- Building works will create congestion and dangerous conditions, plus noise.
- The rear parking area would have a greater impact on the neighbouring property.
- Wildlife will be adversely affected.
- Track cars are being stored on the site, as well as being repaired, spray painted and driven at speed.

## **Officer's Analysis**

### Proposal

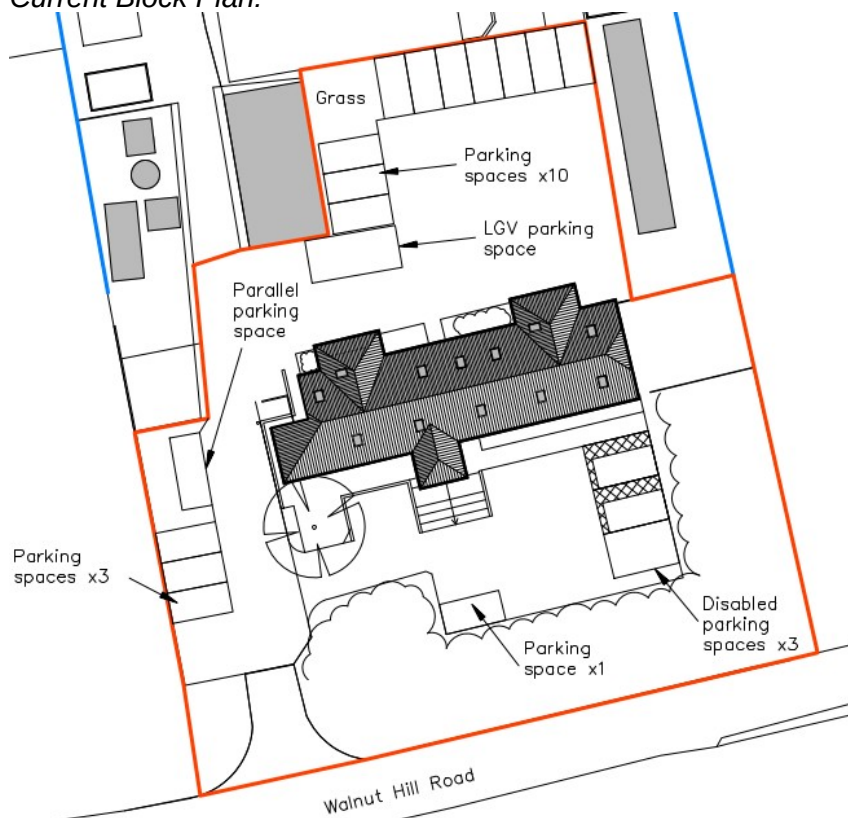
This application seeks retrospective permission for a change of use of the main frontage building to Class E (g)(i) office use with associated hard surfacing to create additional parking space.

The existing building was granted planning permission under application 20000600 (see Planning History above) and was used in connection with the site as a plant and flower nursery:

*Current Google Earth Image:*



*Current Block Plan:*



A new owner has taken over the site (First4Drains) and seeks to regularise its current use of the land and building within the application site as an office with associated hardstanding. **It is important to note that the change of use to a Class E (g)(i) office use (to carry out any operational or administrative**

**functions) at the application site represents a general change to this use and does not specifically relate to the current site operator.**

The existing office building consists of a plant room, large office space, kitchen and WCs on the ground floor, with three further office rooms and WCs on the first floor.

There are existing parking spaces laid out to the front of the site and to the west side of the building. There are areas currently used for parking to the rear of the building and the proposal seeks to formalise this with 10 car parking spaces and one Large Goods Vehicle (LGV) space.

The application form sets out the use of the office under Use Class E(g)(i). There are 16 full-time staff members. The hours of opening are set out at 9am – 5pm Monday to Friday only.

[A revised site plan has been submitted to exclude additional buildings and land that are unrelated to the office use, including the outbuilding to the east.]

### Principle Issues

Paragraphs 88 and 89 of the NPPF 2024 relate to supporting a prosperous rural economy. The development and diversification of agricultural rural businesses should be enabled, and it should be recognised that proposals to meet local business needs may be required in such areas, in locations that are not well served by public transport. It will be important, however, to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

Policy CS07 of the Core Strategy 2014 also supports proposals that promote the appropriate expansion and diversification of the rural area economy. Policy CS02 supports development outside rural settlements, including proposals to diversify and maintain the rural economy, where it is compatible with national policies for protecting the Green Belt and policies in this plan.

This proposal is located in the countryside, outside any rural settlement, in the Green Belt and in the Istead Arable Farmlands Landscape Character Area. The application site relates to the administrative functions of the current site operator, First4Drains.

National and local policy is generally supportive of rural business development and expansion in the rural area, subject to compatibility with policies for protecting the Green Belt and other policies in the development plan. Whilst the current site operator is not a rural business, it does offer employment in the rural area. Under the previous enforcement appeal, the Inspector considered that although the business does not directly contribute to the rural economy, it aligns with the NPPF in contributing to economic growth and economic and social benefits through employment. From an economic perspective therefore, there is general support for the proposal.

On this basis, and considering the site designations, the main issues for consideration in the determination of this application are as follows:

- Principle of development in the Green Belt
- Impact on Landscape Character
- Residential amenity
- Parking and highways

### Principle of development in the Green Belt

Policy CS02 of the Core Strategy 2014 prioritises development in the urban area as a sustainable location for development. In the rural area it states that development will be supported within rural settlements that are inset from the Green Belt and defined on the Policies Map. Development outside those settlements

(which is the case here), will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the Core Strategy 2014.

Green Belts are of great importance. The fundamental aim of Green Belt policy is to prevent urban sprawl by preserving the open and permanent characteristics of Green Belts (paragraph 142 of the NPPF 2024). Paragraph 153 of the NPPF 2024 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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.

Local Planning Authorities should regard development as inappropriate in the Green Belt, unless certain exceptions apply (paragraph 154 of the NPPF 2024). In the case of this proposal, the following exceptions are applicable:

*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.*

*(h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

*...(iv) the re-use of buildings provided that the buildings are of permanent and substantial construction....*

The definition of previously developed land excludes land that is or was last occupied by agricultural or forestry buildings. The previous use of the whole site was a mixed commercial and agricultural flower and plant nursery, and the front part of the site has contained the application building and hard surfaced areas for over 10 years. The main application building was not entirely agricultural in its use, as can be seen from its planning history. The site is therefore considered to comprise previously developed land, and the proposal can be said to comprise the redevelopment of previously developed land. In this case, it must therefore be considered whether the proposal would cause substantial harm to the openness of the Green Belt.

The existing building will be re-used wholly as an office use in connection with the current occupier of the site (First4Drains). The previous use of the building, as referred to on the submitted floor plans for application 20000600, states it was a barn to provide equipment/materials storage, a propagation area, potting, packing and loading areas at ground floor level and staff facilities, a drying room, an office and storage at mezzanine floor level. The building structure appears in good condition and requires no other external works in order to be used in the manner proposed. The proposal would not affect openness as the works all fall within the existing footprint of the building and hardstanding areas, and would not conflict with any of the five purposes of the Green Belt set out in paragraph 143 of the NPPF 2024:

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

*b) to prevent neighbouring towns merging into one another;*

*c) to assist in safeguarding the countryside from encroachment;*

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

*e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

The proposal would therefore not be deemed inappropriate under exceptions (g) and (h) (iv).

The proposal has not been assessed against paragraph 155 of the NPPF 2024 (which considers other circumstances where commercial and other development in the Green Belt should also not be regarded as inappropriate) due to the above judgement about the appropriateness of the proposal under paragraph 154.

In summary, the proposed change of use is not inappropriate development in the Green Belt and would comply with the requirements of Section 13 of the NPPF 2024 relating to the protection of Green Belt land and Policy CS02 of the Core Strategy 2024.

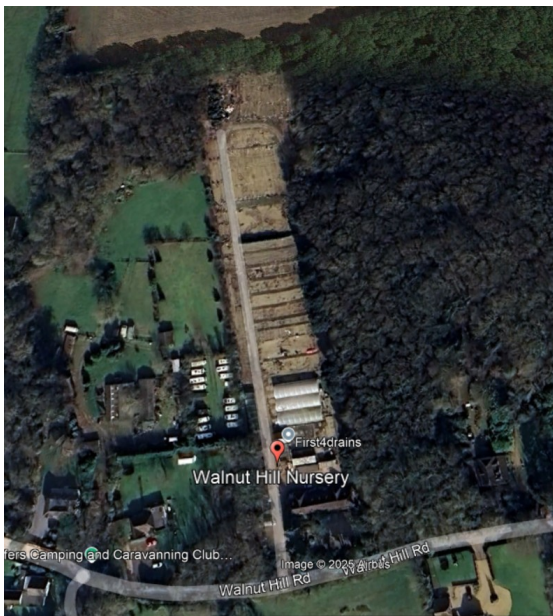


## Landscape Impacts

Paragraph 187 of the NPPF 2024 aims for development to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

The application site is also located in the Istead Arable Farmlands Landscape Character Area within the Gravesham Landscape Character Assessment (GLCA) 2009 and as such, Policy CS12 of the Core Strategy 2014 is also relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the GLCA will be taken into account in determining applications. The GLCA states that the character area is defined by gently undulating topography with open arable fields divided by roads, tracks and occasional hedgerows, with orchards to the east and minor native woodland clumps. The overall condition of the landscape is poor and has moderate sensitivity. It is recommended that distinctive features and patterns of the landscape should be restored, while landscape elements that support landscape character should be created.

The Walnut Hill former nursery site is set back from the road behind metal entrance gates, within a treed setting. Due to the narrow and winding nature of the tree/hedge-lined Walnut Hill Road where the site is accessed from, public views into the site are restricted until directly in front of the entrance.



Visually, the re-use of the application site as an office with associated parking has resulted in little change to the appearance of the site itself and does not represent a significant change in the character and appearance of the wider rural landscape. Landscaping details for the areas immediately around the site would help ensure its rural nature is maintained. On this basis, the proposal would not result in an adverse visual impact on the landscape character of the area.

Overall, it is considered that the proposal conserves the rural landscape context of this site within the Istead Arable Farmlands Landscape Character Area. As such, the proposal complies with the relevant requirements of Policies CS02 and CS12 of the Core Strategy 2014, and paragraphs 187 and 189 of the NPPF 2024.

## Design

Section 12 of the NPPF 2024 relates to achieving well-designed places and sets out the Government's requirements in relation to design issues. Paragraph 131 emphasises the importance of achieving high quality, beautiful and sustainable buildings and places. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to

communities.

Paragraph 135 of the NPPF 2024 also seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

The existing building is fairly non-descript with no particular features of merit. There are no further external changes proposed to the building as a result of the office use (a porch extension was previously granted in 2024). The parking area to the back of the building will be formalised but no details of surfacing, landscaping and boundary treatments have been provided and given the rural nature of the site, it is considered appropriate to condition such details to ensure that the treatment will reflect this rural nature. Subject to such conditions, in design terms, the proposal is considered to be acceptable and complies with the requirements of Policy CS19 of the Core Strategy 2014, and the relevant paragraphs in Section 12 of the NPPF 2024.

### Residential Amenity

The NPPF 2024 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 135f). Paragraph 198 of the NPPF 2024 seeks to ensure that new development takes into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land and avoid adverse impacts from pollution.

### *Neighbouring Properties*

The application building is existing and previously included some office accommodation, and the hard surfaced areas have been used informally as parking areas for some time. The office use has been expanded throughout the building since the new owners took over the site, and the hard surfaced areas have been formalised for parking.

The office building is over 50m from the nearest residential properties.

The proposed hours of operation are 9am to 5pm Monday to Friday. GBC Environmental Protection has stated these are acceptable and will minimise the disturbance that was caused to nearby neighbours with the previous unauthorised operation of the site where vehicles, including Heavy Goods Vehicles (HGVs), were coming and going all day and throughout the night. This was a particular and understandable source of concern for neighbouring properties, with associated noise, disturbance and light impacts from the vehicles. The proposed 9-5 hours of operation would arguably impact less than the previous nursery use, which was also open on Saturdays. Such operational hours should be conditioned. Given the sensitive nature of the site, its use and access outside of these hours should be prevented, including HGV access and parking, with an exception for deliveries.

Whilst there are more formal parking arrangements proposed to the rear of the main building, this area appears to have been used informally for parking over a lengthy period of time.

Neighbours have concerns about the current site occupiers and how the site has been used since their occupation. They have raised issues with the fact that the previous plant nursery use was more in keeping with the area and quieter in nature. However, a pure and controlled weekday administrative office use would have a similar impact on the area.

The rest of the site and buildings remain subject to the upheld enforcement notice, which is being dealt with separately.

Given the distance from neighbouring properties, there are no changes to the existing building or hardstanding areas that would cause any significant sense of enclosure, loss of light, outlook or privacy to those neighbouring properties, or result in any significant change in activity that would cause additional noise and disturbances.

On this basis, a wholly office use as proposed would be acceptable in terms of neighbour amenity.

Given neighbour concerns about light pollution, whilst no lighting has been proposed as part of this application, it would be appropriate to impose a condition relating to the submission of any further external lighting details if proposed, and in particular if external/PIR lighting is proposed for the offices and parking area, it must be designed in accordance with the ILP Guidance GN01/21 'Guidance for the reduction of obtrusive light'.

The proposal would comply with Policy CS19 of the Core Strategy 2014, and subject to appropriate conditions relating to hours of operation, HGV access and external lighting, it would not adversely affect neighbouring amenity.

### Parking and Highways

The original Transport Statement submitted with the application was found to be lacking by KCC Highways, particularly in relation to inaccurate data comparing the previous and proposed uses. A revised Transport Statement was submitted and based on this KCC Highways consider that the level of movements generated by an office use would not be considered to have a significant impact on the local highway network. They also consider it is likely to generate much lower, if any commercial vehicles, other than light vans.

The majority of neighbour concerns about the highways impact of the use centres around the previous unauthorised use of the site as a commercial depot, with HGVs and their associated activity being a core concern, particularly as the surrounding country lanes are too narrow to cope with HGV use. This previous unauthorised use does not form any part of the current proposal for the site.

There are 18 car parking spaces proposed, including 3 disabled spaces. The maximum parking standard for offices up to 500m<sup>2</sup> is 1 space per 20m<sup>2</sup>. The office space is 350m<sup>2</sup>; therefore the 18 spaces proposed complies with this standard. It will be important to condition the parking provision as laid out to ensure adequate turning and manoeuvring space remains and to ensure compliance with the standard. There is also one Large Goods Vehicle (LGV) space marked out on the submitted Block Plan. It is not clear why a space for an LGV would be required for an office use, but the agent has clarified this is to assist with deliveries to the offices, and it is accepted there may be deliveries etc. associated with such a use from time to time. However, given the previous problems of LGVs on the site, and the clarification that the LGV space will relate to deliveries, it is considered appropriate to prevent LGV parking on the site, with the exception of deliveries etc. associated with the use during office hours only. Provided such a condition is imposed, it is considered that neighbour concerns can be adequately addressed.

There is also a concern about the unsustainable location of the site with almost all travel using the private car, which would not comply with Paragraphs 110 to 115 of the NPPF 2024. The local lanes are narrow, single track and unlit and are not suitable for walking or cycling, and access to public transport is infrequent and is 800m distant along the same narrow lanes. However, it is accepted that this proposal is for a small rural development and the opportunities of introducing mitigating measures to improve sustainable transport are very limited. It is recommended that a condition is applied to any forthcoming planning permission for the submission of a Travel Plan, in order to reduce the reliance on the private car and outlining the proposed aims, objectives, targets, measures, and monitoring arrangements.

Subject to the aforementioned conditions, there is no objection on behalf of the local highway authority, and overall there would be no adverse parking or highway issues resulting from the proposal, which would

comply with Saved Policies T1, T5 and P3 of the Local Plan 1994 and Policies CS11 and CS19 of the Core Strategy 2014.

### Any Other Material Planning Considerations

#### *Contamination*

The site lies in a groundwater protection zone, and therefore the risk of contamination should be considered.

The EA reviewed the Phase I Geo Environmental Desk Study and Preliminary Risk Assessment that has been submitted in support of this planning application and are satisfied with the completed assessment and conclusion that risks to controlled waters from previous uses of the site are unlikely. The inclusion of an 'unsuspected contamination' condition is recommended, and as surface water run-off from the parking area may contain hazardous pollutants, any discharge to ground from these areas would be subject to risk assessment with acceptable effluent treatment provided.

GBC's Environmental Protection Team also considered the submitted desk study and risk assessment, which as under the previous enforcement appeal, the overall conclusion is that there is a low risk of contamination to the underlying aquifer, and the site/use as a whole is classed as low risk. The report also advises that surface water drainage of the parking area must be appropriately designed with interceptors and any excavated material as part of the car parking area should be appropriately disposed of.

To cover any risk associated with the excavation and removal of any materials on site prior to the laying of the parking area, a watching brief condition is recommended.

#### *Biodiversity Net Gain (BNG)*

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

In this case, the proposed development is covered by an exemption; as the proposal involves a retrospective proposal, BNG is not required in this case.

### **Conclusion**

Subject to conditions, the use of the main frontage building as an office with associated hardstanding for parking is considered not to be inappropriate development in the Green Belt, plus is acceptable in terms of the design and impact on the application site itself and on the character and appearance of the surrounding rural landscape, and with regards to residential amenity, highway and contamination matters.

The proposal would therefore comply with the requirements of Policies CS02, CS11, CS12 and CS19 of the Core Strategy 2014, saved Policies T1, T5 and P3 of the Local Plan 1994, and paragraphs 115, 116, 131, 135, 142, 143, 153, 154, 187, 196 and 198 of the NPPF 2024.

## Recommendation

The application is recommended for permission subject to conditions.

(For detailed conditions and informatives, see draft Decision)

|                      |                      |                     |                                     |
|----------------------|----------------------|---------------------|-------------------------------------|
| <b>Case Officer:</b> | Mrs Katherine Parkin | <b>Team Leader:</b> | <b>Richard Hart</b>                 |
| <b>Signed:</b>       | <i>K. Parkin</i>     | <i>Signed:</i>      | <i>R Hart</i>                       |
| <b>Dated:</b>        | 12 January 2026      | <b>Dated:</b>       | <b>16<sup>th</sup> January 2026</b> |