

TOLLGATE HOTEL SITE, GRAVESEND Planning Policy Update Note – NPPF (December 2024) – Grey Belt 13 May 2025

Introduction

Further to the submission of planning application ref. 20240856, validated 16 October 2024, for:

*Demolition of existing buildings to provide an EV charging hub and petrol filling station, including 24 charging bays and supporting electrical infrastructure (12 charging upstands, three substations and two network cabinets), six pump islands with canopy above, a forecourt shop/amenity building, customer parking, two air and water spaces and associated hardstanding and landscaping, accessed from the Wrotham Road/eastbound A2 roundabout junction (**proposal**).*

this Planning Policy Update Note (**Note**) assesses the proposal against the new "grey belt" policy set out in the updated National Planning Policy Framework (NPPF), December 2024 (as updated February 2025), and as described in the associated updates to the National Planning Practice Guidance (NPPG).

The assessment set out in this Note is run **in the alternative** to the Green Belt assessment set out in the submitted 'Planning; Design & Access; Statement of Community Involvement and Sustainability & Energy Statement' for BP Pulse, dated 16 September 2024 (our ref. 19-02858) (**Planning Statement**), and which assessed the proposal against the provisions contained within the superseded December 2023 version of the NPPF. The Planning Statement concluded that the proposal was not inappropriate development in the Green Belt, by dint of (then) paragraphs 154 g) and 155 c) (now 154g) and 154h)(iii) in the December 2024 NPPF). For the avoidance of doubt, the applicant maintains that the proposal remains appropriate development through application of NPPF paragraphs 154g) and h)(iii). The applicant also maintains that in the alternative, and in any event, having regard to the wide-ranging and significant planning benefits of the proposed development, "very special circumstances" exist such that planning permission ought to be granted under NPPF paragraph 153.

The National Planning Policy Framework 2024

The government updated the National Planning Policy Framework in December 2024. Chapter 13 of the updated document sets out the government's policy on development located in the Green Belt. It introduces the concept of 'Grey Belt Land', and states when development of Grey Belt is acceptable in principle.

Grey belt land is defined in Annex 2 NPPF as:

"...land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development."

The assets described in footnote 7 include: Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

Paragraph: 010 (Reference ID: 64-010-20250225) of the NPPG states:

"Where a site is judged to be grey belt, and to not fundamentally undermine the purposes of the remaining Green Belt across the plan area if released for development, wider considerations will still be relevant to the consideration of development proposals on the site. These would include determining whether the development would not be inappropriate development in the Green Belt, as set out in paragraph 155 of the NPPF. That question would include consideration of whether a development is sustainably located, whether it would meet the 'Golden Rules' contributions (where applicable), and whether there is a demonstrable unmet need for the type of development proposed."

NPPF 2024 paragraph 153 states that inappropriate development is, by definition harmful, to the Green Belt. However, footnote 55 to this paragraph also states that development on previously developed land or grey belt land is not inappropriate.

The NPPF 2024 updated the test contained within the exception to inappropriate development provided by paragraph 154 part g) to reference development "which would not cause substantial harm to the openness of the Green Belt" (in comparison to referencing development "not having a greater impact on openness(as per the previous version). The wording of 155 c) in the 2023 version of the NPPF relating to transport infrastructure (and which is now paragraph 154 h)(iii) in the NPPF 2024) remains unchanged.

Further exceptions to inappropriate development are now provided in paragraph 155 NPPF where:

"a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

b There is a demonstrable unmet need for the type of development proposed;

c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and

d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below". [NB: the Golden Rules relate to major development involving the provision of housing on Green Belt land, and are therefore not applicable to the proposed development].

Application of Grey Belt Policy

The Planning Statement describes how the proposal would comprise an exception to inappropriate development in paragraph 154 g) NPPF. That assessment is not reiterated in full here, as it is not considered by the applicant that the amendments to paragraph 154 part g) warrant re-assessment of the proposal against this provision.

This Note does assess the proposed development against the criteria in paragraph 155 of the NPPF (2025), and against which development in the Green Belt would not be regarded as inappropriate. The exception set out in Paragraph 155 applies if it can be demonstrated that the proposal would: (a) utilise Grey Belt land and not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan; (b) meet a demonstrable unmet need, and (c) be sustainably located. As noted above, paragraph 155 part d) is not applicable to the proposal as it does not involve the provision of housing.

These requirements are assessed in turn below.

(a) **Utilise Grey Belt land not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;**

The proposal will lead to the complete redevelopment of previously developed land, whether redundant or in continuing use. This is addressed in paragraphs 10.20 – 10.22 of the Planning Statement. Paragraphs 10.57-10.59 of the Planning Statement then assess the proposal against all five of the purposes of the Green Belt as set out in paragraph 143 NPPF. With regard to the proposal site and purposes (a), (b) and (d), we reach the following conclusions:

- (a) **to check the unrestricted sprawl of large built-up areas:** the site is located immediately north of the A2 and the Strategic Road Network, which is itself an established barrier restricting sprawl. **The site's contribution** toward the checking of unrestrained sprawl **is therefore low.**
- (b) **to prevent neighbouring towns merging into one another:** The site is located immediately south of the urban area of Gravesend and Norfleet, and there are no other towns in the vicinity of the site. The site is therefore **not considered to support this purpose** of the Green Belt.
- (d) **to preserve the setting and special character of historic towns:** The site's roadside location context does not impact on the setting or special character of any historic towns. The site therefore **does not contribute toward this function** of the Green Belt.

It follows that the proposal site does not contribute strongly toward these three purposes of the Green Belt and is not excluded land as described in footnote 7 (as set out above). The proposal site therefore accords with the definition of Grey Belt land and its release for development would not undermine the purposes (taken together) of the remaining Green Belt across the area of the local plan in accordance with NPPF paragraph 155 a).

This latter point is supported by the Stage 2 Green Belt Report by LUC (2020), as summarised in paragraphs 7.41 -7.43 of the Statement. This concludes that the impact of developing the area assessed within the Review (which includes a relatively lengthy strip of land between the former route of the A2 and the replacement dual carriageway running to the south of it, which is contained within the proposal site) on the contribution of adjacent land to the five Green Belt purposes, would be negligible.

In terms of the overall harm to Green Belt purposes from the release of the land, it is found that:

"Release of the parcel would constitute moderate sprawl of the large built-up area but would lead to relatively limited encroachment on the countryside. It would constitute a negligible weakening integrity of adjacent Green Belt land. Therefore, the harm to the Green Belt purposes of releasing this parcel would be low-moderate."

It is therefore evident that the proposal would comply with paragraph 155 provision a).

(b) meet an unmet need

That the proposal would meet an unmet need, both locally (and therefore requiring the Green Belt location), and nationally, is evidenced in paragraphs 10.44 – 10.55 of the Planning Statement, the EV Need Assessment' prepared by Graham + Sibbald LLP, and the Business Needs Case and Rationale prepared by BP Pulse, as submitted in support of the planning application.

(c) be sustainably located

The site is located to the north of the eastbound entry slip road to the A2 dual carriageway which lies immediate south of the site, providing direct access to the Strategic Road Network (SRN). To the east of the site is the junction of the A2 with the A227 Wrotham Road, from which the site is directly accessible. The A227 providing access to Gravesham and Norfleet. It is therefore considered that the site is a highly sustainable location in the context of its proposed function and users.

In affirming the sustainability of the site's location, the proposed development is assessed against Paragraphs 110 and 115 of the NPPF.

Paragraph 110 states:

"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making"

The proposal is appropriately located with regard to its proposed use (and users), which would directly support this section of the A2 and the wider SRN, and be well linked to support local need. Indeed, that the proposal site is well linked to an existing access to the SRN and that the proposal shall meet an unmet need, is fundamental to the principle of the proposal and the choice made by the applicant for its location. In siting the proposal off the SRN, the traffic generated by the proposed use would comprise existing trips from vehicles already on the road network, either diverted from the A2 or passing to/from Gravesend. The activity generated by the proposed development is therefore de minimis in the context of the linked trips generated and the site's proximity to the SRN, and would not therefore lead to any material increase in emissions. Furthermore, the

proposed use, in its support of the nationwide shift toward a low carbon future through the promotion and provision of low emission transport infrastructure, would improve air quality and public health.

With regard to Paragraph 115, each criterion of the paragraph is addressed below:

a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location: the proposed development addresses a specific need, being the provision of key infrastructure in support of the transition to a low carbon transport system. The very aim and ambition of the proposal, therefore, is in support of sustainable transport.

Provision is also made for a variety of users and sustainable transport modes, to a level applicable to the proposed use as an EV charging hub with ancillary facilities. It includes cycle parking, links to the existing cycle ways and pedestrian paths, and upgrading of pedestrian paths.

b) safe and suitable access to the site can be achieved for all users: accessibility has been designed into the proposal from the outset, and is considered in detail in Chapter 4 of the Statement.

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and: the design of the proposal has been developed in coordination with Markides Associates, and details of the site having been designed in accordance with national guidance is confirmed within the Transport Statement

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach: As noted above, the proposal would serve existing users on the SRN or the local road network. The activity generated by the proposed development is considered de minimis in the context of existing linked trips – see the Transport Statement prepared by Markides Associates, and the EV Need Assessment⁴⁹ prepared by Graham + Sibbald LLP

As detailed above, the proposal can demonstrate a sustainable location with particular reference to the provisions at Paragraphs 110 and 115 of NPPF, and the criterion of Paragraph 155 c) is therefore addressed.

Conclusions

Paragraphs 10.13 – 10.60 of the Planning Statement describe how the proposed development accords with the NPPF definition of development that is not inappropriate in the Green Belt as described by Paragraph 154 g) (the redevelopment of previously developed land), and Paragraph 155 c) (the delivery of local transport infrastructure that can demonstrate the need for a Green Belt location).

This Note also demonstrates (in the alternative) that the proposal can be considered to provide for the acceptable development of grey belt land. The proposal would accord with the relevant criteria which apply to non-housing development, as set out in Paragraph 155 of the NPPF. The proposal should therefore be regarded as not inappropriate in the Green Belt on this additional ground.