

Delegated Report

Planning Application

Planning Application No: 20260721

Location: The Lion PH, Luddesdown Road, Luddesdown, Gravesend

Description: Installation of 1no. ground-mounted timber swing sign post with suspended pictorial board. Display of new handwritten pictorial fascia signage painted directly into existing external render finish of front elevation. Display of new handwritten pictorial amenity signs to be displayed at first floor level of the East & West side elevations. Low-level car park signs displayed to either side of vehicle access to site. Proposed delivery gate sign fixed to double timber service gate. Proposed 3 no. amenity signs to be displayed in the garden area.

Applicant: Mr Gary Smith

Submitted Documents/Plans

Application form

Drawing no. 26.009.PRIV.600 (existing block plan and site location plan)

Drawing no. 26.009.PRIV.602 (existing elevations)

Drawing no. 26.009.PRIV.601 rev B (proposed block plan and site location plan)

Drawing no. 26.009.PRIV.603 rev C (proposed elevations)

Drawing no. 26.009.PRIV.604 rev C (proposed signage details)

Relevant Planning History

No applications relevant to advert consent.

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS11 - Transport
- CS19 - Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC3 – Development Affecting Conservation Areas
- TC8 – Advertisement Consent

As set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012 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

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 (2026), the Council will also seek to replace these.

National Planning Policy Framework (2026)

- Chapter 14: Achieving well-designed places
- Chapter 15: Promoting sustainable transport (TR6)

Supplementary Planning Guidance

- SPG3 – Advertisement Control policy Guidelines (2020)

Emerging Local Plan as a Material Consideration

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (Planning and Compulsory Purchase Act 2004) and section 70(2) of the Town and Country Planning Act 1990 (Town and Country Planning Act 1990) make it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise.

Decision Making Policy DM4 of the Framework sets out that when considering development proposals, relevant policies may be given weight, however, this is subject to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of compliance of the relevant policies in the emerging plan with the policies for plan-making in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given to them).

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement, the Court found that the weight to be given to an emerging Local Plan was a matter of planning judgement, which had to be reached having fully considered the relevant part of the Framework, which from 17 August 2026 Decision Making Policy DM4 of the Framework.

The Council's emerging Local Plan has reached the Regulation 19 Consultation stage, with the consultation having ended on 18 August 2026. The emerging Local Plan does not form part of the Development Plan.

The Council is aware that third parties have raised objections to the wider emerging Local Plan and specific policies within it. Therefore, at present the Council cannot categorically state that the emerging Local Plan can be considered sound and consistent with the National Planning Policy Framework (2024) [as an emerging Local Plan being brought forward under the legacy system, it would be examined under the 2024 Framework]. Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan.**

This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

Consultees

KCC Highways

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters:

KCC have received application GB/20260721. The luminance levels of 600 cdm-2 are too high as the area of Luddesdown is considered a rural area and luminance levels of 400 cd-m2 are the maximum allowance within rural areas.

The maximum value of luminance in hours of darkness must not exceed the maximum permitted values for the relevant zone given in the Institution of Lighting Professionals 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'. The zones and their corresponding maximum level of luminance are detailed below:

Size of Advert/Sign - Up to 10m2:

- * Zone E0 (Protected; dark) - 0 cdm-2
- * Zone E1 (Natural; intrinsically dark) – 100 cdm-2
- * Zone E2 (Rural; low district brightness) – 400 cdm-2
- * Zone E3 (Suburban; Medium district brightness) – 600 cdm-2
- * Zone E4 (Urban; High district brightness) – 600 cdm-2

Size of Advert/Sign - Over 10m2:

- * Zone E0 (Protected; dark) - 0 cdm-2
- * Zone E1 (Natural; intrinsically dark) – n/a
- * Zone E2 (Rural; low district brightness) – 200 cdm-2
- * Zone E3 (Suburban; Medium district brightness) – 300 cdm-2
- * Zone E4 (Urban; High district brightness) – 300 cdm-2

All measurements are in Candelas per metre squared

Subject to the above and provided that the above requirements are secured by condition or planning obligation, I would raise no objection on behalf of the local Highway Authority.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC

Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

Neighbouring properties

As this is an application for advertisement consent no public consultation is required. No letters of representation have been received.

Officer's Analysis

Proposal

This application seeks advertisement consent for the installation of 1no. ground-mounted timber swing sign post with suspended pictorial board. Display of new handwritten pictorial fascia signage painted directly into existing external render finish of front elevation. Display of new handwritten pictorial amenity signs to be displayed at first floor level of the East & West side elevations. Low-level car park signs displayed to either

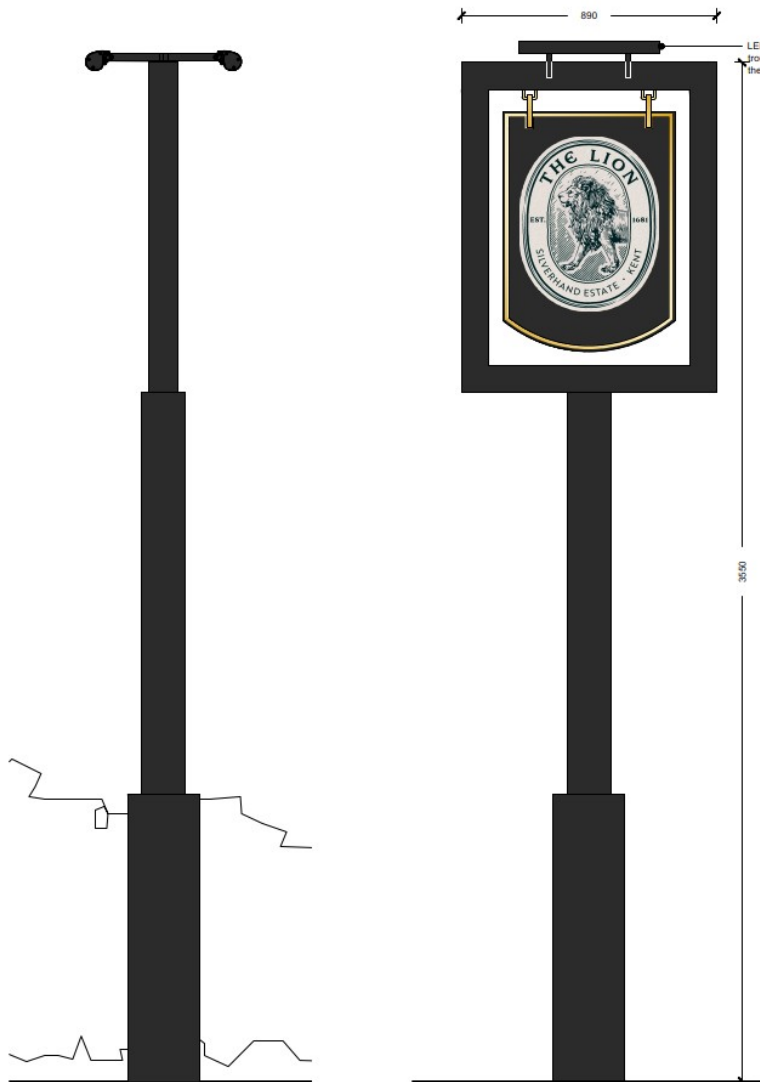
side of vehicle access to site. Proposed delivery gate sign fixed to double timber service gate. Proposed 3 no. amenity signs to be displayed in the garden area.

Previous to the refurbishment works the existing signage consisted of the below:



The proposed signage consists of:

Advertisement 1:



Advertisement 1 - New Swing Sign Post - Front Elevation

Advertisement 1 - Swing Sign Post -

Advertisement 2:



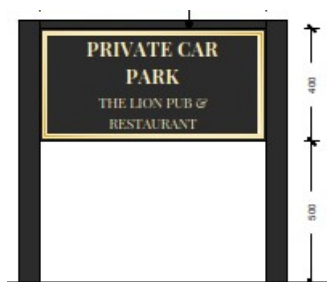
Advertisement 3:



Advertisement 4:



Advertisement 5:



Advertisement 6:



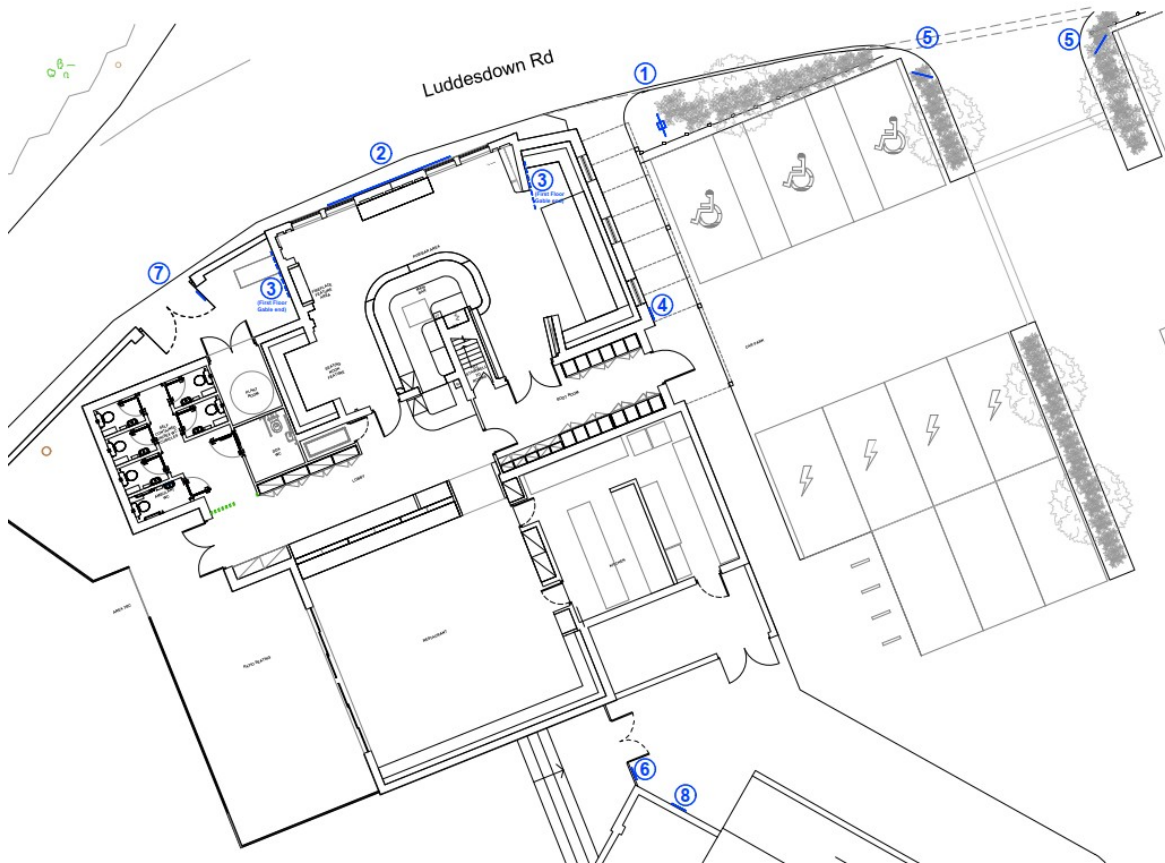
Advertisement 7:



Advertisement 8:



The location of the proposed adverts is shown below:



Analysis

Saved Policy TC8 of the Gravesham Local Plan First Review states that:

All applications for advertisement consent will be examined in the light of the Borough Council's adopted policy guidelines for advertisement control and displays which are detrimental to public safety or to amenity will be resisted.

Former paragraph 141 of the National Planning Policy Framework 2024 has been removed from the new 2026 NPPF because it largely repeated the requirements already contained in the Advertisement Regulations. As such the only relevant policies in the 2026 NPPF would be DP3 (key principles for well-designed places) and TR6 (assessing transport impacts).

As this is an application for advertisement consent only amenity and public safety can be considered.

Amenity

Advertisements are an important part of the local scene. Well-designed advertisements can add brightness and bustle to commercial areas. However, cluttered, poorly designed, overlarge or brightly lit advertisements can have an adverse effect on the environment

The site is situated within Luddesdown, which is designated as an Area of Special Control of Advertisements. Such areas are subject to stricter advertisement controls in recognition of their attractive rural character and landscape quality. Accordingly, particular regard has been given to the effect of the proposed advertisements on visual amenity, including their design, scale, siting and illumination

Policy CS19 states new development will be visually attractive, fit for purpose and locally distinctive. It will 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.

Policy CS20 states the Council will accord 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.

There is a Grade II Listed Building opposite the site carpark to the east known as Brookers Farm.

Overall, the Borough Council is very concerned to ensure that the environment generally is improved by achieving a good standard of design in new development and is aware that commercial requirements have to be balanced against the need to protect the amenity of the area.

Policy 1 of the Advertisement Control Guidelines relates to sites within the town centre and therefore this policy is not applicable.

Policy 2 relates to local shopping centres and therefore this policy is not applicable.

Policy 3 relates to residential areas within the urban areas and rural settlements inset from the greenbelt. As the site is located within the green belt this policy is not applicable.

Policy 4 relates to the urban area of Gravesend and Northfleet and therefore is not applicable to this application.

Policy 5 is not applicable as the site is not within or close to a conservation area.

Policy 6 relates to the countryside and states that, in the countryside, advertisements will be resisted unless a strong case can be made for their display. Advertisements in the countryside are often harmful to amenity and can be detrimental to public safety if badly sited in relation to narrow country roads. Accordingly, the amount of advertisement matter in the countryside will be strictly controlled. A large part of Gravesham is designated an "Area of Special Control for Advertisements". Within this area, a stricter control over advertisements applies because of the necessity of preserving or enhancing the appearance of the area. The site is located within an Area of Special Control for Advertisements.

Policy 7 relates to amenity. The Borough Council is keen to ensure that advertisement displays do not detract from and, if possible, add to the quality of the environment; this applies especially in sensitive locations such as conservation areas and on listed buildings. Advertisement displays will be expected to comply with the following criteria:

- they should be sympathetic to the appearance of the building or land on which they are displayed and should not be an over-intrusive feature in the street-scene or locality; and
- they should not cause or add to an impression of clutter on a building or other land.

The proposed plans show signs that are sympathetic to the building and the land upon which they are to be located. They replace existing signs and therefore will not be overly intrusive in the street scene and will not negatively impact on the amenities of nearby residential dwellings. The proposed signage will be within the curtilage of the pub and will be read within its context and therefore will not have a detrimental impact on the setting of the Grade II Listed Building to the east. The level of illuminance is too high for the rural area and therefore a condition is recommended that the illuminance shall not exceed cdm² which is the maximum allowance within rural areas; therefore no objections are raised.

Public Safety

Policy 8 relates to public safety and states that advertisement displays should not be detrimental to public

safety, particularly on the highway. Advertisements should not obstruct visibility, interfere with the interpretation of road signs or traffic signals, or distract the attention of drivers.

Recommendation:

Permit

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

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	6 October 2026	Dated:	7th October 2026