



Delegated Report

Full Planning Application

Planning Application No: 20240604

Location: Steeles Wood Stables Wrotham Road South Street Meopham

Description: Conversion of existing barn to three residential units, together with provision of associated parking and private amenity space and removal of rear canopy to barn and existing WC, office and stables.

Applicant: Ms Trot

Site Visit Date: 2nd September 2024

Submitted Documents/Plans

Planning Application Form;
Drawing No. 01 – Site Location Plan;
Drawing No. 02 – Existing Block Plan;
Drawing No. 03 – Existing Floor Plan;
Drawing No. 04 – Existing Elevations;
Drawing No. 05 – Proposed Block Plan;
Drawing No. 06 – Proposed Ground Floor Plan;
Drawing No. 07 – Proposed First Floor Plan;
Drawing No. 08 – Proposed Elevations;
Preliminary Ecological Appraisal (June 2024);
Planning Design & Access Statement (March 2024); and
Structural Assessment (June 2024).

Relevant Planning History

Reference	Description	Decision	Decision Date
20190609	Erection of a barn for the storage of hay, straw and other bedding, and to include two secure spaces for use as a tack room and hard feed storage,	Permission	06.08.2019
20180219	Change of use of the land for the stationing of 1 mobile home, 1 touring caravan and erection of a utility/dayroom for ancillary use; and formation of a hardstanding.	Refused	29.11.2018
20150645	**REVISED PLAN** Continued use of the agricultural barn as a livery stable, retention of the existing hay barn, shipping container and formation of an equestrian sand school.	Permission	18.11.2015
20080512	Application for approval of condition 3 of planning permission reference number 20071088 relating to the screening of the barn from the main road.	Approval of Details	21.10.2008
20071088	Change of use from agricultural barn to B8 commercial storage.	Permission	07.02.2008

19920290	Use of land for trotting events for 6 days per calendar year.	Refused	13.07.1992
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Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS16 – Affordable Housing
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- C11 – Change of Use of Redundant Buildings in the Countryside
- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network
- T5 – Access to the Identified Highway Network

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed and beautiful places
- Section 13 – Protection Green Belt land
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- 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);
- Householder Extensions/Alterations Design Guide (2021);
- Gravesham Landscape Character Assessment (2009); and
- Design for Gravesham - Design Code (2024).

Consultations, Publicity and Representations

Consultees

External

KCC Biodiversity

SUMMARY – SUFFICIENT INFORMATION

We have reviewed the information submitted by the applicant and advise that sufficient ecological information has been provided to determine the planning application. Conditions are recommended to mitigate impacts to and enhance biodiversity.

The applicant has claimed the self-build exemption from Biodiversity Net Gain. Details of this exemption are included below so that Gravesham Borough Council can confirm that it applies in this instance.

SITE IMPACTS

The submitted Preliminary Ecological Appraisal (KB Ecology, June 2024) describes the application site as being primarily composed of developed land/sealed surface and artificial unvegetated ground, with some areas of ruderal/scrubby vegetation and some neutral grassland (to the south of the existing barn).

The site is located <50m west of Happy Valley Local Wildlife Site/Steeles Wood Ancient Semi-Natural Woodland (these are essentially the same site for the purposes of this application). The LWS/ancient woodland is sufficiently distant from the application site that no direct impacts are anticipated, but measures to minimise indirect impacts (of dust, lighting, noise, etc) should be provided in a pre-commencement Construction and Environmental Management Plan (CEMP) secured via planning condition.

Impacts to roosting bats, Hazel Dormice and Great Crested Newts (GCN) have been fully ruled out¹, but the proposals have the potential to impact the following protected/priority species groups: reptiles, nesting birds, badgers, hedgehogs and foraging/commuting bats. Simple avoidance/mitigation measures are suitable to avoid impacts (as outlined in the submitted PEA, section 4) and no further surveys are recommended given the small scale of the proposals. Full details of these measures should be provided in a pre-commencement CEMP. We recommend the following condition wording:

No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by Gravesham Borough Council. The CEMP shall elaborate on the measures outlined in section 4 of the Preliminary Ecological Appraisal (KB Ecology, June 2024) associated with the planning application and include full details of the following:

- A risk assessment of potentially damaging construction activities;
- Responsible persons and lines of communication;
- Protection measures to avoid indirect impacts (light, noise and dust pollution) to the nearby Local Wildlife Site/Ancient Woodland;
- Measures to avoid impacts to individual badgers/their setts;
- Measures to avoid impacts to reptiles;
- Measures to avoid impacts to hedgehogs;
- Measures to avoid impacts to breeding birds.

The approved CEMP shall be implemented and adhered to throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are avoided or mitigated in line with the NPPF 2023, paragraph 186.

BIODIVERSITY NET GAIN AND ENHANCEMENTS

The applicant has claimed an exemption from statutory Biodiversity Net Gain (BNG) under Regulation 8 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024 as the proposed development is a self-build. Gravesham Borough Council may wish to consider whether this exemption applies:

Self-build and custom build applications.

8.—(1) The biodiversity gain planning condition does not apply in relation to planning permission for development which—

- (a) consists of no more than 9 dwellings;
 - (b) is carried out on a site which has an area no larger than 0.5 hectares; and
 - (c) consists exclusively of dwellings which are self-build or custom housebuilding.
- (2) In this regulation “self-build or custom housebuilding” has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015(1).

Regardless of any exemption, the applicant has an obligation to deliver measurable gains for biodiversity under the NPPF 2023, paragraph 180(d). At present, the loss of an area of neutral grassland as well as some mixed scrub and vegetated garden is proposed. The planting of two mixed native hedgerows and the provision of five bat boxes is proposed as a form of mitigation. These measures alone are not sufficient to deliver measurable gains given the loss of ~250m² of neutral grassland to facilitate access/parking for the new dwellings. The submitted PEA (section 4.10) recommends several other enhancement measures which, if implemented, will be suitable to avoid a net loss of biodiversity. As such, a general Biodiversity Enhancement Plan (BEP) condition is recommended below:

Within six months of works commencing, a Biodiversity Enhancement Plan (BEP) detailing how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include a native species-only landscaping scheme and other measures as outlined in section 4.10 of the Preliminary Ecological Appraisal (KB Ecology, June 2024) associated with the planning application. The approved measures will be implemented and retained thereafter.

Reason: To minimise impacts on and provide net gains for biodiversity in accordance with the NPPF (2023) paragraph 180(d).

Adherence to a sensitive lighting strategy is of particular importance given the rural setting of the proposed development and its proximity to a Local Wildlife Site/Ancient Woodland. As such, we recommend that sensitive external lighting features are integrated into the development itself, beyond just the construction phase, in accordance with best practice. We recommend the following condition wording:

No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the Local Planning Authority. Any details to be submitted shall be in accordance with the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 8 Bats and Artificial Lighting', and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: To limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation in accordance with paragraph 191(c) of the NPPF 2023.

KCC Heritage

The site lies within an area of multi-period background archaeological potential. However, based on existing Historic Environment Record data for the area and the past development of the site, I consider it unlikely that these proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

KCC Highways and Transportation

The application proposes the conversion of an existing barn to 3 x 4 bed dwellings, that will utilise the existing access from Wrotham Road. In line with Kent Residential Parking Standards (IGN3) each dwelling will have 3 parking spaces, and I am pleased to note that EV charging will be provided for each dwelling.

Secure, covered cycle storage is required, at a ratio of one space per bedroom and I am satisfied that this can be accommodated within the garage or a shed within the garden.

I refer to the above planning application and 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:-

- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision and permanent retention of secure, covered electric vehicle charging facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>.

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.

Dickens' Country Protection Society

The Society is concerned that the proposal would result in three new dwellings in the Green Belt and questions if a livery stable constitutes an agricultural use.

Internal

GBC Environmental Protection

The Design & Access statement indicates that some stable/livery use is to remain in site (stables/barn, horse walker, driving track, welfare facilities). This continued use could give rise to noise problems and this needs to be considered in terms of noise levels both internally and in the external garden areas. To address this and other matters, the following conditions and informatives are recommended:

Noise Control

Prior to commencement, a noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:

- The internal ambient noise levels in all habitable rooms of the proposed residential dwellings shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014.
- The maximum internal noise levels in all habitable rooms should not exceed 45dB L_{Amax} more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
- External areas shall be designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 50 dBLAeq,16hr. If a threshold level relaxation to 55 dBLAeq,16hr is required for external areas full justification should be provided.

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.

Code of Practice on Construction and Demolition

Please apply as appropriate.

Lighting

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring.

Drainage/sewerage informative

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable. If foul sewage is to be removed using non-mains sewerage systems, a sewage treatment plant or septic tank system will be considered in preference to a cesspool. Such a system may require the prior consent of the Environment Agency under the terms of the Water Resources Act 1991. Applicants are therefore advised to discuss their requirements with the Environment Agency at the earliest opportunity. It should be ensured that the septic tank or cesspool is of adequate capacity to serve the proposed development and suitable access and hardstanding area shall be maintained to it on site.

GBC Waste Services

The proposed properties are down a private land, so the wheelie bins will have to be brought to the junction

of South Street (Wrotham Road) for collection each week.

Sufficient space should be allocated to allow space for storage and presentation for:

Refuse - 1 x 180ltr bin grey body and lid

Recycling - 1 x 240ltr bin grey body and green lid

Food Waste – 1 x 23ltr bin black body and orange lid with an individual 5ltr caddy per property

The Council offers an 'opt-in' garden waste service collected via a 240ltr, 140ltr bin or paper sack. The take up of the service is extremely high therefore space should also be allocated to accommodate an additional bin.

Gravesham Borough Council operates a fortnightly collection of refuse and recycling and a weekly collection of food waste.

Neighbouring properties

Consultation was by way of the displaying of a site notice and individual letters sent to four surrounding properties with an overall expiry date of 19th August 2024. One letter of objection was received making the following summarised comments;

- Green Belt
- Additional Traffic
- Additional Noise – Residential vs Agricultural

Officer's Analysis

Housing Need

Hopkins Homes Ltd v Secretary of State for Communities and Local Government [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF (2023) expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

"It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than "guidance" and as such a "material consideration" for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme."

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2023). This requires that in regard to housing development, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 182)
- Sites of Special Scientific Interest
- Green Belt
- Local Green Space
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68)
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 125(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of '3' dwellings would offer a minimal contribution towards meeting local housing need and, accordingly, officers consider that this should be accorded minimal weight in support of the application.

Paragraphs 130 and 134 of the NPPF (2023) require development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the NPPF (2023) and established local planning policy taken as a whole.

Principle and Green Belt

The application site is located within the rural area and the Green Belt. The main issues are:

- Whether or not the proposal would be inappropriate development in the Green Belt
- The effect of the proposal on the openness of the Green Belt
- The effect of the proposal on the character and appearance of the area
- Whether the proposal would occupy a sustainable location in respect of access to local shops, services and facilities; and
- If the proposal is inappropriate development, whether or not there are material considerations which, together, clearly outweigh the harm to the Green Belt, and any other harm, and which amount to very special circumstances which would be necessary to justify the proposal.

Green Belt

Policy CS02 states that development in the Green Belt that proposes to maintain and diversify the rural economy will be supported where it is compatible with national policies for protecting the Green Belt and policies in the Core Strategy.

Section 13 of the National Planning Policy Framework 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 consideration.

Para. 142 states that the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Para. 155 regards certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. In this case exception d) the re-use of buildings provided that the buildings are of permanent and substantial construction.

The proposal is for the conversion of an existing stable block that is constructed of breeze block and metal sheeting. The building is not a temporary structure as it has been present on the site since before 2003, as can be shown in the following satellite images:

Satellite Images

2003



2007



2012



2017



2024



The undamaged block work and corrugated walls and roof make the building a substantial construction, which has been confirmed by the supporting structural report. The proposal conversion and elevation alterations would not result in the increase of the structure either in footprint or height.

In relation to the land around the barn, the attached timber stables and flat roof extensions to the side and rear would be removed, and low level boundary fencing would be used for the rear gardens with the inclusion of native hedging to screen the building from the road.

Overall the proposal is considered to fall within the parameters of Paragraph 155(d) of Section 13 (Protecting Green Belt Land) of the National Planning Policy Framework (2023) and Policy CS02 (Scale and Distribution of Development)

Character and Appearance

Policy CS12 states that the overall landscape character and valued landscapes within the Borough will be conserved, restored and enhanced and that 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 and will conserve and enhance the character of the local, built, historic and natural environment.

The site is located within the Meopham Downs Landscape Character area. The key characteristics include gently undulating topography with a mixture of arable and pasture farmland, neat pattern of small square fields in the south, broader irregular shaped fields to the north, narrow lands and roads lined with hedgerows and traditional architecture surrounding village greens provide local vernacular. The guidelines are to conserve and reinforce.

The site comprises an agricultural building with open fields to the surrounding with South Street to the west and a detached barn building to the east with paddocks to the south and a wooden barn and freight containers to the north west. The nearest residential property is North Lodge to the west side of South Street, over 103m away. The area is rural in character. The existing stable block is of breeze block with metal sheeting construction.

Existing Building





The proposal would create 3no. four bedroom eight person dwellings. The internal layouts would be similar with the end properties being a mirror image of each other. Each property would provide an entrance hall with stairs to the upper floor, living room, kitchen/diner, utility, storage, toilet and 2no. double bedrooms with en-suites on the ground. The upper floor have a further 2no. double bedrooms and family bathroom.

The elevational changes include single front door and 3no. modest windows on the front elevation to each dwelling. To the rear 2no. small windows and bi-fold doors. Within the roof there would be 3no. rooflights to each property.

Proposed Elevations



Whilst the development would include windows, doors and rooflights, the proposal would not dramatically alter the appearance of the building, with the blockwork being painted white and the use of vertical timber weatherboarding. The roof is currently metal sheeting and the proposal would be for corrugated roof material of Onduline or similar. The wooden stables on the east elevation and the staff outbuilding and canopy to the rear would be removed. As such, it is considered that the proposed elevational changes would be respectful and not detract from the original building.

The properties would have off road surface parking to the front with two parking spaces per dwelling, with laid to lawn areas. To the rear, each property would have a private garden area with 1.8m internal fencing to the patio areas only to provide privacy, with the remaining fencing being 1.2m high timber post and rail fencing, leaving an open visual aspect. The proposal also includes the planting of native hedging along the

western boundary to act as screening. It is considered that the soft landscaping and boundary treatments would not detract from the character of the existing building and surrounding area.

The development is considered to accord with Policies CS12 (Green Infrastructure) and CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy and Sections 12, 13 and 15 of the National Planning Policy Framework (2023).

Sustainable location

The property is located within the rural area, however other residential properties are also located within the area and the rural village of Meopham Green is a short distance away to the north, which has local amenities. South Street is served by a footpath along the western side, together with being the main transport route towards Wrotham and is also served by public transport. The location is therefore considered to be sustainable, in accordance with Policies CS01 and CS02 of the Core Strategy 2014 and Section 9 of the National Planning Policy Framework (2023).

Amenity of Future Occupiers

The floor area required for a four-bedroom, eight person dwelling is 124sqm and the proposed dwellings all have an internal floor area of 183.14sqm. The proposed development therefore meet this standards. The bedrooms meet the national standards for double rooms and offer sufficient outlook and privacy for future occupiers.

The garden areas for each of the dwellings is 103.8sqm, which exceed the 100sqm minimum and the depths accord with the 10m minimum, within the Gravesham Residential Layout Guidelines.

The boundary fencing have been kept to 1.2m post and rail to respect the character of the area, with a section of 1.8m timber fencing adjacent to the patio areas only to provide privacy for the occupiers which is considered acceptable.

Noise

The Design & Access statement indicates that some stable/livery use is to remain in site (stables/barn, horse walker, driving track, welfare facilities). The stables/barn is located to the west of the application building and sits parallel to the access track. As such, this continued use could give rise to noise problems. GBC Environmental Protection have not objected on these grounds but have provided some suggested conditions and informative to address the issue.

In addition, it is noted that in appeal decision APP/K2230/W/18/3211138 (attached as Appendix 1) for the construction of 8no. residential dwellings in nearby Istead Rise, the Inspector considered the noise impact on future occupiers of the proposed dwellings of vehicle movements and plant used to access a grain store. The considered that most activity would be during normal working hours and concluded in paragraph 31 that *the noise generated by the activity associated with the retained agricultural building could, potentially, result in occasional exceedances of background levels by a sufficient amount to have a noticeable effect on future occupiers. However, having regard to the likely frequency and times of day of those activities, I consider that, their overall noise impact would not be significant.*

The site is currently used for stabling of horses. It is likely that there would be vehicle movements during the day to tend to them, however on the balance of probabilities, it is unlikely that large vehicle movements would be late at night. Furthermore, due to the layout of the road, vehicles would generally be moving at lower speeds. The proposal therefore complies with Policy CS19 of the Core Strategy 2014 and para. 135f of the National Planning Policy Framework (2023).

Neighbouring Amenity

The closest residential dwelling is located over 100m to the west. As such, there will therefore be no loss of privacy, outlook, sunlight or any overshadowing.

The proposal therefore complies with Policy CS19 of the Core Strategy 2014 and para. 135f of the National Planning Policy Framework (2023) in respect of both future occupier and neighbour amenities.

Parking and Highways

There are no parking or highway issues related to this proposal. The existing access will be used which benefits from good vision splays and open views of South Street Road to the north and south. The proposed parking provide 2 spaces per dwelling, which accords the minimum of 2 spaces and as such would accord with Gravesham's adopted parking standards (SPG4) (2006).

The proposed dwellings are not expected to increase vehicular movements within the area significantly. As the access to the existing site is in regular use and therefore, the impact on the highways network and traffic generation are low. It is not considered the vehicle movement, noise and lighting would be different to the existing.

In relation to the intensification of the existing access. KCC Highways and Transportation made no objection to this and consider that the additional traffic generation from three dwellings would not be significant and is therefore acceptable.

The proposal is in accordance with Policy CS11 (Transport) (LPCS) and Policies T1 (Impact on Highway) and T5 (Access to Identified Highway Network) (LPFR).

Any Other Material Planning Considerations

Affordable Housing

Meopham Green does not form part of any of the Statutory Instruments such as The Housing (Right to Acquire or Enfranchise) (Designated Rural Areas) Order 1997. Neither, has it been designated as a rural area under Section 157 of the Housing Act 1985. Therefore, the Council in its housing role is unable to stop households who are allocated new council homes from exercising their legal Right to Buy.

The proposal falls within the exemption allowed for under the NPPF (2023) at paragraph 154(f) and as such there is no requirement for affordable housing. The proposal is not considered to be inappropriate development in the context of paragraphs 152-153 of the NPPF (2023). Consequently, the proposal would not be contrary to Policy CS02 (LPCS) or the NPPF (2023). In light of this conclusion, there is no requirement to separately assess the impact of the development on the openness of the Green Belt, as this is not a determinative factor in gauging inappropriateness for proposals that fall under paragraph 154(f) of the NPPF (2023).

Biodiversity

The NPPF (Section 15) seeks to ensure that any development result in a biodiversity net gain. This application proposes the erection of four new dwellings on a section of lawn to the side of the golf club entrance and on a tarmacked parking area, which offers little biodiversity opportunity. The plans show that a number of trees will be removed, however as stated above in the previous section, any tree lost would be replaced with two. Therefore, a condition will be attached to the decision notice to ensure that suitable hard and soft landscaping schedules are submitted to, and approved in, writing by the Local Planning Authority, which will ensure that suitable landscaping and biodiversity opportunities are provided.

Net Gain

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.

The supporting application form states the proposal is exempt from biodiversity net gain due to the site being small. It is considered that due to the development consisting of no more than 9 dwellings, on a site that has an area below 0.5 hectares, it would meet the definition of self-build housebuilding in section 1(A1) of the Self-build and Custom Housebuilding Act 2015, is an exemption to the BNG requirement. The application was also submitted prior to the exemption expiring.

The application seeks to construct 3no. dwellings on a site of 0.2776 hectares, and the construction of the dwellings are considered to meet the definition of self-build. Therefore, no additional information is required under Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 for BNG.

Regardless of any exemption, the applicant has an obligation to deliver measurable gains for biodiversity under the NPPF 2023, paragraph 180(d). At present, the loss of an area of neutral grassland as well as some mixed scrub and vegetated garden is proposed. The planting of two mixed native hedgerows and the provision of five bat boxes is proposed as a form of mitigation. KCC Biodiversity condition that these measures alone are not sufficient to deliver measurable gains given the loss of ~250m² of neutral grassland to facilitate access/parking for the new dwellings. The submitted PEA (section 4.10) recommends several other enhancement measures which, if implemented, will be suitable to avoid a net loss of biodiversity.

A condition for additional biodiversity enhancement will be imposed to address this.

Equalities Considerations

The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical

Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

HUMAN RIGHTS IMPLICATIONS

In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

Along with any supporting material supplied by the applicant, this report has outlined the consultation that has been undertaken on the planning application and representations made to the Council as Local Planning Authority.

In determining the application, the Council needs to satisfy itself that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights are legitimate and justified. Both public and private interests are to be considered in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. The Council must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

In making the recommendation on this application, consideration has been given to the requirements of the Human Rights Act. Where it is engaged, any interference in those rights is considered proportionate, lawful and in the public interest to secure the proper planning of the area in accordance with adopted policy, having regard to any other material considerations.

S106 Contributions

The development is for 3 new dwellings and is therefore under the 10 dwelling threshold for S106 Contributions and will therefore not be required.

Conclusion

The development would be an acceptable form of development within the Green Belt which would conserve the character and spatial layout of the existing stable block. The proposal would provide suitable living accommodation for future occupiers and would not result in a detrimental impact on neighbouring amenities. Parking and cycle provision would accord with the standards and the intensification of the entrance would not result in any detrimental highway impact with good sightlines already provided.

The proposal would accord with both local and national planning policy.

Recommendation

Permission

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

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	6 th September 2024	Dated:	11 th September 2024