

Delegated Report

Householder Planning Application

Planning Application No: 20260718

Location: The Barn 30 Castle Lane Gravesend Kent

Description: Infill of attached pergola to existing annexe.

Applicant: Mr David Smith

Site Visit Date: **Desktop Assessment**

Submitted Documents/Plans

Planning Application Form;
Drawing No. D-01 – Site Location As Existing;
Drawing No. D-02 – As Existing Site Plan;
Drawing No. D-03 – As Existing Plans Elevations Section;
Drawing No. D-04 – As Proposed Site Plan;
Drawing No. D-05 Rev A – As Proposed Plans Elevations and Section;
Drawing No. D-06 – Site Location As Proposed; and
Planning Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20150614	Application for the variation of condition 1 attached to planning permission reference number 20120562 for the retention of converted barn forming a one bedroom granny annexe and erection of a covered patio area; to allow the barn to be rented as separate living accommodation, but not comprising a separate dwelling, and shall not be sold away from the main dwelling without the prior approval of the Local Planning Authority.	Permitted	02.09.2015
20120562	Retention of converted barn forming a one bedroom granny annexe and erection of a covered patio area.	Permitted	07.08.2012
20090620	Application for approval of condition 5 of planning permission reference number 20070073 relating to the external facing materials.	Approval of Details	18.09.2009
20070073	Conversion of existing barn into a one bedroom granny annexe involving erection of a covered patio area.	Permitted	27.03.2007

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 - Transport

- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network
- C13 – Extensions to Dwellings in the Countryside

As set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012 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

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 (2026), the Council will also seek to replace these.

National Planning Policy Framework (2026)

- Section 4 -Achieving Sustainable Development
- Section 5 – Meeting the challenge of climate change
- Section 12 – Making Effective use of land
- Section 14 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 19 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG 2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Technical Housing Standards – Nationally Described Space Standard (2015)
- SPG 4 – KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)
- Gravesham Landscape Character Assessment (2009)

Emerging Local Plan as a Material Consideration

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (Planning and Compulsory Purchase Act 2004) and section 70(2) of the Town and Country Planning Act 1990 (Town and Country Planning Act 1990) make it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise.

Decision Making Policy DM4 of the Framework sets out that when considering development proposals, relevant policies may be given weight, however, this is subject to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of compliance of the relevant policies in the emerging plan with the policies for plan-making in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given to them).

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the

weight to be given to a Regulation 19 Local Plan. In this judgement, the Court found that the weight to be given to an emerging Local Plan was a matter of planning judgement, which had to be reached having fully considered the relevant part of the Framework, which from 17 August 2026 Decision Making Policy DM4 of the Framework.

The Council's emerging Local Plan has reached the Regulation 19 Consultation stage, with the consultation having ended on 18 August 2026. The emerging Local Plan does not form part of the Development Plan.

The Council is aware that third parties have raised objections to the wider emerging Local Plan and specific policies within it. Therefore, at present the Council cannot categorically state that the emerging Local Plan can be considered sound and consistent with the National Planning Policy Framework (2024) [as an emerging Local Plan being brought forward under the legacy system, it would be examined under the 2024 Framework]. Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan.**

This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

Neighbouring properties

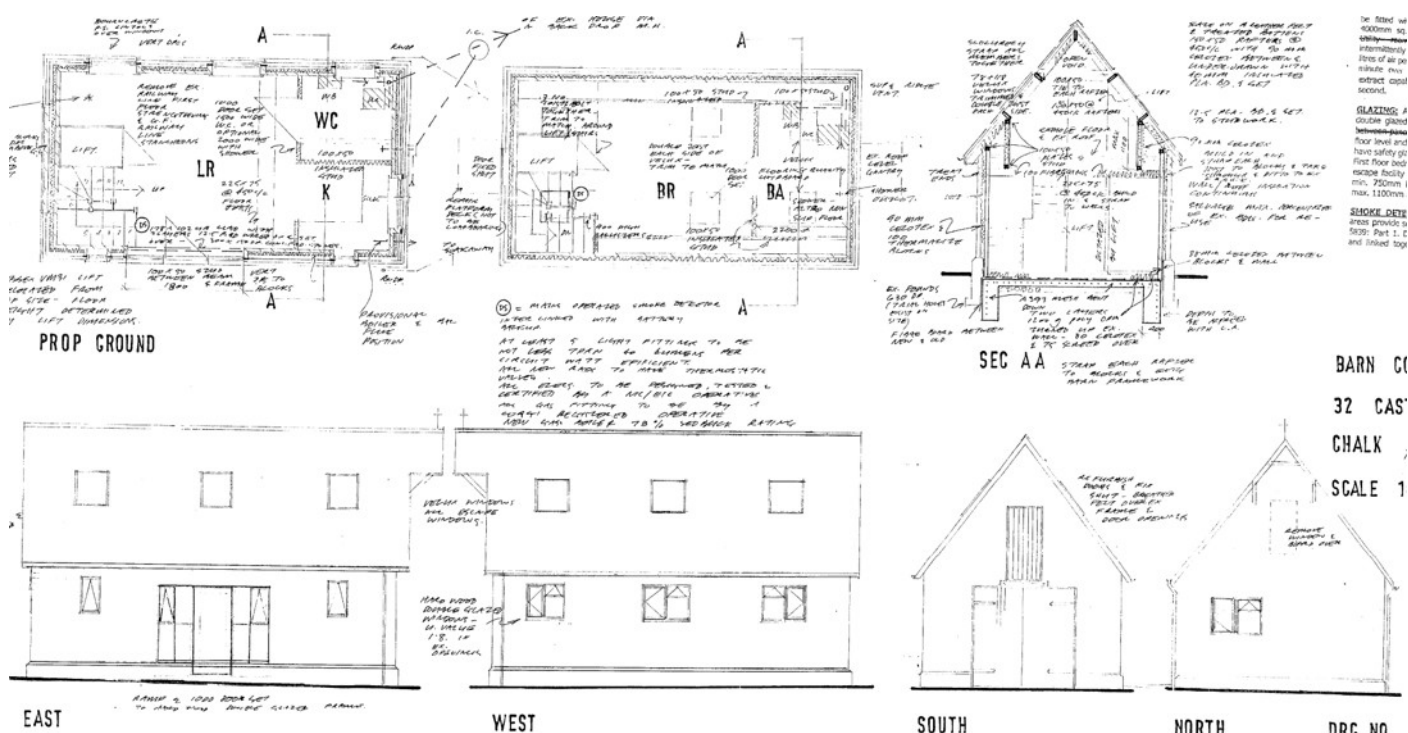
Consultation was by way of the displaying of a site notice and xx letters sent to individual properties with an overall expiry date of 21st August 2026. No comments have been received.

Officer's Analysis

Background

The existing annexe was approved in March 2007 under planning application 20070073 for the *Conversion of existing barn into a one bedroom granny annexe involving erection of a covered patio area.*

20070073 Approved Plans



This permission was subject to the following conditions;

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 no windows, doors or other openings other than those shown on the approved drawings shall be formed at any time in the building hereby permitted.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 no enlargement or alteration of the building shall be carried out without the prior permission in writing of the District Planning Authority having first been obtained.
4. No development shall take place until such time as a scheme or mechanism, whether by means of an Obligation under S.106 of the Town and Country Planning Act 1990 or otherwise, has been submitted to and approved in writing by the District Planning Authority to ensure that the building hereby permitted is only used for the purposes of ancillary residential accommodation to the main dwelling known as 32 Castle Lane and shall not at any time be used as a permanent residential dwelling within Class C3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

A subsequent application was submitted in 2012 under planning reference 20120562 for the *Retention of converted barn forming a one bedroom granny annexe and erection of a covered patio area*. This was given permission subject to the following conditions:

1. The conversion of the barn hereby permitted shall only be used as an annexe ancillary to the main dwelling and shall not be occupied as a separate dwelling or sold away from the main dwelling without the prior approval of the Local Planning Authority.

Reason The site is located within the Green Belt and its occupation as a separate dwelling would be contrary to long established policy and in order that any alternative use could be considered by the Local Planning Authority on its planning merits.

2. The covered patio hereby permitted shall remain open at all times and shall not be enclosed to create additional living accommodation without the prior approval of the Local Planning Authority having been obtained.

Permission was sought and approved in 2015 under planning reference 20150614 for the *variation of*

condition 1 attached to planning permission reference number 20120562 for the retention of converted barn forming a one bedroom granny annexe and erection of a covered patio area; to allow the barn to be rented as separate living accommodation, but not comprising a separate dwelling, and shall not be sold away from the main dwelling without the prior approval of the Local Planning Authority. The following condition was imposed;

1. The barn conversion hereby permitted can be rented as self-contained living accommodation, ancillary to but not separate from the main dwelling for a period of 5 years. The Barn shall not be sold away from the main dwelling without the prior approval of the Local Planning Authority.

Reason Its use as a separate dwelling would be contrary to the National Planning Policy Framework and established Green Belt Policy and the Local Planning Authority would wish to retain control over the use of the premises as a separate dwelling. The temporary

This condition for and as such the permission for the annexe to be rented as a self-contained unit, expired on 2 September 2020. The fallback position on this, would be such that the conditions imposed on the previous decision notice attached to planning application 20120562 are the most relevant and that the annexe should only be occupied subject to condition 1 of 20120562.

Principle Issues

The application site is located within the Green Belt, outside of any rural settlement, and within the Higham Arable Farmlands Landscape Character Area. The site comprises of an existing annexe which was converted from a barn following planning permission in 2007. The existing annexe has the benefit of a covered pergola to the rear which was given planning permission in 2012.

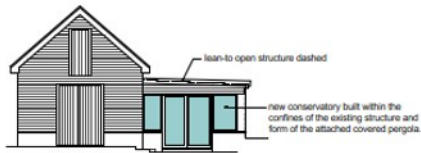
Therefore the principle issues are;

- Site Description
- Green Belt
- Extensions to Dwellings in the Countryside
- Design, Character and Appearance
- Amenity
- Highways and Parking
- Any Other Material Planning Considerations

Proposal

The proposal seeks to *Infill of attached pergola to existing annexe* which would create a new conservatory area which would be within the confines of the existing structure.

Proposed Plans



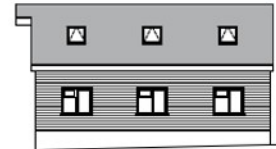
South Elevation



North Elevation



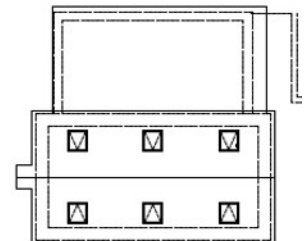
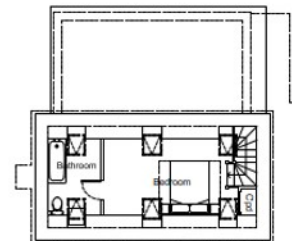
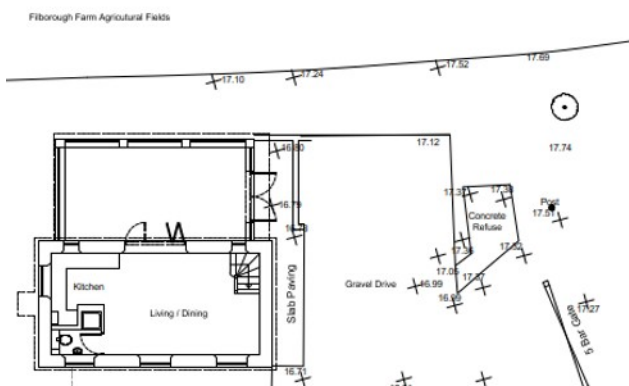
East Elevation



West Elevation



Section



Site Description

As covered in the background section above, the application site is an existing annexe associated with No. 30 Castle Lane which is located within the Green Belt and within the Higham Arable Farmlands Landscape Character Area. The existing pergola is brick-built dwarf walls and pillars with a timber lean-to open aspect roof.

Existing Annexe and Pergola



Green Belt

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.

Policy GB2 states that the Green Belt serves five purposes:

- a. Check the unrestricted sprawl of large built-up areas;
- b. Prevent neighbouring towns merging into one another;
- c. Assist in safeguarding the countryside from encroachment;
- d. Preserve the setting and special character of historic towns; and
- e. Assist urban regeneration by encouraging the recycling of derelict and other urban land.

Policy GB1 states that the general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions.

Policy GB6 states that 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.

Policy GB7 states that development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a. Development which is for agriculture, horticulture and forestry, or which is solely for nature conservation, restoration and/or enhancement;
- b. The reuse, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the original building⁴⁰. In the case of proposals for a replacement building, it should be for the same use and not materially larger than the one it replaces;
- c. Limited infilling in villages lying within the Green Belt;
- d. Limited affordable housing for local community needs under policies set out in this Framework or the development plan (for instance, on a rural exception site);
- e. The redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential), which would not cause substantial harm to the openness of the Green Belt;
- f. Certain other forms of development, provided the impact on the openness of the Green Belt is minimised, and there would not be a significant conflict with the Green Belt purposes. These are:
 - i. Mineral extraction and processing, engineering operations, and transport, electricity network, water and telecommunications infrastructure required in a Green Belt location);
 - ii. Development brought forward under a Community Right to Build Order or Neighbourhood Development Order;

- iii. Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- iv. 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.

g. Development where all of the following apply:

- i. 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;
- ii. There is an evidenced unmet need for the type of development proposed⁴¹;
- iii. The development would be in a sustainable location, with particular reference to policy TR3 of this Framework⁴²; and
- iv. In the case of major development involving the provision of housing, the development proposed complies with policy GB8.

h. Residential or mixed-use development which would:

- i. Be within reasonable walking distance of a well-connected station (applying the definitions in the glossary at Annex B);
- ii. Be physically well-related to the station or the settlement within which the station is located;
- iii. Be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure;
- iv. Not prejudice any proposals for long-term comprehensive development in the same location; and
- v. In the case of proposals for major development, comply with policy GB8.

The proposed development comprises an extension to an existing building and may therefore be considered an exception under Policy GB7(b) of the NPPF (2026). The proposal would extend the existing annexe through the enclosure of the current pergola with a conservatory projecting 3.9m from the rear elevation. The conservatory would measure 7.56m in width and have a maximum height of 2.84m, reducing to 2.74m.

Whilst the conservatory would be substantial in scale relative to the annexe, it would effectively enclose an existing structure and would not exceed the footprint, height or overall bulk of the existing pergola. Consequently, the proposal would not result in any material increase in the external dimensions, massing or volume of the building. In this respect, the development would not constitute disproportionate additions over and above the size of the original building and would therefore accord with Policy GB7(b) of the NPPF (2026).

Openness has both spatial and visual dimensions. As the proposal would not increase the physical extent of the building beyond that already established by the existing pergola, there would be no adverse impact on the spatial openness of the Green Belt. Furthermore, the annexe would remain ancillary to the main dwellinghouse and the proposal would not introduce a materially greater level of domestic activity or associated residential paraphernalia. Accordingly, there would be no significant harm to visual openness.

It is therefore considered that the openness of the Green Belt would be preserved. For the same reasons, the proposal would not conflict with the Green Belt purpose identified in Policy GB2 of the Framework of

safeguarding the countryside from encroachment. There is also no evidence to suggest that the development would undermine any of the other Green Belt purposes set out within Policy GB2 of the NPPF (2026).

Extensions to Dwellings in the Countryside

Whilst the annexe does not constitute a separate dwellinghouse, it is nevertheless considered appropriate to have regard to Saved Policy C13 of the Gravesham Local Plan First Review (1994), which seeks to control extensions to residential buildings within the countryside.

Saved Policy C13 sets out a number of criteria against which proposals for domestic extensions should be assessed. As the policy pre-dates the NPPF (2026), the weight afforded to it must be considered in light of its consistency with national planning policy. Greater weight can be attached to those elements of the policy that remain aligned with the objectives of the Framework.

Of particular relevance in this case, criterion (ii) of Saved Policy C13 seeks to limit extensions to no more than one-third of the gross floor area of the original dwelling unless the additional floorspace would have no overall effect on the bulk and appearance of the building. Criterion (vi) further requires the massing, scale and form of extensions to be appropriate to both the host building and its Green Belt setting. These considerations remain relevant when assessing whether an extension represents a disproportionate addition and are therefore considered to be broadly consistent with the NPPF (2026), attracting moderate weight in the assessment of the proposal.

As a general rule, and in accordance with the Council's established approach to Saved Policy C13, extensions resulting in an increase of one-third (33%) or more over the floor area of the original building are likely to be regarded as disproportionate additions. However, floorspace is only one indicator of proportionality. In assessing this issue, consideration must also be given to other factors, including footprint, volume, scale, massing, height and the overall visual impact of the development.

In this instance, the existing annexe has a floor area of approximately 54.9sqm. The proposed conservatory extension would increase the overall floor area to approximately 79.54sqm, representing an increase of around 44.8%. Whilst this exceeds the one-third threshold referred to in Saved Policy C13 and would, on floorspace calculations alone, suggest a disproportionate addition, this is not determinative.

Significant weight is given to the fact that the proposal would simply enclose the sides of an existing pergola structure. As a consequence, the development would not increase the building's height, external footprint, bulk or overall massing. The visual appearance and physical presence of the building would therefore remain largely unchanged when viewed within its rural and Green Belt setting. In these circumstances, it is considered that the increase in floorspace would have no material effect on the overall bulk and appearance of the building, thereby satisfying the exception contained within criterion (ii) of Saved Policy C13.

Taking all relevant considerations into account, the proposal would not constitute a disproportionate addition to the existing annexe and would preserve the openness of the Green Belt. The development is therefore considered to represent appropriate development within the Green Belt, in accordance with Policies GB2 and GB7(b) of the NPPF (2026) and Saved Policy C13 of the Gravesham Local Plan First Review (1994).

Design, Character and Appearance

Policy CS19 of the Gravesham Local Plan Core Strategy seeks to ensure that development is visually attractive, fit for purpose and locally distinctive, whilst conserving and enhancing the character and quality of the built, historic and natural environment. Development should also integrate well with its surroundings and respond positively to local character.

The proposed conservatory would be located to the rear of the existing annexe and would be largely

screened from public viewpoints. The development would comprise the enclosure of an existing pergola structure which already incorporates brick dwarf walls and supporting pillars. Importantly, the proposal would not increase the height, footprint or overall scale of the building, and would therefore maintain the established form and appearance of the annexe.

Given its limited visual prominence and the absence of any material alteration to the building's overall massing, the proposal would not result in any harm to the character or appearance of the site or the surrounding area. Accordingly, the development is considered to comply with Policy CS19 of the Gravesham Local Plan Core Strategy and the design objectives set out in Section 14 of the NPPF (2026).

Amenity of Future Occupiers

Policy CS19 of the Gravesham Local Plan Core Strategy, which requires development to be located, designed and constructed so as to safeguard the amenity of both future occupiers and neighbouring residents, including matters relating to privacy, outlook, daylight and sunlight.

The proposed conservatory extension would provide additional living accommodation associated with the existing annexe and would create a suitable internal environment for its occupants. The extension would benefit from adequate levels of natural light and outlook, ensuring that a satisfactory standard of residential amenity is maintained.

Given the scale and nature of the proposal, and having regard to the existing relationship with surrounding land and buildings, the development would not result in any unacceptable impacts on the amenity of neighbouring occupiers. The proposal is therefore considered to accord with Policy CS19 of the Gravesham Local Plan Core Strategy and the guidance contained within SPG2 Residential Layout Guidelines and Housing Standards Policy Statement (adopted 1996 and amended June 2020).

Neighbouring Amenity

As outlined above, development proposals should safeguard the amenity of neighbouring properties and adjoining land in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy.

The building is already in use as an annexe ancillary to the main dwellinghouse, and the proposed development would not alter that relationship. The site is situated at a sufficient distance from neighbouring residential properties such that the proposal would be unlikely to give rise to any material impacts in respect of overlooking, loss of privacy, overshadowing or overbearing effects.

The occupiers of the principal dwelling would similarly not experience any significant adverse impacts. In particular, the absence of side-facing windows would prevent opportunities for harmful overlooking, and the proposal would not result in any meaningful increase in the height, scale, bulk or massing of the building, given that it would simply enclose the existing pergola structure.

Accordingly, the proposal would not result in any unacceptable harm to the living conditions of neighbouring occupiers or the residents of the host dwelling. The development is therefore considered to safeguard residential amenity and complies with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Highways & Parking

The proposal would not increase the number of bedrooms or alter the occupancy of the annexe. As such, there would be no material increase in parking demand associated with the development, and the existing parking arrangements are considered sufficient to serve the proposed development.

Consequently, the proposal would have no adverse implications for parking provision or highway safety and would accord with Policy CS11 of the Gravesham Local Plan Core Strategy (2014).

Any Other Material Planning Considerations

Landscape Character Area

Policy CS12 of the Gravesham Local Plan Core Strategy seeks to conserve, restore and enhance the Borough's landscape character and valued landscapes. Particular weight is afforded to the conservation and enhancement of landscape quality and natural beauty within designated landscapes.

The application site lies within the Higham Arable Farmlands Landscape Character Area. The Gravesham Landscape Character Assessment (2009) identifies the landscape strategy for this area as one of "restore and create".

The proposed development would involve the enclosure of an existing pergola attached to the annexe and would not result in any material increase in the building's height, footprint or overall visual presence within the landscape. As such, the development would not extend further into the countryside, nor would it introduce any features that would appear incongruous or harmful to the character of the surrounding rural area.

Given its limited scale and the fact that it would not materially alter the existing appearance or extent of built development on the site, the proposal would preserve the character and appearance of the Higham Arable Farmlands Landscape Character Area. Accordingly, the development is considered to comply with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy.

Conclusion

The proposed development seeks to enclose an existing pergola attached to the annexe to provide additional living accommodation. Having regard to the development plan and all other material considerations, it is considered that the proposal would not result in any material increase in the height, footprint, bulk or massing of the building and would therefore preserve the openness of the Green Belt. Accordingly, the development is considered to represent appropriate development within the Green Belt, consistent with Policies GB2 and GB7(b) of the National Planning Policy Framework (2026) and Saved Policy C13 of the Gravesham Local Plan First Review.

Furthermore, the proposal would not result in harm to the character or appearance of the host building, the surrounding countryside, or the wider landscape character area. The development would also provide a satisfactory standard of accommodation for future occupiers without causing any unacceptable impact on the amenities of neighbouring residents. In addition, the proposal would not generate additional parking demand or give rise to any highway concerns.

For these reasons, the proposal is considered to accord with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014), Saved Policy C13 of the Gravesham Local Plan First Review (1994), the guidance contained within SPG2 Residential Layout Guidelines and Housing Standards Policy Statement, and the relevant provisions of the National Planning Policy Framework (2026). It is therefore recommended that planning permission be granted, subject to appropriate conditions.

Recommendation

Permission.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Amanda Cue	Team Leader:	
Signed:	A Cue	Signed:	

Dated:	9 th September 2026	Dated:	
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