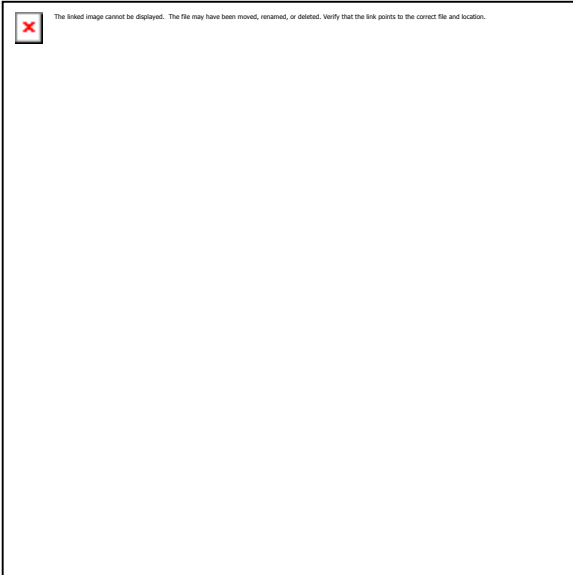




Delegated Report

Planning Application

Planning Application No: 20220511

Location: Cobhambury Barn, Cobhambury Road Cobham Gravesend

Description: Erection of an extension to existing lawful dwelling together with a new self-contained link-attached dwelling.

Applicant: Mr & Mrs Montila

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Planning Application Form;
Heritage Statement - May 2022;;
Planning Statement - April 2022;
Design and Access Statement - May 2022 Rev 01;
Landscape and Visual Appraisal May 2022;
Drawing No. RD1769-Z0-P-L100 Rev. 01 – Site Location Plan, Application Boundary and Block Plan;
Drawing No. RD1769-Z0-P-A100 Rev. 01 – Lower Ground and Ground Floor Plans;
Drawing No. RD1769-Z0-P-L101 Rev. 01 – Site Plan;
Drawing No. RD1769-Z0-P-A101 Rev. 01 – First Floor and Roof Plans;
Drawing No. RD1769-Z0-P-A500 Rev. 01 – Proposed Elevations and Section;
Drawing No. RD1769-Z0-P-A501 Rev. 01 – Proposed Elevations and Section; and
Drawing No. RD1769-Z0-P-L102 Rev. 01 – General Arrangement Plan – Site Layout Landscape.

Relevant Planning History

Reference	Description	Decision	Decision Date
20180257	Application for a Lawful Development Certificate in respect of the continued use of part of the outbuilding as a three bedroom residential dwelling and retention of the	Certificate Granted	13.09.2019

	extension to the western elevation to the outbuilding.		
20180268	Application for a Lawful Development Certificate in respect of the retention of the swimming pool.	Certificate Granted	01.02.2019
20180269	Application for a Lawful Development Certificate in respect of the retention of the swimming pool.	Withdrawn	30.04.2018
20180270	Application for a Lawful Development Certificate in respect of the continued use of land east of the outbuilding as B8 (storage and distribution).	Certificate Granted	01.02.2019
20180578	Retention of the single storey side extension to the main dwellinghouse and infill extension to the existing outbuilding.	Permission	15.02.2019
19970562	**AMENDED APPLICATION/REVISED DESCRIPTION** Partial demolition of barn and its conversion and part rebuilding into a six bedroom dwelling; conversion and part rebuilding of outbuildings to form garaging, gymnasium/sauna room, games room, store and 3 no. stables, involving demolition of 'Atcost' barn building; laying out of associated manoeuvring area and retention of portacabins during construction works.	Permission	06.02.1998
19970519	**AMENDED APPLICATION/REVISED DESCRIPTION** Conversion and part rebuilding of barn into a six bedroom dwelling; conversion and part rebuilding of outbuildings to form garaging, gymnasium/sauna room, games room, store and 3 no. stables, involving demolition of 'Atcost' barn building; laying out of associated manoeuvring area and retention of portacabins during construction works.	Refused	11.12.1997
19970562	**AMENDED APPLICATION/REVISED DESCRIPTION** Partial demolition of barn and its conversion and part rebuilding into a six bedroom dwelling; conversion and part rebuilding of outbuildings to form garaging, gymnasium/sauna room, games room, store and 3 no. stables, involving demolition of 'Atcost' barn building; laying out of associated manoeuvring area and retention of portacabins during construction works.	Permission	06.02.1998
19860542	Conversion of former agricultural barn into a residential dwelling	Refused	21.10.1986
19750436	Removal of agricultural tie	Refused	13.01.1975

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 - Design & Development Principles

- CS20 – Heritage and the Historic Environment

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network
- T5 – Access to the Identified Highway Network
- TC2 – Development Affecting the Setting of a Listed Building
- TC3 – Development Affecting Conservation Areas

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- 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);
- Cobham Rural Conservation Area Appraisal (2017);
- Gravesham Landscape Character Assessment (2009); and
- Kent Downs Area of Outstanding Natural Beauty Management Plan (2021-2026).

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a statutory duty in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

As the site lies within the Kent Downs Area of Outstanding Natural Beauty (AONB), the adopted Kent

Downs AONB Management Plan is also relevant, particularly;

- SD2 - The local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements.
- SD7 - New projects, proposals and programmes shall conserve and enhance tranquillity and where possible dark night skies.
- SD8 - Ensure proposals, projects and programmes do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB.

Consultations, Publicity and Representations

External

KCC – Heritage Conservation (E & W)

The site lies within an area of multi-period archaeological potential and to the east, and outside the former extent of the Cobhambury historic farmstead. Cobhambury historic farmstead lies within the Kent Downs AONB and the proposals take note of the historic farmstead guidance which can be found here:

https://kentdowns.org.uk/wp-content/uploads/2018/04/Kent_Downs_AONB_Farmstead_Guidance.pdf.

The present day Cobhambury Barn, formed the eastern wing of the regular courtyard farmstead which had evolved during the later 19th century from the less regular layout illustrated on the mid-19th century Tithe map.

The area of the proposed development appears to have been used as a yard for some years and historic aerial photography from the 1940s shows that the linked building is in the area where livestock and vehicles would have accessed the farmyards. It is likely that these past activities will have led to impacts to any below-ground archaeological remains in this area, reducing their significance. Rather than requiring archaeological field evaluation, I recommend in this case that it would be reasonable, if planning permission is granted, for the following condition to be applied to any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

KCC – Biodiversity

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application, we advise that the proposed development has limited potential to result in ecological impacts and there is no requirement for ecological information to be submitted with the planning application.

Due the below reasons we are satisfied that any impact on protected/notable species can be avoid through the production and implementation of a precautionary ecological mitigation strategy:

- The area of habitat to be lost is small
- There is suitable habitat surrounding the proposed dwelling and extension area and it will be retained
- The area of habitat looks like it is mainly bare ground which provides limited habitat for protected/notable

species; although there are piles of rubbles that may offer suitable habitat for protected and notable species

- The existing barn (where the extension is proposed) seems quite recent/well maintained and as such is likely to have limited potential to be utilised by roosting bats

We recommend the following condition is included if planning permission is granted:

Prior to works commencing (including any vegetation clearance) a detailed precautionary mitigation strategy produced by an experienced ecologist must be submitted to the LPA for written approval. It must include the following:

- Details of the habitats on sites and details of species likely to be present
- Methodology to clear the vegetation and piles of rubbles
- Timing of the proposed works
- Details of who will be carrying out the works
- Details of enhancements to be carried out within the site and surrounding area.

The works must be implemented as detailed within the approved strategy.

Biodiversity and Ecological Enhancements

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes. We advise that measures to enhance biodiversity are secured as a condition of planning permission if granted. This is in accordance with Paragraph 180 of the NPPF “opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity”.

We recommend the following condition is included if planning permission is granted:

Within 3 months of planning permission being granted, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with provision of generous native planting where possible. The approved details will be implemented and thereafter retained.

Natural England

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the [European Site's conservation objectives](#) and in accordance with the Conservation of Habitats & Species Regulations 2017.

Cobham Parish Council

No comments received.

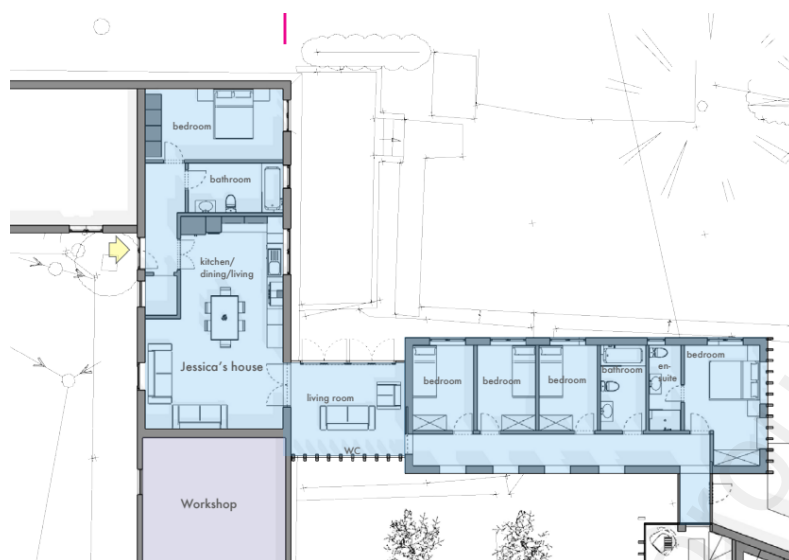
Internal

GBC – Highways Officer

This application raises the question what use will the two bedrooms lost from the original permitted development be put to.

In terms of the proposal, I note the arguments for the linked dwellings, but in time as people move or pass on, it is probable that at some point in the future the dwellings will become independent and must be judged as such.

Considering the existing dwelling first, this is a three bedroom property. The drawings submitted do not show the full extent of the existing dwelling, but there is a drawing in the Design and Access statement shows an additional bedroom.



Given the full extent of the existing dwelling is not included in the application, I would question if the submission is valid.

We therefore have a three bedroom property become five, which requires 2 secure cycle parking spaces as per the guidance in SPG4. I also note the applicant has misinterpreted the County Council guidance which is a minimum number of car parking spaces in a rural area.

GUIDANCE TABLE FOR RESIDENTIAL PARKING

LOCATION	CITY/TOWN CENTRE	EDGE OF CENTRE	SUBURBAN	SUBURBAN EDGE/VILLAGE/RURAL
ON-STREET CONTROLS	On-street controls preventing all (or all long stay) parking	On-street controls, residents' scheme and/or existing saturation (Note 3)	No, or very limited, on-street controls	No on-street controls, but possibly a tight street layout
NATURE OF GUIDANCE	MAXIMUM (Note 1)	MAXIMUM	MINIMUM (Note 6)	MINIMUM (Note 6)
1 & 2 BED FLATS	1 space per unit	1 space per unit	1 space per unit	1 space per unit
FORM	Controlled (Note 2)	Not allocated	Not allocated	Not allocated
1 & 2 BED HOUSES	1 space per unit	1 space per unit	1 space per unit	1.5 spaces per unit
FORM	Controlled (Note 2)	Allocation possible	Allocation possible	Allocation of one space per unit possible
3 BED HOUSES	1 space per unit	1 space per unit	1.5 spaces per unit	2 independently accessible spaces per unit
FORM	Controlled (Note 2)	Allocation possible	Allocation of one space per unit possible	Allocation of one or both spaces possible
4+ BED HOUSES	1 space per unit	1.5 spaces per unit	2 independently accessible spaces per unit	2 independently accessible spaces per unit
FORM	Controlled (Note 2)	Allocation of one space per unit possible	Allocation of both spaces possible (Note 7)	Allocation of both spaces possible (Note 7)
ARE GARAGES ACCEPTABLE? (Note 4)	Yes, but with areas of communal space for washing etc.	Yes, but not as a significant proportion of overall provision	Additional to amount given above only	Additional to amount given above only
ADDITIONAL VISITOR PARKING (Note 5)	Public car parks	Communal areas, 0.2 per unit maximum	On-street areas, 0.2 per unit	On-street areas, 0.2 per unit

NOTES

1. Reduced, or even nil provision is encouraged in support of demand management and the most efficient use of land.
2. Parking/garage courts, probably with controlled entry.
3. Reduced, or even nil provision acceptable for rented properties, subject to effective tenancy controls.
4. Open car ports or car barns acceptable at all locations, subject to good design.
5. May be reduced where main provision is not allocated. Not always needed for flats.
6. Lower provision may be considered if vehicular trip rate constraints are to be applied in connection with a binding and enforceable Travel Plan.

In terms of the actual provision for the existing property, at some 5 metres wide it would not be considered adequate for two cars. Looking at the officers photo's that dealt with the original lawful development certificate, the suggested parking area was in use as open storage.

Therefore, in terms of the existing dwelling the suggestion that cars are parked in the barn should be removed, but no details are required because of the existing status and the fact in a rural area the parking requirement for the existing and proposed extended dwelling are the same.



Note the vehicle does not have a front number plate and therefore could not be in use.

Therefore at the time of the lawful development certificate being issued, the parking for the dwelling was elsewhere. In my opinion the use of the barn has not be established as a car parking area. Whilst this may not be relevant to the existing dwelling, it is to the new one. There should however be two secure cycle parking spaces to comply with SPG4.

Minimum Cycle Parking Standards

Individual residential dwellings ⁽¹⁾	1 space per bedroom
Flats & maisonettes ⁽²⁾	1 space per unit
Sheltered accommodation ⁽²⁾	1 space per 5 units
Notes:	1. Cycle parking provision should normally be provided within the curtilage of the residential dwelling. Where a garage is provided it should be of a suitable size to accommodate the required cycle parking provision. 2. Parking provision should be provided as a secure communal facility where a suitable alternative is not available.

Note the satellite image from Google Maps suggests car parking is currently outside the barn



Subject to the car parking provision in the barn being deleted and the provision of two secure parking spaces I have no objections to the extension of the existing dwelling.

Turning to the new dwelling, this is a two bedroom property, which according to the above guidance should have on average 1.5 spaces per property, but as an average is not appropriate here as there is only one building, two should be provided. However, the parking in the barn is only suitable for one vehicle.

SPG4 gives the following requirements regarding parking bay sizes.

Note the requirements in Note 2 where the parking space width is increased to 2.7 metres where it is adjacent to an enclosed boundary, so a parking barn for two vehicles would have to be 5.4 metres and not the 5 metres shown. A two bedroom property would also require two secure cycle parking spaces.

In terms of traffic generation from the proposed changes are not considered significant, indeed they may be some reduction with the removal of the existing B8 use. The existing access is therefore deemed acceptable by the fact that it has been in existence for many years rather than compliance with standards which it falls well short of.

I note that the application form states that it is unknown how foul water will be disposed of, as such it may be necessary for a tanker to empty a septic tank or cesspool at intervals. Also given the distance from the highway, a fire engine and delivery vehicle must be able to turn, to avoid excessive reversing movements. A fire engine is limited by Building Regulations a 20 metre reverse, whilst other vehicle reversing distances are detailed in the Kent Design Guide.

Vehicle Turning Considerations

- large service vehicles should not be expected to reverse more than 40m
- refuse vehicles should not be expected to reverse more than 20m
- pantechnicons should not be expected to reverse more than 60m
- cars and smaller service vehicles should not be expected to reverse more than 25m.
- designers should note that poor provision for parking of large vehicles will affect accesses.

The applicant should therefore demonstrate that a 4 axle tanker can readily turn within the site without

conflicting with any car parking, which should suffice as a proxy for all other vehicles.

So as presented, I do not believe there is adequate information for the new dwelling. The proposed car parking is unacceptable, there is no provision for secure parking of cycles and a turning area for a large 4 axle tanker needs to be demonstrated, as a proxy for any vehicle that may visit the site. It may be possible to review the requirements for the turning area, if foul water disposal is known.

Given the size of the site the car and cycle parking could be conditioned, but not the onsite turning requirement.

It should also be noted that given the distance of the property from the highway and the unsuitability for on street parking on the highway, the applicant should also provide at least one visitor parking space, although there is no policy or guidance to support this.

Suitable provision should also be made for providing future Electric Vehicle charging points, but this will hopefully now be included in any Building Regulation submissions.

GBC – Conservation Architect

No comments received.

Neighbouring properties

A site notice was displayed on site and 1 letter were sent out to surrounding properties with an overall consultation expiry date of 22nd July 2022. No letters of representation have been received.

Analysis

Procedural Matters

The proposed description lays out two elements to this application. One is for the erection of an extension to existing lawful dwelling within the existing outbuilding and the second is for a new self-contained link-attached dwelling.

However, the proposed plans also include both elevational and internal alterations to the outbuilding that do not form part of the residential dwelling which was granted a lawful development certificate (Ref. 20180257) and as such the section of the building to which this relates has a lawful use of storage.

Due to the differences in how these three elements are assessed and in the interest of transparency, they will be assessed separately and on their own planning merits and will be laid out as such below.

Extension to Existing Dwelling

Background

As can be seen from the planning history, a lawful development certificate as granted in 2019 *in respect of the continued use of part of the outbuilding as a three bedroom residential dwelling and retention of the extension to the western elevation to the outbuilding* (Ref. 20180257). It was granted for the following reason;

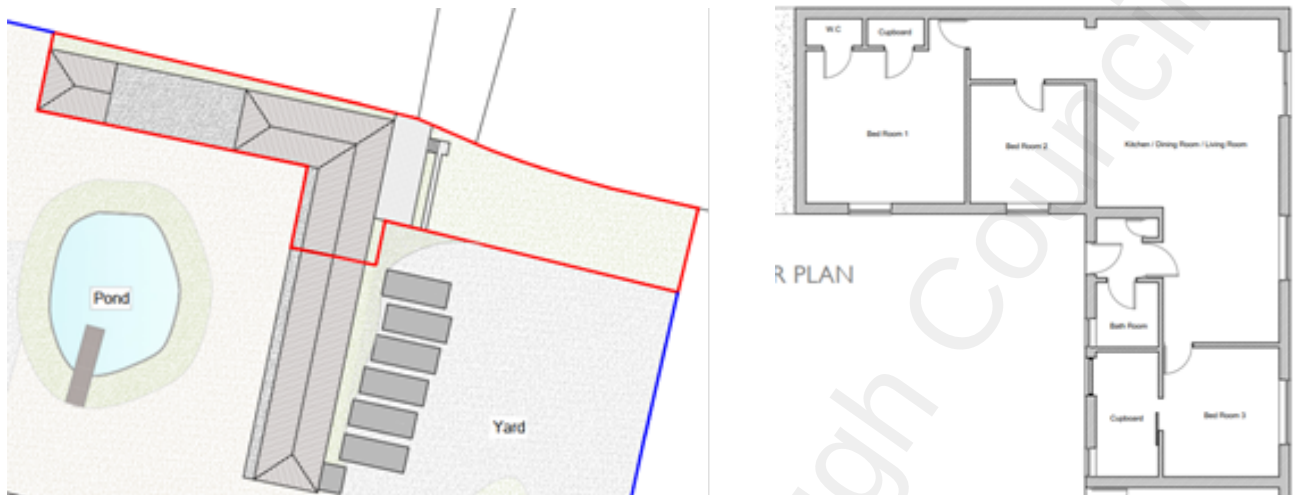
1. The Borough Council is satisfied that the applicant has provided and shown sufficient evidence that, on the balance of probability, the extension and use of the building as self-contained dwelling was constructed and in use in excess of 4 years prior to the date of the application.

The Borough Council is therefore satisfied that the existing extension and dwelling are exempt from enforcement action by reason of section 171B (1) and (2) of the Town and Country Planning Act

1990, as amended.

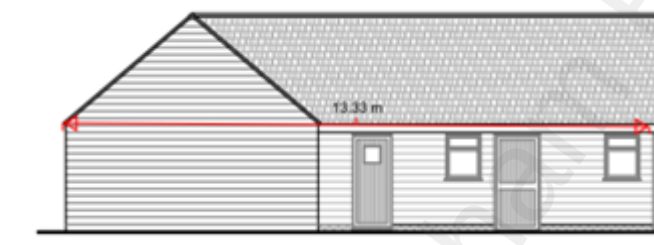
The development is therefore lawful by reason of section 191 (2) (a) of the Act and a Certificate of Existing Lawful Use is duly issued.

In terms of the extent of the lawful development certificate, the below section of drawing shows the area outlined in red as the part of the detached outbuilding that the certificate relates to:

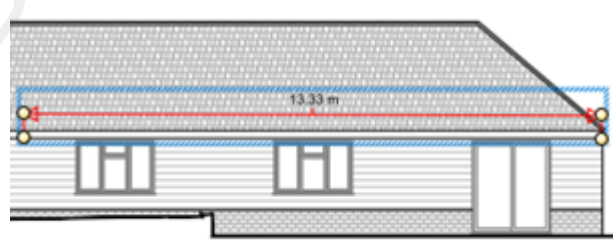


It would appear from the plans available that the dwelling has not been extended or altered since the granting of the lawful development certificate. Therefore, for the purpose of this application assessment, the property appears to be the 'original' property as originally converted.

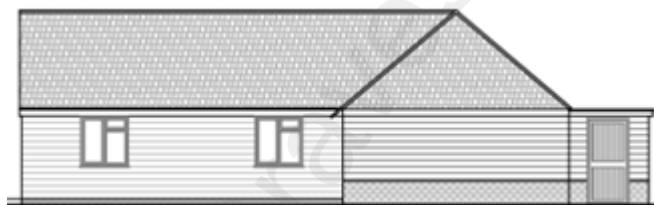
Front (West) Elevation



Rear (North) Elevation



Side (South) Elevation



Side (North) Elevation



The key issues in consideration of this application is whether;

- the proposal would be inappropriate development in the Green Belt and, if inappropriate its effect on the openness of the Green Belt and the purposes of including land with it;
- the proposal would impact on adjoining properties;
- the proposal would impact the living conditions of future occupiers
- the proposal would result in any parking and highway safety issues;
- the proposal would adversely impact on the landscape character of the site;

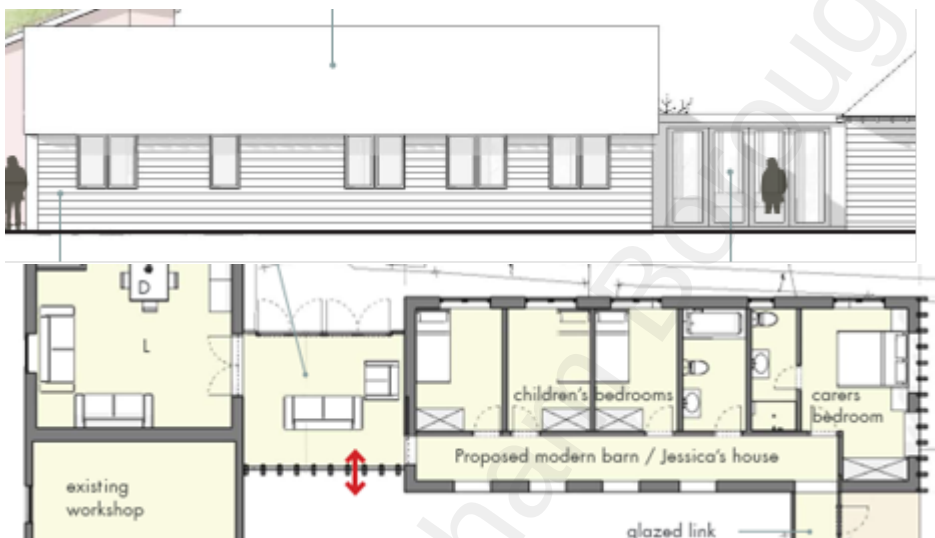
Site Location and Surrounding Area

The site is located in the Green Belt and in the Luddesdown Downs Landscape Character Area as defined on the adopted Gravesham Local Plan Core Strategy policies map and this must be the starting point for determining this application.

The application site is the partly converted outbuilding associated with Cobhamburn Barn. The property benefits from its own access, open plan kitchen/dining/living room, 3no. bedrooms, bathroom, storage and its own garden area to the rear. Parking is available to the front and within the existing open carport that forms part of the original outbuilding, however this part of the outbuilding is outside of the residential curtilage associated with the dwelling. The property is a self-contained unit which is occupied separate to the main dwelling.

Proposal

The proposal is for a single storey pitch roof extension to the rear of the property including a glazed link to join the existing dwelling and the extension. There is also a further glazed link which joins to the proposed new dwelling which forms the third part of this application. The extension and glazed link would project 18.15m from the existing rear elevation, the main extension would measure 5.25m wide with the glazed link measuring 3.73m wide and 2.4m in height to eaves and 4.58m to the ridge with a pitch roof. The glazed link would be 2.67m in height with a flat roof. The proposed works would result in an additional living area and link to the 4 additional bedrooms, bathroom and en-suite.



The appropriateness of the development within the Green Belt

Inappropriate development in the Green Belt is development that by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to say that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The NPPF (2021) notes that 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 permanence. At paragraph 138 the NPPF (2021) lists the 5 purposes which the Green Belt serves. Of particular relevance in this case is that it assists in safeguarding the countryside from encroachment.

The NPPF (2021) makes it clear that new buildings in the Green Belt should be regarded as inappropriate, with a small number of exceptions (paragraph 149). The listed exceptions include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy CS02 of the Gravesham Local Plan Core Strategy (September 2014) (LPCS) prioritises development

in the urban area as a sustainable location for development. In the rural area it states that development will be supported within rural settlements that are inset from the Green Belt and defined on the Policies Map. Development outside those settlements (which is the case here), will only be supported where it is compatible with national policies for protecting the Green Belt and policies in (LPCS).

Furthermore, Saved Policy C13 of the Gravesham Local Plan First Review (November 1994) (LPFR), which relates to extensions to dwellings in the countryside, sets out a number of criteria that should be met when considering proposals for domestic extensions. As the policy pre-dates the NPPF (2021), the weight attached to the policy must be considered carefully; with greater weight being given where the approach is consistent with paragraph 149 the NPPF (2021).

In particular Policy C13 (LPFR) places an overall limit on extensions of one third of the gross floor area of the original dwelling, unless the increased floor space has no overall effect on the existing bulk and appearance of the dwelling (criteria (ii)). It also requires the massing, scale and form of any extension to be appropriate to the existing dwelling and the Green Belt setting (criteria (vi)). It is considered that these factors are relevant in determining whether the size of an extension is proportionate and as such, these aspects of the policy are broadly in line with the NPPF (2021) and should be afforded weight.

In determining proposals for residential extensions in the Green Belt an assessment will be made against the impact of the 'original' existing development. The original building is the building as it existed on 1 July 1948, however, for older homes constructed prior to July 1st, 1948, the 'original dwelling' refers to the floorspace of the dwelling as it was on this date. Any additions that have occurred since the 'original' dwelling date are considered cumulatively and will be counted as part of the overall increase in floorspace of the dwelling when new additions are being assessed. The reason for this is small reductions in openness, repeated many times, can have a cumulatively detrimental effect.

The existing dwelling in this case does not appear to have been extended since the granting of the lawful development certificate.

Existing dwelling (as converted)

Ground Floor: 123.33m²

Proposed Extension

Ground Floor: 44.58m²

Total floor space increase proposed: **167.91m²**

Total floor space increase of proposed extension over original dwelling: **36.14%**

Saved Policy C13 (LPFR) provides the local interpretation of national policy and states there will be an overall limit of one third of the gross floor area of the original dwelling (measured externally) prior to any later extension or alteration, unless the increased floorspace has no overall effect on the existing bulk and appearance of the dwelling.

In this case the increased floorspace exceeds the one third limit and therefore is not within the parameters set by Policy C13 (LPFR). Therefore, it will be necessary to assess the proposal on the overall effect on the existing bulk and appearance of the dwelling.

The original dwelling was originally an outbuilding associated to the main Cobhambury Barn. It was partially converted and resulted in a modest single storey three bedroom dwelling. The proposed rear extension would have an external footprint of 88.65m². In addition, the pitch roof and gable end design of the main extension would create additional bulk. It is therefore considered that the proposed extension, in addition to exceeding the one third limit set out in Policy C13 (LPFR), it would also result in an increase in the bulk and appearance of the dwelling. As such it is considered that the proposed development would result in a detrimental impact in terms of bulk or appearance of the dwelling.

In summary it is considered that this extension is contrary to local and national planning policy.

Impact on openness and the purposes of the Green Belt

Having determined that the proposal is an appropriate development in the Green Belt, it is necessary to assess the effect on the openness and the purposes of including land in the Green Belt. The NPPF (2021) notes that 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 permanence.

The proposed extension would have an extensive 18.15m projection from the existing dwelling and would project further to the open countryside. It would result in an increased external footprint of the dwelling by 88.65m² and can therefore not be considered to be a modest extension to a dwelling within the countryside. As a result, it is considered that the proposal would result in a material harm to the openness of the Green Belt or represent encroachment into the countryside.

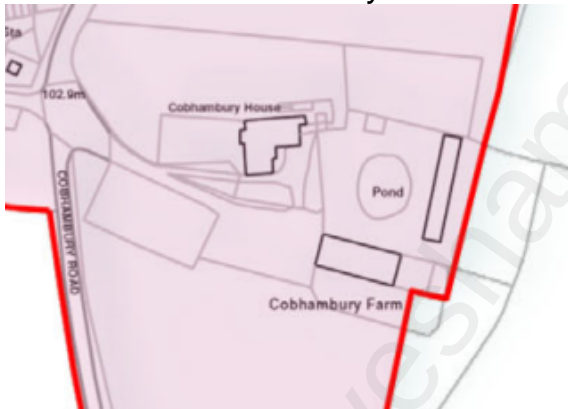
Therefore, the proposed extension is considered to be in contrary to Policy CS02 (LPCS) and Section 13 of the NPPF (2021).

External works

It has been shown on the application form and submitted drawings, that the glazed link would be contemporary design, with the main extension design to reflect the existing outbuilding.

The application site falls partially within the Cobham Conservation Area. In terms of the proposal extension, this would partially sit within the conservation area, however, it would not be visible from the front of the site and as such is considered that it would not have a detrimental impact on the conservation area.

Conservation Area Boundary



Satellite View



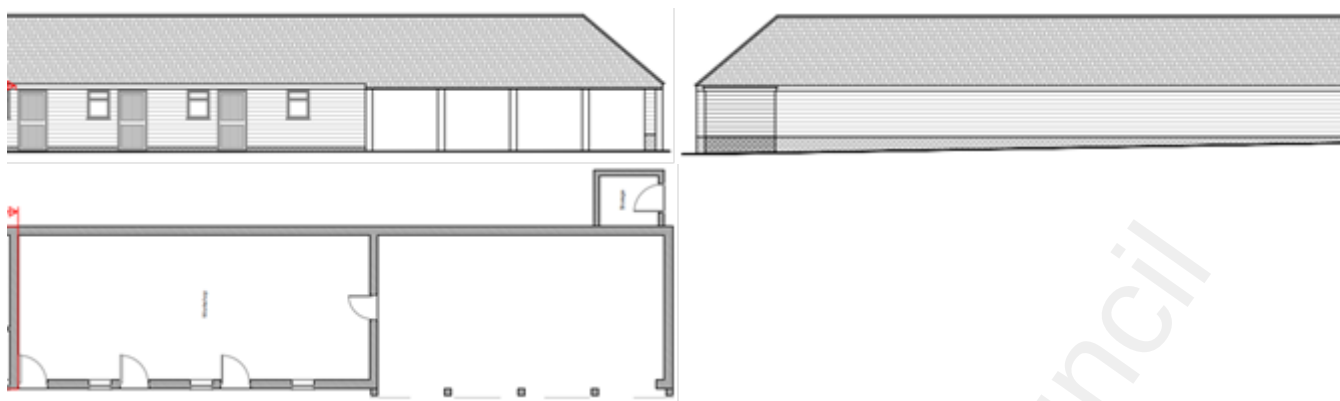
Taking account of all the above, it is considered that the proposal extension to the existing lawful dwelling is acceptable and would accord with Policies CS02, CS19 and CS20 (LPCS) and Sections 12 and 16 of the NPPF (2021).

Alterations and Partial Change of Use of the Existing Outbuilding

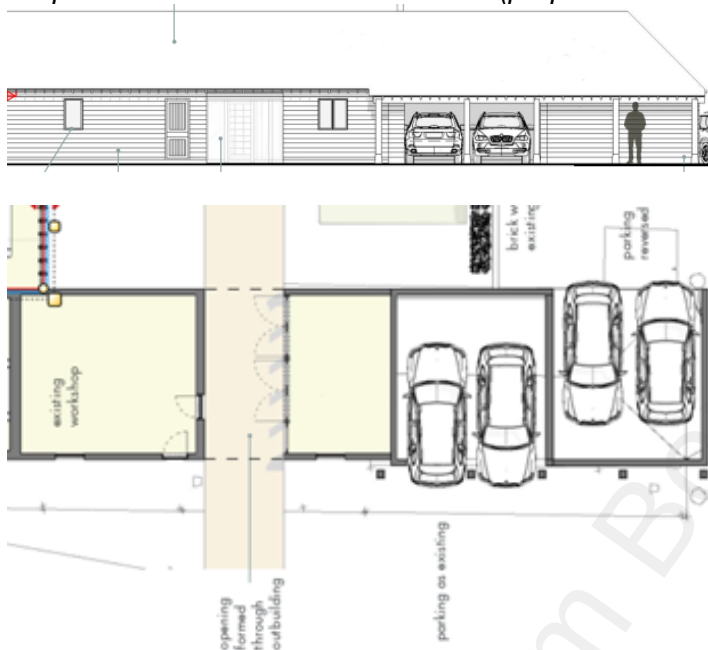
The submitted drawings show both internal and external alterations to the existing workshop which does not form part of the lawful dwelling.

The existing lawful use of the relevant part of the outbuilding is a workshop as shown on the approved plans for application Ref. 20180257. The proposal seeks to create a new opening through the building to access the proposed new dwelling together with replacement windows and doors.

Existing Elevations and Floor Plans



Proposed Elevations and Floor Plans (proposed rear elevations of the outbuilding were not submitted)



The proposed change would not result in additional habitable living space and the majority of the outbuilding would remain as a workshop / storage. However, the proposed elevational changes would result in the loss of the original stable doors and the proposed full length glazed door and side windows would have a more domestic look to the original building.

This part of the site sits within the Cobham Conservation Area and is located to the front of the existing building.

Policy CS20 (LPCS) states that the Council will accord a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource.

CS19 (LPCS) requires that new development will conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local.

Overall it is considered that the loss of the original features of the existing outbuilding and the replacement with full length glazing windows and doors would neither respect or enhance the original building and would be contrary to policy.

New Self-Contained Link-Attached Dwelling

Housing Supply

Adopted Policy CS02 (LPCS) sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the

period. Evidence now available shows that the Council is not able to demonstrate a five-year housing supply (a 3.27 year supply has most recently been calculated within the statement published [here](#)), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF.

This requires that in regard to housing development, planning permission should be granted unless: *“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 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(2021) at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 180)
- 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 67); and
- 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.

As part of this balancing exercise it should be noted that paragraphs 130 and 134 of the NPPF (2021) requires 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 National Planning Policy Framework (NPPF) and established local planning policy taken as a whole.

Whilst the Council is currently unable to demonstrate a five year housing supply, the proposed development for a net increase of '1' no. dwelling would offer a minimal contribution towards meeting this local need and, accordingly, the Local Planning Authority considers that very limited weight in support of the application can be applied in this instance.

An appeal decision APP/K2230/W/16/3165704 dating from April 2017 has considered the benefit of converting an existing building within the Green Belt into two dwellings and the Inspector concluded:

“This development would involve the provision of a very modest amount of housing and I therefore consider that it would do little to enhance or maintain the vitality of the settlements in the area, in terms of supporting local services and businesses and that the poor access to every day local facilities would, in any event, outweigh any benefits to the area's vitality.”

The above appeal decision makes it clear that two new dwellings would contribute to the housing supply but this would not be outweighed by the harm to the Green Belt/landscape.

Of further relevance is a recent Court of Appeal decision, *Suffolk Coastal District Council v Hopkins Homes Ltd & Anor* (England and Wales Court of Appeal (Civil Division) (Mar 17, 2016)) where the Judge stated the following:

39. Mr Clay and Mr Crean submitted that footnote 9 in paragraph 14 of the NPPF supports the "narrow" – or at least the "intermediate" or "compromise" – interpretation of paragraph 49. But we cannot see how it does. Footnote 9 explains the concept of specific policies in the NPPF indicating that development should be restricted. The NPPF policies it gives as examples relate to protected birds and habitats, Sites of Special Scientific Interest, the Green Belt, Local Green Space, Areas of Outstanding Natural Beauty, Heritage Coasts, National Parks, the Broads, heritage assets and locations at risk of flooding or coastal erosion (see paragraph 12 above). For all of these interests of acknowledged importance – some of them also subject to statutory protection – the NPPF has specific policies. The purpose of the footnote, we believe, is to underscore the continuing relevance and importance of these NPPF policies where they apply. In the context of decision-taking, such policies will continue to be relevant even "where the development plan is absent, silent or relevant policies are out-of-date". This does not mean that development plan policies that are out-of-date are rendered up-to-date by the continuing relevance of the restrictive policies to which the footnote refers. Both the restrictive policies of the NPPF, where they are relevant to a development control decision, and out-of-date policies in the development plan will continue to command such weight as the decision-maker reasonably finds they should have in the making of the decision. There is nothing illogical or difficult about this, as a matter of principle.

It is therefore concluded that the additional dwelling proposed whilst having limited weight in support of the proposal is not considered to be sufficient to outweigh the harm to the Green Belt/landscape that would result from the development proposal which is discussed in the following sections of the report.

Green Belt

The application site lies within the Green Belt as defined on the adopted Gravesham Local Plan Core Strategy (2014) policies map and this must be the starting point for determining this application. Given paragraph 140 of the NPPF (2021) states that Green Belt boundaries should only be amended in exceptional circumstances, in the context of the preparation or review of a Local Plan, it is not for the current application to seek to amend such a policy designation.

Similarly, whilst the Council is committed under Policy CS02 to meet its full objectively assessed housing need for housing and employment and to undertake a strategic Green Belt review, if required, to achieve this end, it is not for a planning application to pre-empt due process given the outcome of this process may be to identify preferable and more sustainable alternatives.

On this, it is noted that the Inspector in finding the Gravesham Local Plan Core Strategy sound, was clearly of the opinion that a plan-led process should be followed rather than the ad hoc release of sites. The Inspector's report states at paragraph 48 that:

Nevertheless, a small element of total new housing supply would still need to come from the Green Belt to meet the overall requirements in the plan period, albeit in the latter part thereof. This should only reasonably and realistically be identified as part of a formal Green Belt review process that includes full public consultation and a comparative assessment of realistic opportunities, rather than through any "one off" releases in advance thereof. This should be conducted through a formal statutory process, as distinct from any ad hoc site by site decisions that would not necessarily identify the most suitable and sustainable locations for any new housing that may be required in the Green Belt.

It is therefore considered that the key issues in this case relating to the Green Belt are:

- Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy, and
- Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by

other considerations, so as to amount to the very special circumstances necessary to justify the development.

Whether the proposal is inappropriate development in the Green Belt

Paragraph 149 states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include:-

- a) Buildings for agriculture and forestry;
- b) Provision of appropriate facilities (in connection with existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facilities preserves the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;
- f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) Limited infilling or the partial or complete redevelopment of previously developed land (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Clearly, the bullet points a) to d) and f), do not apply in this instance as the proposal is not for agriculture or forestry; is not for appropriate facilities for outdoor sport, recreation of cemeteries; is not an extension or alteration of an existing building; is not a replacement building; and is not for limited affordable housing. Consideration therefore needs to be given as to whether the development falls under categories e) and g).

The site the subject to this part of the application is land adjacent to the east of the existing Cobhambury Barn and the associated outbuilding. The current lawful use is as Use Class B8 Storage and Distribution which was granted a lawful development certificate in 2018 Ref. 20180270), with the reason for granting being;

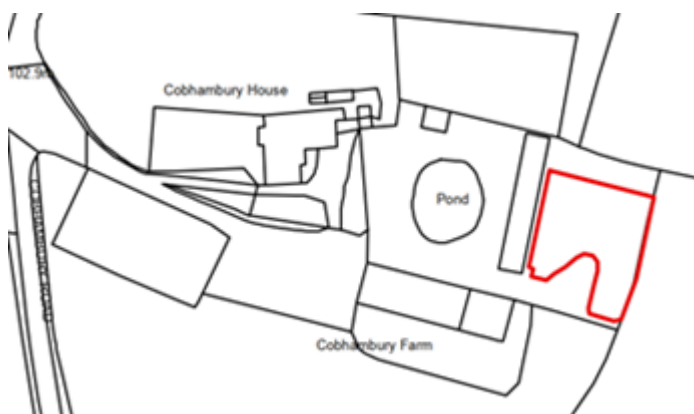
1. The Borough Council is satisfied that the applicant has provided and shown sufficient evidence that, on the balance of probability, the application site has been used as B8 (storage and distribution) in excess of 10 years prior to the date of the application.

The Borough Council is therefore satisfied that the site has been used as B8 (storage and distribution) and is exempt from enforcement action by reason of section 171B (3) of the Town and Country Planning Act 1990, as amended.

The development is therefore lawful by reason of section 191 (2) (a) of the Act and a Certificate of Existing Lawful Use is duly issued.

For the avoidance of doubt the application site the subject of this certificate is shown edged in red on the attached plan.

Associated Plan



The existing outbuilding has created a physical barrier between this part of the site and the more residential part of the site to the west and it is devoid of any permanent buildings or landscaping. The only structures on site have been trailers, storage containers and various materials, machinery and waste.

The Local Planning Authority therefore contends that the only exceptions that might apply under paragraph 149 of the NPPF (2021) in this case relates to; e) limited infilling in villages; or g) 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use'.

e) Limited infilling in villages

On this, it is noted that neither the NPPF or the development plan define the terms 'limited', 'infilling' or even what constitutes a 'village'. Because of this, the Local Planning Authority requires that the following points need to be addressed to determine whether the proposal should be considered as an exception or be deemed 'inappropriate' development.

These points are:

- Whether Cobham is a village
- If Cobham is a village, where its boundary lies relative to the application site?
- Whether the proposal subject to this application can be considered 'limited'; and
- Whether the proposal constitutes 'Infilling'

For the proposed development to constitute an 'exception' rather than be classed as 'inappropriate' development, it is contended that all of the above criteria need to be met.

Whether Cobham is a village

The adopted Gravesham Local Plan Core Strategy (2014) at 4.2.4, Table 2 and at 4.2.6 sets out a settlement hierarchy with 13 rural settlements inset from the Green Belt and two others (Harvel and Luddesdown) that are 'washed over'. None are specifically identified as 'villages'.

It is stated at 4.2.6 that where the rural settlements have been inset, the boundaries do not define the full extent of each settlement but relate to a coherent and established built up area where infilling would not adversely affect local character and identity or impact on the openness of the Green Belt.

This settlement hierarchy is reproduced below:

First Tier Settlements	Gravesend/Northfleet/Ebbsfleet, i.e. the urban area
Second Tier Settlements	Istead Rise, Hook Green Meopham, Higham
Third Tier Settlements	Culverstone Green, Meopham Green, Vigo
Fourth Tier Settlements	Cobham, Shorne, Sole Street
Other Settlements	Harvel, Lower Higham, Luddesdown, Lower Shorne, Shorne Ridgeway, Three Crutches

Source: Settlement Hierarchy Technical Paper December 2009.

As noted above, there is no definition of a 'village' in either the NPPF or the development plan. Whilst the boundaries and status of individual rural settlements may be subject to review in the context of the emerging Site Allocations and Development Management Policies DPD, the boundaries shown on the policies map derive directly and are unchanged from those shown on the Gravesham Local Plan First Review proposals map (1994) as villages under now defunct policy V1.

This issue has been recently considered at appeal where the Planning Inspector (APP/K2230/W/16/3161653 considered whether Culverstone Green is a village and the Inspector stated:

Culverstone Green is defined in the Council's Core Strategy (CS) 2014 as a 3rd tier settlement and it is inset from the Green Belt boundary. Paragraph 4.2.6 of the CS states that where settlements have been inset, the boundaries do not define the full extent of each settlement but relate to a coherent and established built-up area where infilling would not adversely affect local character and identity or impact on the openness of the Green Belt. From what I have seen and read, it seems to me that Culverstone Green may be regarded as a 'village' for the purposes of this aspect of this appeal.

Cobham is a rural settlement inset from the Green Belt as defined by the Local Plan Policy Map. However, because it has all of the characteristics of a village in terms of having a school and a range of other facilities, including pubs, village sports ground and a corner shop, treating Cobham as a 'village' would appear to be consistent with the intent of national Green Belt policy.

As paragraph 144 of the NPPF only allows 'villages' to be excluded from the Green Belt by way of an inset designation and the above mentioned rural settlements are inset from the Green Belt within the Gravesham Local Plan Core Strategy 2014, it is considered that Cobham should be treated as villages for the purposes of the application of planning policy.

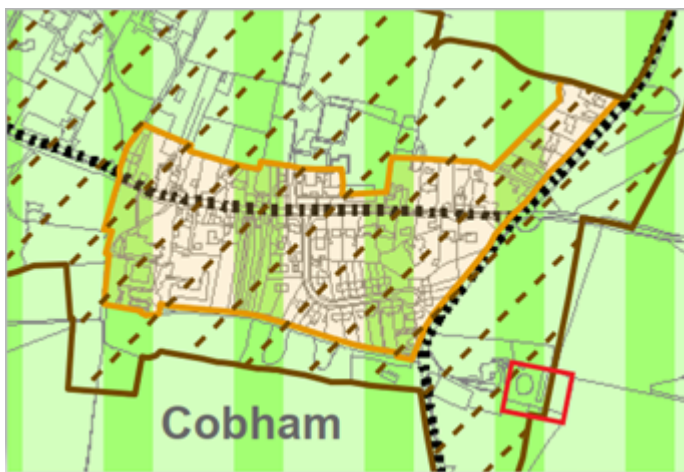
As Cobham is a village, where does its boundary lie relative to the application site?

As Cobham is considered for the purposes of this application to be a village, the question arises what its boundaries are on the ground and whether the application site lies within those boundaries. In this context it will be noted that the Court of Appeal case for Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin) in quashing the original decision did not make a planning judgement as to where the boundary might lie, rather that the original Inspector had misdirected himself in accepting the Green Belt/inset boundary as being the edge of the village after he had noted the built development continuing to the east. The officer carried out a site visit on the 27th June 2022 and determined the boundary on the ground. The main built development of the village in relation to the site, is located to the west and the main Cobhambury Road and Halpence Lane act as a physical boundaries.

Whilst the site is outside the inset rural settlement boundary, paragraph 4.2.6 of the Local Plan Core Strategy accepts that these boundaries do not necessarily represent their full extent. Rather, they are intended to relate to the coherent and established built up area where policy accepts infilling would not adversely affect local character or identity or impact on the openness of the Green Belt.

In this respect, the Local Planning Authority consider that there remains a clear distinction between the existing residential development to the west of Cobhambury Road and Halpence Lane and Cobhambury Barn.

Cobham Village Outline - Local Plan Core Strategy Proposals Map (application site outlined in red)



It is unclear if the site originally formed part of the residential curtilage of Cobhambury Barn, however it has been sectioned off and been in use as B8 Storage and Distribution site since 2003, which was granted a lawful development certificate in 2018 (Ref. 20180270). The residential curtilage of Cobhambury Barn has clearly been defined by both soft and hard boundaries, together with residential paraphernalia such as hardstanding driveway, garden areas etc. The application site clearly has no relationship with the adjacent Cobhambury Barn, or the nearby Cobhambury House and the surrounding dwellings within the village of Cobham.

Essentially the land to the rear of the outbuilding and to the east of Cobhambury Barn itself, which forms part of the application site, is located sufficiently away from the village boundary and has no relationship with the village.

As a result of the above the Local Planning Authority concludes that there remains a clear distinction between the more built up areas of Cobham and the application site. Quite rightly the application site is washed over and where the Local Planning Authority considers it important to maintain openness as a key characteristic of the Green Belt.

The Local Planning Authority therefore contends that the designated rural village boundary shown on the adopted policies map remains justifiable on the ground and that the application site lies beyond it within the Green Belt. The proposal is therefore considered to be 'inappropriate' development in the Green Belt.

g) Limited infilling or the partial or complete redevelopment of previously developed land (brownfield land)

On this, it is noted that neither the NPPF (2021) or the development plan define the terms 'limited', 'infilling'. Because of this, the Local Planning Authority requires that the following points need to be addressed to determine whether the proposal should be considered as an exception or be deemed 'inappropriate' development.

These points are:

- Does the whole site fall within the definition of previously developed land
- Whether the proposal subject to this application can be considered 'limited'; and
- Whether the proposal constitutes 'Infilling'
- Whether the proposal would have a greater impact on the openness of the Green Belt than the existing development

For the proposed development to constitute an 'exception' rather than be classed as 'inappropriate' development, it is contended that all of the above criteria need to be met.

Is the application Site Previous Developed Land

In the case of Dartford Borough Council v Secretary of State for Communities & Local Government

(CO/3129/2015) the Deputy Judge held that the wording of the exemption to previously developed land, within the NPPF was significant. It reads "land in built-up areas such as: private residential gardens". As such, the Deputy Judge found that only residential gardens within the "built-up area" were exempt from the definition of previously developed land whereas, residential gardens outside "built up areas" were "brownfield". In terms of this current application, the site lies outside "built up areas" and is currently falls within Use Class B8 Storage and Distribution and was separated from the residential use of Cobhambury Barn in approximately 2003. Whilst the land has been developed, it does not appear to ever have been used as a private residential garden for Cobhambury Barn.

The application site whilst being used for storage and distribution and has had various storage containers, it has been and is devoid of any permanent buildings or development.

Taking the above into consideration, whilst the land does not appear to have been used as residential garden, it does fall within the definition of previous developed or brownfield land, which is further supported by the granting of the lawful development certificate in 2018.

It will therefore be necessary to assess whether the proposed dwelling would have a greater impact on the Green Belt than the existing use. Whilst it is clear there have been storage containers and trailers on site, these are not permanent in nature and therefore the construction of a new dwelling would be a permanent fixture and more highly visible from the surrounding Green Belt land, together with boundary treatment and hard landscaping for vehicular access and parking and all the domestic paraphernalia that would be associated with a domestic dwelling, which overall would have significantly more built form and permanence than existing. The proposal is therefore considered to be 'inappropriate' development in the Green Belt and contrary to paragraph 149(g) for the NPPF (2021).

Whether the proposal subject of the appeal can be considered 'limited'.

The application site is set back considerably from Cobhambury Road and is located to the rear of the existing Barn and associated outbuilding. As such there is no street frontage and therefore the proposal could not be considered limited. The site whilst being cleared of temporary containers and materials, it would be redeveloped to provide 1 new dwelling which due to the lack of any structures on this piece of land and its separation from the village boundary, along with the scale of the property, together with the hardstanding and domestic paraphernalia, could not be viewed to be 'limited'.

This stance is shared by the planning inspectorate who dismissed an appeal (APP/F0114/W/16/3157766) for the replacement of an existing workshop with two dwellings. The Inspector made the following comments on limited infill.

"Furthermore, the proposed two-storey dwellings would be substantially larger (bulk and mass) and have a greater visual impact than the existing single storey workshop. Consequently, having regard to the Framework, the proposed dwellings would not amount to limited infill in the context of the village as the cumulative effect of the proposed dwellings would have a greater impact on the openness of the Green Belt, by way of their height, bulk and mass. Therefore, the proposed dwellings would have the effect of materially reducing the openness of the Green Belt."

In light of the above appeal decision and the fact the erection of 1 permanent dwelling cannot be considered to be limited, then this application for the construction of one new dwelling on a site devoid of any permanent development cannot be considered to be limited.

Whether the proposal constitutes 'infilling'.

Having established that the development is not limited the next issue to evaluate is if the proposal constitutes infilling. Neither the NPPF (2021) nor the development plan currently defines the term 'infilling'. However the Local Planning Authority accepts the generally agreed definition of infilling as the following:

The development of a small gap in an otherwise continuous built-up frontage, or the small-scale redevelopment of existing properties within such a frontage.

This application does not meet the above definition as it does not benefit from a street frontage and is located behind the existing outbuilding associated with Cobhambury Barn.

In conclusion the Local Planning Authority is of the view that the proposal does not constitute infilling under the terms of paragraph 149 of the NPPF (2021).

Conclusion on Green Belt issues and assessment of harm

The Local Planning Authority is of the opinion that the application site lies outside the defined settlement boundary (for the purposes of this assessment a village) of Cobham within the Green Belt; that there have been no significant changes in circumstances since that boundary was defined that would warrant a different interpretation being taken now; and the proposal does not constitute limited infilling.

It is therefore considered that the proposal represents 'inappropriate' development in the Green Belt which is by definition harmful and which should only be permitted where the applicant can demonstrate 'very special circumstances' that clearly outweigh harm caused by inappropriateness and any other harm.

In undertaking the balancing exercise to determine whether or not those 'very special circumstances' clearly outweigh such harm, substantial weight must be accorded to the harm caused to the Green Belt.

The Local Planning Authority contends that harm to the Green Belt in this instance primarily comprises:

Permanent loss of openness – Openness and permanence are the essential characteristics of the Green Belt. The site is currently devoid of any permanent buildings or development and whilst the land is considered as previously development land, being used for storage and distribution, the proposal would result in a change of use of the land from B8 to C3. The construction of a new 2 bedroom dwelling with associated parking, hardstanding, residential paraphernalia and lighting will permanently and irrevocably harm the Green Belt through loss of openness at this point. Whilst it may be possible to mitigate visual impact to a limited degree by screening, this cannot in itself overcome the adverse impact on openness which is defined by the presence or absence of the building itself.

Encroachment of the countryside – This is a stated national purpose of the Green Belt at paragraph 138 of the NPPF (2021). The construction of an additional dwelling on this site would introduce urbanising features (Car parking, light pollution, hard landscaping and residential paraphernalia) that would adversely affect the character of the settlement at a point of transition from the built form of Cobhambury Barn to the surrounding open areas and open fields beyond. Whilst the proposed green roof and landscaping and boundary treatment could reduce the impact of the development, the development would represent the encroachment of built development which would result in a reduction in openness.

Safeguarding the countryside by minimising the expansion of the Borough's rural settlements - This is a stated local purpose of the Green Belt as set out at paragraph 4.2.7 of the adopted Gravesham Local Plan Core Strategy (2014). As noted above, the local planning authority considers the proposal subject of the application to represent an encroachment in the countryside. This would take place as a result of the effective expansion eastwards of the Cobham rural settlement. The Local Planning Authority is also concerned that this could establish a precedent for similar such development elsewhere in the borough.

Consideration of 'very special circumstances'

The supporting documentation has provided information for the need for the proposed dwelling and has cited that this provides an argument for 'very special circumstances'. Whilst the proposed future occupants' personal circumstances are acknowledged, planning permission does not relate to a person or persons and is only attached to land. The proposed property or the whole site could be later sold off and as such the personal circumstances of the occupants would no longer be relevant. The supporting information therefore is not sufficient argument for 'very special circumstances'.

Final balancing exercise on Green Belt issues

The application site lies within the Green Belt and constitutes 'inappropriate' development. The proposal introduces 1 additional dwelling onto a site which currently does not contain any permanent buildings or

structures, and which contributes to the openness of the Green Belt. This proposal adversely impacts on the openness of the Green Belt at a point of transition between the more densely and finer grained development within the Cobham rural settlement, and the application site, the adjoining open fields and countryside to the south and east which are within the Green Belt. The introduction of built development on the application site would blur the distinction between the two areas and represent an encroachment of the countryside through the insertion of an urbanising form.

It is considered therefore that substantial weight should be accorded Green Belt harm as directed by the NPPF (2021).

The local planning authority is of the opinion that the applicant has failed to demonstrate the existence of 'very special circumstances' that clearly outweigh harm to the Green Belt caused by inappropriateness.

Impact on the Landscape

Section 15 of the NPPF (2021) highlights the importance of conserving and enhancing the natural environment, one aspect of which is the protection and enhancement of valued landscapes. Policy CS12 of Gravesham Local Plan Core Strategy 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.

In May 2009 the Local Planning Authority published the Gravesham Landscape Character Assessment which identified 11 distinct areas within the borough. The application site falls within Luddesdown Downs Character Assessment.

The 2009 Landscape Character Assessment lists the following key characteristics found within Luddesdown Downs as follows:

- Very undulating topography with farmland used as arable and pasture
- Irregular field pattern with fields of various shapes and sizes
- Fields divided by native hedgerows
- Areas of native woodland
- Narrow winding lanes which follow contours
- Properties and farmsteads along lanes
- Small settlements within valleys
- Traditional timber framed outbuildings and Kent peg tiles

The Gravesham Landscape Character Assessment demonstrates the qualities which make the landscape area special and undermines Policy CS12 (LPCS) which seeks to conserve and enhance its quality.

Notwithstanding the landscaping and visual appraisal submitted with this application and the possible use of planning conditions to deal with soft landscaping/boundary treatment to reduce the visual appearance of the dwellings. The Local Planning Authority views that no amount of landscaping/planting will be able to replicate the current stance of the site which is devoid of any permanent buildings.

The introduction of a 1 dwelling with all the associated residential paraphernalia will undermine one of the key landscape characteristics of Luddesdown Downs which are very undulating topography with farmland used as arable and pasture.

A further impact of this scheme on the landscape would be the introduction of domestic parking on the site which is currently void of any domestic vehicle parking and associated lighting generated by the scheme, both from the dwellings, car movements, and external lighting for the development.

In summary, the proposed development would adversely affect the character of the rural area, becoming more suburban and less rural. The proposal would therefore cause harm to the landscape character and natural beauty of the valued landscape. Therefore this proposal would conflict with Policy CS12 (LPCS) which seeks to ensure valued landscapes will be conserved restored and enhanced.

Impact on an Area of Outstanding Natural Beauty

The site is also located within an Area of Outstanding Natural Beauty. The adopted Kent Downs AONB Management Plan states that the local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements. It also states that it should be ensured that proposals do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB.

The proposed development would be highly visible from the surrounding countryside and would have more permanence than the existing site use and temporary storage containers and trailers. Therefore the proposal would have a negative impact on the Kent Downs AONB.

Impact on the Setting of a Listed Building

The application site is located to the east of Cobhambury House, a Grade II Listed Building. The part of the site relevant to this application is located approximately 34m from the curtilage of the listed building and the majority of the development would be located to the rear of the existing outbuilding. As such it is considered that the proposals would not result in a negative impact on the listed building and there are no objections in this regard.

Climate Change

Policy CS18 (LPCS) sets out the requirements for dealing with sustainable drainage and surface water run-off. The soakaways for the surface water drainage are unlikely to be acceptable to building regulations if they are within 5 metres of a building or highway and this would need to be confirmed with Building Control, if they consider the access as a highway for their purposes. In order to deal with Sustainable Urban Drainage Strategy (SUDS) for the site if permission was to be granted this would be dealt with through a planning condition which would look to include the following:

- Pervious pavements/road surface to allow water to drain through the surface;
- Outlet to pipes or infiltration to ground;
- Rain gardens for each dwelling (simple and small basins for roof water drainage); and
- Filter Drains.

Design

When evaluating the design of this proposal it needs to be considered against the design principles of Policy CS19 (LPCS) which require development to conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards. At a national level the NPPF (2021) in paragraph 126 provides guidance on providing good design.

Cobhambury Barn and is a traditional timber barn conversion and the associated outbuilding is a single storey timber 'L' shaped building. The proposal is for an irregular shaped dwelling that has a lower ground floor and ground floor with green roof which would provide the 2no. double bedrooms with en-suites and storage areas on the lower ground floor and main living, kitchen and dining areas on the ground floor. It would also have a small glazed link attached to the north west corner that would connect the new dwelling to the proposed extension the existing dwelling within the outbuilding. The proposed green roof building would not reflect the existing built form and would have an awkward relationship to the existing buildings and the proposed extension to the existing dwelling. The proposed dwelling would result in an awkward arrangement with the existing and as such is considered unacceptable.

The effect on neighbouring properties living conditions

Careful consideration has been made in regard to whether this development would adversely impact on the amenity of surrounding properties. Gravesham's adopted residential layout guidelines provide clear guidance on the window to window distance between dwellings and how to consider impact on overshadowing. Having considered these guidelines it is not considered that an adverse impact on neighbouring properties living

conditions would result from the development proposed.

Living environment for future occupiers

The proposed development needs to ensure that the development will provide adequate living conditions for future occupiers and this is reinforced by the Council's Residential Layout Guidelines. These guidelines provide requirements for room sizes and amenity space. Consideration also needs to be given against how the scheme compares to the Nationally Described Space Standards.

In this case the proposed extension to the existing dwelling complies with all local and national room size standards and would not have an impact on the existing garden depth/area in terms of size requirements against the adopted residential layout guidelines.

In terms of the proposed new dwelling, it would have gross internal area (GIA) of 150.36m², which would exceed the standards for a two storey two bedroom dwelling. However, the proposed bedrooms would be located at lower ground floor level and would only be served by high level windows. As such it is considered that the proposed bedrooms would not have access to adequate light or outlook and would be detrimental to the living conditions of any future occupiers.

The proposed dwelling fails to provide access to natural light and outlook from the proposed bedrooms required for adequate living accommodation to the detriment of future occupants and the enjoyment of the proposed dwelling contrary to Policy CS19 of the Core Strategy 2014 and paragraph 130f of the National Planning Policy Framework 2021.

Effects on highway safety/parking provision

The scheme as submitted needs to be considered against saved policy T1, T5 and P3 (LPFR), Policy CS11 (LPFS) and Section 4 of the NPPF (2021). These policies ensure that development has an acceptable amount of parking, is not detrimental to the highway network and promotes sustainable transport methods.

The proposal would utilise the existing access from Cohambury Road and would provide four parking spaces within the existing outbuilding.

The proposed extension to the existing dwelling would not result in four additional bedrooms and would therefore require 2no. car parking spaces and 2no. cycle spaces. There is currently not shown on the submitted plans cycle provision for the existing dwelling.

The proposed dwelling would be two bedroom dwelling and therefore would require 2no. car parking spaces and 2no. cycle spaces. Whilst the submitted drawings show car parking provision, there is no provision for cycles.

The GBC – Highways Officer states that the proposed parking within the existing barn would not be adequate due to the width and that the suggested parking area was being used as open storage.

If permission were forthcoming, it would be necessary to secure a parking plan showing sufficient vehicle parking and cycle storage for the existing and proposed dwellings.

Overall it is considered that the proposal would not provide adequate car parking or cycle storage and therefore is contrary to Policy CS11 of the Gravesham Local Plan Core Strategy September 2014. However, as this scheme is inappropriate development in Green Belt clarification on parking provision and cycle storage have not taken place.

Sustainable Development

The NPPF (2021), taken as a whole, represents the Government's view of what constitutes sustainable development. Paragraph 80 of the NPPF (2021) provides specific advice on sustainable development in rural areas and seeks to avoid new isolated homes in the countryside.

In the case of this application the site is located an approximate 4 min (0.2 mile) walk from the nearest bus

stop, however the Cobhambury Road is not have a footpath or street lighting. Cobham has very limited local amenities and such it is likely that residents would rely upon the use of a private vehicle.

Taking the above into account, it is considered that the proposal is not located in a sustainable location and would be contrary with local and national planning policy in regard to sustainability.

Any other material considerations

Ecology and Biodiversity

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £275.88 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

In this instance, the proposed development would result in the creation of one additional residential properties and as such, additional recreational activity would result. Therefore it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS).

The applicant has not completed the SAMMS Mitigation Contribution Agreement and therefore fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and 181) of the NPPF (2021) and Policy CS12 (LPCS) (2014).

No details or preliminary ecological appraisal were submitted with the application, however KCC Biodiversity confirmed that the proposed development has limited potential to result in ecological impacts.

Taking into consideration the existing use of the site, the proposal would not result in a biodiversity net loss.

Overall it is considered that the proposed development would not result in a biodiversity net loss to the area and would be in accordance with Policy CS12 (LPCS) and paragraphs 180 and 181 of the NPPF (2021).

Conclusion

It is acknowledged that the Council is currently unable to demonstrate a five-year housing supply and as the delivery of housing is substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Policy CS02 (LPCS) must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF (2021).

The proposed development for a net increase of 1no. dwelling unit (in this case 1 house) would offer a minimal contribution towards meeting this local need and delivery and, accordingly, adds minimal weight in support of the application.

However, notwithstanding this a balanced approach has to be taken and it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (2021) and established local policy taken as a whole.

In this case the balance is tilted towards refusal for the following reasons:

1. The proposed rear extension to the existing dwelling represents a disproportionate addition and exceeds the one third limit to the original dwelling, which will harm the openness of the Green Belt. Therefore the proposal would be inappropriate development in the Green Belt, contrary to saved Policy C13 of the Gravesham Local Plan First Review (1994), Policies CS01 (Sustainable Development), CS02 (Scale and Distribution of Development) and CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014), and Sections 12 and 13 of the National Planning Policy Framework (2021).
2. By virtue of the design and location, the proposed replacement windows and door to the front elevation of the existing outbuilding / barn are considered to be unacceptable, as they would result in a loss of original features of the building and a form of development that is out of character with the host building. It is considered to be detrimental to the character and appearance of the building and the character of the Cobham Conservation area, contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), Policy TC3 of the Local Plan First Review (1994) and paragraph 197 of the National Planning Policy Framework (2021).
3. The site is within the approved Metropolitan Green Belt. Within the Green Belt there is a strong presumption against permitting new development outside of the present defined extent of urban areas and the present extent of any village. National Planning Policy Framework 2021 Section 13 (Protecting Green Belt Land) indicates that the most important attribute of Green Belts is their openness. The development will not preserve the openness of the Green Belt through construction of 1 additional dwelling, associated hardstanding, lighting, car parking and residential paraphernalia and will conflict with the purposes of including land within the Green Belt as it will encroach into the countryside and urbanise the site. In the absence of any 'very special circumstances' that may otherwise outweigh the harm by reason of inappropriateness, and any other harm, the proposed development is considered to be contrary to the advice in Section 13 (Protecting Green Belt Land) of the National Planning Policy Framework (NPPF) 2021, and Policy CS02 (Scale and Distribution of Development) of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014).
4. The proposed dwelling fails to provide access to natural light and outlook from the proposed bedrooms required for adequate living accommodation to the detriment of future occupants and the enjoyment of the proposed dwelling contrary to Policy CS19 of the Core Strategy 2014 and paragraph 130f of the National Planning Policy Framework 2021.
5. The application site lies within the locally designated Luddesdown Downs Landscape Character Area and the Kent Downs Area of Outstanding Natural Beauty, where local and national planning policy and guidance expect developments to conserve, restore and enhance the natural landscape. The proposed development, if permitted, would be harmful to the landscape character when compared to the existing site. The harm from the redevelopment of the site in this instance would be derived from the bulk, massing and permanence of the dwelling, the associated hardstanding, lighting, car parking and residential paraphernalia. The application is therefore contrary to Policy CS12 and CS19 of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014) and Section 15 of the National Planning Policy Framework (NPPF) 2021.
6. The application has failed to provide adequate car parking or cycle provision and therefore is contrary to Policy CS11 of the Gravesham Local Plan Core Strategy September 2014.
7. The proposal fails to secure a contribution towards strategic mitigation measures within the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and

181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy September 2014.

Recommendation:

Refusal

See draft Decision

Case Officer:	Mrs Amanda Grout	Team Leader:	Miss Faye Hobbs
Signed:	<i>A Grout</i>	Signed:	
Dated:	26 th July 2022	Dated:	29 July 2022