



Delegated Report

Full Planning Application

Planning Application No:	20230851
Location:	Chalk Scout Group, Castle Lane, Gravesend, Kent
Description:	Retention of a temporary welfare unit to provide toilet and shower facilities, canteen, office and bedroom.
Applicant:	Mr Jamie Masters
Site Visit Date:	17 August 2023

Submitted Documents/Plans

Application form
OS Plan
Drawing no. P.01 (Pre-existing site plan)
Drawing no. P.02 (Existing site plan)
Drawing no. P.10 (Floor plan welfare unit)
Photos of unit

Relevant Planning History

Reference	Description	Decision	Decision Date
20230849	Application for the approval of conditions 7,8,11,14,19 and 21 attached to planning permission reference number 20210514 relating to connection to suitable mains drainage (7), A sustainable surface water drainage management and maintenance plan (8), details relating to the boundary treatments (11), the vehicle parking areas (including the means of access and vehicle turning areas) shall be formed, surfaced, drained and marked out (14), full details of soft landscaping for the development (19) and full details of hard landscaping for the development (21).	Pending	
20230782	Application for the approval of conditions 3 (CEMP Document) and 9 (Materials) attached to planning permission 20210514.	Pending	
20210514	Demolition of the existing building and erection of two detached 3/4 bedroom chalet style bungalows.	Permitted	07.04.2022

Development Plan

Gravesham Local Plan Core Strategy (2014)

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

Gravesham Local Plan: First Review (1994)

- T1 – Impact of Development on Highway Network
- P3 – Vehicle Parking Standards

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)

- 2 – Achieving sustainable development
- 9 – Promoting sustainable transport
- 12 – Achieving well-designed places
- 13 – Protecting Green Belt land
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 (June 2020)
- Technical Housing Standards – nationally described space standard (2015)
- SPG4 – KCC Parking Standards (2006)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

External Consultees

Dickens Country Protection Society

The Society would wish to raise an objection to this application. The building includes residential accommodation. The site is in an area within which Green Belt policies apply where new buildings would not normally be permitted. No very special circumstances have been put forward to warrant overriding Green Belt Policy.

The building has the design and appearance of a mobile home and is excessive for contractors' accommodation during construction works. In the Society's view, the Local Planning Authority should take immediate enforcement action to secure the removal of the building to prevent the use becoming established. Any temporary consent may prove difficult to control.

KCC Biology

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that the proposed development has limited potential to result in significant ecological impacts.

We have taken this view as the submitted photos demonstrated that the site has already been cleared under the works associated with application 20210514. Therefore we expect any ecological mitigation required would have been implemented during the site clearance works.

As such, we are satisfied that there is no requirement for an ecological survey to be carried out at this time.

As the application is for a temporary building we are satisfied that no ecological enhancements are required as part of this application.

Internal Consultees

GBC Environmental Protection

These comments are in relation to planning application ref: 20230851 for the retention of a temporary welfare unit to provide toilet and shower facilities, canteen, office and bedroom.

As the application refers to a retention of a welfare unit, there are no immediate concerns regarding nuisance.

We would have concerns that the units can be used for sleeping overnight, and we would wish to see the Private Housing Team be consulted on this application.

We note that there is also no mention of foul water drainage, we would therefore recommend that a condition is placed that would require the temporary unit to be linked to the mains drainage or be connected to a suitable and sufficient foul water storage tank, with the water being removed off site at regular intervals so that foul water does not contaminate the site.

With the above in mind, this Service has no objection to the application, on the basis that the proposal is kept as a temporary welfare unit.

GBC Highways

I have no highway objections.

Neighbouring properties

The application has been advertised by individual neighbour letters to 10 properties, and on site. The overall consultation period expired on 15 September 2023.

Two letters of representation have been received. One representation objected to the proposal with the following comments:

- Why would the builder want a top of the range mobile home with internal bathrooms and then build an external wash room / shower and toilet?
- Also they have fenced the whole caravan with new wooden fences. It looks like it's going to be a semi-permanent home.

One representation was in support of the proposal and had the following comments:

- The owner has to be on site to provide security for the site and materials.
- No understanding about why the caravan being there has caused so many problems.

The Local Ward Councillor was also consulted, and no response was received.

Officer's Analysis

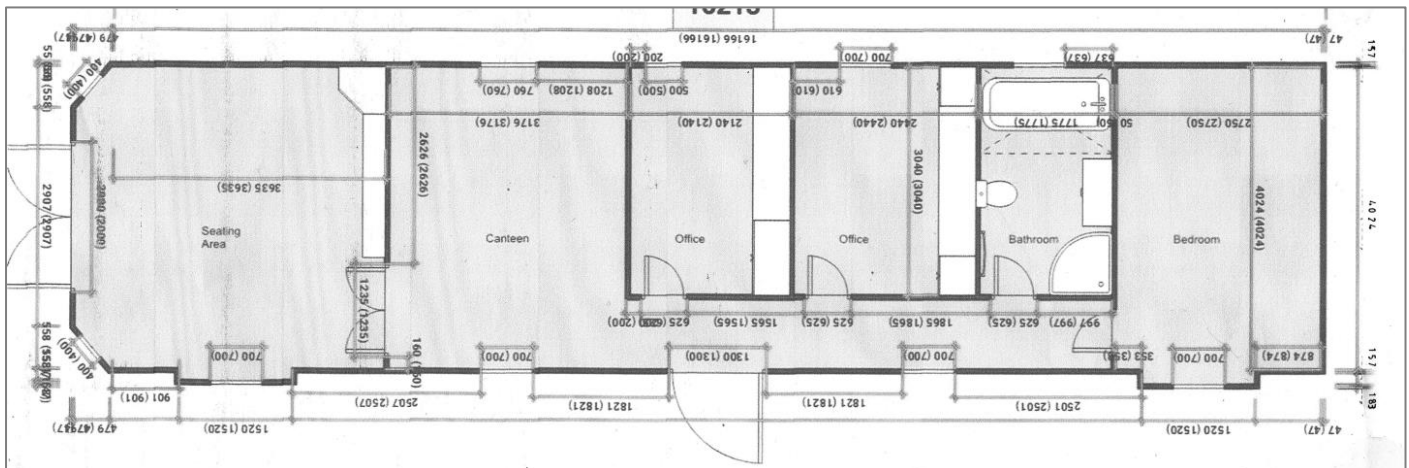
Proposal

This application seeks planning permission for the retention of a temporary welfare unit to provide toilet and shower facilities, canteen, office and bedroom. The unit measures approximately 16.2m in length by 4.1m in width.

Site Plan:



Floor Plan:



The application form states that a temporary permission is sought for 24 months while construction takes place (on the wider site).

The welfare unit has already been installed on the site, with the addition of fencing and hardstanding around it:



Whilst the application form describes the proposal as a 'welfare unit', the development involved would appear to be a caravan with associated hardstanding and fencing around it.

According to the Health and Safety Executive, everyone who works on a construction site must have access to toilets and facilities for washing, changing, eating and rest.

Schedule 2 of the Construction (Design and Management) Regulations 2015 (CDM 2015) lists the welfare facilities that should be in place at any site. These include toilets and washing, changing, eating and rest areas.

The 'rest' areas should have:

- enough tables and seats (with backs) for the number of workers likely to use them at any one time
- facilities to prepare and eat food and a way of boiling water
- ventilation in the summer and heating in the winter. Properly maintained electrical equipment can remove the risks linked to LPG heaters from carbon monoxide.

Notably, bedrooms are not included.

A caravan is defined as follows:

Section 29 of the Caravan Sites and Control of Development Act 1960

"caravan" means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer)

and any motor vehicle so designed or adapted, but does not include:

- (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or*
- (b) any tent;*

The unit would appear to meet the definition of a caravan over a 'welfare unit', and the application will therefore be assessed on this basis, considering the change of use of the land to site a caravan, along with the new development of fencing and hardstanding.

Principle Issues

The application site is located in the countryside, outside any rural settlement and in the Green Belt. It is also within the Higham Arable Farmland Landscape Character Area. Taking into account these designations, the main issues for consideration in the determination of this application are the principle of the development in the Green Belt, and the impacts on landscape character and the appearance of the surrounding area, on residential amenities and on highways.

Principle of Development in the Green Belt

Green Belts are of great importance. The fundamental aim of Green Belt policy is to prevent urban sprawl by preserving the open and permanent characteristics of Green Belts (paragraph 137 of the NPPF 2023). In the rural area, development will be supported within those rural settlements inset from the Green Belt. Development outside those settlements, such as the application site, will be supported where it is compatible with national policies for protecting the Green Belt and policies in this plan.

Paragraph 147 of the NPPF 2023 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 of the NPPF 2023 states that the construction of new buildings should be regarded as inappropriate development in the Green Belt but lists certain exceptions. These exceptions are set out in sub-paragraphs 149(a) to (g) and 150(a) to (f).

The proposed change of use of the land for the siting of a caravan should be considered against paragraph 150 (e) of the NPPF 2023, which states that material changes in the use of land are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

The proposal involves the siting of a caravan together with a large area of hardstanding and closeboarded fencing around the caravan. This would clearly alter and adversely affect the openness of the site in this location and would conflict with one of the purposes of the Green Belt, which seeks to safeguard the countryside from encroachment. On face value, the proposal would therefore conflict with the requirements of paragraph 150 (e) of the NPPF 2023, which would indicate it would amount to inappropriate development, which is by definition, harmful to the Green Belt.

Impact on Openness

However, as set out in paragraph 150(e) of the NPPF 2023, it is necessary to consider the level of harm to openness at the site that would result from the area of hardstanding, fencing and use of land for the stationing of a caravan. It needs to be borne in mind that the Courts have held that the impact on openness has both a spatial and visual dimension and it is a matter of planning judgement as to whether the proposal will result in (any) harm to openness.

As stated above, paragraph 137 of the NPPF 2023 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also states that the essential characteristics

of Green Belts are their openness and permanence. Paragraph 138 states the various purposes of the Green Belt, including safeguarding the countryside from encroachment. Paragraph 001 of the Planning Practice Guidance 2019 on Green Belts looks to assess the impact of a proposal on the openness of the Green Belt by taking into account the spatial and visual aspects of a development, its duration and remediability, and the activity levels generated.

The proposed caravan introduces a large structure into an area of open space on the site, together with a large increase in the amount of hardstanding and fencing, and this clearly reduces and cause harm to the openness of the Green Belt in this location. The size and hi-spec appearance of the structure does not appear temporary as would usually be expected with a mobile 'welfare' unit on a building site, and with the inclusion of a bedroom within the unit, it manifests more as a permanently occupied mobile home. The fencing and hardstanding around the unit, separating it from the building site, compounds this manifestation. A temporary permission would not be given for such a development.

The views into the site are open, and the proposals entirely urbanise the site for all to see. Whilst additional planting in and around the site could assist in lessening the visual impact of the proposal to an extent, this in itself would further impact on openness. In both spatial and visual terms, by reason of the apparent permanent nature of the caravan, hardstanding and fencing, and the increase in the spread of development across the site, this proposal would clearly result in a loss of openness. The proposal would also result in a difference in activity levels related to the use of the site than previously existed.

Altogether, the change in the use of the land to station a caravan and the extent and spread of the hardstanding and fencing would fail to preserve the openness of the site and would encroach into the countryside, contrary to the purpose of the Green Belt designation and causing harm. Paragraph 148 of the NPPF 2023 states that substantial weight should be given to any harm to the Green Belt. There are no special circumstances in this case to outweigh such harm. The proposed change in the use of the land and associated hardstanding and fencing are therefore considered to be inappropriate development in the Green Belt.

The development is clearly contrary to the requirements of paragraphs 137, 138, 147 and 148 of the NPPF 2023. As the proposal fails to comply with national policies for protecting the Green Belt, the proposal also fails to comply with the requirements of Policy CS02 of the Core Strategy 2014.

Design and Landscape Character

The site is located in the Higham Arable Farmlands Landscape Character Area. Paragraph 174 of the NPPF 2023 requires development to contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes.

Policy CS12 of the Core Strategy 2014 is also relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment (GLCA) will be taken into account in determining applications. The GLCA states the area is defined by gently undulating topography with open arable farmland, hamlets and settlements, isolated farmsteads and scattered properties with locally distinct styles and materials that contribute to the rural character of the area. The condition of the landscape is generally poor, its sensitivity moderate. The guidelines for the area focus on restoring landscape elements in poor condition, whilst safeguarding it as a prominent landscape feature within the wider landscape.

Specifically in terms of design, paragraph 130 of the NPPF 2023 sets out various design requirements and includes the need for development to add to the overall quality of an area; be visually attractive; and be sympathetic to local character, including the surrounding built environment. Paragraph 134 of the NPPF (2023) states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the

local built, historic and natural environment and integrate well with the surrounding local area. In particular the design of new development should be derived from a robust analysis of local context and character and make a positive contribution to the street scene and the character of the area.

The caravan on this site, at approximately 16m long by 4m wide, appears excessively large and introduces new built development on a currently undeveloped and visible part of the site. The fencing and hardstanding increase the amount of built development into an area of the site that was open. It further urbanises the application site and is out of keeping with the character of surrounding properties. As such, the proposed development is detrimental to the rural landscape character of the surrounding area.

Overall, it is considered that the proposed development is excessive in size, prominent in position and detrimental to the character and appearance of the surrounding area. The proposal is contrary to the requirements of Policies CS12 and CS19 of the Core Strategy 2014.

Residential Amenity

The NPPF 2023 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

Neighbouring Properties

Whilst large, the single storey nature and position of the proposed unit does not cause any sense of enclosure, loss of light, outlook or privacy to neighbouring properties, which are located some distance away to the north (32 Castle Lane), south (4 Filborough Way) and across the road. The submitted plans show no encroachment onto neighbouring land.

Overall, the proposal therefore safeguards the amenities of neighbouring properties, and as such, complies with Policy CS19 of the Core Strategy 2014 and paragraph 130(f) of the NPPF 2023.

Parking and Highways

There are no objections to the proposal in relation to parking and highway safety with regards to Policy CS11 of the Core Strategy 2014 and saved Policies T1 and P3 of the Local Plan 1994.

Any Other Material Planning Considerations

Housing Need

At the heart of the NPPF 2023 there is a presumption in favour of sustainable development (paragraph 11), which for decision-taking means that planning permission for applications involving the provision of housing should be granted, unless, in line with the requirements of paragraph 11(d):

- i. the application of policies in this Framework (the NPPF) 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.

The proposed development would provide a net increase of 1 dwelling on the site and would therefore offer a small contribution towards meeting local housing need. Accordingly, this weighs in support of the application, particularly where evidence has shown that the Council cannot currently demonstrate a five year housing supply. However, as set out above, the Green Belt aspect of the proposal has been considered unacceptable, and there is therefore a clear reason for refusing the development, in line with paragraph 11(d)(i).

Thames Estuary and Marshes Ramsar / Special Protection Area (SPA) – SAMMS Tariff

As the application site is within 6km of the Thames Estuary and Marshes SPA/Ramsar Sites and would provide additional residential accommodation, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. On this basis a tariff of £314.05 is required (given there would be one caravan proposed on the site).

This tariff was not requested due to the recommendation for the application, and the applicant has therefore not paid this tariff. Without an agreement in place to secure this contribution or any evidence to inform an appropriate assessment, the Local Planning Authority cannot be satisfied that the proposal would put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar Sites, which is contrary paragraphs 174 and 180 of the NPPF 2023 and Policy CS12 of the Core Strategy 2014.

Biodiversity

Policy CS12 of the Core Strategy 2014 seeks to maintain important landscape features for their aesthetic and ecological benefits. This policy also states that there will be no net loss of biodiversity and that the overall landscape character of the Borough will be conserved, restored and enhanced. The Gravesham Landscape Character Assessment (LCA) 2009 will be taken into account in determining applications.

No ecological information has been submitted with this application. However, it is advised that the proposed development has limited potential to result in significant ecological impacts, given that the site has already been cleared. Therefore, any ecological mitigation required should have been implemented during the site clearance works. As such, there is no requirement for an ecological survey to be carried out at this time, and no ecological enhancements are required as part of this application provided the development is temporary.

Archaeology

The site lies within an area of archaeological potential. However, it is considered unlikely that the proposal would have a significant below-ground archaeological impact. The proposal therefore complies with Policy CS20 of the Core Strategy 2014 and paragraph 197 of the NPPF 2023.

Conclusion and Recommendation

It is recognised that the proposal would provide a small contribution towards increasing housing numbers in the area, but as the development is inappropriate in the Green Belt, there is a clear reason for its refusal. On this basis, the application is unacceptable for the following reasons:

1. The caravan, hardstanding and fencing would intensify and urbanise the use of the site, fail to preserve its openness and would encroach into the countryside, causing permanent detriment to the Green Belt. It is therefore considered to comprise an inappropriate development in the Green Belt. There are no very special circumstances that exist that outweigh the harm resulting from the proposal by reason of inappropriateness, or any other harm. The development is therefore contrary to the requirements of paragraphs 11, 137, 138, 147, 148, 149 and 150 of the National Planning Policy Framework 2023, and Policy CS02 of the Gravesham Local Plan Core Strategy 2014.
2. The intensified and urbanised use of the site, and excessive size and prominent location of the caravan with associated hardstanding and fencing is out of keeping with the character and appearance of surrounding properties and detrimental to the rural landscape characteristics of the wider Higham Arable Farmlands Landscape Character Area. As such, the proposal fails to comply with the requirements of Policies CS02, CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 130 and 174 of the National Planning Policy Framework 2023.

3. The proposal fails to secure a contribution towards strategic mitigation measures within the Thames Estuary and Marshes SPA/Ramsar Sites to resolve disturbance issues to wintering birds, and in the absence of this contribution or any evidence to inform an appropriate assessment, the development fails to comply with the requirements of the Habitat Regulations and paragraphs 174 and 180 of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

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

Case Officer:	Mrs Katherine Parkin	Team Leader:	Richard Hart
Signed:	<i>K. Parkin</i>	Signed:	<i>R Hart</i>
Dated:	21 September 2023	Dated:	21st September 2023