



Delegated Report

Planning Application

Planning Application No: 20231259

Location: The Haven, Brimstone Hill, Meopham, DA13 0BN

Description: Demolition of two dwellings, erection of 2no. contemporary dwellings, with associated parking, garden land and landscaping.

Applicant: R Binning

Site Visit Date: Various

Submitted Documents/Plans

Application form
Planning Statement
Supporting Statement on Appeal Decision
Drawing no. 2452 15 (proposed street scene)
Drawing no. 2452 14 (proposed external material treatment)
Drawing no. 2452 13 (proposed elevations unit 2)
Drawing no. 2452 12 B (proposed floor plan unit 2)
Drawing no. 2452 11A (proposed elevations unit 1)
Drawing no. 2452 10C (proposed floor plans unit 1)
Drawing no. 2452 09F (proposed block plan)
Drawing no. 2452_03A (existing plans and elevations)
Drawing no. 2452 02C (existing block plan)
Drawing no. 2452 01B (site location plan)

Relevant Planning History

20230118	Demolition of two dwellings, erection of 2no. contemporary dwellings, with associated parking, garden land and landscaping	Refused	24.04.2023
20220398	Conversion of existing summerhouse to a permanent residential dwelling.	Permitted	06.09.2022
20201036	Application for variation of condition 2 attached to Planning Consent reference number 20160443 allowed on Appeal (APP/K2230/D/16/3156172) being for the construction of a subterranean building comprising a swimming pool, changing rooms, shower, plant room and garage for three vehicles with canopy,	Permitted	17.11.2020

erection of gabion retaining walls and entrance staircase with alterations to the ground level; as varied by reference number 20181027 to allow enlarged basement comprising of additional garden equipment store room, games area and storage room; to allow a revised internal layout.

20181027	Variation of condition 2 to planning application reference number 20160443 allowed on Appeal reference number APP/K2230/D/16/3156172, 02 December 2016 for the construction of a subterranean building comprising a swimming pool, changing rooms, shower, plant room and garage for three vehicles with canopy, erection of gabion retaining walls and entrance staircase, with alterations to the ground level; to allow enlarged basement comprising of additional garden equipment store room, games area and storage room.	Permitted	16.11.2018
20170627	Application for a non-material amendment to planning permission reference number 20140475 to allow the reconfiguration of the ground floor to basement staircase and use of the basement as a gym and two store rooms; removal of one set of doors in the entrance hall and reconfiguration of the ground floor to first floor staircase and the first to second floor staircase, reconfiguration of the internal layout of the first floor involving the reduction in size of the laundry room to provide a cupboard, enlargement of a cupboard on the landing to form airing cupboard, reduction in size of steam room/sauna to change to a laundry room, change of ensuite bathroom to bedroom 1 to provide walk-in wardrobe incorporating the addition of the ensuite bathroom originally planned for bedroom 2, change of bedroom 2 into a guest suite comprising two bedrooms and ensuite bathroom; change in the internal floorspace of the roofspace	Permitted	29.06.2017

and reconfiguration of the layout reducing the size of bedroom 5 to provide a cinema room, removal of two approved rooflights and installation of two larger rooflights in a different position.

20170559	Application for non-material amendment to planning permission reference number 20100148 to allow the internal configuration to be altered to consist of media room, table tennis room, study, sauna/steam room, kids gym, adults gym, bar room, 2 bathrooms, laundry room and boiler room.	Permitted	25.05.2017
20160443	Construction of a subterranean building comprising a swimming pool, changing rooms, shower, plant room and garage for three vehicles with canopy, erection of gabion retaining walls and entrance staircase, with alterations to the ground level.	Refused, appeal allowed	21.07.2016
20150670	Application for a non-material amendment to planning permission reference no.20150281 to allow the erection of a single 1200mm wide pedestrian gate to the side of the tennis court.	Permitted	05.08.2015
20150281	Reconstruction and realignment of existing tennis court including ancillary fencing and retaining structures.	Permitted	26.06.2015
20141111	Erection of detached outbuilding to form garage with associated parking and plant room with steps from sunken patio area to ground floor level, and construction of underground swimming pool, changing rooms and additional plant room at basement level, with construction of sunken patio area and associated steps at rear and construction of underground tunnel to main dwelling.	Refused	26.06.2015
20140478	Application for a Lawful Development Certificate in respect of the use of the building as a single dwelling house (Use Class	Granted	06.11.2014

C3).

20140475	Application for the variation of condition 2 attached to planning permission reference no. 20130834 (for a minor-material amendment to planning permission reference number 20071038 for the demolition of the main dwelling and erection of a detached two storey four bedroom dwelling) to allow minor changes to the building to allow (i) use of the roof space as a master bedroom and en-suite facilities, (ii) the use of a basement void as a plant room, wine cellar and storage area, (iii) installation of 1no. satellite dish to the side elevation and 4no. CCTV units to the corners of the building and (iv) the installation of 9no. rooflights to the front, rear and side roof slopes.	Permitted	08.09.2014
20130834	Application for minor material amendment to planning permission reference number 20071038 for a new chimney and entrance portico/columns, additional windows to the side and a back door to be installed.	Permitted	29.10.2013
20130109	Conversion of garage into a residential dwelling.	Permitted	13.06.2013
20120860	Application for variation of condition 3 attached to planning permission reference number 20100148 for erection of a detached summer house to be used as residential for a temporary period whilst the main dwelling is completed; to extend the temporary period allowed for residential occupation of the summer house for a further two years.	Permitted	05.12.2012
20110929	Retention of a satellite dish and phone booster on rear of summer house.	Permitted	07.12.2011
20110813	Retention of the garden re-grading to form a terraced landscape.	Permitted	10.11.2011
20100148	Erection of a detached summer house to be used as residential for a temporary period whilst the main	Permitted	17.02.2011

dwelling is completed.

20100134	Application for non-material amendment to planning permission reference number 20071038 for the rotation of the proposed dwelling by 20 degrees.	Permitted	20.05.2010
20071038	Demolition of main dwelling and erection of a detached two storey four bedroom dwelling.	Permitted	16.01.2008
20070899	Demolition of existing garage and erection of a detached five bay garage.	Permitted	19.11.2007
20070741	Application for Lawful Development Certificate for the proposed erection of a detached building in garden to provide gym, snooker room/bar, media room and chill out area.	Certificate granted	03.10.2007
20070191	Erection of wall varying in height from 1.8m to 2.85m with 4.25m high pillars and electronic gates on the Brimstone Hill frontage.	Permitted	17.04.2007

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 - Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Design & Development Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network
- C12 - Replacement Dwellings in the Countryside

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 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed and beautiful places
- Section 13 – Protecting Green Belt land
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

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;
- Land 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 (paragraph 128(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.

In this instance, there is no net increase in dwellings and this has to be balanced against other requirements of the Development Plan and NPPF (2023) which requires new development to be high quality, beautiful and create acceptable living conditions for future occupiers.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the National Planning Policy Framework (NPPF) and established local planning policy taken as a whole.

Supplementary Planning Guidance

- 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);
- Householder Extensions/Alterations Design Guide (2021); and
- Gravesham Landscape Character Assessment (2009)

Kent Downs National Landscape

As the site lies within the Kent Downs National Landscape (formally AONB), the adopted Kent Downs AONB Management Plan is also relevant. The policies relevant to the consideration of this enquiry are:

- SD1- The need to conserve and enhance the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and given the highest level of protection within statutory and other appropriate planning and development strategies and development control decisions.
- SD3 - New development or changes to land use will be opposed where they disregard or run counter to the primary purpose of the Kent Downs AONB.
- SD8 - Proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated.

Site Constraints

It is worth noting there are a number of site specific constraints:

- Biodiversity Opportunity Area
- Ground Source protection Zone 2 and 3
- Green Belt
- National Landscape Area (previously Area of Outstanding Natural Beauty)
- Area of Archaeological potential
- Public Right of Way running the northern boundary of the site.

Consultations, Publicity and Representations

Consultees

KCC Heritage

The site lies within an area of multi-period archaeological potential surrounding Meopham, including evidence for prehistoric activity c.250m to the west of the site. Groundworks associated with the proposed development, including landscaping, may impact on below-ground archaeological remains as well as any earthworks within the woodland of the southern part of site, and I recommend that if planning permission is granted the following condition is applied to any forthcoming consent:

To ensure that features of archaeological interest are properly examined and recorded during development works:

- A) Prior to any development works the applicant (or their agents or successors in title) shall secure an archaeological watching brief so that excavations and other development works are observed and items of interest and finds are recorded. The watching brief shall be undertaken by an archaeologist approved by the Local Planning Authority and in accordance with a Written Scheme of Investigation (WSI), which has been submitted to and approved in writing by the Local Planning Authority.
- B) The archaeological watching brief, recording, post excavation assessment, analysis and reporting shall be carried out in accordance with the agreed specification and timetable.
- C) Within 6 months of the completion of the watching brief a Report shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure that features of archaeological interest are properly examined and recorded in accordance with local and national planning policies.

Meopham Parish Council

The Parish Council wishes to provide the following response:

We object to this application on the grounds of inappropriate development in the Green Belt.

In addition, we feel that the proposed development would have a detrimental visual impact on the Area of Outstanding Natural Beauty which the site overlooks.

Furthermore we believe there are no special circumstances which outweigh the harm to the Green Belt.

Dickens' Country Protection Society

Thank you for your letter of 15th December 2023 concerning the above. The Society notes the site is in an area within which Green Belt Policies apply, bordering on the North Downs Area of Outstanding Natural Beauty.

The Society is concerned at the quantum of development that has taken place historically on this site including significant engineering works. Taking into account that one of the existing buildings, the subject of the application, was originally permitted on a two-year consent to facilitate the reconstruction of the main dwelling, and the other was a conversion of an existing building, the Society questions if redevelopment is appropriate in this Green Belt location.

The proposed buildings are out of character with the area and may impact visually on the ANOB which they would overlook.

In the Society's view, the redevelopment should not be permitted. In the Society's view, there are no very special circumstances to warrant overriding Green Belt Policy.

Highway Development Management Officer

In principle I have no objections, however a couple of issues need to be resolved.

Plot 1, parking spaces adjacent to a wall should be 2.7 metres wide to facilitate pedestrian access and replace the space that would be borrowed from an adjacent space. This requires a parking area 5.2 metres wide for two vehicles and not the 5 metres shown.

Both plots, sight lines at the access should be shown, as the road is private it would not be unusual to have a speed limit of 10mph or less. As such the sight line requirement would be 11m x 2.4m x 11m within which there should be nothing over 1 metre, ideally 800mm high.

Neighbouring properties

The application has been advertised by site notice and individual letters to 16 neighbouring properties. Two letters of objection have been received and are summarised below:

- Too much traffic
- The site is within the Area of Outstanding Natural Beauty
- Two more dwellings will be detrimental to the area and set a precedent
- Too many dwellings being built on green belt land
- Rose Cottage should have never been allowed
- The replacement of four single timber garages with a new home is completely ridiculous
- The block plan is inaccurate – the roof of the chalet comes right up to the footpath which runs behind the houses in Foxendown Lane

Three letters of support have been received and summarised below:

- No objection
- Any improvement to what is there will be positive, eco friendly, modern designs
- It would be prudent to impose conditions to regulate construction noise during the process

Officer's Analysis

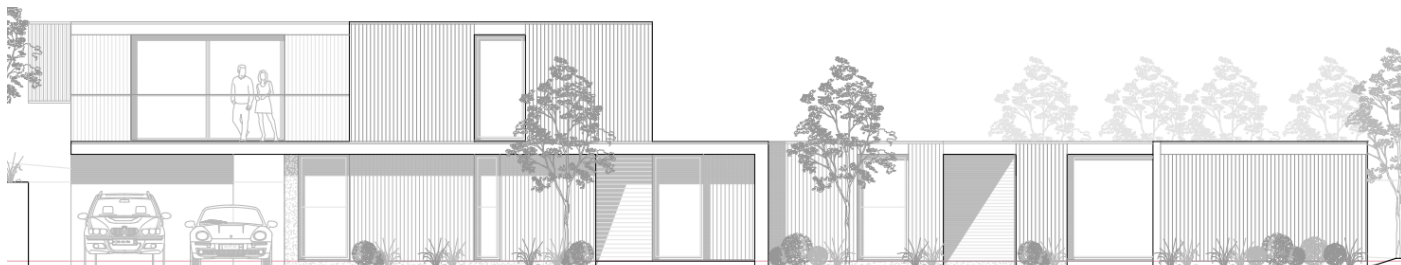
Proposal

This application seeks planning permission for the demolition of two dwellings, erection of 2no. contemporary dwellings, with associated parking, garden land and landscaping. The two dwellings that are to be demolished are Rose Cottage to the north of the site (granted a lawful development certificate for residential use under reference 20140478) and the former annexe building (granted permission to be a dwelling under reference 20220398). The two proposed dwellings are shown to be located to the entrance of the site as can be seen below:



The buildings will be detached with flat roofs and two parking spaces for each dwelling will be provided.

Unit 1 will be approx. 31.35m wide and approx. 15.5m deep. It will be approx. 5.8m high with a flat roof:



Internally it will have three bedrooms, a utility room, refuse store and four bathrooms at ground floor and a kitchen/dining/living room at first floor.

Unit 2 will be approx. 20m wide and approx. 15.4m deep. It will be approx. 4m high at its highest point with a flat roof:



Internally there will be three bedrooms, a utility room, four bathrooms and a kitchen/living/dining room. There will also be a private terrace, refuse store and secure bike store.

The site is located within the Green Belt, the Kent Downs National Landscape, a Biodiversity Opportunity area, Area of Archaeological Potential and a zone 2 and 3 Green Source (Water) Protection Zone. There is

a PROW along the sites northern boundary.

This proposal is identical to that which was refused under reference 20230118. The only additional information that has been received is a 'Supporting Statement on Appeal Decision', which is not considered to alter the view of the Council, as it was addressed in the previous submission.

Green Belt

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 Green Belt boundaries should only be amended in exceptional circumstances, in the context of the preparation or review of a Local Plan, it would not be for any future application to seek to amend such a policy designation.

Similarly, whilst the Council is committed under Policy CS02 to meet its full objectively assessed housing need for housing and employment and to undertake a strategic Green Belt review, if required, to achieve this end, it is not for a planning application to pre-empt due process given the outcome of this process may be to identify preferable and more sustainable alternatives.

On this, it is noted that the Inspector in finding the Gravesham Local Plan Core Strategy sound, was clearly of the opinion that a plan-led process should be followed rather than the ad hoc release of sites. The Inspector's report states at paragraph 48 that:

Nevertheless, a small element of total new housing supply would still need to come from the Green Belt to meet the overall requirements in the plan period, albeit in the latter part thereof. This should only reasonably and realistically be identified as part of a formal Green Belt review process that includes full public consultation and a comparative assessment of realistic opportunities, rather than through any "one off" releases in advance thereof. This should be conducted through a formal statutory process, as distinct from any ad hoc site by site decisions that would not necessarily identify the most suitable and sustainable locations for any new housing that may be required in the Green Belt.

It is therefore considered that the key issues relating to the Green Belt are:

- Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy, and
- Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Whether the proposal is inappropriate development in the Green Belt

Paragraph 154 of the NPPF (2023) states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include:-

- a) Buildings for agriculture and forestry;
- b) Provision of appropriate facilities (in connection with 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 preserves 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 (brownfield 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.

The submitted Planning Statement relies on exception (e) of para. 154 of the NPPF and considers that the development would represent 'limited infilling'. In addition the Planning Statement also makes a case for Very Special Circumstances being the demolition of two existing buildings on The Haven site in line with para. 152 of the NPPF.

e) Limited infilling in villages

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:

- Whether Meopham Green is a village
- If Meopham Green is a village, where its boundary lies relative to the application site?
- Whether the proposal subject to this application can be considered 'limited'; and
- Whether the proposal constitutes 'infilling'

For the proposed development to constitute an 'exception' rather than be classed as 'inappropriate' development, it is contended that all of the above criteria need to be met.

Whether Meopham Green is a village

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'. 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 reproduced below:

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 noted above, there is no definition of a 'village' in either the NPPF or the development plan. Whilst the boundaries and status of individual rural settlements may be subject to review in the context of the emerging Site Allocations and Development Management Policies DPD, the boundaries shown on the policies map derive directly and are unchanged from those shown on the Gravesham Local Plan First Review proposals map (1994) as villages under now defunct policy V1. This issue has been considered at appeal where the Planning Inspector (APP/K2230/W/16/3161653 - appendix 1) considered whether Culverstone Green is a village and the Inspector stated:

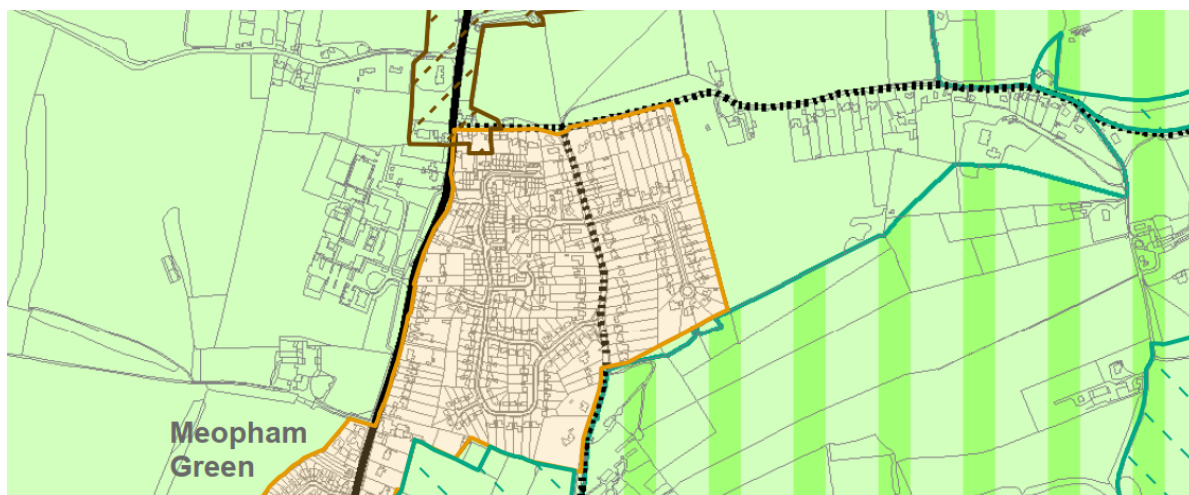
Culverstone Green is defined in the Council's Core Strategy (CS) 2014 as a 3rd tier settlement and it is inset from the Green Belt boundary. Paragraph 4.2.6 of the CS states that where settlements have been inset, the boundaries do not define the full extent of each settlement but relate to a coherent and established built-up area where infilling would not adversely affect local character and identity or impact on the openness of the Green Belt. From what I have seen and read, it seems to me that Culverstone Green may be regarded as a 'village' for the purposes of this aspect of this appeal.

Meopham Green is a rural settlement inset from the Green Belt as defined by the Local Plan Policy Map. However, because it has all of the characteristics of a village in terms of having a school and a range of other facilities, treating Meopham Green as a 'village' would appear to be consistent with the intent of national Green Belt policy.

As paragraph 149 of the NPPF only allows 'villages' to be excluded from the Green Belt by way of an inset designation and the above mentioned rural settlements are inset from the Green Belt within the Gravesham Local Plan Core Strategy 2014, it is considered that Meopham Green should be treated as a village for the purposes of the application of planning policy.

As Meopham Green is a village, where does its boundary lie relative to the application site?

As Meopham Green is considered for the purposes of this application to be a village, the question arises what are its boundaries on the ground and whether the application site lies within those boundaries. In this context it will be noted that the Court of Appeal case for Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin) (Appendix 2) in quashing the original decision did not make a planning judgement as to where the boundary might lie, rather that the original Inspector had misdirected himself in accepting the Green Belt/inset boundary as being the edge of the village after he had noted the built development continuing to the east. The main built development of the village in relation to the site is located to the west of the site and the eastern boundary of the settlement is Hadley Close and Whitehall Road. This is demonstrated below on the extract from the Gravesham Local Plan Core Strategy Proposals Map.



Whilst the site is outside the inset rural settlement boundary, paragraph 4.2.6 of the Local Plan Core Strategy accepts that these boundaries do not necessarily represent their full extent. Rather, they are intended to relate to the coherent and established built up area where policy accepts infilling would not adversely affect local character or identity or impact on the openness of the Green Belt.

In this respect, the Local Planning Authority consider that there remains a clear distinction between the dwellings surrounding the site and the village further to the west. This is shown below:



As a result of the above the Local Planning Authority concludes that there remains a clear distinction between the more built up areas of Meopham Green and the application site. The site is therefore, in the opinion of the Council, not within the village for the purposes of para. (e) of para. 154 the NPPF.

Isolated homes

Paragraph 84 of the NPPF states that planning policies should avoid the development of isolated homes in the countryside. The applicant's agent addressed the issue of the site being located in an isolated area in his letter dated 21 April 2023 submitted within application reference 20230118. A recent appeal APP/K2230/W/22/3297257 (appendix 3) at Greenacres next door to the site concluded that this particular site was not considered 'isolated'. Given that it is next door to the application site it is fair to conclude the same for the Haven. Whilst the location is not ideal due to its narrow roads and lack of pavements, it is possible to walk/cycle to local amenities.

The applicant's agent also relies on this appeal to argue that the development is not inappropriate because the Inspector had found that the annexe at Greenacres was of permanent and substantial construction and therefore not inappropriate. There is a marked difference between that application for the use of an existing building and this application that proposes the relocation of two buildings to a more prominent part of the site and the distinct separation of the plots from the main building. The applicant's agent has also stated that the residential use will not intensify (as was the case at Greenacres) however, whilst this may be the case, the proposed buildings will be larger and located in a more prominent location which impacts on the openness of the Green Belt both visually and spatially.

Whether the proposal subject of the appeal can be considered 'limited'.

Whilst the development is considered to not lie within a village, because the proposal only comprises of two replacement dwellings it can be considered to be 'limited'.

Whether the proposal constitutes 'infilling'.

Having established that the development is limited the next issue to evaluate is if the proposal constitutes infilling. Neither the NPPF (2023) nor the development plan currently defines the term 'infilling'. However the Local Planning Authority accepts the generally agreed definition of infilling as the following:

The development of a small gap in an otherwise continuous built-up frontage, or the small-scale redevelopment of existing properties within such a frontage.

This application does not meet the above definition as it is not the development of a small gap between an otherwise built up frontage.

In conclusion the Local Planning Authority is of the view that the proposal does not constitute infilling under

the terms of paragraph 154 of the NPPF (2023).

The Local Planning Authority therefore contends that the designated rural village boundary shown on the adopted policies map remains justifiable on the ground and that the application site lies beyond it within the Green Belt. The proposal is therefore considered to be 'inappropriate' development in the Green Belt.

Consideration of 'very special circumstances'

The applicant's case for 'very special circumstances' relies on the demolition of the two existing dwellings on site. These buildings are well within the site and not visible from the road. Spatially their demolition would assist in reducing the impact on the openness of the green belt however, visually they will be more prominent facing onto the road either side of the existing entrance and are not considered to result in a net-net impact on the openness of the Green Belt. Two buildings to the front of the site will be highly visible regardless of the attempt to screen them. There has been a recent appeal at The Retreat in Northfleet Green (APP/K2230/D/21/3270667 – appendix 4) that deals with the impact of development on the openness of the Green Belt whether it is visible or not. Paras. 17 and 18 are of note:

17. I acknowledge that the buildings are well screened by existing boundary fencing and walls. Opportunities to view the development from outside the site are limited, other than for more distant views from the upper windows of neighbouring dwellings. While the change in amount of built form within the site would be clearly discernible to occupants of the dwelling itself, the overall visual impact on openness would not be significant.

18. However, the absence of significant visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt. When considered as a whole, the spatial impact of the development means that it would clearly fail to preserve the openness of the Green Belt. I assign moderate weight to this further harm to the Green Belt.

It is the Council's view that the construction of two dwellings, associated hardstanding and residential paraphernalia would be visible and more prominent than the existing situation and therefore fails to preserve the openness of the Green Belt.

Policy C12 of the Gravesham Local Plan 1994 states there will be a strong presumption against allowing the replacement of existing dwellings which will only be set aside if certain criteria are satisfied. The first exception is that the dwelling must be original and not one that has gained immunity from the enforcement of planning control. In this case Rose Cottage gained immunity from the enforcement of planning control and therefore fails criteria (i). The replacement dwelling must be of similar scale and mass to the existing dwelling unless it is demonstrated a modest enlargement is required to allow for the provision of essential basic amenities. As can be seen from the table below the proposed buildings, in total volume, are approx. 25% than what is currently on site which, on balance, is acceptable. Point (v) states that the replacement dwelling should normally occupy the same site as the existing dwelling which the proposed dwellings do not. The proposed dwellings therefore do not meet the requirements of this policy. Policy C12 refers to the 'original building' and not necessarily to the existing dwelling therefore only limited weight can be applied to this policy as it pre-dates the NPPF and is not wholly consistent with it.

	Rose Cottage	Summer House	Total	Unit 1	Unit 2	Total	Percentage increase
Internal floor area (approx.)	142sqm	219sqm	361sqm	193sqm	164sqm	357sqm	-1%
External footprint (approx.)	160sqm	253sqm	413sqm	248sqm	191sqm	439sqm	6.3%
Volume	445 cubic	505 cubic	950	646 cubic	542 cubic	1188 cubic	25%

	metres	metres	cubic metres	metres	metres	metres	
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Landscape Character, Design and Appearance

Impact on the Landscape

Section 15 of the NPPF (2023) highlights the importance of conserving and enhancing the natural environment, one aspect of which is the protection and enhancement of valued landscapes. Policy CS12 of Gravesham Local Plan Core Strategy states that the overall landscape character and valued landscapes within the Borough will be conserved, restored and enhanced and that proposals will take account of the Gravesham Landscape Character Assessment.

In May 2009 the Local Planning Authority published the Gravesham Landscape Character Assessment which identified 11 distinct areas within the borough. The application site falls within Meopham Downs Landscape Character Assessment.

The 2009 Landscape Character Assessment lists the following key characteristics found within Meopham Downs as follows:

- Gently undulating topography with a mixture of arable and pasture farmland
- Neat pattern of small square fields in the south
- Broader irregular shaped fields to the north
- Narrow lanes and roads lined with hedgerows
- Three large settlements located along A227 running east and west
- Traditional architecture surrounding village greens provide local vernacular

The Gravesham Landscape Character Assessment demonstrates the qualities which make the landscape area special and undermines Policy CS12 (LPCS) which seeks to conserve and enhance its quality.

Furthermore, the site is located within Kent Downs National Landscape.

A landscape impact assessment report has not been submitted with the application. The proposal to relocate two houses from within the site to the site's entrance will result in a development that is much more visible within the surrounding landscape.

Design

The application site is located to the east of Meopham Village. Foxenden Lane is the main access road that then turns into Brimstone Hill. Both roads are narrow with some linear residential development. The road opens up at the Haven where it overlooks fields. The character here is much more open with sporadic farmsteads. The adjacent property, Greenaces, is on a lower site and is a bungalow.

The application site fronts on the road and has high boundary walls to its entrance. There are trees and planting to the sides and a grass verge to the front. The design of the proposed dwellings is modern however, nearby dwellings are mixed in both design and type and therefore this approach is not unacceptable. In terms of scale, the buildings are similar to those that would be demolished and therefore no concerns are raised in this regard. Whilst some mention has been made to the buildings being of exceptional design and therefore allowable under para. 84 (e) of the NPPF, it has already been established that the dwellings would not be considered isolated homes in the countryside and therefore this is not relevant.

In summary, the design is acceptable however, the construction of two dwellings where there are currently none will undoubtedly have an impact on the surrounding landscape and AONB (now known as National Landscape). It will not conserve and enhance the character of the natural environments or integrate well into the surrounding local area and it has not been demonstrated that the proposal would not have an

adverse impact on the landscape and AONB. The proposal therefore fails to comply with policies CS19 and CS12 of the Gravesham Core Strategy 2014 and SD08 of the Kent Downs AONB Management Plan.

The effect on neighbouring properties living conditions

Careful consideration has been made in regard to whether this development would adverse impact on the amenity of surrounding properties. Gravesham's adopted residential layout guidelines (SPG2) provide clear guidance on the window to window distance between dwellings and how to consider impact on overshadowing. The nearest property to unit 2 is 'Greenacres' which is located on lower ground. There is approx. 21.5m between the elevations of unit 2 and this neighbour and no windows are proposed in the southern flank of unit 2; therefore there will be no loss of privacy to this neighbour. Due to the distances involved there will be no loss of sunlight, daylight or outlook from the development. All other neighbours are further away and will suffer no detrimental impact from the proposals.

The distances between the two properties (unit 1 and 2) is over 21m and therefore there will be no detrimental impact in terms of amenity between the dwellings if built.

Living environment for future occupiers

The proposed development needs to ensure that the development will provide adequate living conditions for future occupiers and this is reinforced by the Council's Residential Layout Guidelines. These guidelines provide requirements for room sizes and amenity space. Consideration also needs to be given against how the scheme compares to the Nationally Described Space Standards. The internal floor area of both properties meets the National Standards and provides sufficient outside space.

The proposed development therefore accords with policy CS19 of the Gravesham Core Strategy 2014 and para. 135f of the National Planning Policy Framework 2023 with regards to amenity.

Ecology and Biodiversity

Policy CS12 (LPCS) and paragraphs 185 and 186 of the NPPF (2023) relates to biodiversity. The proposed development would appear to be built on land containing a mixture of trees, shrubs and soft vegetation. No details regarding biodiversity enhancements have been provided. There are however opportunities and details of this could be required by planning condition.

Climate Change

Policy CS18 (LPCS) sets out the requirements for dealing with sustainable drainage and surface water run-off. The soakaways for the surface water drainage are unlikely to be acceptable to building regulations if they are within 5 metres of a building or highway and this would need to be confirmed with Building Control, if they consider the access as a highway for their purposes. In order to deal with Sustainable Urban Drainage Strategy (SUDS) any future application if supported would have a condition requiring the following:

- Pervious pavements/road surface to allow water to drain through the surface;
- Outlet to pipes or infiltration to ground;
- Rain gardens for each dwelling (simple and small basins for roof water drainage); and
- Filter Drains.

Refuse Storage and Collection Arrangements

Policy CS19 (LPCS) requires new development to incorporate facilities for the storage and recycling of wasted generated further clarification is provided in Planning Guidance on Waste Collection Requirements (2019). No details have been provided regarding waste collection however, a suitably worded condition could be used in the event the proposal is allowed at appeal.

Archaeology

The application site is identified to be an area of archaeological potential for below-ground remains of prehistoric and Romano-British. The County Archaeologist has suggested a watching brief condition in the event the application is approved.

Effects on highway safety/parking provision

The proposals are basically like for like so in highway terms there are no objections. However, the accesses to the new dwellings should have basic sight lines to protect the safety of all users.

For a private drive it is reasonable to anticipate a 10mph speed limit, particularly as the accesses are located between two sets of gates.

Manual for Streets requires for 10mph 11m x 2.4m x 11m sight lines which generally would be achievable by restricting the height of any landscaping to no more than 850mm within 11 metres along the shared driveway measured from the centre of each access in both directions. An appropriate condition would protect these requirements.

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 proposed dwellings, hardstanding and terraces, together with associated residential paraphernalia would have a significantly greater impact on the openness of the Green Belt compared to the existing site for which the only impact on the openness of the Green Belt is land void of development. The proposed development is therefore inappropriate development and would cause harm to the Green Belt by virtue of its location closer to the entrance of the site and away from the main building. As such the proposal 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 Core Strategy, it does not meet the exceptions of para. 154 of the NPPF and very special circumstance do not exist.

The site is within the Harvel Wooded Downs designated landscape character area and the Kent Downs National Landscape and the proposed dwellings would be detrimental by introducing inappropriate residential development which will result in visual harm by suburbanising this part of the site in a highly visible location. The development is contrary to Policies CS12 and CS19 of the Core Strategy, Policy SD08 of the Kent Downs AONB Management Plan and Section 15 of the National Planning Policy Framework 2023 which seek to give long term protection of these areas.

Recommendation:

Refuse

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

Case Officer:	Mrs Alison Webster	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	1 February 2024	Dated:	01 February 2024