



Delegated Report

Planning Application

Planning Application No: 20251162

Location: Nurstead Court, Nurstead Church Lane, Meopham DA13 9AD

Description: Retrospective change of use of agricultural land to a dog day care facility (Sui Generis), together with the siting of 3 no. portakabins and a perimeter fence for a temporary period of 2 no. years.

Applicant: Doggy Base Ltd

Site Visit Date: 28 November 2025

Submitted Documents/Plans

Application form

Cover letter

Transport Note from Smart Transport Hub

Drawing no. 887-001 (site location plan)

Drawing no. 887-110 (proposed retrospective works – elevations)

Drawing no. 887-104 (proposed retrospective works cabin roof)

Drawing no. 887-103 (proposed retrospective works – cabin ground floor)

Drawing no. 887-102 (proposed retrospective works – ground floor plan)

Drawing no. 887-101 (proposed retrospective works – block plan)

Drawing no. 887-100 (proposed retrospective works – site plan)

Drawing no. 887-002 (existing prior to works – site plan)

Relevant Planning History

20210994	Application for Listed Building Consent for temporary change of use of agricultural land to a dog day care facility (Sui Generis), together with the temporary siting of 3 no. portakabins and a perimeter fence for a period of five years.	Application Refused, appeal dismissed	30.09.2021
20210927	Application for temporary change of use of agricultural land to a dog day care facility (Sui Generis), together with the temporary siting of 3 no. portakabins and a perimeter fence.	Application Refused, appeal dismissed	30.09.2021

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS07 – Economy, Employment and Skills
- CS11 - Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Design & Development Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network
- TC2 – Policy for Listed Buildings

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 6 - Building a strong, competitive economy
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 - Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

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

Other

- Historic England Advice Note 10 – Listed Buildings and Curtilage (2018)

Consultations, Publicity and Representations

Consultees

Historic England

Thank you for your letter of 17 November 2025 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

This is a retrospective change of use application of agricultural land to a dog day care facility, together with the siting of 3 no. portacabins and a perimeter fence for a temporary period of 2 no. years.

The application site is within the setting of Nurstead Court, a building of exceptional significance as an example of a rare high status 14th century aisled hall house. The aisled hall house survived largely complete until the early 19th century when all, but four bays were demolished and replaced with a substantial new wing. Nevertheless, the quality, extent of survival and the early date of the medieval work mean that it is rightly listed grade I.

The setting around Nurstead Court also contributes to an appreciation of its significance. As a country house, its rural setting helps illustrate this aspect of its significance. Though some of the evidence of its historic parkland (seen on early OS maps) has now been lost, the approach to Nurstead including the formal driveway, nonetheless formally mark the approach to a country house, enhancing an understanding and appreciation of its historic function.

The site lies outside the extent of the historic parkland but is nonetheless part of the wider experience of approaching Nurstead (the site is visible as the formal driveway is approached along Nurstead Church Lane). It does therefore make a limited contribution to an understanding of the origins of Nurstead as a Country House.

It is not possible to reach a view on whether the proposal would harm the appreciation of the significance of the Grade I listed building because no information about the listed building has been provided as part of the application. For example, there is no Heritage Statement and the plans do not show the full extent of Nurstead Court in relation to the proposed development.

While we recognise that many small country estates like Nurstead, rely on a diversified income to support their long-term economic viability and to help sustain them in their optimum viable use, in this case a residential dwelling which offers some public access for events, it is important that applications properly address heritage matters.

We therefore conclude that the application does not meet the requirements of paragraph 207 of the National Planning Policy Framework (NPPF) because it does not “describe the significance of any heritage assets affected, including the contribution made by their setting”,

Recommendation

Historic England has concerns regarding the application on heritage grounds. We recommend that the applicant is asked to produce a Heritage Impact Assessment that describes both the significance of Nurstead Court and the contribution of its setting, including the site, to the appreciation of that significance and sets out the potential impact of the proposal. Once this information has been submitted we would be pleased to advise further.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Regulatory Services from previous application 20210927:

Whilst the location is predominantly rural, there is nevertheless potential for the proposed development and use to cause a nuisance to occupiers of other dwellings as a result of excessive noise from dog barking, etc.

It is this Services understanding that any applications for such noise generating activities should be accompanied by a suitable noise impact assessment as per the council's validation requirements.

In the absence of a suitable noise impact assessment, with reference to established standards (e.g. BS4142, BS8233, WHO guidelines for Community Noise, as appropriate, etc.) this Service cannot be satisfied that the matter will be adequately mitigated.

In addition, no details of the proposed foul waste/drainage system have been provided.

Consequently, we feel that we must recommend refusal at this stage, but are happy to review our position upon receipt of suitable additional details and documentation from appropriately qualified/competent consultants.

Informative

Before operation, this activity would need a licence for providing day care for dogs. Information with regards this activity can be found here <https://www.gravesham.gov.uk/home/licensing/other-licences/animal-licences/overview>

KCC Flood and Water Management

Unfortunately (no surface water drainage strategy has been provided for the proposed development) or (the surface water drainage strategy is incomplete). We would therefore recommend the application is not determined until a complete surface water drainage strategy has been provided for review.

At a minimum, a drainage strategy submission must comprise:

- A location plan
- A site layout
- A drainage proposal schematic or sketch
- A clear description of key drainage features within the drainage scheme (e.g. attenuation volumes, flow control devices etc.)
- Information to support any key assumptions (e.g. impermeable areas, infiltration rates etc.)
- Supporting calculations to demonstrate the drainage system's operation and drainage model network schematic
- Drainage strategy summary form (from our Drainage and Planning Policy Statement)
- Consideration of key questions and / or local authority planning policy requirements.

Our Drainage and Planning Policy Statement sets out how Kent County Council, as Lead Local Flood Authority and statutory consultee, will review drainage strategies and surface water management provisions associated with applications for major development and should be referred to for further details about our submission requirements. This is available on request, by emailing SUDS@kent.gov.uk.

Kent Police Designing Out Crime

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 advise boundary treatments to be a minimum of 1.8m in height with support beams facing inwards.
2. Parking - Where unavoidable, the car parking area must be covered by natural surveillance from an "active" window e.g. reception and sufficient lighting. In addition, we recommend CCTV and appropriate signage to avoid conflict and misuse. In addition and if appropriate, we recommend the associated car parking area to be gated when the facility is closed.
3. CCTV is advised for all areas, especially at entry points, reception area, areas with limited natural surveillance or storage areas containing high-value equipment. Please ensure the CCTV supports the lighting plan.
4. We strongly recommend alarms, with an auto-dial function, be installed on all external doors, including emergency exits.
5. We strongly recommend external doors and windows meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Existing rear doors and windows that are not being replaced may require limiters/ restrictors to help maintain security.
6. The layout of the building must allow visitors access to be restricted to those areas only preventing any further access such as the reception/lobby area. Door access control may be required.
7. Access control. Adequate access control is required for entrances used by staff only such as storage rooms and other restricted areas.
8. Waste bins associated with the proposal should be kept in a secure enclosure, ideally away from the building as bins can become a climbing aid or even an arson hazard.

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.

Dickens' Country Protection Society

The Society notes that the works associated with this application appear to have taken place in breach.

Similar developments in the same location was applied for under reference 20210927 and refused and the subsequent appeal which was dismissed. In this circumstance the Society wishes to lodge and objection to the application which is in an area in which Green Belt policies apply and has an impact on the openness of the Green Belt.

Meopham Parish Council

At its meeting held on 3rd December 2025, Meopham Parish Council considered the above planning application.

After reviewing the submitted documents and discussing the proposal, the Parish Council resolved to raise no objection to this application.

Highway Development Management Officer from previous application 20210927:

This application does not provide sufficient information to make a detailed judgement.

Reference is made to the number of staff that will be employed, three full time and two part time and there

will be 50 dogs that may be looked after on a daily basis. Each dog (family) will require an arrival and a departure each morning and afternoon, which has the potential to create a significant number of vehicles on Nurstead Church Lane. It will be approximately 56 arrivals and 50 departures each morning, with the reverse in the evening, if all dogs have a different owner, and whilst they may be spread over a few hours it could equally be a few minutes.

The number of vehicles using the existing access is liable to increase significantly and so appropriate visibility splays would be required at the access. Nurstead Church Lane is subject to the National Speed Limit and so 203m x 2.4m x 203m sight lines would be appropriate and this is based on the formula in Manual for Streets, although it may be possible to agree to less if the actual speed in free flow conditions can be measured.

Nurstead Church Lane is a single track road and as is evidenced by Google Street View, vehicles currently have to pass by encroaching on the verge.

I would suggest that any intensification should result in formalizing this arrangement by widening the carriageway between the access and Wrotham Road to provide passing places at intervals not exceeding 40 metres. (Kent Design parameters for a minor access way and lane.) Whilst this spacing is in the Kent Design Guide for residential streets, it is potentially equally appropriate for other locations depending on the number of vehicle movements expected and the need to ensure its passing space is readily visible from its neighbours.

In terms of parking, the applicant is correct in stating there is no direct parking requirements, but it is suggested the nature of the business is sufficiently similar to a Playschool or Day Care Centre that these requirements would be appropriate in that a person/dog is being dropped off and then collected later in the day.

The suggested requirements for these uses are one parking space for every two staff and one space for every 4 Children/attendees. Now SPG4 suggests these are a maximum provision, but given the location without a footway access or public transport, these should be considered to be a minimum for staff and an absolute for attendees.

In addition there should be a minimum provision of two secure and weather proof parking for two cycles, including at least one adaptive cycle.

No details have been provided regarding how waste and foul sewage will be dealt with, this needs to be resolved to ensure that there is adequate provision for a commercial waste collection and if necessary a tanker to empty a cesspool/septic tank without compromising access to the property or its parking spaces.

For the reasons given above, given the information supplied I can only recommend refusal due to insufficient information being supplied.

Conservation Architect from previous application 20210927:

The design presents an industrial appearance that will look incongruous in the countryside, lacking any local distinctiveness. Were this an application for other permanent uses we would expect perimeter landscaping to screen the fence with indigenous hedgerows. The building will present an unacceptable appearance that would be out of character in this rural countryside context. To accept even a temporary use of the site in this format would be detrimental to the rural setting and contrary to local and national policy. For this reason the proposals cannot be supported.

There is insufficient information submitted to assess the impact on the setting of the adjacent listed building. Further photographs from both the listed building and the site as well as plans are required to fully assess this impact.

Neighbouring properties

The application has been advertised by site notice, press notice and individual letters to five neighbouring properties. No letters of representation have been received.

Officer's Analysis

Background

An application for temporary change of use of agricultural land to a dog day care facility (Sui Generis), together with the temporary siting of 3 no. portacabins and a perimeter fence was refused under reference 20210927 and dismissed at appeal. The reasons for refusal were:

1. The proposed change of use of land and construction of storage containers/portacabins is inappropriate development within the Green Belt that does not meet any of the exceptions listed in paragraph 149 of the National Planning Policy Framework 2021, is not listed under paragraph 50 as a development that is not inappropriate in the Green Belt and where no special circumstances exist.
2. The proposed change of use and portacabins will introduce buildings, fences and paraphernalia associated with a dog daycare that are an alien feature within the rural landscape character and will detrimentally impact on the openness of the Green Belt and surrounding countryside contrary to Policies CS02, CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and Section 13 of the National Planning Policy Framework 2021.
3. The proposed use, portacabins and resultant paraphernalia will appear incongruous in the countryside, lacking any local distinctiveness and which neither preserves or enhances the setting of the Listed Building within the curtilage of which the site is located. No information regarding the significance of the Listed Building and its contribution made by their setting with a level of detail proportionate to its Grade I importance has been provided and therefore the proposals conflict with the objectives of Policy CS20 of the Gravesham Local Plan Core Strategy 2014 and paragraph 194 of the National Planning Policy Framework 2021.
4. The site is within a Groundwater Source Protection Zone 1 and no information has been provided regarding drainage or how foul waste will be dealt with on site. The proposal is therefore contrary to Policy CS18 of the Gravesham Local Plan Core Strategy 2014.
5. The proposed use will result in a significant number of vehicular movements each day from along a single track road without any details of how this will be managed with regards to highways safety and is therefore contrary to Policy CS11 of the Gravesham Local Plan Core Strategy 2014.
6. The proposed development is likely to cause noise disturbance relating to dogs barking and therefore, without a suitable noise impact assessment with reference to established standards demonstrating to the contrary, the proposal conflicts with the objectives of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 which seeks to safeguard the amenity of neighbouring properties.

The refused application was appealed under reference APP/K2230/W/21/3286748 and APP/K2230/Y/21/3286750 and both were dismissed. The Inspector made the following points:

- Temporary consent could not be supported because there was no good planning reason to grant a temporary consent i.e. no evidence that this would be an interim use and the proposed harm would persist for a period of years
- There is no justification for a personal permission which is rarely appropriate where the appellant is a company and the ownership could change.
- The appeal only considered (the former) paragraph 150 (e) as relevant because the portacabins were not to be fixed to the ground and therefore were not considered new buildings in the Green

Belt

- The Inspector did not agree that the proposal is for outdoor sport or recreation as it is for a commercial facility
- The portable buildings, mesh fencing mixed to steel posts, shelters, obstacle and play equipment were all considered to bring about a significant reduction in the openness of the site.
- The Inspector did not agree that the portable buildings would be closely associated with a larger group of buildings as these are well away from the complex of buildings to the west of Nurstead Court.
- The extension of commercial activity away from Nurstead Court into the open countryside would amount to significant encroachment, contrary to one of the purposes of the Green Belt.
- In terms of the Meopham Downs Landscape Character Area the site lies within an attractive tract of open countryside which is a characteristic of the wider landscape. The steel portable buildings are unattractive utilitarian objects, the extensive lengths of mesh fencing is an uncharacteristic form of boundary treatment. The proposed use requires items such as shelters, obstacles and play equipment which need to be distributed around the site, resulting in a visually cluttered appearance. Together, these features would be visually intrusive and would result in significant harm to the character of the landscape.
- The Inspector did not consider tree and hedgerow planting would mitigate the impacts identified or even that there was any evidence that the delivery of these works would be in the control of the applicant.
- No heritage statement was provided with the application or appeal and the Inspector found that the proposal resulted in visually intrusive development which would detract from the character of the landscape and would be visible from one of the accesses to the Nurstead Court complex. There is, therefore, the likelihood of an adverse effect on the significance of the listed building.
- The access road and Nurstead Church Lane are both single track lanes. There will be four vehicle movements per dog per day and a planning condition to spread out these movements would not be effective.
- There is no evidence the applicant could secure the provision of passing bays without using third party land.
- The Inspector concluded that the proposal is likely to result in a significant increase in traffic at peak times. No means of mitigating this increase has been identified. Without such mitigation there would not be a safe and suitable access to the site. This would be contrary to the Framework. It would also be contrary to Policy CS11, which states that new developments should mitigate their impacts on highway networks
- The Inspector states that drainage and noise could be dealt with through planning conditions.
- In summary, the appeal was dismissed due to being inappropriate in the Green Belt, the impact on the openness of the Green Belt and the purposes of including land within it, harm to the character and appearance of the area and failure to preserve the setting of Nurstead Court, a Grade I listed building. The economic benefit would not outweigh the harm identified and no very special circumstance exist. The proposal is not consistent with Policy CS02 as it is not a proposal to diversify the rural economy where it is compatible with national policies for protecting the Green Belt.

Procedure Note

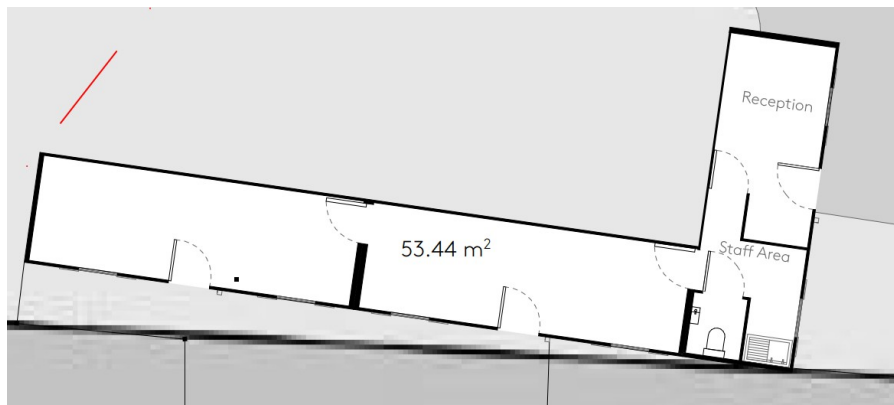
Application 20210994 was submitted for Listed Building Consent (LBC) for temporary change of use of agricultural land to a dog day care facility (Sui Generis), together with the temporary siting of 3 no. portakabins and a perimeter fence for a period of five years. This was also refused and dismissed at appeal however the Inspector did question whether LBC was required for the change of use. The applicants have decided not to resubmit the LBC application and the Council are happy to agree it is not required.

Proposal

Retrospective change of use of agricultural land to a dog day care facility (Sui Generis), together with the

siting of 3 no. portakabins and a perimeter fence for a temporary period of 2 no. years.

The no. 3 portacabins will measure approx. 17.8m in width and 7.5m in depth arranged in an 'L' shape:



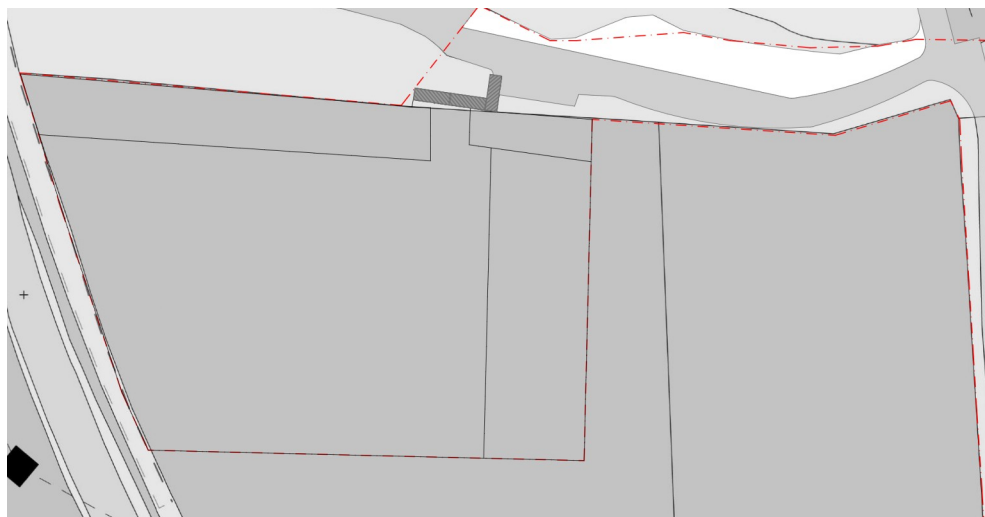
The dog day care facility will have a capacity for up to 40 dogs however the applicant states that some customers own more than one dog (the previous application was for up to 50 dogs). It will also employ at least 5 members of staff.

A rural location is stated as being required for a facility of this nature as significant external space is necessary for the enjoyment and exercising of the dogs visiting the site.

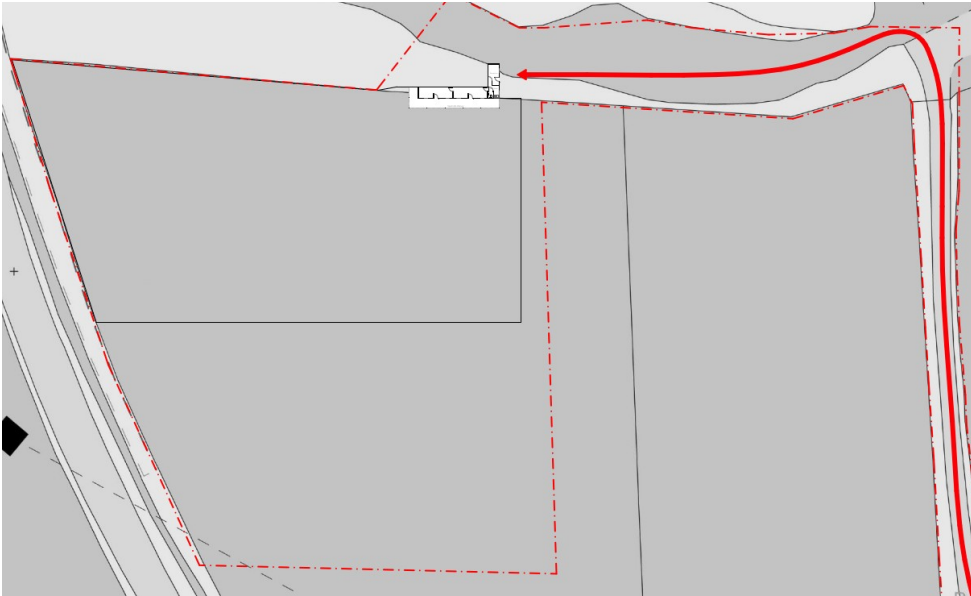
The perimeter fence will be a 1.6m high welded mesh fence and will enclose an exercise/play area and associated outdoor pens.

Opening hours of 7am to 6.30pm Monday-Friday (excluding bank holidays) have been suggested.

The block plan is shown below:



The previous application block plan is shown below:



As can be seen from the plans above there is very little difference between this current application and that which was refused and dismissed at appeal.

Principle of Development and the Green Belt

Paragraph 142 of the National Planning Policy Framework 2024 states 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.

The Green Belt serves five purposes:

- 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.

Paragraph 153 states:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. 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.

Paragraph 154 states that development in the Green Belt is inappropriate unless one of the following exceptions applies:

- 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),

including buildings, 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.

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

i. mineral extraction;

ii. engineering operations;

iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;

iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;

v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

The proposals are not an exception under (a) as they do not relate to agriculture or forestry.

154 (b) relates to outdoor sport, recreation, cemeteries, burial grounds and allotments. The use is commercial and therefore not recreational. The Inspector agreed with this in the appeal decision.

154 (c) is not applicable as there was no original building on the land.

154 (d) is not applicable as the proposal does not relate to a replacement building.

154 (e) is not applicable as the site is not within a village and cannot be described as infilling.

154 (f) is not applicable as the application does not relate to affordable housing

154 (g) is not applicable because the land, prior to being developed, was agricultural and therefore does not meet the definition of previously developed land as defined in Annex 2 of the National Planning Policy Framework 2024. The applicant's agent states that the land is adjacent to previously developed land which is inconsequential.

154 (h) is not applicable to this application. The Inspector already clarified that the material change of use of land is only an exception in relation to uses that preserve the openness and do not conflict with the

purposes of including the Green Belt in it such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds.

Since the previous application was decided paragraph 155 of the National Planning Policy Framework 2024 has been inserted. This states:

The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

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

Demonstrable unmet need relates to the need for facilities/buildings for the benefit of the wider public interest. This would include housing, traveller sites, specific infrastructure/community facilities such as school, hospitals, green spaces and economic development gaps. Whilst the applicant may consider there is an unmet need for dog day care this is not in the wider public interest as owning a dog is a personal choice. Given that all the points in paragraph 155 have to be demonstrated, the application fails to comply with this paragraph.

Openness

The impact on the openness of the Green Belt is assessed in both visual and spatial terms. Regardless of the proposal being inappropriate in the Green Belt it is also considered to have a significant detrimental impact on the openness of the Green Belt.

The storage containers are located to the north of the site where there is an area of hardstanding/gravel. They are isolated from the main cluster of buildings relating to Nurstead Court. The applicants original licence application to the Council provided more information than the original planning application. This stated that there will be five main separate zones for the dogs in order to separate them into smaller groups. One of the areas will be designated for dog agility. That application went on to say that 'All areas will have some form of raised platform, in the form of mound or raised turf or manmade platforms'. It stated that dogs will have access to covered shelters. There will also be raised beds throughout the site so they will be above ground. The separating of land with heavy duty chain-link fence, shelters, raised platforms, dog agility paraphernalia and storage for such equipment will all impact negatively on the openness of the Green Belt.

The proposed day care facility amounts to inappropriate development, harmful to the openness of the Green Belt where no very special circumstances exist.

Rural area

The applicant states that para. 88 of the NPPF supports the development of businesses in rural areas where a rural location is required and where it is appropriate and sensitively designed for a rural location. They go on to state that Policy CS07 provides the Council will support proposals that promote the appropriate expansion and diversification of the rural area economy.

Para. 88 states that planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and



d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

The proposal does not involve the conversion of existing buildings but the introduction of industrial utilitarian storage containers and therefore does not meet the objectives of point (a). The proposal is not made by the owners of Nurstead Court or by an existing rural business and therefore does not meet the objectives of point (b). Points (c) and (d) are not applicable. The proposal therefore does not comply with this paragraph.

Policy CS07 of the Gravesham Local Plan Core Strategy 2014 states that 'The Council will support proposals that promote the appropriate expansion and diversification of the rural area economy. Support will be given to the conversion of rural buildings to employment use/live-work units where it is compatible with national policies for protecting the Green Belt and where it accords with policies in this plan, in particular relating to Green Infrastructure.' This Policy recognises that opportunities are constrained by the Green Belt and therefore any future demand for employment space will be met by the retention and refurbishment of existing employment space. The site is within agricultural use and contained no buildings. As the proposal has already been found to conflict with the purpose of including land in the Green Belt (above) the proposal does not conform to the objectives of Policy CS07. The Inspector agreed with this analysis.

Design, Character and Appearance

The application site was an open agricultural field surrounded by hedging and low fencing. There is an area of gravel/hardstanding to the north and the access road is to the east. The site is situated within the curtilage of a Grade I Listed Building, the Green Belt and Meopham Downs Landscape Character Area. Upon visiting the site in September 2021 it was found that there was one, recently placed portacabin:



The site, despite being refused planning permission for use as a dog day care facility which has been unlawfully used as such, can be seen in this photo from November 2025:



Landscape Character and street scene

The site is located within the Meopham Downs Landscape Character Area. The key characteristics are gently undulating topography with a mixture of arable and pasture farmland, irregular shaped fields to the north, narrow lanes and roads lined with hedgerows, traditional architecture and village greens. The condition is good and sensitivity is moderate. The guidelines are to conserve and reinforce agricultural use.

The change of use of the site from agricultural to dog day care clearly conflicts with the guidelines of the Landscape Character Assessment and the introduction of high fenced off areas throughout the field will result in alien features within the landscape. The use attracts many structures such as shelters, raised platforms and other dog equipment and paraphernalia mentioned in the previous application. All of these items will have a detrimental impact on the landscape character area and will be harmful to the character and appearance of the surrounding rural street scene.

The applicant has offered to paint the containers in order to blend them into the landscape however it is not considered that this is sufficient and the same concerns regarding the utilitarian nature of the containers as raised by the Inspector remain.

Policy CS12 of the Gravesham Local Plan Core Strategy 2014 states that the overall landscape character and valued landscapes will be conserved, restored and enhanced and proposals will take account of the Gravesham Landscape Character Assessment. Policy CS19 states that new development will be visually attractive, fit for purpose and locally distinctive. It will also integrate with the surrounding local area. The proposals therefore conflict with the objectives of Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Amenity

There are no neighbours close to the site that would be negatively impacted in terms of loss of outlook, privacy, sunlight or daylight. The proposals would undoubtedly result in an increase in noise on the site however, no details regarding the levels of expected noise from barking dogs etc. has been provided. The Inspector was clear that noise could be controlled by a condition relating to operating hours and therefore, if a permission was forthcoming, the proposal could accord with the objectives of Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Ecology and Biodiversity

Biodiversity Net Gain

Statutory BNG does not apply to this site as it has been built retrospective.



Local Wildlife Site

Sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, followed by nationally designated Sites of Special Scientific Interest, followed by Local Wildlife Sites and then by other areas of more local importance for biodiversity.

The site is located immediately to the south of the boundary of the Local Wildlife Site. Policy CS12 expects no net loss of biodiversity in the Borough and to take every opportunity to improve biodiversity. Where development is proposed, ecological surveys must be conducted and mitigation strategies produced, where applicable, prior to seeking planning permission.

There has been no mention within the application of the adjacent Local Wildlife Site or any ecological enhancements that are proposed save for some trees and hedging to screen the development.

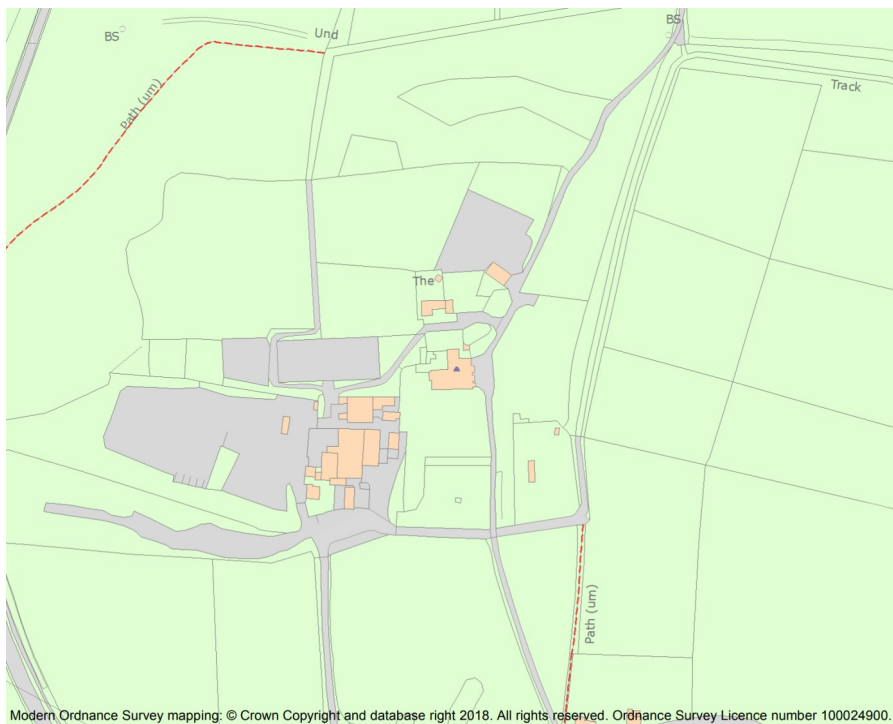
Grade I Listed Building

Historic England define the curtilage of a building (the principle building) in general terms to be any area of land and other buildings that is around and associated with that building.

The courts have said that there are three key factors to be taken into account in assessing whether a structure or object is within the curtilage of a listed building:

- the physical layout of the listed building and the structure;
- their ownership, both historically and at the date of listing; and
- the use or function of the relevant buildings, again both historically and at the date of listing (these tests were first proposed in the Attorney-General ex rel. Sutcliffe and Others v. Calderdale BC, 1982, as accepted by Debenhams plc v. Westminster CC, 1987).

The image below shows the map from the listing:



The site forms the curtilage of the Grade I Listed Building known as Nurstead Court. Nurstead Court is to the east facing eastwards with its curtilage surrounding it to the sides and rear. The application site is within the same ownership as Nurstead Court as shown on the planning application form. The use of the

land is agricultural (prior to this unlawful use) as it would have been at the time of listing.

No information has been provided regarding the significance of the listed building, a heritage statement or the impact the development would have on the setting. The covering letter merely states that Nurstead Court is very secluded and shielded by trees with the existing livery and building yard in between.

The Council accords a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource, central to the regeneration of the area and the reinforcement of sense of place. Proposals and initiatives will be supported which preserve and, where appropriate, enhance the significance of the Borough's heritage assets, their setting where it contributes to the significance of the asset and their interpretation and enjoyment, especially where these contribute to the distinct identity of the Borough. Para. 207 of the National Planning Policy Framework 2024 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Nurstead Court is a Grade I listed building and therefore the submitted information is insufficient.

The design presents an industrial appearance that will look incongruous in the countryside, lacking any local distinctiveness. The applicant's agent has proposed trees and hedging around the perimeter of the site however, as the Inspector states in the appeal decision, there is no evidence that the delivery of these works would be in the control of the applicant.

The building will present an unacceptable appearance that would be out of character in this rural countryside context. To accept even a temporary use of the site in this format would be detrimental to the rural setting and contrary to local and national policy. The day care facility is inappropriate development within this rural area and is not considered to preserve or enhance the setting of the Listed Building within it and no evidence has been provided to the contrary.

The proposed development therefore conflicts with Policy CS20 of the Gravesham Local Plan Core Strategy 2014, TC2 of the Gravesham Local Plan First Review 1994 and Section 16 of the National Planning Policy Framework 2024.

Other Matters

Temporary consent

The buildings are intended to be in situ for more than 28 days and are therefore not considered temporary despite being portable. The applicant states that they are proposing a temporary change of use for a period of 2 years and, after that, the site will be returned to its previous state and therefore will not impact on the openness of the Green Belt.

The Government advises the following regarding temporary consent:

'Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.'

A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use').

The Inspector was clear on this when he said:

The appellant argues that the change of use would be temporary and that it would be willing to accept a personal permission. However, no good planning reason for granting a temporary permission has been provided. For example, there is no suggestion that this would be an interim use, pending more permanent

development at a later date. Moreover, to the extent that the proposal would cause harm, as discussed below, that harm would persist for a period of years. Planning permission normally runs with the land and no circumstances have been identified that would justify a personal permission in this case. In any event, personal permissions will rarely be appropriate where the appellant is a company, the ownership of which could change. I attach very little weight to the suggestions that any permission could be temporary and/or personal.

As this is a location within the Green Belt agricultural use is appropriate and is the existing use. The land is not vacant and no long-term proposals are expected to come forward therefore a 'meanwhile' use is not required or a justification to disregard Policy.

Drainage

The site is within a Groundwater Source Protection Zone 1 and no information has been provided regarding drainage or how waste will be dealt with on site. The Inspector was happy that, in the event of a permission, this could be controlled by planning condition. The proposal therefore complies with Policy CS18 of the Gravesham Local Plan Core Strategy 2014.

Parking and Highways

This application does not provide sufficient information to make a detailed judgement.

Reference is made to the number of staff that are employed, three full time and two part time and there will be 40 dogs that may be looked after on a daily basis. Each dog (family) will require an arrival and a departure each morning and afternoon, which has the potential to create a significant number of vehicles on Nurstead Church Lane. It will be approximately 45 arrivals and 40 departures each morning, with the reverse in the evening, if all dogs have a different owner, and whilst they may be spread over a few hours it could equally be a few minutes.

The number of vehicles using the existing access has increased significantly compared to an agricultural use and so appropriate visibility splays would be required at the access. Nurstead Church Lane is subject to the National Speed Limit and so 203m x 2.4m x 203m sight lines would be appropriate and this is based on the formula in Manual for Streets, although it may be possible to agree to less if the actual speed in free flow conditions can be measured.

Nurstead Church Lane is a single track road and as is evidenced by Google Street View, vehicles currently have to pass by encroaching on the verge.

Comments from the previous application stated that any intensification of the site should result in formalizing this arrangement by widening the carriageway between the access and Wrotham Road to provide passing places at intervals not exceeding 40 metres. (Kent Design parameters for a minor access way and lane.) Whilst this spacing is in the Kent Design Guide for residential streets, it is potentially equally appropriate for other locations depending on the number of vehicle movements expected and the need to ensure its passing space is readily visible from its neighbours. As the site is outside of the ownership of the applicant this would only be possible through a legal agreement.

In terms of parking, there is no direct parking requirements, but it is suggested the nature of the business is sufficiently similar to a Playschool or Day Care Centre that these requirements would be appropriate in that a person/dog is being dropped off and then collected later in the day. The suggested requirements for these uses are one parking space for every two staff and one space for every 4 Children/attendees. Now SPG4 suggests these are a maximum provision, but given the location without a footway access or public transport, these should be considered to be a minimum for staff and an absolute for attendees.

In addition there should be a minimum provision of two secure and weather proof parking for two cycles, including at least one adaptive cycle.

No details have been provided regarding how waste and foul sewage will be dealt with, this needs to be resolved to ensure that there is adequate provision for a commercial waste collection and if necessary a tanker to empty a cesspool/septic tank without compromising access to the property or its parking spaces.

Whilst it is appreciated that the applicant has submitted further information regarding highways this does not address this reason for refusal. The visibility splays remain the same and are outside of the ownership of the applicant. The proposed timetable for a staggered drop off and pick up is unlikely to be effective and this stance is supported by the Inspector in the appeal. The site is licenced for 40 dogs which is up to 160 vehicular movements a day. Some people may have more than one dog but this is not controllable and therefore the impact has to be assessed on the assumption each dog creates 4 vehicular movements per day.

Policy CS11 of the Gravesham Local Plan Core Strategy 2014 states that new development should mitigate their impact on the highway and public transport networks as required and transport assessments and travel plans should be provided and implemented to ensure the delivery of travel choice and sustainable opportunities for travel. Sufficient parking is also required. The submitted application does not contain a travel assessment or travel plan and therefore fails to meet the objectives of this Policy. The work required to the access road to create passing points is outside of the ownership of the applicant and has not been addressed in the application.

Conclusion

1. The change of use of land and placement of storage containers/portacabins does not meet any of the exceptions listed in paragraphs 154 or 155 of the National Planning Policy Framework 2024 and therefore is inappropriate development in the Green Belt where no very special circumstances exist.
2. The change of use and portacabins introduce buildings, fences and paraphernalia associated with a dog daycare that are an alien feature within the rural landscape character and detrimentally impact on the openness of the Green Belt and surrounding countryside contrary to Policies CS02, CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and Section 13 of the National Planning Policy Framework 2024.
3. The change of use, portacabins and resultant paraphernalia will appear incongruous in the countryside, lacking any local distinctiveness and which neither preserves or enhances the setting of the Listed Building within the curtilage of which the site is located. No meaningful information regarding the significance of the Listed Building and its contribution made by their setting with a level of detail proportionate to its Grade I importance has been provided and therefore the proposals conflict with the objectives of Policy CS20 of the Gravesham Local Plan Core Strategy 2014 and paragraph 207 of the National Planning Policy Framework 2024.
4. The proposed use will result in a significant number of vehicular movements each day from along a single track road without any meaningful details of how this will be managed with regards to highways safety and is therefore contrary to Policy CS11 of the Gravesham Local Plan Core Strategy 2014.

Recommendation:

Refuse

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

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
----------------------	--------------------	---------------------	--------------



Signed:		Signed:	<i>R Hart</i>
Dated:	17 December 2025	Dated:	22nd December 2025