



Delegated Report

Planning Application

Application no: 20211342

Location: Croft View White Horse Lane Meopham Gravesend DA13 0UE

Description: Retention of mobile home.

Applicant: Mr Chris Pearson

Site Visit Date: 21 January 2022

Description of the Application Site and Surroundings

Croft View is located in a countryside location south of Harvel Village and comprises an area of land in total extending to circa 1.34 hectares (3.3 acres). It contains a residential dwelling (an extended detached chalet style bungalow, mainly rendered with a tiled mansard roof with dormers) with associated greyhound kennels in a low range of buildings and several small radiating fenced fields/paddocks.

At the time of a case officer site inspection (January 2022) the dwelling appeared to be empty and unoccupied. It has apparently been unoccupied for several years following the death of the previous owner.



The site has been run since 1995 by the Greyhound Trust (founded in 1975), and owned by them since 2018, and the Trust kennels retired racing greyhounds and subsequently finds homes for them. Previously the site was used for kennelling and schooling racing greyhounds.

Below is an aerial photograph of the site from Google Earth in 2008.



There is a single vehicular ramped access to the site on to a sharp bend in White Horse Lane and which is gated. The kennels and its associated courtyard are gated and fenced off and with intercom entrance.

There is a small outbuilding 2.4m wide by 8.6m long and 3.5m high (termed Timber Lodge) of rendered blockwork with a tiled roof immediately next to the vehicle access into the site, used for storage by the Greyhound Trust. Next to this is an 11.2m by 3.8m timber clad mobile home (Timber Bank), which has a mineral felt roof and timber decking on two sides and is the subject of this current planning application.

There is a concrete hardstanding area in front of the chalet dwelling and next to the outbuilding and mobile used for vehicle parking. There was a Greyhound Trust trailer also stationed next the parking area at the time of the case officer site inspection.

The site is within a Green Belt area. White Horse Lane is a local distributor road but is no longer a classified highway. The site is screened by hedging to the road frontage. There are open fields opposite the site and to the north and south that are cropped, while there is small woodland to the north-west.

Planning History

The planning history relating to the application site is set out in the table below in chronological order

Ref No	Description and Site	Decision	Date
19570153	Site for the erection of bungalow	Refused	14.08.1957
19610345 (TH/6/61/345 and A, B and C)	Use of land as kennels for rearing, boarding and schooling of greyhounds.	Permission	08.11.1961

19690063 (TH/6/69/63)	Use of land for schooling greyhounds	Permission	23.04.1969
19700390 (TH/6/70/390)	Construction of kennels and use of land for training, rearing and boarding of greyhounds.	Permission	19.08.1971
19740047	Continued use of land as Kennels, erection of kennels in block of 40 and provision of car parking area	Withdrawn	15.08.1974
19740556	Erection of two single storey building for shed, kennels and storage.	Withdrawn	04.09.1975
19760283	The continued use of land and buildings for the schooling of greyhounds and retention of kennels on western side of dwelling. KCC GRANTED PERMISSION 2.9.1976 (CONDITIONS	No objection	06.09.1979
19790635	Alterations and extensions at first floor level to existing roof and conversion of roof space to provide two additional bedrooms and store.	Permission	06.09.1979
19810439	Renewal of planning permission of land and buildings for the schooling of greyhounds and retention of Kennels on western side of dwelling.	Withdrawn	25.07.1981
19810853	Continued use of land and buildings for the schooling of greyhounds and retention of buildings being (a) 12 kennels tackroom and office (b) 14 kennels (c) Storage shed (d) Shed (e) 16 isolation kennels (f) 10 kennels food preparation and rest room (g) 2 stables and tac	Permission	21.12.1981
19820087	Erection of single storey rear extension to games room.	Permission	17.03.1982
19830583	Outline application for the erection of a detached dwelling and garage	Refused	05.09.1983
19900208	Construction of 3 no dormers in the rear roof slope to form bedroom and enlarged bathroom and formation of roof terrace on part of existing extension.	Refused	29.08.1990
19900600	Retention of 58no.kennels and paddocks in two blocks, retention of storage building and use of tack room as store and continued use of parking area.	Permission	12.10.1990
19910096	Erection of single storey extension to form 10 no. kennels, rest room, kitchen & w.c.	Permission	26.04.1991
20170468	Demolition of the existing dwellings, kennel building and associated structures and erection of 1no. five bedroom detached two storey dwelling, 1no. five bedroom detached single storey dwelling and 2no. four bedroom detached single storey dwellings all with associated parking area, access, infrastructure and landscaping.	Withdrawn	30.04.2019
20180543	Retention of a timber building for residential use.	Withdrawn	14.01.2019
20181134	Application for a Lawful Development Certificate in respect of the continued use of a mobile home as a	Refused	02.12.2019

	dwelling.	Appeal Dismissed AP2020/00011 /REF	
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Pre-Application Enquiries

PRE20140642: Change of use from Boarding Kennels to Pet Vending.

PRE20160798: Erection of five dwellings 10.02.2017

Proposal

This application is for retention of a mobile home, and therefore for the continued use of the land.

Submitted Plans and Documents

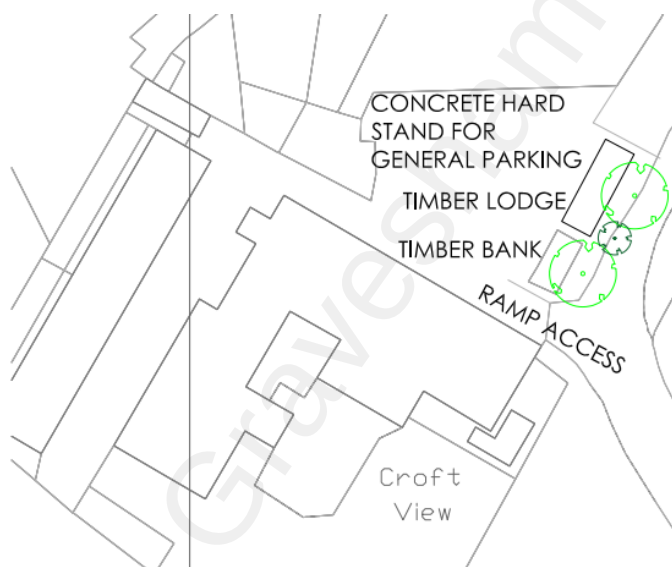
Planning Application Form and Certificates;
Planning Statement;
Drawing No PL/A3/01: Block Plan, Site Map and Side Elevation;
Drawing No PL/A3/02: Timber Lodge Front and Side Elevations;
Drawing No PL/A3/03: Floor Plan and Rear, Side Elevations;

Details of the Development

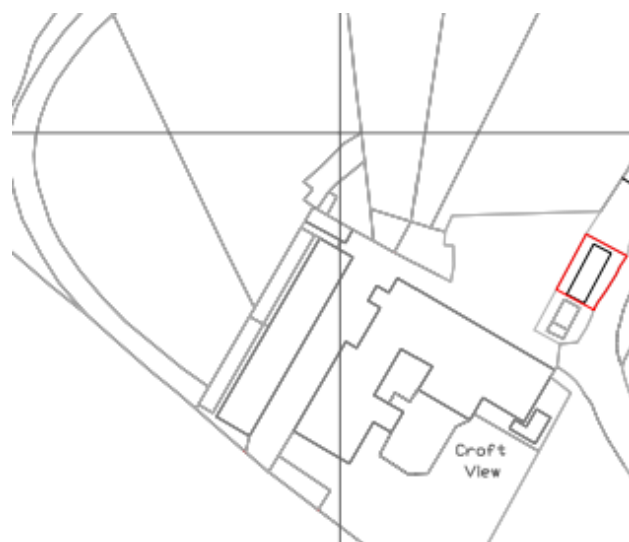
The mobile home (Timber Lodge) is 11.2m long by 3.8m wide and 3.77m high and with a pitched roof. It comprises a lounge with galley kitchen, two bedrooms and bathroom and with decking to the front and one side. Drainage is to a septic tank.

It is indicated in the application form that the site area is 0.38 hectares. However, the red line boundary only extends to the site of the mobile home and a small area around it, circa 12.5m by 8.5m (106m²).

Block Plan



Site Map



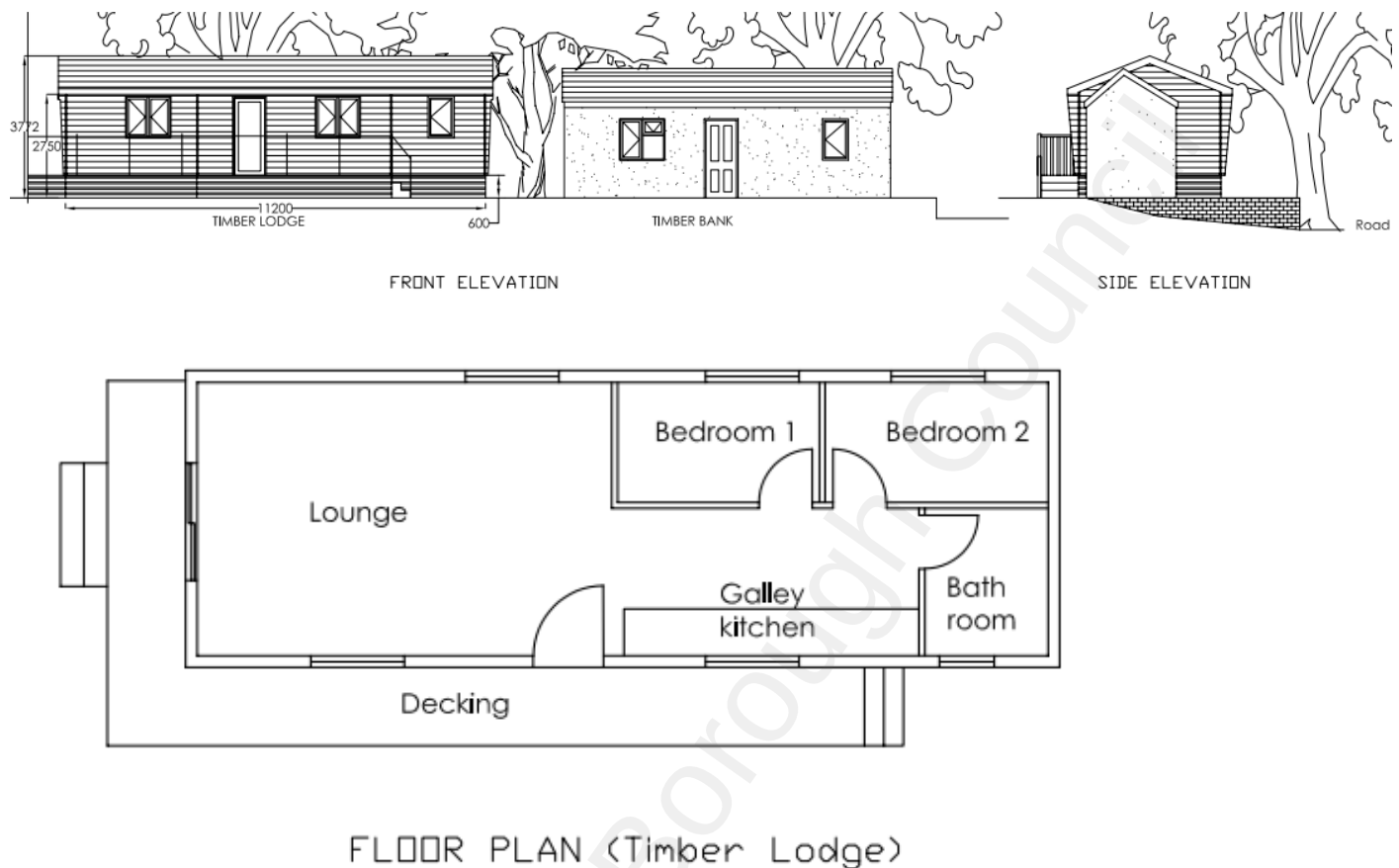
The very brief planning statement says:

The current timber lodge and the Timber Bank are not visible from the main road and are shaded by large trees.

Brief history regarding the resident: There was a tenant from 1997-1999 living in the mobile home positioned where the Timber Lodge is currently situated. The applicant was living on the land at Croft View. The applicant moved into the Accolade portable home in Sept 1999 and was renting from the owner for a

period of over a year when he purchased the Sunseeker Accolade in 2001. The Accolade (mobile home) provided over thirteen years of residential living at Croft View when the applicant decided to upgrade he purchased the Timber Lodge in 2014 and took residence.

Change of use from agricultural to residential took place approximately thirty years ago, the concrete hard stand was installed over twenty years for general car park.



Development Plan and other related Planning Policies and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Courts have held that it is a matter of planning judgement as to whether a proposal is in accordance with the development plan when 'read as a whole' and conflict with a particular policy or policies may not pass that threshold.¹

Where there are other material considerations, the development plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date.

The Development Plan for Gravesham currently comprises:

- *The Gravesham Local Plan Core Strategy and Policies Map (September 2014);*
- *Remaining Saved Policies in the Gravesham Local Plan First Review (November 1994); and*
- *The Kent Minerals and Waste Local Plan 2013 - 2030 (July 2016, revised 2020)*

There are a number of other planning policy documents which are of some relevance to the consideration of planning applications and are material considerations, including national planning advice and guidance in the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), and

¹ See the Judgement in the Court of Appeal on R(on the application of William Corbett) and The Cornwall Council and others [2020] EWCA Civ 508 at <https://www.bailii.org/ew/cases/EWCA/Civ/2020/508.pdf>

supplementary planning guidance and where they exist neighbourhood plans. There are currently no relevant neighbourhood plans.

Previous decisions on planning applications and appeals relating to the site and relevant case law etc. are also capable of being material considerations.

Local Planning Guidance

Gravesham Local Plan Core Strategy, September 2014

The Core Strategy sets out the Council's spatial vision and strategic objectives for the Borough to 2028 and the policies which will deliver them. It identifies the main areas where major change is likely to take place and allocates sites which are key to achieving the strategy.

The whole of the application site is shown as being within a **Green Belt area** (Policy CS02) in the Gravesham Local Plan Policies Map. The site is adjacent to an **Area of Outstanding Natural Beauty** (Policy CS12). White Horse Road is a **local distributor** on the highway network (Saved Policies T1-T5).

The following development plan policies in the Gravesham Local Plan Core Strategy are of relevance:

Core Strategy Policy CS01: Sustainable Development
Core Strategy Policy CS02: Scale and Distribution of Development
Core Strategy Policy CS11: Transport
Core Strategy Policy CS12: Green Infrastructure
Core Strategy Policy CS18: Climate Change
Core Strategy Policy CS19: Development and Design Principles
Core Strategy Policy CS20: Heritage and the Historic Environment

Policy CS01 (Sustainable Development) sets out that support will be given to proposals that accord with the development plan. A positive approach to new development will be taken that reflects the presumption in favour of sustainable development set out in the NPPF and the Local Plan Core Strategy.

Policy CS02 (Scale and Distribution of Development) makes a commitment to meeting the Borough's objectively assessed need for 6,170 new dwellings over the plan period and outlines where new development will take place. The strategy prioritises development in the urban area by promoting regeneration by:

- the redevelopment and recycling of underused, derelict and previously developed land;
- revitalising Gravesend Town Centre as a focal centre for small scale office development; and
- bringing forward a range of suitable sites for residential and employment development.

Paragraph 4.2.27 indicates that the rural area, development will be supported within those rural settlements inset from the Green Belt and defined on the Policies Map. Development outside those settlements, including affordable housing and proposals to maintain and diversify the rural economy, will be supported where it is compatible with national policies for protecting the Green Belt and policies in this plan. The extent of the Green Belt is defined on the Policies Map.

Policy CS11 (Transport) sets out that new developments should mitigate their impact on the highway and public transport networks as required. As appropriate, transport assessments and travel plans should be provided and implemented to ensure the delivery of travel choice and sustainable opportunities for travel. Sufficient parking in new development will be provided in accordance with adopted parking standards reflecting the availability of alternative means of transport and accessibility to services and facilities.

Policy CS12 (Green Infrastructure) seeks to protect sites designated for their biodiversity value with the highest protection being given to in internationally and then to nationally designated Sites of Special Scientific Interest (SSSI). Opportunities to enhance, restore, recreate and maintain habitats will be sought particularly in Biodiversity Opportunity Areas. If it is decided to submit a planning application an ecological survey will need to be carried out and submitted as well as any necessary mitigation strategies as part of your application.

This policy also seeks to conserve, restore and enhance the overall landscape character of the Borough. The greatest weight will be given to conserving the landscape and natural beauty of the Kent Downs Area of Outstanding Natural Beauty (AoNB) and its setting although the site is not within the AoNB.

Policy CS18 (Climate Change) seeks to ensure that Water Framework Directive objectives are secured and that the impact of development on waste water drainage systems is minimised. Surface water run-off from all new development should, as a minimum, have no greater adverse impact than the existing use. It requires the use of Sustainable Drainage Systems where technically and financially feasible. It requires the water efficiency measures to be installed to achieve the equivalent of level 3/4 of the Code for Sustainable Homes (105 litres per person per day)²

Policy CS19 (Development and Design Principles) sets out detailed criteria against which the acceptability or otherwise of proposed development will be evaluated. In particular, it requires new development to be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards. The design, layout and form of new development will be derived from a robust analysis of local context and character and make a positive contribution to the street scene and to the character of the area.

It requires account to be taken of the scale, height, building lines, layout, materials and other architectural features of adjoining buildings and of the wider context including features of townscape and landscape value, which contribute to local character and sense of place.

It requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and avoid adverse environmental impacts from pollution. New residential development is required to accord with the adopted Residential Layout Guidelines and will be required to provide appropriate levels of private and public amenity space.

Proposals should include details of appropriate hard and soft landscaping, protect and where opportunities arise enhance biodiversity and provide appropriate facilities for the storage and disposal of waste.

Policy CS20: (Heritage and the Historic Environment) gives a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource, central to the regeneration of the area and the reinforcement of sense of place. Particular attention in this regard will be focused on those heritage assets most at risk. When considering the impact of a proposed development on a designated heritage asset, the weight that will be given to the asset's conservation value will be commensurate with the importance and significance of the asset. For non-designated assets, decisions will have regard to the scale of any harm or loss and the significance of the heritage asset.

Gravesham Local Plan First Review 1994

The Gravesham Local Plan First Review was originally adopted in November 1994.

A substantial number of policies of the Gravesham Local Plan First Review were saved by a Direction dated 25 September 2007 of the Secretary of State under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 as transitional arrangements pending adoption of the Core Strategy.

Saved policies contained in the Gravesham Local Plan First Review should still be accorded significant weight, albeit that the weight accorded should be greater where policies are consistent with the National Planning Policy Framework (NPPF, paragraph 219).

Those Local Plan First Review policies that remain in force are listed in Appendix 1 of the Local Plan Core Strategy. The remaining saved policies will be replaced following the adoption of the Site Allocations and Development Management Policies Development Plan Document.

The following remaining saved policies are relevant to the consideration of this proposal:

² Now equivalent to 110 litres per person per day as required by National Standard – see GBC Housing Standards Policy Statement (2015) at http://www.gravesham.gov.uk/__data/assets/pdf_file/0016/201625/Housing-Standards-Policy-Statement.pdf

Policy C13: Policy for Extensions to Dwellings in the Countryside
Policy T1: Impact of Development on the Highway Network
Policy T4: Development outside the Built-Up Area
Policy T5: New Accesses onto Highway Network
Policy P3: Vehicle Parking Standards

Saved Policy C13 indicates the criteria need to comply with for extensions to dwellings in the countryside including proposals for garages and other outbuildings.

Saved Policy T1 requires that all proposed developments are adequately served by the highway network identified on the Proposals Map.

Saved Policy T4 indicates that proposal that generate significant vehicular or pedestrian traffic outside of built up areas will not be permitted.

Saved Policy T5 requires that the formation of new accesses or the intensification of use of existing accesses to the roads forming the highway network shown on the Proposals Map, will not normally be permitted, except where no danger would arise and where a properly formed access can be created in a location and to a standard acceptable to the Local Planning and Highway Authorities.

Saved Policy P3 requires development to make provision for vehicle parking, in accordance with the Kent County Council Vehicle Parking Standards, as interpreted by Gravesham Borough Council, unless justified as an exception. All vehicle parking provision should normally be made on the development site.

Review of Local Plan

Paragraph 33 of the NPPF (2019) sets out those 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 The review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) general conform with the National Planning Policy Framework (2021), the Council will also seek to replace these.

Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020

The Council published in 2020 a Regulation 18 (stage 2) consultation on its proposed Development Management Policies Document, replacing the 2018 Stage 1 version, which will in due course form part of and update the Gravesham Local Plan. Under paragraph 48 of the NPPF 2021, policies in this document may be accorded weight in the decision making process with this varying according to its stage of preparation; the extent to which there are unresolved objections; and the degree of consistency of policy with those in the Framework. As the Development Management Policies Document is at an early stage and the fact that the consultation has only recently concluded, the policies therein should at this stage be given very limited weight. It should be noted, in any event, that many of the relevant policies reflect those set out in the Framework and for the purposes of this pre-application these should be relied on instead.

The following draft policies from the Regulation 18 (Stage 2) Development Management Policies Document (2020) show the direction of travel the Council is going albeit the weight that these emerging policies may be accorded at this stage is very limited.

Proposed Policy GB 5 Extensions, Replacement Buildings and Ancillary Development in the Green Belt;
Proposed Policy INF 2: Transport Design Principles;
Proposed Policy INF 3: Understanding and Mitigating Transport Impacts;
Proposed Policy INF 5: Electric Vehicle Charging Points;
Proposed Policy GI 5: Landscape Character;
Proposed Policy GI 6: Biodiversity;

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) 2021 is a material consideration.

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11) which means approving development proposals that accord with the development plan without delay and where there are no relevant development plan policies or where the policies are out of date planning permission should be granted unless policies of the Framework provide a clear reason for refusing the development such as where land is designated as Green Belt or any adverse impacts would so significantly and demonstrably outweigh the benefits or specific policies in the NPPF taken as a whole.

The NPPF includes (in paragraph 8) three overarching objectives to achieving sustainable development:

- An economic objective;
- A social objective; and
- An environmental objective.

The following paragraphs are specifically highlighted as being of importance to the consideration of the development proposals, but it should not be taken that these are the only parts of the NPPF that need to be considered.

Section 2, Paragraphs 7 - 14: Achieving Sustainable Development

Section 4, Paragraphs 38 - 59: Decision Making

Section 5, Paragraphs 60 - 80: Delivering a sufficient supply of homes

Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport

Section 12, Paragraphs 126 - 136: Achieving well-designed places

Section 13, Paragraphs 137 - 151: Protecting Green Belt land

Section 14, Paragraphs 152 - 173: Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15, Paragraphs 174 - 188: Conserving and Enhancing the Natural Environment

Section 16, Paragraphs 189 - 208: Conserving and Enhancing the Historic Environment

The National Planning Practice Guidance (NPPG)

Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/>) supports and clarifies areas in the NPPF.

It contains guidance on assessing housing need; design; public consultation; open space provision in new development; travel plans, transport assessments and statements in decision-taking; health and wellbeing; water supply, wastewater and water quality; light pollution; determining a planning application; the use of planning conditions and viability, amongst other things.

The NPPG gives guidance on what is a material planning consideration in determining a planning application indicating that the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

The NPPG includes more detailed advice on the use of planning conditions (replacing the cancelled Circular 11/95).

Supplementary Planning Guidance and other Documents

The Council has adopted a number of Supplementary Planning Guidance documents, Development Briefs and Conservation Area Appraisals. These elaborate on saved policies in the Gravesham Local Plan First Review and policies in the Gravesham Local Plan Core Strategy and are material considerations in determining planning applications.

In addition, the Council has adopted a number of documents that have been produced by Kent County Council also as Supplementary Guidance.

The following documents are relevant to the consideration of this development:

- Kent Design Guide (SPG 5 published December 2005, adopted July 2006)
- Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006)
- Vehicle Accesses on Classified Highways (SPG6 November 1992)
- GBC Residential layout guidelines including Housing Standards Policy Statement October 2015, (SPG2) Adopted February 1996 - amended June 2020;
- Technical Housing Standards: Nationally Described Space Standards;
- Householder Extensions/Alterations Design Guide SPD, adopted 01 October 2021;
- Gravesham Landscape Character Assessment, May 2009, (a technical document which underpins policy CS12 of the Gravesham Local Plan Core Strategy);

Gravesham Landscape Character Assessment, May 2009

The application site lies within the Harvel Wooded Downs landscape character area in the Gravesham Landscape Character Assessment where the key characteristics are:

- Varied topography with steep valley sides and plateaux
- Ancient woodland, chestnut coppice and small paddocks and pasture
- Traditional historic settlement of Harvel set around village Green
- Occasional traditional farmsteads
- Haphazard mosaic of residential plots and small holdings set within the woodland
- There is a comprehensive network of winding, often sunken, narrow lanes throughout the area. Footpaths and byways run throughout the area, particularly to the west.

Its condition is described as moderate and it is stated:

The uncharacteristic and sporadic settlement of small plots within coppice woodland is a dominant element within the area creating an incoherent landscape. There are many visual detractors, including derelict buildings and caravans, overgrown gardens, poor fencing, disjointed fencing materials and fly tipping. The visual unity is significantly interrupted, although the wooded nature of the area conceals much of the visual clutter from wider views.

The sensitivity of the landscape is also described as moderate and it is stated:

There are several contrasts in distinctiveness throughout the area. Away from the plot lands the woodland, narrow lanes, traditional settlements and farmsteads are very distinct and contribute towards a strong sense of place. However, in contrast, the more recent plots and buildings are indistinct and enclosed by mismatched fencing or suburbanised walls, gates and railings. Some of these incongruous elements are also replacing more traditional features through the modernisation of vernacular buildings. There is a distinct sense of place and continuity is historic.

Consultations, Publicity and Representations

Consultations - Internal

GBC Regulatory Services - Environmental Protection Comments

We have no comments for this application to retain the mobile home.

GBC Highways Development Management Officer

As present I would recommend refusal of this application, whilst car parking and foul drainage are mentioned, there is no space within the red line boundary to provide any drainage (septic tank), car parking or access.

As a two-bedroom property I would expect a minimum of one car parking space and secure parking for two cycles. In addition there needs to be space to accommodate a tanker to empty the septic tank at intervals plus an access to the highway all within the red line.

Ward Councillors

No comments received

Consultations - External

Kent Highways and Transportation Services

No comments received

Meopham Parish Council

Following discussion by Meopham Parish Council's Planning Applications Committee; the Council wishes to provide the following response:

We object to this application on the grounds that there appears to be no evidence of previous planning approval/lawful development certificate for a mobile home at this site.

Dickens' County Protection Society

The society would wish to object to this application on the grounds that the site is in an area within which Green Belt policies apply where new dwellings would not normally be permitted. No special circumstances have been put forward to warrant overriding Green Belt Policy.

KCC Heritage and Conservation

I have no archaeology comments to make on this application.

Publicity and Representations

A site notice was displayed on site (Article 15) and a neighbouring property owner notified of the application with an overall expiry date of 24 December 2021.

The following representation has been received

Greyhound Trust

I am writing in my role as the Greyhound Trust Chief Executive in relation to the above application made by Mr. Chris Pearson with full authority of the Board of Directors who oversee the Charity (Registered Charity Numbers 269668 and SC044047) and with the oversight of our Legal Advisors, who are currently working to progress a Trespass claim against Mr. Pearson for unlawful occupation of Greyhound Trust land.

The Greyhound Trust has operated from the Croft View since 1995 and became the legal owners of the whole of the site on 26 November 2018; as such, we are well placed to accurately reflect the usage of the site and Mr. Pearson's interaction with the site during this time.

Mr. Pearson continually appears to try different tactics via planning to try and secure planning for his 'timber lodge' and this has been ongoing for many years.

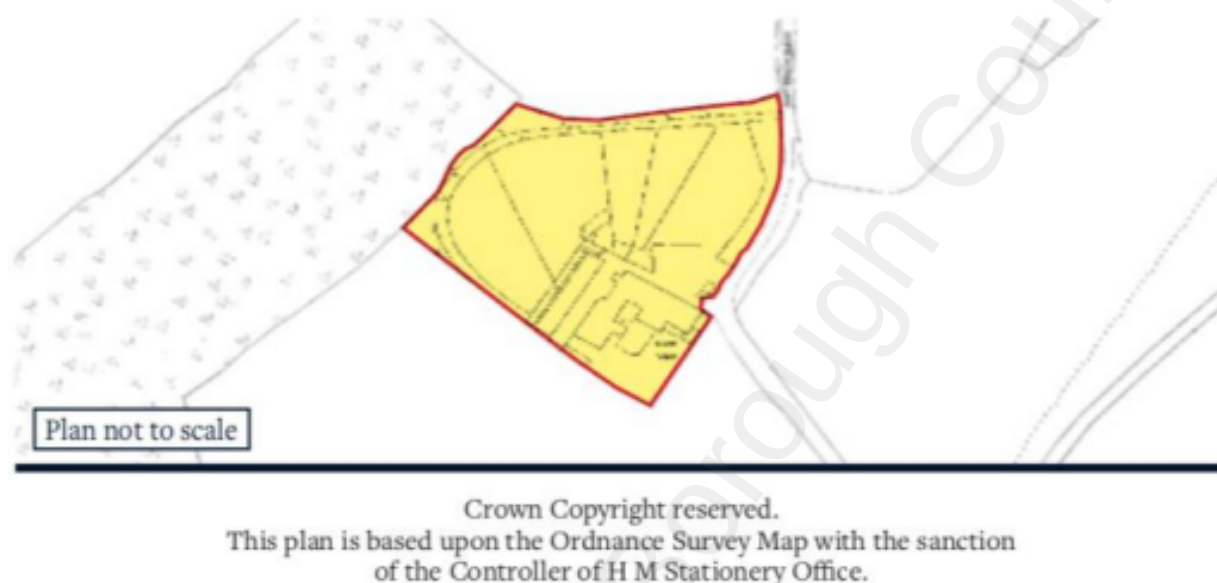
To be absolutely clear, Greyhound Trust do not, have not and will never support the applications being made by Mr. Pearson. Mr. Pearson occupies this land unlawfully and does not have Greyhound Trust permission to be on the site and we do not support the siting of his 'timber lodge' on charity owned land.

We were not formally told of this application which relates to land owned by the Charity, however, we became aware of it via the planning site notices.

We previously wrote to you regarding his application for a lawful development certificate in 2019 for his 'timber lodge', which was rejected by planning and at appeal. Our comments relating to this application stand and for ease of reference are included at the end of this submission.

In addition, we would like to bring the councils awareness to the following points, inaccuracies and misrepresentations in the current application as follows:

a) The planning application states the site is 0.38 hectares; the site which Mr. Pearson is illegally occupying is part of a wider site owned and managed by Greyhound Trust which is in fact a total of 3.3 acres as shown by the ordnance survey mapping:



b) The application is written in a way that appears to lead the reader to the assumption that the residential house, kennels and 'Timber bank' (which is a single skinned outbuilding not suitable for or permissible for habitation) are somehow linked to Mr. Pearson; they are not.

All residential, commercial and charitable uses of this site are in buildings and on land owned 100% by Greyhound Trust and all legal existing use is use that Greyhound Trust authorises. Mr. Pearson is in no way authorised to occupy, use or direct any activity or occupation on the land that his application relates to and has no authority to access Greyhound Trust owned land or buildings.

c) Mr. Pearson is occupying the land upon which is 'timber lodge' stands unlawfully and without permission. Mr. Pearson has been told that he is unlawfully occupying this land by Greyhound Trust and their Legal Advisors since 2018.

d) Greyhound Trust Legal Advisors have informed Mr. Pearson that Greyhound Trust will be taking formal trespass proceedings against him for his unlawful occupation of the land his 'timber lodge' illegally resides and this is currently being processed.

e) Greyhound Trust have informed Gravesham Council that this Trespass action is being taken.

f) Previous applications for lawful development of this 'timber lodge' were not approved by Gravesham Council and Mr. Pearson lost his appeal. Greyhound Trust have been supported of Gravesham Council addressing this with Mr. Pearson and have always been fully cooperative.

g) Since the time that Mr. Pearson lost his appeal, he has been assuring Gravesham Council that he is moving the 'timber lodge' and I understand he was given much leeway due to Covid and remains in breach.

h) The elevation plans and associated application implies that 'Timber bank' (not to be confused with

'timber lodge'), is somehow more than an outbuilding used for storage due to the fact it is presented with a name and shown as being beside the 'timber lodge' on elevation plans.

This is an outbuilding which is unsuitable for habitation and has no planning authority to be used for anything other than storage (Timber Bank is an outbuilding owned fully by Greyhound Trust).

i) The plans identify 'concrete hard standing for general parking' and identifies 6 car parking spaces and 2 LGV parking spaces.

This parking is Greyhound Trust car parking and Mr. Pearson has no right to use the parking, it is privately owned land, which again he currently trespasses over to access his illegally sited 'timber lodge'. If Mr. Pearson parks on this area, he is again illegally parking as he has no right to access the parking.

j) Mr. Pearson illegally and without permission uses the Greyhound Trust entrance to our fully owned site to access his unauthorised and unlawfully sited 'timber lodge' which he unlawfully occupies.

k) The planning application states that waste is managed by a septic tank, again, this is unlawfully used. Mr. Pearson uses this septic tank that belongs to Greyhound Trust without authority.

l) Mr. Pearson has also, without permission, accessed utilities from Greyhound Trust for his 'timber lodge'.

m) There is no previous planning or certificates for lawfulness of any type of caravan / 'timber lodge' and this application to retain should be refused.

n) This is an inappropriate application given the greenbelt and no level of VSC has been relied upon or proven.

Planning Analysis and Assessment

Introduction

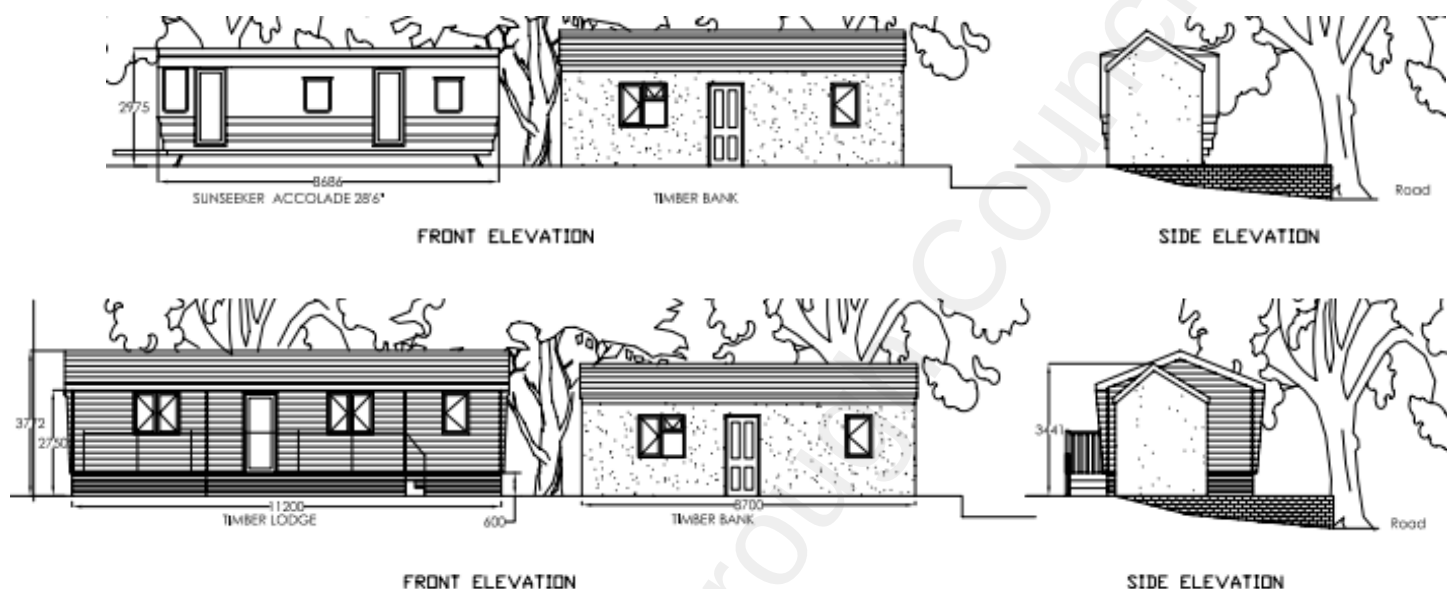
The most recent planning history relating to this site included a planning application in 2017 (ref 20170468) for the demolition of the existing dwellings, kennel buildings and associated structures and erection of 4 new dwellings on the site.

That application was withdrawn in April 2019 following no progress being made to address a number of fundamental planning issues. In planning policy terms there were objections on grounds of being inappropriate development in the Green Belt and an unsustainable location amongst other things. The proposed layout for the redevelopment of the site in that application is shown below.



In 2018 a planning application (ref 20180543) for the retention of a timber building for residential use was submitted by the current applicant. This was also withdrawn in January 2019 as the submission was flawed being for a building when the unit on the site was a caravan (mobile home) and incorrectly using a householder application form.

In late 2018 an application (ref 20181134) for a Lawful Development Certificate (LDC) in respect of the continued use of a mobile home as a dwelling alleging that the application site has been used as a mobile home (dwelling) for a period in excess of 10 years and being for 26 years in total. The LDC was for a claim that there had been firstly an Accolade unit on the site, then a Sunseeker Accolade in 2001 and this was then replaced by the Timber Lodge, a larger unit, in 2014.



The LDC application was refused on 02 December 2019 on grounds that:

On the balance of probabilities it is considered that insufficient levels of evidence have been submitted to prove that the mobile home has been used for residential purposes continuously for the required ten year period in order to become immune from enforcement action.

A subsequent appeal (GBC ref AP2020/00011/REF; Planning Inspectorate ref APP/K2230/X/20/3246559) was **dismissed** on 30 October 2020.

The Inspector commented:

On the basis of the appellant's evidence before me I am not convinced that its extent is sufficient to show that the use as claimed commenced before the material date and has continued on an uninterrupted basis since. The onus is on the appellant to demonstrate, on the balance of probability that, at the date of the application, the use had acquired lawfulness due to its immunity from planning enforcement action. In essence, I find that the burden of proof has not been satisfactorily discharged in this instance.

Having regard to the above LDC decision and notwithstanding the claims that the mobile home has been on this site for some length of time the current planning application is required to be determined on its planning merits in relation to adopted national and local planning policy.

The Key Issues

The key issues, therefore, in the consideration of this planning application are:

- Principle of the Development;
- Appropriateness of the development in the Green Belt;
 - Impact on Openness;
 - Very Special Circumstances;

- Design and Layout;
- Impact on the Landscape;
- The Amenity of Future Occupiers;
- The Amenity of Neighbouring Properties;
- Highways, Access and Parking
- Other Material Planning Considerations

Principle of the Development

Policy CS01 (Sustainable Development) of the Gravesham Local Plan Core Strategy (LPCS) indicates that when considering development proposals, the Borough Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and in the Core Strategy.

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:

- i. "the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 6 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 181)
- Sites of Special Scientific Interest;
- Green Belt,
- Local Green Space,
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats;
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68); and
- Areas at risk of flooding or coastal change.

Whilst in determining applications for planning permission involving housing, the Council will apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, this would not override the application of policies that protect areas or assets of particular importance as in this case the site is within the Green Belt.

Appropriateness of the development in the Green Belt

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by preserving the open and permanent characteristics of Green Belts (paragraph 137 of the NPPF 2021). Paragraph 147 of the NPPF 2021 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (Paragraph 148).

Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt (paragraph 149 of the NPPF 2021), though there are exceptions to this. Nevertheless, the proposal relates to the change of use of the land for the siting of a mobile home/caravan rather than a built

development, and therefore paragraph 149 is not considered relevant in this case.

However, paragraph 150 of the NPPF 2021 sets out that material changes in the use of land can be appropriate development in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it. The development comprises the stationing of a mobile home and associated development. It is considered that this use of the land introduces a significant man-made structure into this rural location, encroaching over the countryside and adding to the built up nature of the site and causing detriment to the openness of the Green Belt and the purpose that this land is included within it. On this basis, it is considered that the proposal would not be in line with the requirements of paragraph 150, and would therefore amount to inappropriate development, which is, by definition, harmful to the Green Belt. As such, it would be contrary to Policy CS02 of the Gravesham Local Plan Core Strategy 2014 and to paragraph 150 of the NPPF 2021.

Impact on Openness

Paragraph 137 of the NPPF 2021 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also states that the essential characteristics of Green Belts are their openness and permanence. Paragraph 001 of the Planning Practice Guidance on Green Belts looks to assess the impact of a proposal on the openness of the Green Belt by taking into account the spatial and visual aspects of a development, its duration and remediability, and the degree of activity levels generated (Reference ID: 64-001-20190722).

There is no specific definition of "openness" in the NPPF, and the concept of what is considered as openness has only really emerged from case law (such as the case of *Timmins and Anor v Gedling Borough Council* [2014]). Effectively, 'openness' is epitomised by the absence of built development (i.e. land that is not built on) and it follows therefore that any new built development is likely to have an adverse impact on the openness of the Green Belt, but whether that impact is greater or lesser on sites where there is already built development will be dependent on an assessment on a case by case basis. It is a different concept to "visual impact". Although openness may be considered in a visual sense, the visual impact of a development in the Green Belt may be harmful through the siting, design and materials used. The presence of landscaping or screening may serve to mitigate the visual impact of a development including built development but there might still be an impact on openness.

The development, by its nature, involves a form of inappropriate development at the application site that erodes the openness of the Green Belt. The site was previously an open part of the overall site and whilst there has been parking of cars next to the application site and principally on a hard surfaced area the extent of man-made structures on the site is to the south level with and beyond the existing chalet bungalow. The mobile home and its associated paraphernalia results in the site having a much more urban appearance, and clearly affects the spatial and visual amenities of the site. Whilst the site is partially screened from the road by hedging and trees this would not lessen the overall impact on the openness of the Green Belt from the stationing of a mobile home on this land, which is intended to be permanently located there. On the basis of its permanence, there would be no opportunity for remediation and returning the land to its original state. There is a marked difference in the activity levels at the site, and the comings and goings associated with its residential occupation in comparison to its previous undeveloped nature. All these factors are considered to significantly and harmfully impact on the openness of the site and the Green Belt within which it sits.

This proposal is contrary to paragraph 137 of the NPPF 2021 by its impact on openness, and would also conflict with point (c) of paragraph 138 of the NPPF 2021, which seeks to safeguard the countryside from encroachment. Clearly, this proposal would represent an encroachment of development into the countryside, as the site lies outside any settlement boundary. This also conflicts with Policy CS02 of the Gravesham Local Plan Core Strategy 2014, which only supports development outside settlement boundaries where it is compatible with national and local policies for protecting the Green Belt.

Very Special Circumstances

Referring to paragraphs 147 and 148 of the NPPF 2021, inappropriate development in the Green Belt should not be approved except in very special circumstances and that very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant's agent has provided a very brief statement supporting the development on the basis that:

- The mobile is not visible from the main road and shaded by large trees.
- There has been a mobile here from 1997
- Change of use from agricultural to residential took place approximately thirty years ago, and the concrete hardstanding installed over twenty years ago

It is not considered that these amount to very special circumstances that might set aside the objection to the development on grounds of being inappropriate development.

Subsequently the applicant's agent was asked to provide evidence of the applicant's connection with the actual land use or the greyhound kennels or Greyhound Trust any other information that would assist in the determination of the application. The applicant's agent responded to the effect that the mobile home was being rented by another person but gave no indication that the actual applicant had any connection with the Greyhound Trust use on the site.

It should be noted that the Greyhound Trust do not agree that the presence of the applicant is essential for site security and welfare.

There is therefore no evidence submitted as to why there is a particular need for this development in this location, or indeed in the Borough as a whole, and therefore the application as submitted fails to demonstrate the existence of 'very special circumstances'.

Design and Layout

The design and built form of the proposals need to be considered against the Council's Core Strategy Policy CS19 (Development and Design Principles) that sets out detailed criteria. Policy CS19 (LPCS) states that the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area.

At a national level the NPPF sets out that the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development (paragraphs 126 and 130 of Part 12 - Achieving well designed places)

Paragraph 130 of the NPPF also indicates that developments need to respond to local character and history, and reflect the identity of local surroundings and materials or establish a strong sense of place, using streetscapes and buildings to create attractive, welcoming and distinctive places to live. Paragraph 134 of the NPPF advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

In this case the mobile home is a use of the land rather than a building and although the structure is a man-made structure there is not a design objection per se but the use needs to be considered in terms of its impact on the landscape quality of the area.

Impact on the Landscape

The site is within the Harvel Wooded Downs Landscape Character Area (LCA), and as such, Policy CS12 of the Gravesham Local Plan Core Strategy September 2014 is relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment will be taken into account in determining applications.

Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy requires development to conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area.

The site is opposite the Kent Downs Area of Outstanding Natural Beauty (AoNB). Paragraph 176 of the NPPF specifies that 'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty....'

The use of the land and the intensification of development has resulted in the application site having a more urbanised and cluttered an unmanaged appearance. The mobile home and its associated development is out of character with the natural rural surroundings.

The development is therefore harmful to the character and appearance of the countryside and the Harvel Wooded Downs Landscape Character Area and would be contrary to Gravesham Local Plan Core Strategy Policies CS12 and CS19 and harmful to the setting of the adjacent Kent Downs Area of Outstanding Natural Beauty (AoNB).

The Amenity of Future Occupiers

Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the (SPG2) adopted GBC Residential Layout Guidelines'.

The Supplementary Planning Guidance Note 2 Residential Layout Guidelines referred to above sets out the Council's standards in relation to private garden areas and internal space standards, amongst other things.

The mobile home in this case whilst a little cramped would nevertheless provide adequate or perhaps basic living conditions for the occupiers albeit that there is little or no amenity space but on balance this aspect would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy.

The Amenity of Neighbouring Properties

In considering any proposals for development it is important to ensure that it does not cause demonstrable harm to the amenity of any existing residents or property such that it will materially harm their living conditions. It is also important to assess the quality of any residential environments that are proposed as part of the scheme. Policies seeking to protect amenity and ensure acceptable future living conditions are included in the Local Plan Core Strategy.

The NPPF (Paragraph 127) also assists and seeks to ensure developments will function well, do not undermine the quality of life and create attractive and comfortable places to live, work and visit and seeks to "secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".

Safeguarding residential amenity, in terms of privacy, daylight and sunlight and ensuring that all development proposals are fit for purpose and adaptable to meet the need of users are important considerations referred to in Local Plan Core Strategy Policy CS19.

The Supplementary Planning Guidance Note 2 Residential Layout Guidelines also sets out requirements not to just protect future residents/occupants of new development but also those existing residents that might be affected by the development.

In this case there would be no significant impacts on residential amenities of neighbour properties. As indicated the existing dwelling on the site (Croft View) has not been occupied for some years and it is perhaps a case that occupation of the mobile home is unfortunately close to the main frontage of that site but on balance this aspect does not conflict with Policy CS19 of the Gravesham Local Plan Core Strategy.

Highways, Access and Parking

The proposed development needs to be considered against Gravesham Local Plan Core Strategy Policy CS11 (Transport) which states that new development should mitigate their impact on the public highway and that transport assessments should be provided and implemented to ensure delivery of travel choice and sustainable opportunities for travel. Furthermore, it states that sufficient car parking in new

developments will be provided in accordance with adopted standards which will reflect the availability of alternative means of transport accessibility to services and facilities. This approach to development is also supported by saved policies in the Local Plan First Review Policy T1 (Impact of Development on the Highway Network), Policy T5 (New Accesses onto Highway Network) and Policy P3 (Policy for Vehicle Parking Standards).

At a national level the NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability objectives. The NPPF clearly states at Paragraph 109 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application site is served by the same access that provides vehicular access to Croft View and the kennels belonging to the Greyhound Trust. The access is sufficiently wide and although on a bend there is adequate visibility such that the intensified use to the mobile home would not result in material harm to highway safety. However the access is not shown within the red line boundary of the site.

The GBC Highways Development Management Officer recommends refusal of this application, in that whilst car parking and foul drainage are mentioned, there is no space within the red line boundary to provide any drainage (septic tank), car parking or access. As a two-bedroom property he would expect a minimum of one car parking space and secure parking for two cycles. In addition he indicates that there needs to be space to accommodate a tanker to empty the septic tank at intervals plus an access to the highway all within the red line.

Other Material Planning Considerations

Ecology and Biodiversity

The development does not have any material ecology or biodiversity implications.

Archaeology

The development does not have any archaeological implications.

Drainage and Flood Risk

The site is not within a flood risk area. (*See highway comments*)

Human Rights

The application has been considered in the light of the Human Rights Act 1998 and it is considered that the analysis of the issues in this case, as set out in this report and recommendation below, is compatible with the Act.

Conclusions and Overall Balancing Exercise

The above analysis sets out that the development is detrimental to the openness of the Green Belt and contrary to one of the purposes of including land within the Green Belt, namely protecting the countryside from encroachment. The development urbanises and undermines the character of the site and overall, it is considered that the development is inappropriate development in the Green Belt.

No very special circumstances have been advanced pursuant to paragraphs 143 and 144 of the NPPF sufficient to overcome the presumption against such inappropriate development.

It is considered that the use of the land and the intensification of development has resulted in the application site having a more urbanised and cluttered and unmanaged appearance harmful to the character and appearance of the countryside and the Harvel Wooded Downs Landscape Character Area and would be contrary to Gravesham Local Plan Core Strategy Policies CS12 and CS19 and harmful to the setting of the adjacent Kent Downs Area of Outstanding Natural Beauty (AONB).

In addition insufficient information has been submitted to demonstrate that within the red line boundary of the site that there is adequate space to provide any drainage (septic tank), car parking or access. This is therefore contrary to Gravesham Local Plan Core Strategy Policy CS11 (Transport) and saved Policy T1 (Impact of Development on the Highway Network), Policy T5 (New Accesses onto Highway Network) and Policy P3 (Policy for Vehicle Parking Standards) of the Gravesham Local Plan First Review.

Recommendation:

Refusal

1. The development further urbanises the site adding to the built up nature of the site and eroding its character, which would be harmful to the openness of the Green Belt and an encroachment of the countryside. As such, the proposal would be inappropriate development in the Green Belt, which would undermine one of the purposes of including land within the Green Belt and would be contrary to Policy CS02 of the Gravesham Local Plan Core Strategy September 2014 and paragraphs 137, 138, 149 and 150 of the National Planning Policy Framework (NPPF) 2021.

The applicant has not advanced any 'very special circumstances' argument or indeed any convincing justification for the proposal pursuant to paragraphs 143 and 144 of the NPPF sufficient to overcome the presumption against such inappropriate development.

2. The use of the land and the intensification of development has resulted in the application site having a more urbanised and cluttered and unmanaged appearance. The mobile home and its associated development is out of character with the natural rural surroundings. The development is therefore harmful to the character and appearance of the countryside and the Harvel Wooded Downs Landscape Character Area and would be contrary to Gravesham Local Plan Core Strategy Policies CS12 and CS19 and harmful to the setting of the adjacent Kent Downs Area of Outstanding Natural Beauty (AoNB).

3. Insufficient information has been submitted to demonstrate that within the red line boundary of the site that there is adequate space to provide any drainage (septic tank), car parking or access. This is therefore contrary to Gravesham Local Plan Core Strategy Policy CS11 (Transport) and saved Policy T1 (Impact of Development on the Highway Network), Policy T5 (New Accesses onto Highway Network) and Policy P3 (Policy for Vehicle Parking Standards) of the Gravesham Local Plan First Review.

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt the decision to refuse this application was taken in relation to the following plans and documents:

Planning Application Form and Certificates;

Planning Statement;

Drawing No PL/A3/01: Block Plan, Site Map and Side Elevation;

Drawing No PL/A3/02: Timber Lodge Front and Side Elevations;

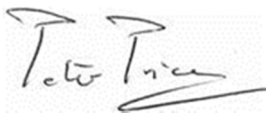
Drawing No PL/A3/03: Floor Plan and Rear, Side Elevations;

2 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a

development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

In this instance however, the application is not in accordance with the Development Plan for the area and cannot be supported. The harm to the openness of the Green Belt, to the character and appearance of the surrounding area, the rural landscape and the adjoining Kent Downs Area of Outstanding Natural Beauty and to highway safety was considered overriding and could not be overcome by amendments to the submitted scheme or by the imposition of planning conditions.

Case Officer:	Mr Peter Price	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	28 th January 2022	Dated:	01 February 2022

File Location: H: Plan/Typing/General/Peter/Delegated Reports/Uniform - 20211342 - Delegated Report - Croft View White Horse Lane Meopham - Retention of mobile home.