

Planning, Design and Access Statement

Walnut Hill Nursery, Walnut Hill
Road, Istead Rise, Kent, DA13 9HL

Change of use of land and building(s) to
offices with incidental hard surfacing to
create additional parking/delivery area



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Project reference: **PR4462**

29 August 2025

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1 Introduction

- 1.1 This Planning, Design and Access Statement has been submitted in support of an application for the following development at Walnut Hill Nursery, Walnut Hill Road, Istead Rise, Kent, DA13 9HL (hereafter referred to as 'the Site'):

Change of use of land and building(s) to offices with incidental hard surfacing to create additional parking/delivery area

- 1.2 The proposed development affects the following Land Registry title(s):

Title Number	Description	Owner
K421608	WALNUT HILL NURSERY WALNUT HILL ROAD, GRAVESEND DA13 9HL	The Applicant

- 1.3 The application is accompanied by the following plans and documents:

- 4462.PN – Planning Statement
- 4462 – 01 Site Location Plan
- 4462 – 02 Existing Block Plan
- 4462 – 03 Existing GF Plan
- 4462 – 04 Existing FF Plan
- 4462 – 05 Existing Elevations 1 of 2
- 4462 – 06 Existing Elevations 2 of 2
- 4462 – 07 Existing Outbuilding Plan and Elevations
- 4462 – 08 Proposed Block Plan
- 4462 – 09 Proposed GF Plan
- 4462 – 10 Proposed FF Plan
- 4462 – 11 Proposed Elevations 1 of 2
- 4462 – 12 Proposed Elevations 2 of 2
- 4462 – 13 Proposed Outbuilding Plan and Elevations
- 4462.ON Contaminated Land Desk Study Appendix A
- 4462.ON – Contaminated Land Desk Study Appendix B
- 4462.ON – Contaminated Land Desk Study
- 4462.ON – Acoustic Assessment
- 4462.ON – Transport Statement

2 Site Context

- 2.1 This Site extends to some 0.25ha within a largely square parcel of land and is situated on the north side of Walnut Hill Road, where the Site can be directly accessed. This is the Site's only access, which is protected by closeable metal gates.
- 2.2 The previous lawful use of the Site was as a commercial plant nursery, which ceased operations in 2022. Since then, the Site has been occupied by the Applicant's business, First4Drains, which operates as a drainage company.
- 2.3 A large brick building occupies the front of the Site and is currently used as an office and for administrative purposes by the 16 staff who are employed by First4Drains. There is also vehicle parking adjacent to the building for said staff.
- 2.4 The brick building comprises four skylights on the principal elevation, clay tiles on the roof and porch, as well as black aluminium framed windows and black guttering and downpipes.
- 2.5 Beyond the main building, there is a singular outbuilding that is rectangular and is situated to the east of the Site. It is constructed from timber cladding and white UPVC windows and doors. It is understood that the building is used by the employees of the main building for storage.
- 2.6 The Site is directly adjacent to the former Conifers Camping and Caravanning Club to the west, whilst it is bound by woodland to the north and east, and the main road to the south.
- 2.7 This Site is the subject of the following planning constraints and characteristics:
- Metropolitan Green Belt
 - Close to Ancient Woodland (13m due east to Walnut Wood)
 - Flood Zone 1 (low possibility of flooding from rivers or the sea)

3 Relevant History

3.1 The following records are understood to be relevant to the Site:

[Retention of the portacabin and continued use as office/cloakroom/store room/ rest room](#)

Ref. No: 19900708 | Validated: Fri 30 Nov 1990 | Status: Application Permitted

[REVISED APPLICATION Removal of existing portacabins and sheds and erection of replacement building for gardening storage, machinery room, packing room and potting-up room at ground floor, incorporating sheltered walkway and refuse and chemical store, with office accommodation and storage at first floor level.](#)

Ref. No: 19970030 | Validated: Fri 17 Jan 1997 | Status: Application Refused – The application was refused on the basis that the proposal would be seriously detrimental to the character and amenity of the landscape, and the openness of the Green Belt by virtue of the height, bulk, and scale of the development proposed.

[Removal of existing portacabins and sheds and erection of a barn to provide equipment/materials storage, propagation area, potting and packing and loading areas at ground floor level and staff facilities, drying room, office and storage at mezzanine floor level and an external fire escape staircase at the side.](#)

Ref. No: 20000600 | Validated: Thu 22 Feb 2001 | Status: Application Permitted

[Application to determine if prior approval is required for a proposed conversion of a building to a commercial use Class E, of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015 \(as amended\) - Schedule 2, Part 3, Class R.](#)

Ref. No: 20240607 | Status: Refused on the following grounds:

The application fails to meet the permitted development criteria as set out in Class R of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), particularly with regards to the curtilage definition under condition R.2 (a)(i), and the timing of the application submission under R.3 (1)(b). The proposal would not, therefore, be permitted development, and this application for prior approval is refused.

Furthermore, if prior approval were to have been required under R.3 (1)(b), it would have been refused, as the use of the site is considered to cause harm with

regard to highways, noise and contamination matters, and insufficient information has been submitted to address these impacts.

Re-cladding, re-roofing and associated alterations to openings of existing steel-framed building.

Ref. No: 20241053 | Status: Refused on the basis that the proposal fails to meet any of the exception criteria for development in the Green Belt and therefore would be harmful development in the Green Belt.

Retrospective erection of a front porch

Ref. No: 20241054 | Status: Permitted.

Retrospective erection of a detached outbuilding

Ref. No: 20241055 | Status: Refused on the basis that the proposal fails to meet any of the exception criteria for development in the Green Belt and therefore would be harmful development in the Green Belt.

The Site was also subject to an appeal hearing against an enforcement notice relating to the sui generis use of the land for offices/parking/storage in connection with a drainage engineering depot ([3358530](#)). It was concluded by the Inspector that the Site as a whole constitutes inappropriate development in the Green Belt whilst resulting in adverse harm to neighbouring residents and highway safety.

4 Proposed Development

4.1 The application entails the following elements:

- Permanent change of use to offices from agricultural use.
- Hours of operation to be 9 am to 5 pm, Monday to Friday.
- To include the main building, the hardstanding to the rear of the building and the outbuilding to the east.
- The main building has a total GIA of 350m² and occupies a footprint of 247m².
- Constructed from clay roof tiles, black guttering and downpipes with black aluminium windows.
- Outbuilding constructed from timber cladding and white UPVC windows and doors.
- Hardstanding for staff, visitors and delivery parking.
- Total of 18 parking spaces, 3 of which will be for disabled parking.
- 1 LGV parking space.
- No proposed built form.

5 Planning Policy

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Court of Appeal has clarified that for a decision maker, this means establishing whether a proposal is in accordance with the development plan as a whole. The question of compliance with one policy should not dictate the outcome of a proposal in the absence of considering compliance with all other relevant policies. Decision makers are therefore tasked with identifying and understanding all relevant policies and material considerations in order to reach a properly informed planning judgment on a proposal, and to avoid an irrational or vulnerable decision that may be subject to criticism in a public law challenge.
- 5.2 Paragraph 2 of the National Planning Policy Framework ('the Framework') reiterates what is said in Section 38(6), whilst paragraph 12 of the Framework is clear that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 5.3 Paragraph 39 of the Framework encourages local planning authorities to approach decisions on proposed development in a positive and creative way. It also encourages working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, adding that decision-makers should seek to approve applications for sustainable development where possible.
- 5.4 Annex 1 of the Framework confirms that for the purposes of decision-taking, the policies in the plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. It adds that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with greater weight being given to those policies that are closer to the policies in the Framework.

Development Plan

- 5.5 It is understood that the Development Plan for Gravesham, within which the Site is located, comprises the following documents:

- Core Strategy (2014) (CS)
- Gravesham Local Plan First Review (1994) (LPFR) – Saved Policies

5.6 The CS sets out a long-term vision for the future of Gravesham based on evidence of the need to support communities and outlines what makes Gravesham a distinctive and attractive place to live and work. Furthermore, it helps to support and inform sustainable development via investment in infrastructure, economic development, and regeneration proposals within the borough, while promoting healthy communities. Lastly, it aims to provide a consistent basis for planning application decisions. The following policies are considered relevant:

- CS01 – Sustainable development
- CS02 – Scale and distribution of development
- CS07 – Economy, employment and skills
- CS11 – Transport
- CS19 – Development and design principles

5.7 The Gravesham Local Plan First Review (1994) (LPFR) was replaced by the adopted Local Plan (2014). In September 2007, the Secretary of State issued a direction on policies to be saved and deleted. The following are policies that have been saved, remain operational and are relevant to the proposal.

- T1 – Impact of development on the highway network
- P3 – Vehicle parking standards

Other Material Considerations

The Framework

5.8 In summary, the following paragraphs are considered most relevant as additional material considerations in the determination of this application:

- 7 – Achieving sustainable development
- 11 – Presumption in favour of sustainable development
- 85 – supporting economic growth and productivity
- 87 – decisions to recognise the location requirements of different sectors
- 88 – decisions to enable the sustainable growth and expansion of all types of business in rural areas
- 109 – Promoting sustainable transport
- 124 – effective use of land

- 125 - multiple benefits of land
- 127 - changes in the demand for land
- 128 - alternative uses of land
- 129 - making efficient use of land
- 143 – Five purposes of the Green Belt
- 154/155 – Exceptions to development in the Green Belt
- 187 – Conserving and enhancing the natural environment

5.9 Further material considerations include:

- Kent County Council's Parking Standards (January 2025)

6 Planning Assessment

Key Issues

6.1 The following are considered to be the key issues in the assessment of this application:

1. Appropriate development in the Green Belt
2. Effect on the rural economy
3. Impact on residential amenity
4. Landscape character of the area
5. Contamination
6. Highway safety

1. Appropriate development in the Green Belt

6.2 Paragraph 142 of the Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Paragraph 153 states that when considering any planning application, LPAs should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. It adds that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances.

6.3 Paragraph 154 then sets out exceptions to developments in the Green Belt, where they should not be considered inappropriate. Relevant to this application is part (h(iv)) that relates to the re-use of buildings provided that the buildings are of permanent and substantial construction, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

6.4 To begin with, it was confirmed in paragraph 25 of appeal decision [3358530](#) at Walnut Hill Nursery that the building that is subject to this application is of permanent and substantial construction, which was not contested by the Council.

6.5 The appeal decision also confirms at paragraph 25 that the Council is of the view that the re-use of the building in situ would not affect the openness or purposes of the Green Belt and would therefore not constitute inappropriate development. It is expected that the Council will not change their view on this.

6.6 Unfortunately, this exception was unsuccessful as part of 3358530, as the enforcement notice attacked the whole use and extent of the wider site rather

than just the Site as defined by the subject application; therefore, paragraph 154(h(iv)) did not apply.

- 6.7 The subject application has a reduced red line and only includes the large brick building to the front of the Site, as well as the associated hardstanding to the front and rear of the building and a small outbuilding to the east. This is considered to address the concerns relating to appropriate development in the Green Belt in connection with the enforcement notice and demonstrates that paragraph 154(h(iv)) now applies to the Site.
- 6.8 This is because the rear of the Site has been removed from the red line and allows the front of the Site to be assessed under paragraph 154 (h(iv)).
- 6.9 Overall, the Council has previously confirmed that the re-use of the main office building would fall within the exception outlined in paragraph 154 (h(iv)) of the Framework. The re-use of the building to the east would do likewise, and it is therefore the case that the proposed development is appropriate in the Green Belt.

2. Effect on the rural economy

- 6.10 Policy CS02 is supportive of the need to maintain and diversify the rural economy. Policy CS07 adds a similar point that the Council "will support proposals that promote the ... diversification of the rural area economy." It seems to the Applicant that this development would contribute to the aims of these policies. More generally, policy CS01, at paragraph 4.1.7, says that GBC "will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area." Supporting this development would make a positive contribution to this objective of policy CS01.
- 6.11 Further specific support for rural businesses is set out in the Framework. Paragraph 85 notes that planning "decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."
- 6.12 Paragraph 87 says that decisions should recognise and address the specific locational requirements of different sectors.
- 6.13 Paragraph 88 adds specific support for the rural economy. Decisions should enable (amongst others) the sustainable growth and expansion of all types of

business in rural areas, both through conversion of existing buildings and well designed new buildings. The proposal will involve the change of use of an existing building and well designed new buildings and therefore it can be reasonably said that paragraph 88 of the Framework is supportive of the Applicant's intentions.

- 6.14 Paragraph 89 also notes that: "decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport)."
- 6.15 The Site can deliver employment in this rural location. Based on the previous depot use of the Site, 16 members of staff were employed within the subject building, which is a significant number of jobs. Although occupation of the proposed offices may not be by a rural based business that directly contributes to the rural economy, it aligns with the aims of the Framework in contributing to economic growth and economic and social benefits through employment and therefore is a positive in the planning balance, which is effectively the conclusion that the Inspector reached in paragraph 54 of the Framework.
- 6.16 The Applicant considers that considerable policy support exists for this proposal as set out in policies CS01, CS02 and CS07. Nationally, paragraphs 85, 87-89 of the Framework are also supportive.

3. Impact on residential amenity

- 6.17 Policy CS19 of the CS emphasises the importance of how new development must be located, designed and constructed to safeguard amenity, including privacy, daylight and sunlight of its occupants and those neighbouring properties and land. New development must also avoid adverse environmental impacts from pollution, including noise, air, odour and light.
- 6.18 It was concluded in 3358530 that the use that was the subject of the enforcement notice would be contrary to policy CS19. However, the updated proposal aims to reduce the harm to the neighbouring dwellings by virtue of the primary use of the Site changing to Class E offices, removing the depot use from the land.

- 6.19 This involves the cessation of any parking for HGVs, leaving only parking intended to serve the proposed offices with additional bays for visitors and deliveries. When compared, the noise and vibration generated by regular vehicles – and their frequency – will create far less disturbance than HGVs.
- 6.20 Furthermore, the hours of operation for the proposed use will be limited to 9 am to 5 pm, Monday through Friday, which is comparable to typical office hours. This can also be secured by a condition by the Council.
- 6.21 Additionally, the updated hours of operation are closer to those of the nursery, which operated 8 am to 4 pm Monday to Friday and 10 am to 3 pm on a Saturday.
- 6.22 It is considered that by virtue of the opening times and the proposed office use of the Site that the proposal will not negatively impact the neighbouring amenity concerning noise and vibration.
- 6.23 This is further supported by an acoustic assessment produced by NJ Acoustics, which has been separately submitted as part of this application. The accompanying Acoustic Assessment confirms that the proposed office use at Walnut Hill Nursery can operate without giving rise to adverse noise impacts on nearby sensitive receptors. Baseline surveys demonstrate that the existing noise environment is dominated by local road traffic, and predicted noise levels associated with the office use will remain comfortably within the relevant guideline limits. The assessment identifies that no specific acoustic mitigation is required to make the development acceptable, and the proposals therefore accord with the requirements of national and local planning policy relating to noise and amenity.
- 6.24 In addition to noise and vibration, it is important to ensure the proposed use does not result in harm to the neighbouring amenity in relation to privacy, daylight and sunlight.
- 6.25 It was highlighted in the appeal decision that the adjoining caravan site and dwelling experience adverse impacts as a result of the spotlights situated on the building. In order to reduce such impacts, the subject spotlights have been removed.
- 6.26 Lastly, concerning sunlight, daylight and privacy, none of these issues were highlighted as part of the appeal decision nor in the informal hearing by adjoining residents. It is considered that the change of use of the building, by virtue of the

lack of built form, will not adversely impact daylight, sunlight and privacy for adjoining residents.

4. Landscape character of the area

- 6.27 Whilst it was demonstrated by the Inspector that the changes that have been made to the Site are discordant with its verdant rural surroundings, resulting in an urbanising effect, it was made clear that visual improvements and enhanced biodiversity within the Site could be secured by condition.
- 6.28 The Inspector concluded that the commercial use of the land would not unacceptably harm the landscape character of the area, with there being no conflict with policies CS12 and CS19 of the CS. This is also considered to be the case for the subject application, considered the continued commercial use.
- 6.29 Therefore, the Applicant contests that any visual or biological enhancements can be conditioned by a future planning permission, which in turn benefits the character of the area as well as further reduces the impact on residential amenity. This suggests that the proposal would be in accordance with policies CS12 and CS19 of the CS.

5. Contamination

- 6.30 Paragraph 197 of the Framework clarifies that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the landowner.
- 6.31 Therefore, the Applicant has further instructed a co-consultant to undertake a contaminated land desk-based study following the original report that was produced in connection with appeal decision 3358530.
- 6.32 The original report made clear that based on the Sites 'historic and current commercial use, a low risk from potential on-site contamination has been identified to human health, including site workers and local residents.'
- 6.33 The report concluded that the proposed change of use of the Site is not considered to represent a significant contaminative risk to the identified receptors, including groundwater and ecological systems.
- 6.34 The same co-consultant has produced a further contaminated land desk-based review to provide their findings on the updated red line boundary and subject site.

- 6.35 The assessment identified no evidence of significant contamination on-site or from surrounding land, and no pollutant linkages were found that would pose a risk to human health, controlled waters, or the environment.
- 6.36 The Site is located within a Source Protection Zone over a Principal Aquifer; however, groundwater is not anticipated at shallow depth, and standard construction precautions will mitigate any potential risk. The report concludes that the site poses a low risk overall and qualifies as a Category 4 site under DEFRA guidance, meaning no further investigation or remediation is required.
- 6.37 Standard best practice measures, such as appropriate drainage design, safe storage of fuels, and proper disposal of any excavated materials, are recommended during construction. The findings confirm that the site is suitable for the proposed use without unacceptable environmental or health impacts. Please see the separately submitted contaminated land desk-based study and associated appendices for further details.

6. Highway Safety

- 6.38 Policy T1 from the LPFR makes clear that all proposed developments should be adequately served by the highway network, whilst paragraph 116 of the Framework highlights that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
- 6.39 Kent County Council's Parking Standards outlines that office spaces up to 500m² require one parking space per 20m². In this case, based on a floorspace of 350m², the proposal comprises 18 spaces that will be for the use of the office staff, visitors and delivery vehicles.
- 6.40 Of the 18 spaces, 3 will be provided for disabled parking, 2 of which will be designated in accordance with KCC Parking Standards. There will also be one designated space for an LGV.
- 6.41 As part of this application, a transport statement has been separately submitted in order to ensure the proposed change of use will not result in undue harm towards the highway network.
- 6.42 The submitted Transport Statement demonstrates that the proposed change of use of existing buildings to offices at Walnut Hill Nursery will not result in any unacceptable highway or transport impacts. Compared with the former lawful commercial nursery use, the office proposals will generate fewer overall daily

vehicle movements and will remove commercial and HGV traffic from the local highway network, addressing the previous highway safety concerns identified by the Council and Planning Inspector.

- 6.43 The existing access and internal layout are adequate to accommodate the predicted traffic, and accident records confirm there are no existing safety issues along Walnut Hill Road or Nash Bank. The site is accessible by a choice of modes, including walking, cycling, bus and rail, and the level of traffic generated falls well below recognised assessment thresholds. Overall, the proposals are concluded to be compliant with relevant national and local transport policies and acceptable in transport and highway safety terms.
- 6.44 This demonstrates that the proposal adheres to Policy T1 of the LPFR, CS11 of the CS and section 9 of the Framework.

7 Conclusions

- 7.1 Overall, it is considered that the subject application would not constitute inappropriate development in the Green Belt by virtue of the exception set out in paragraph 154 (h(iv)) of the Framework.
- 7.2 Additionally, the proposal is considered not to result in adverse harm to the amenity or living conditions of the adjoining parcels of land and surrounding neighbours, which has been supported by an acoustic assessment.
- 7.3 As confirmed in the appeal decision, the application would not result in harm to the landscape character of the area, and the inclusion of ecological enhancements that are securable by condition would boost the visual amenity of the Site.
- 7.4 The separately submitted contaminated land desk-based review confirms that there are only low risks of contaminated land or contamination to groundwater.
- 7.5 The proposal includes a transport statement that demonstrates that the proposed development will not adversely impact highway safety and adheres to both local and national policy.
- 7.6 In consideration of all relevant development plan policies and material considerations, this application should be viewed positively by the authority, and it is respectfully requested that this submission be approved.