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## Appeal Decision

Site visit made on 19 November 2025

**by Stewart Glassar BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

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**Appeal Ref: APP/K2230/W/25/3371833**

**Land at the rear of Flint Cottage, Northfleet Green Road, Northfleet Green, Istead Rise, Gravesend, Kent DA13 9PN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Robert Shotton against the decision of Gravesham Borough Council.
  - The application Ref is 20241160.
  - The development proposed is demolition of an existing commercial building (and retention of rear wall), demolition of remnants of barn and conversion of roundel to create a 4-bedroom dwelling with associated parking, amenity space, landscaping and access.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing commercial building (and retention of rear wall), demolition of remnants of barn and conversion of roundel to create a 4-bedroom dwelling with associated parking, amenity space, landscaping and access at Land at the rear of Flint Cottage, Northfleet Green Road, Northfleet Green, Istead Rise, Gravesend, Kent DA13 9PN, in accordance with the terms of the application, Ref 20241160, subject to the conditions in the attached schedule.

### Application for costs

2. An application for costs was made by Mr Robert Shotton against Gravesham Borough Council. That application is the subject of a separate decision.

### Main Issues

3. The main issues are:
  - (a) whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - (b) the effect of the proposed development on the character and appearance of the area; and
  - (c) the effect of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA).

### Reasons

4. The Framework stipulates that development in the Green Belt should be regarded as inappropriate unless it accords with one of the exceptions set out in the Framework. Policy CS02 of the Gravesham Local Plan Core Strategy 2014

(LPCS) is broadly consistent with the Framework's objectives of seeking to protect the Green Belt and maintain its purposes. Policy CS01 of the LPCS is similarly broadly consistent with the Framework's presumption in favour of sustainable development.

5. The Council assessed the proposal under the exceptions set out in paragraph 154 (g) and (h) of the Framework as well as under paragraph 155. It concluded that the proposal would not meet any of the exceptions they provide. The appellant has not sought to challenge the Council's decision in relation to paragraph 154 (h), limiting their case to paragraphs 154 (g) and 155. None of the other exceptions to inappropriate development set out in the Framework were identified by the main parties as being relevant to the proposal.
6. The site is located in the open countryside albeit between existing residential buildings which themselves form part of a ribbon of development along Northfleet Green Road. The dwellings to the south of the site are two storeys in height and the dwelling to the north has a number of outbuildings adjacent to the appeal site. There are also some large electricity pylons on the opposite side of Northfleet Green Road which dominate views to the west. As such, the site's context is one in which there is a degree of built form around it.
7. The site is a largely open piece of land which comprises a single storey brick and timber building with corrugated metal sheeting roof as well as the remains of an oasthouse roundel. There were a number of cars on site at the time of my site visit. There is no dispute between the main parties that the site is in Class B8 storage use. Regardless of whether the use is redundant, the main parties also agree that the site constitutes previously developed land. Therefore, in the context of this appeal and paragraph 154 (g), the key issue is whether the proposal would cause substantial harm to the openness of the Green Belt.
8. The proposal would see the removal of the existing single storey building, the restoration of the roundel and an extension to it to form a new dwelling. There would be an overall reduction in building footprint and volume contributing towards an increase in spatial openness.
9. Conversely, the existing single storey building is discreetly positioned on the southern boundary. Thus, the concentration of development at the roundel and increased height would give the resulting built form a greater visual presence over the existing situation. This would harm visual openness. There may also be some adverse effect on openness from the activity associated with the new dwelling and any resulting paraphernalia etc.
10. I note that there is no restriction on how high materials can currently be stored on site and the appellant suggests that removing the Class B8 use would be a further benefit to openness. However, given the absence of hardstanding and a solid base across much of the site, it is difficult to imagine that any operator would opt to stack items particularly high. Therefore, whilst the items stored on the site do have a physical presence and bulk, the extent to which they or future items would compromise openness is in reality likely to be less than the appellant suggests.
11. Overall, the new building and use would have a greater visual prominence than that which currently exists. Conversely, there would be a spatial reduction in built form on site and items stored by virtue of the Class B8 use would be removed, thereby further easing some of the impact on openness. I am also mindful that this

would all be seen in a wider context of other residential buildings and uses around the site which affect how the visual openness of this part of the Green Belt is perceived.

12. Therefore, I find there to be factors which mitigate some of the harm to openness that would inevitably arise from the construction of the proposed new dwelling. Consequently, in the context of this site and proposal, I do not find the harm to openness to be substantial.
13. In view of the above, I find that the proposal would not be inappropriate development in the Green Belt. Therefore, it would accord with the approach to development in the Green Belt as set out in the Framework and Policies CS01 and CS02 of the LPCS which, amongst other things seek to safeguard the Green Belt from inappropriate development.
14. As I have found that the proposal would not be inappropriate development in the Green Belt by virtue of paragraph 154 (g) of the Framework, it is not necessary for me to consider whether it would accord with paragraph 155 as this would not alter my findings in relation to paragraph 154 (g). As a further consequence, I also do not need to consider whether there are other considerations and whether they amount to very special circumstances to justify the development.

#### *Character and Appearance*

15. The styling of the new dwelling is based on that of an oasthouse, retaining the existing roundel and providing it with a new conical roof. Although the underlying design approach is that of a more traditional building, its use of materials and detailing are contemporary.
16. The Council does not object to the modern, contemporary approach nor is the proposal said to be out of keeping with the buildings around it. Given the information before me and my site visit I have no reason to disagree with these conclusions.
17. The roof of the roundel would be the highest part of the new building. Its conical design would clearly be evident in any wider views of the resulting building. This would no doubt be seen as being a modern interpretation of an oasthouse.
18. The eaves of the main body of the new dwelling are set slightly higher than those of the restored roundel. However, this difference would not be particularly noticeable. Furthermore, the design of the building ensures that the eaves of the main part of the building do not connect through to the roof of the roundel, thereby creating a visual separation between the two eaves lines.
19. The new part of the building would be slightly wider than the existing roundel. This does contribute to the overall size and bulk of the main part of the finished building. It would also exhibit a range of different openings which on the southern side create a particularly 'busy' elevation. Nevertheless, it would not be so large that it would be obtrusive, nor would its overall appearance be jarring such that collectively these elements detract from the roundel or undermine it as the main focal point and design feature of the dwelling.
20. As the built form would be centralised around the roundel as opposed to being in separate locations around the site, there is an overall increase in its visual prominence. However, the site being positioned between two existing dwellings

within a ribbon of development helps to ensure that it would not appear completely unexpected within this setting. Furthermore, the proposal would extinguish the Class B8 use on the site and the somewhat unattractive appearance it inherently generates. Within this context, the dwelling would not detract from the site's prevailing environment nor the wider rural landscape.

21. Overall, the design and styling of the building would be acceptable, and the provision of this dwelling would not be unduly harmful to the character and appearance of the area.
22. Consequently, the proposal would accord with Policies CS12 and CS19 of the LPCS which amongst other things, seek to ensure that development integrates well with the surrounding local area, including regard to the landscape.
23. The proposal would not run counter to the Council's Supplementary Planning Document 'Extensions/Alterations Design Guide' 2021. I am similarly of the view that there would be no conflict with section 12 of the Framework.

*Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA)*

24. The site lies within the zone of influence of the SPA and so is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). These areas are easily disturbed by recreational activity from visitors and from people living within the zone of influence. I must therefore carry out an appropriate assessment under the Habitats Regulations in order to assess whether the development is likely to result in any significant adverse effects on the SPA.
25. The Birdwise North Kent Mitigation Strategy seeks to mitigate impacts on the SPA through a tariff-based system for new residential development. The appellant has completed a Strategic Access Management and Monitoring Strategy (SAMMS) Contribution Agreement, making a financial contribution to address the potential likely impact of the development.
26. The Council has confirmed that the money has been paid and will be used for the specified purposes. On this basis, they are content that the third reason for refusal has been overcome. There is no reason to suppose that a responsible and accountable public body would not spend the money as intended.
27. I have had regard to the nature of the proposed development and the evidence before me, including the advice from Natural England, in making an appropriate assessment. I am satisfied that the proposed financial contribution towards the identified strategic mitigation measures is sufficient to ensure the development will have no significant adverse effect on the SPA.
28. I find that the contribution is necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with the Framework and Regulation 122 of the Community Infrastructure Levy Regulations.
29. Given these circumstances, the development would accord with the requirements of Policy CS12 of the LPCS, the Framework, and the Habitats Regulations. Collectively, these seek to ensure developments protect sites of local, national and international conservation importance.

## **Other Matters**

30. The Council acknowledges that it is unable to demonstrate a five-year supply of deliverable housing land. The main parties agree that the current supply is some 3 years, and the appellant points out that delivery as of February 2025 was 59%. This all weighs in favour of the proposal.
31. Additional Biodiversity Net Gain (BNG) and ecological information was submitted as part of the appeal submissions. The Council had an opportunity to review the details and raised no objections to either their submission or content. As this was something of an unresolved issue when the application was refused, I am satisfied that it does not raise an entirely new matter or that the Council would be unduly prejudiced by my taking it into account.
32. Having considered the additional details, a suitably worded condition would address the necessary ecological enhancements. As regards BNG, there is nothing before me to indicate that off-site compensation could not be achieved in this case. The statutory BNG condition would apply to any permission and would be a matter the appellant would need to address directly with the Council. As such, there would be no requirement to duplicate it in my decision.

## **Conditions**

33. I have had regard to the conditions set out in the Council's submissions and relevant guidance on the imposition of conditions. Both parties have had the opportunity to comment on the conditions. I have obtained the appellant's written agreement where it has been necessary to impose pre-commencement conditions.
34. In addition to the standard time limit, a condition specifying the approved plans is required in the interests of certainty.
35. As the site is in an area of multi-period archaeological potential, an archaeological watching brief in accordance with a written scheme of investigation would be necessary to protect any archaeological interests.
36. To ensure the proposal does not unduly affect the character and appearance of the area, details of hard and soft landscaping (including means of enclosure, surfacing and drainage etc) together with samples of the external finishes of the building will need to be submitted to the Council for approval.
37. Given that the proposal has been considered on the basis of the particular design and appearance of the dwelling, it is reasonable and necessary to remove certain permitted development rights. The removal of these permitted development rights does not mean that future additions or alterations would in all cases be unacceptable, it simply gives the Council control over them. In the circumstances, I do not see this as an undue burden on future occupiers.
38. To ensure biodiversity is protected, details of enhancements and any external lighting will need to be submitted to the local planning authority for approval.
39. Given the size and position of certain first floor windows on the north elevation, it is necessary to ensure that they are obscurely glazed to protect the living conditions of the neighbouring occupier.

40. A Preliminary Contamination Investigation Report has been prepared for the site. However, a condition relating to unexpected contamination is necessary and reasonable.

**Conclusion**

41. The proposal would not be inappropriate development in the Green Belt. Furthermore, the proposal would not cause harm to the character and appearance of the area nor to the Thames Estuary and Marshes Ramsar site and SPA.
42. Therefore, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions in the schedule below.

*Stewart Glassar*

INSPECTOR

### **Schedule of Conditions:**

- 1) The development hereby permitted shall begin not later than [three] years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers:

|                           |                |
|---------------------------|----------------|
| Site Location Plan        | - DHA/31937/01 |
| Proposed Site Layout Plan | - DHA/31937/06 |
| Proposed Floor Plans      | - DHA/31937/07 |
| Proposed Elevations       | - DHA/31937/08 |
- 3) No development (including demolition) shall take place until:
  - (i) an archaeological watching brief has been undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has first been submitted to and approved in writing by the Local Planning Authority; and
  - (ii) a report on the findings of the watching brief which has been submitted to and approved in writing by the Local Planning Authority.
- 4) No development above ground level shall take place until samples of all external facing materials of the dwelling have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.
- 5) No development above ground level shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These shall include:
  - details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development;
  - details of all proposed tree planting including the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting;
  - earthworks showing existing and proposed finished levels or contours;
  - means of enclosure and any retaining structures;
  - boundary treatments;
  - hard surfacing materials including vehicle and pedestrian access and circulation/parking areas);
  - surface water drainage;
  - refuse bin storage details; and
  - an implementation programme.
- 6) The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 7) If, within a period of 5 years from the date of planting, a tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.
- 8) No development above ground level shall take place until details of how the development will enhance biodiversity have been submitted to and approved in writing by, the local planning authority. This will include but shall not be limited to the incorporation of recommendations in Section 11 of the Ecological Impact Assessment (Native Ecology April 2022); and an external lighting design plan for biodiversity. The approved details shall be fully implemented and thereafter retained.
- 9) The building hereby permitted shall not be occupied until the first floor windows on the northern elevation, serving the en-suite bathroom and corridor to bedroom 1 have been fitted with obscured glazing to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard). No part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, C, D, E and F of Part 1 of Schedule 2 to the Order shall be undertaken.
- 11) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

**\*\*\*END OF SCHEDULE\*\*\***