

Delegated Report

Permission in Principle

Planning Application No: 20240215

Location: Horns Oak Farm Horns Oak Road Meopham Gravesend

Description: Permission in Principle application; Erection of dwellings with a minimum of 1 or maximum of 5 net dwellings and associated works.

Applicant: Mrs C E Tarr

Site Visit Date: 14.03.24

Submitted Documents/Plans

Application Form
2821-001 B – Site Location Plan and Existing Block Plan
2821-002 B – Existing Site Plan
2821-003 A – Existing Floor Plans
2821-004 – Existing Elevations
2821-010C – Proposed Site Plan
2821-011 – Proposed Elevations Unit 1
2821-012 – Proposed Elevations – Units 2,3 and 4
2821-013 – Proposed Elevations – Unit 5
Planning Statement
Photos
Example Appeal Decisions and Reports

Relevant Planning History

Reference	Description	Decision	Decision Date
20200117	Application for retention of change of use from barn to B1 (office) and B1C (workshop) for the design and production of sustainable fibre optic and low energy LED lighting.	Permitted	31.03.2020
20070449	Retention of the attached single storey dwelling to provide accommodation for a rural worker	Refused	15.08.2007
20050862	Construction of dormer window and dormer extension with balcony in north west roof slope involving	Permitted	29.11.2005
20030533	Erection of an agricultural greenhouse.	Permitted	17.02.2004
20010252	Construction of dormer windows in the north, east and west roof slopes and conversion of roof space into 2 bedrooms and en-suite shower room/wc.	Permitted	11.12.2001
20000783	Erection of a livestock barn/feed store.	Permitted	16.02.2001
20000621	Application for the prior approval for the erection of a livestock barn/food store.	Prior Approval Refused	15.09.2000

Remaining Planning history prior to the year 2000

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving well-designed and beautiful places
- Section 13 – Protecting Green Belt Land
- Section 15 – Conserving and enhancing the natural environment

Town and Country Planning (Permission in Principle) (Amendment) Order as amended

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Gravesham Landscape Character Assessment (2009)
- Kent Downs National Landscape Management Plan 2021-2026

Consultations, Publicity and Representations

Consultees

Part 2A, Paragraph 5J of The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 sets out the consultation requirements of applications for Permission in Principle. It states that consultations should be undertaken for 14 days prior to a decision notice being issued and that the relevant consultees are set out in the Table in Schedule 4 to the Town and Country Planning (development Management Procedure) (England) Order 2015.

Part d of this table required the Parish Council to be consulted, where an application for planning

permission has been made to the Secretary of State under Section 293A of the 199- Act (urgent Crown Development: application(a), where that development is likely to affect land in the area of a parish council.

Part k of the table required the Highway Authority to be consulted where the development would likely result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway.

Part zc of this table requires the environment agency to be consulted where the site is in an area within Flood Zone 1 which has critical drainage problems, and which has been notified for the purposes of this provision to the local planning authority by the Environment Agency. This site is in Flood Zone 1 but the LPA has not been notified of critical drainage problems by the Environment Agency. Consultation with the Environment Agency is therefore not required.

No other categories were relevant to the consideration of this application.

Parish Council

No comments received.

KCC Highway

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

Informative: It is important to note that planning 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 planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, 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 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 formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. 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.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that 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.

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

A site notice was placed near the site on 14th March 2023. The final date for submission of comments ended on 28th March, and no comments were received from members of the public.

Officer's Analysis

Background to Permission in Principles (PIPs)

The application is made under the provisions of the Town and Country Planning (Permission in Principle) (Amendment) Order as amended. The proposal seeks permission in principle for residential development.

This consent route has two stages. The first stage establishes whether a site is suitable in principle. The second stage, i.e. the technical details consent, is where the detailed development proposals are assessed.

The current proposal relates to the first stage and therefore only the principle of the proposal in respect of its location, land use and amount of development can be considered. Issues relevant to these 'in principle' matters can be considered at this stage. However, other matters should be considered at the technical details consent stage.

The Local Planning Authority can inform applicants what they expect to see at the technical details consent stage but cannot impose planning conditions. Considering the above, the main issues relevant to this proposal are:

- Location,
- Land use, and
- Amount of development

Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

"It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than "guidance" and as such a "material consideration" for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme."

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy

Framework (NPPF) (2023). 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 7 (rather than those in development plans) relating to any of the following:

- habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest;
- and designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast;
- irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and
- areas at risk of flooding or coastal change

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land NPPF 2023 (paragraph 129(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of '4' residential units would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application.

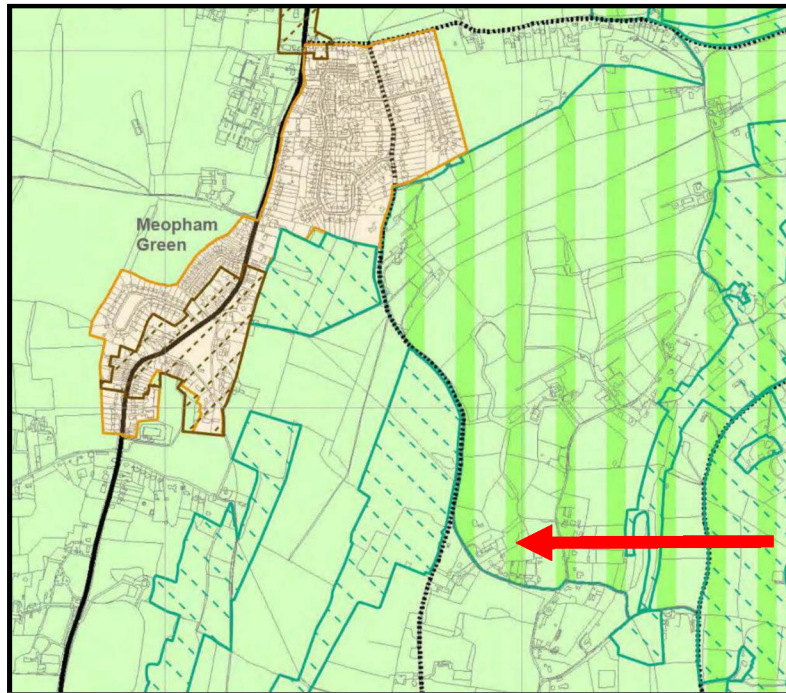
Location

This applications site lies within the Metropolitan Green Belt and in the Kent Downs National Landscape. It is also noted that it is in the Harvel Wooded Downs Landscape Character Area.

It is therefore necessary to consider whether the location of the proposed development would be acceptable with regard to these constraints.

Impact on the Green Belt

The below map is taken from the Core Strategy Local Plan Maps and an arrow has been added to show the approximate position of the site, indicating that it lies outside the area inset from the Green Belt which is outlined in orange and firmly within the Kent Downs National Landscape, which is indicated by green stripes.



The application site lies within the Green Belt as defined on the adopted Gravesham Local Plan Core Strategy (2014) policies map and this must be the starting point for determining this application. Given paragraph 145 of the NPPF (2023) states that; '*Authorities may choose to alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process.*' In the context of the preparation or review of a Local Plan, it is not for the current application to seek to amend such a policy designation.

As set out in paragraph 154 of the NPPF, new buildings in the Green Belt are inappropriate development. Exceptions to this are outlined in paragraphs 154 and 155. Paragraph 152 states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the NPPF advises substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

Openness is an essential characteristic of the Green Belt. Openness is about freedom from built form but also includes visual impact. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.

Paragraph 154 states:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- (a) buildings for agriculture and forestry;*
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*

(e) limited infilling in villages;

(f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Exceptions A-D would not be relevant, and F would also not be relevant as the development being proposed is not affordable housing for local community needs.

The relevant exceptions identified in the NPPF (2023) in this case are 154(e); 'limited infilling in villages' and 154(g); 'limited infilling or the partial redevelopment of previously developed land...'

It is noted that in the planning statement it is suggested that 154(g) would be a relevant exception. Examples of decisions made on this matter at other authorities have been submitted with the application.

154(e) Limited infilling in villages

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

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

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

This settlement hierarchy is shown below:

Table 2: Settlement Hierarchy	
First Tier Settlements:	Gravesend/Northfleet/Ebbsfleet, i.e. the urban area
Second Tier Settlements:	Istead Rise, Hook Green Meopham, Higham
Third Tier Settlements:	Culverstone Green, Meopham Green, Vigo
Fourth Tier Settlements:	Cobham, Shorne, Sole Street
Other Settlements:	Harvel, Lower Higham, Luddesdown, Lower Shorne, Shorne Ridgeway, Three Crutches

Source: Settlement Hierarchy Technical Paper December 2009

As established in case law as set out in *Julian Wood v SSCLG, Gravesham Borough Council* [2015] EWCA Civ 195 (“the Wood case”). The Wood case identified that the boundary of a village defined in a plan may not be determinative and therefore, when considering whether a settlement is a village, a decision maker should have regard to the situation “on the ground” as well as any relevant policies. This case turned on the Inspector’s assessment of whether or not the site was in the village boundary. It was common ground in this case that whether or not a proposed development constituted limited infilling in the village for the purpose of paragraph 89 (now paragraph 93) was a question of planning judgement for the Inspector and the Inspector’s answer to that question “would depend upon his assessment of the position on the ground.” It was also common ground in the case of *Julian Wood* “that while a village boundary as defined in the Local Plan would be a relevant consideration, it would not necessarily be determinative, particularly in circumstances where the boundary as defined did not afford the Inspector’s assessment of the extent of the village on the ground.”

The site of the proposed development is directly opposite land that is largely undeveloped open land without built form, to the north, east and south. It is generally held that ‘infilling’ means the filling of gaps in an otherwise built-up frontage. The proposed development by virtue of its location therefore cannot be described as “infilling”, although the delivery of 5 dwellings in itself could be considered as being limited in nature.

The proposed development is also not within or adjacent to any settlement recognised within the Development Plan, with the closest settlements to the development being Meopham Green, Culverstone Green, Harvel and Luddesdown. An on the ground assessment of the site, when taken in context with neighbouring built form, shows a clear separation from this location to these settlements, which is sufficient to conclude that the site does not fall within these settlements.

An analysis of the local built form and uses, shows a lack of facilities and characteristics, that one would expect within a ‘village’, such as having a local centre, church and a range of other facilities, therefore the site cannot be considered to fall within a village based on its immediate location either, with the site location being more akin to ribbon development in an isolated part of the green belt.

The Local Planning Authority therefore contends that the site is not infill and neither is it within a village, therefore it does not comply with the exemption provided for under NPPF (2023) 154(e) Limited infilling in villages. The proposal is therefore considered to be ‘inappropriate’ development in the Green Belt.

154(g) – limited infilling or the partial or complete redevelopment of previously developed land

limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- *not have a greater impact on the openness of the Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

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

These points are:

1. Whether the proposal subject to this application can be considered ‘limited Infilling’; **OR**
2. Whether the proposal constitutes partial or complete redevelopment of previously developed land
3. Whether the development would have a greater impact on the openness of the Green Belt than the

existing development; **OR**

4. Whether the development would cause substantial harm to the openness of the Green Belt, and contribute to an identified affordable housing need.

1. *Whether the proposal constitutes 'limited infilling'.*

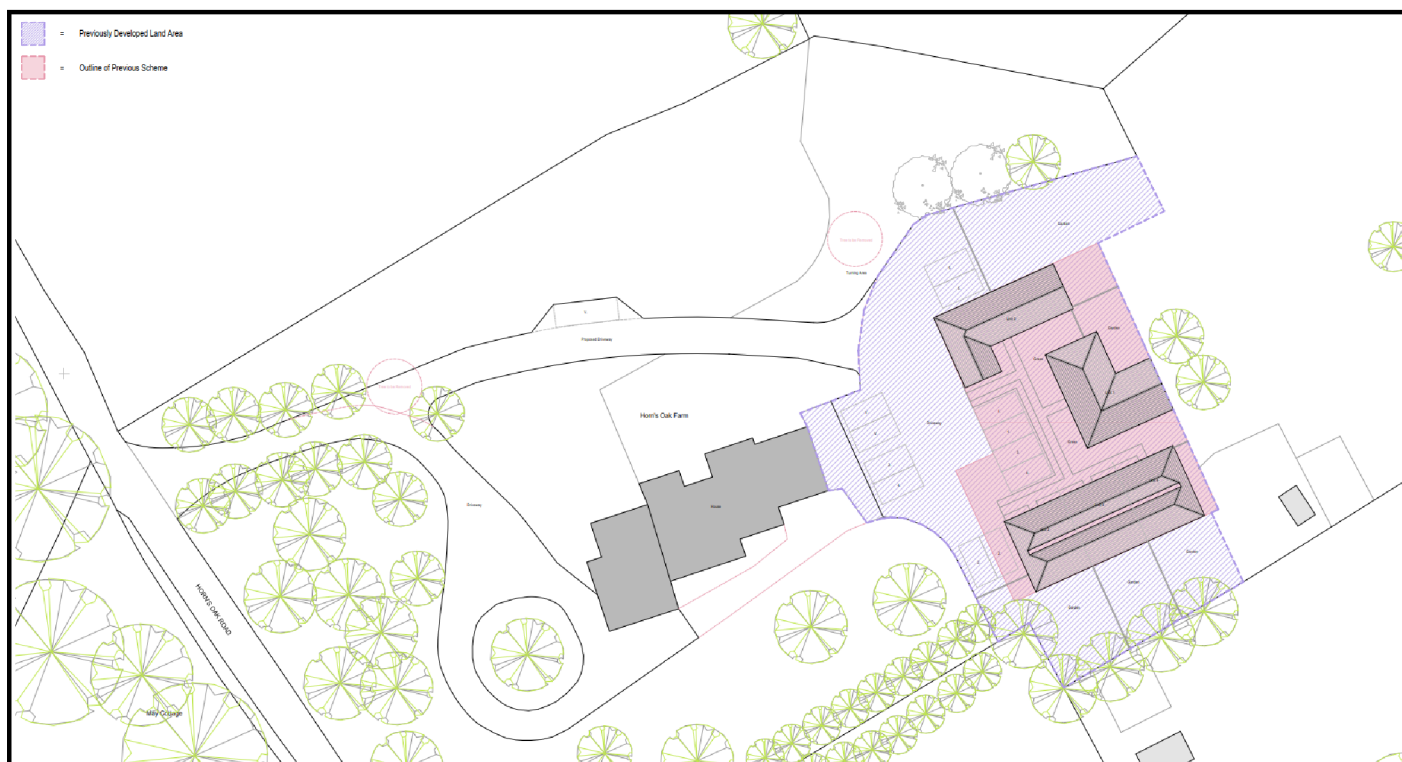
Under consideration of exception 154(e) of the NPPF (2023), it has already been assessed that the development would not fulfil the requirements of 'limited infilling', as such the argument is not repeated here, as the outcome remains the same.

2. *Whether the proposal constitutes partial or complete redevelopment of previously developed land*

Previously developed land is defined within the NPPF (2023) as being, "*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*"

In *Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors* [2017] EWCA Civ 14, the Court further clarified the definition of previously developed land, by concluding that residential garden land, outside of built-up areas is brownfield land, not, as had widely been understood, greenfield land.

The proposal is for an existing structure which comprises an office/workshop, 2 bed room flat, as well as a stables/tack room (as shown on the plans permitted for 20200117 and 20200121 respectively) to be demolished, with the proposed dwellings to be built upon the footprint of this demolished structure. However, the access to the proposed dwellings, would entail the construction of a new private access linking these dwellings to the access of the residential driveway which would solely serve the residential property at Horn's Oak Farm. This new private access (illustrated on the proposed plan as a driveway, see below), would entail the construction of an access on land currently used as residential garden space within the curtilage of the dwellinghouse to the west of the application site.



Snip from Proposed Site Plan (Not to Scale)

It is clear that the proposed development would constitute redevelopment of previously developed land including the addition of the access on the existing residential garden (i.e brownfield land). .

3. Whether the development would have a greater impact on the openness of the Green Belt than the existing development

The NPPF (2023) explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The site is located adjacent to a residential building, it largely remains agricultural in appearance, although it has been modified to accommodate a residential and commercial use, within the structure.

Openness' is not defined in the NPPF, however Planning Inspectors have described Openness as, "essentially freedom from any development." This definition has been accepted by the High Court (CO/277/2015). Leading court cases of Turner [2016] and Samuel Smith [2020] and numerous subsequent appeal decisions, have confirmed that green belt openness has a spatial dimension and a visual dimension.

In the instance of this application, it is clear that the proposed development would result in both a reduced footprint and volume. The planning statement provides the below table for comparative purposes:

	Existing	Proposed
Footprint (m2)* (GEA)	698.89m2	333m2
Volume (m3)*	3352.8m3	1582m3

This would be a 52.4% decrease in footprint and a 52.8% decrease in volume from the existing building. These represent significant reductions in built form across the site, that would result in a reduction in terms of spatial mass and deliver some benefit to openness. Units 1-4 would be two storey in height, whilst unit 5 would be single storey in height. The two-storey units would be 6.7m in height, which would match the height of the existing building.

The proposal would however introduce four net dwellings across the site, including the introduction of additional car parking (12 spaces), four private gardens, and a proposed driveway. Although the proposed residential dwellings have modest footprints in comparison to the existing structure, the proposal would result in increased activity at the site, and result in increased domestic paraphernalia across the site, which when taken together would cumulatively have a greater impact on the openness of the green belt, in comparison to the existing development.

Whilst the current structure is visually contained from Horn's Oak Road and residential properties along Horn's Oak Road via all hedges and mature trees, the views of the site are more open from the wider area, from which the proposed developed would be visible, and result in a more urbanising visual effect. Consequently, the level of harm to the visual openness of the Green Belt would not be limited. The presence of four permanent net dwellings at the site would therefore result in a harmful reduction in the spatial openness of the Green Belt and would appear as an encroachment of development in the countryside.

Due to these reasons, it is concluded that the proposal would fail to meet the requirements of Paragraph 154 g) of the Framework. Therefore, the proposal would be inappropriate development which is, by definition, harmful to the Green Belt.

4. *Whether the development would cause substantial harm to the openness of the Green Belt, and contribute to an identified affordable housing need.*

The proposed development of 5 dwellinghouses would not provide any affordable housing. Therefore, this part of the assessment would be irrelevant.

Conclusion on Green Belt issues and assessment of harm

It is concluded based on the above assessment, that the proposed development would not comply with relevant exception 154(e) or 154 (g) of the NPPF (2023) and would be considered to be redevelopment of previously developed land, which would, not have a greater impact on the openness of the Green Belt than the existing development.

Paragraphs 152 and 153 of the NPPF (2023), are also relevant for this consideration and are as follows:

152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.

Special circumstances are evident, given the lack of 5 Year Housing Land Supply in the borough. However as previously stated paragraph 11(d) of the NPPF (2023) would apply:

This requires that in regard to housing development, planning permission should be granted unless:

- iii. 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
- iv. 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 this instance, the proposed scheme as assessed would be in an unsustainable location for residential development, where local transport options are not readily available and there would likely be an over reliance on private domestic vehicles for travel. This would significantly and demonstrably outweigh the

benefits of the additional residential units.

The proposal would conflict with the purposes of the Green Belt, including: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; and to assist in safeguarding the countryside from encroachment. Accordingly, the proposal would not be inappropriate development in the Green Belt.

Reference has been made to planning application reference 20180188, and more recently 20221121 which are similar applications which were not supported. These decisions were dismissed on appeal.

Impact on the National Landscape and Landscape Character Area

The Countryside and Rights of Way Act 2000 (as amended) at part 84, paragraph 4, states that the Local Planning Authority should conserve and enhance National Landscape (previously AONB).

There are therefore two considerations directly related to a site's National Landscape status when determining a planning application. Firstly, does the application conserve the National Landscape and secondly, if it does conserve the National Landscape does it result in an enhancement. A failure to achieve both of these points will result in a conflict with the requirements of the Act.

The purpose of the National Landscape designation is not to prohibit development but to conserve, enhance and reinforce its distinctiveness.

The Landscape Character Area Assessment (2009) identifies the distinctive elements of the area. It lists the key characteristics of the Harvel Wooded Downs, Landscape Character Area as:

- 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

The current site contains a building of rural appearance, which comprises multiple uses including; stables, hay, tack and equipment stores, office and workshop at ground floor, with office and a self-contained 2 bedroom flat in the first floor. The proposed development would result in 5no, 2 storey dwellinghouses, and a new access track. The site plan indicates there would be removal of trees at the entrance point. The replacement of this large building with an increased number of units (albeit individually smaller), being domestic in nature would result in an increased urbanisation of the national landscape.

On balance, the erection of up to five dwellings would significantly reduce the open character of the site and the scheme would conserve or enhance the distinctive landscape character of this part of the National Landscape. Therefore, it is considered that the location of the proposed dwellings would not conserve or enhance the special landscape character of this part of the National Landscape, contrary to policy CS19 of the Core Strategy Local Plan (2014).

Land Use and Amount of Development

The use and scale of development cannot be considered in isolation, given the sites Green Belt context. As assessed previously within this report, the proposed development would be inappropriate in the Green Belt. It is therefore unnecessary to consider land use and scale any further.

For these reasons, the land use and scale of the development is considered unacceptable in principle and would be contrary to the policies in the NPPF relating to the protection of the Green Belt.

Conclusion

The site is within the approved Metropolitan Green Belt. Within the Green Belt there is a strong presumption against permitting new development outside of the present defined extent of urban areas and the present extent of any village. National Planning Policy Framework Section 13 (Protecting Green Belt Land) indicates that the most important attribute of Green Belts is their openness. The development will not preserve the openness of the Green Belt through construction of 5 dwellings, associated hardstanding, lighting, car parking and residential paraphernalia and will conflict with the purposes of including land within the Green Belt as it will encroach into the countryside and urbanise the site. In the absence of any 'very special circumstances' that may otherwise outweigh the harm by reason of inappropriateness, and any other harm, the proposed development is considered to be contrary to the advice in National Planning Policy Framework Section 13 (Protecting Green Belt Land), and Policy CS02 (Scale and Distribution of Development) of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014).

The site is within a designated landscape character area of Harvel Wooded Downs and nationally important Kent Downs National Landscape. The proposed development would result in the urbanisation of the site located in the national landscape which would result in an obtrusive development which would fail to conserve the landscape and scenic beauty of the Kent Downs National Landscape which is a nationally sensitive landscape. The development is therefore contrary to Policy CS12 (Green Infrastructure) of Gravesham Core Strategy (2014) and Section 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (2023).

Recommendation

Refusal of Permission in Principle

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

Case Officer:	Mrs Lisa Fisher	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	03 May 2024	Dated:	03 May 2024