

LAWFUL CERTIFICATE APPLICATION SUPPORTING STATEMENT

Existing Structures
at
Greenacres
Lockyers Hill
Great Buckland
Gravesend
Kent
DA13 0XF.



COUNTRY HOUSE
HOMES



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Generic Images – Not Examples of This application

Introduction

1 Location of Development



1.1 The site lies on the North side of Lockyers Hill, a public highway which wraps around the site. The locality is generally known as Great Buckland and lies some 2 km to the south of Luddesdown, 1.5km to the north of Harvel, 2.5km to the east of Meopham and 3km north east of Vigo.

1.2 The location of the site falls within Gravesham Borough Council's administrative area and is positioned in the south eastern part of the borough. The site lies outside of any established settlement boundary and is considered to be a countryside location. The locality also lies within the within the Kent Downs Area of Outstanding Natural Beauty.

1.3 The adjacent location plan shows in detail the precise location of the property which includes 4 differing permanent structures, 2 storage containers, a touring caravan, an area of decking and a mobile home in addition to greenfield land covering the central part of the site.

2 Background

- 2.1** This planning application comes forward following a request by our client to formalise the planning status of the structures on-site, which do not currently benefit from any planning approval for their existing use's.
- 2.2** Our clients instruction to prepare a Lawful Development Certificate Application to formalise the planning status of the sites existing structures follows an inspection from the Council's Planning Enforcement Officer who has responded to complaints lodged with Gravesham Borough Council. The Planning Enforcement Officer inspected the site on the 23rd April 2021. The site visit confirmed that there are permanent structures, a touring caravan, a mobile home and steel containers on-site, which the Enforcement Officer advised were all in contravention of current planning law and that planning submissions would be required in order to regularise the lawful status of the permanent and temporary structures located on the land.
- 2.3** The permanent structures located on-site have been there since at least the 1960, as shown through historical mapping and aerial imagery. Despite these buildings having been sited on the land for over 60 years the Council states that they do not benefit from any planning approval and are therefore unlawful. The Council also views that the temporary structures stationed on the land are also unlawful. Therefore we have prepared a Lawful Development Certificate Application for the permanent structures, steel containers and touring caravan, which have all been on-site for over 10 years.
- 2.4** The details within this statement and supporting drawings, statutory declarations, supporting letters and documentation seeks to demonstrate, beyond all reasonable doubt, that the permanent structures, containers and touring caravan have been on the land for a period in excess of 10 years and are therefore lawful.

Introduction (cont.)

3 Aerial Imagery & Historical Mapping.

- 3.1 The 1940 aerial image below shows the site before any development had taken place. The property appears as a greenfield site surrounded by trees to all boundaries.



Introduction (cont.)

3 Aerial Imagery & Historical Mapping

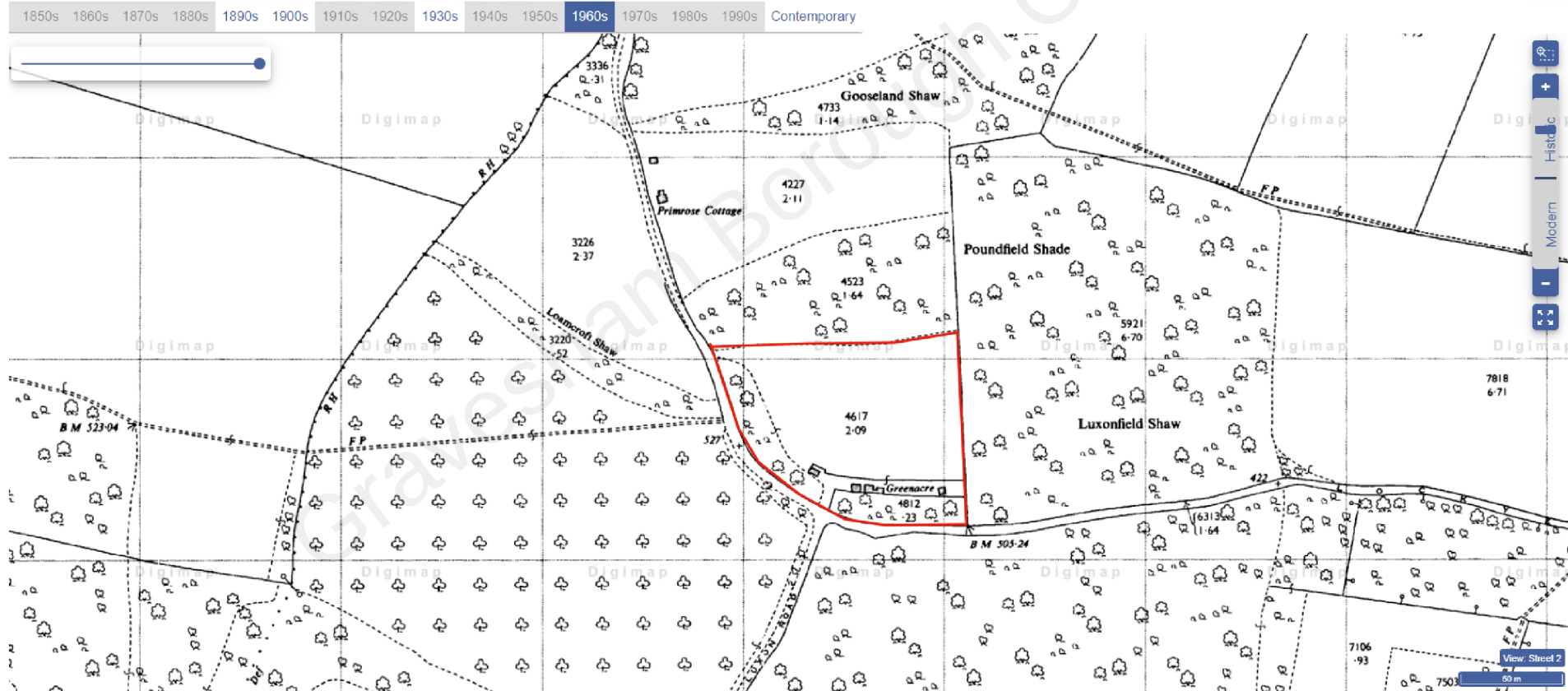
- 3.2 The 1960 aerial photograph shows an evolution of the property. There is activity on the land to the southern boundary and historical mapping on the next page shows that this activity resulted in the development of structures on the land.



Introduction (cont.)

3 Aerial Imagery & Historical Mapping.

- 3.3 The below Historical Mapping from the 1960's shows the land at Greenacres having developed form on-site. Of the existing structures on-site, structures A, C & D can all be seen from the Historical Mapping. It can be seen that the Structure A has undergone change as time has passed. However, it should be noted that the existing layout of the structures is identical to what is shown on the historical mapping below.



Introduction (cont.)

3 Aerial Imagery & Historical Mapping.

- 3.4 The Imagery below from December 1990 shows a further progression on-site with a defined structure toward the southern boundary of the Greenacres land holding. It can be seen that the structure A is now in place as noted on our site plan and in the same shape as the existing building. It is also seen that there is some form of development to the southeast of the Greenacres land, which is Structure B.



Introduction (cont.)

3 Aerial Imagery & Historical Mapping

- 3.5 The imagery below from December 2003 shows the site with further tree growth and overshadowing due to the increased canopy sizes. However, Structure A can still be seen on the site and it is clear that there is still a form of development on Greenacres.



Introduction (cont.)

3 Aerial Imagery & Historical Mapping

- 3.6 The aerial imagery from May 2007 shows the property having changed with a slight intensification on the land. The imagery shows the site with increased activity towards the southern boundary and the surrounding area has undergone some tree felling. Careful interrogation of the map finds the buildings in the southern part of the site below the tree canopy.



Introduction (cont.)

3 Aerial Imagery & Historical Mapping

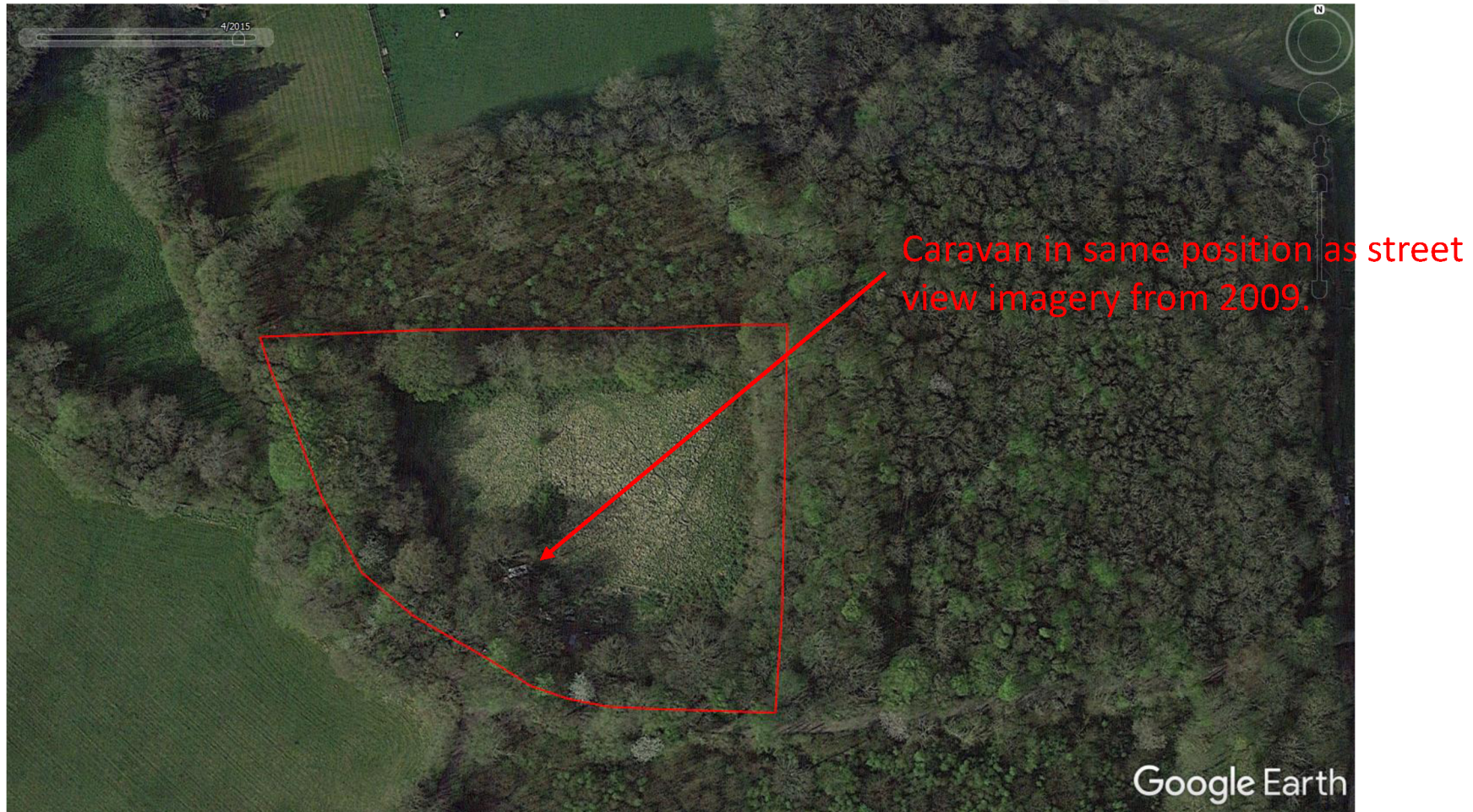
- 3.7 The aerial Imagery below shows the site in March 2011 and the site has further developed. While the image is fairly low quality we can see the containers are now situated on-site and are in place, which coincides with our timeline.



Introduction (cont.)

3 Aerial Imagery & Historical Mapping

- 3.8 The aerial imagery below is from April 2015 and does not show much of the site due to the bulk of the tree's covering the site. The little that can be seen of the south side of Greenfields shows a touring caravan situated to the north of the containers. This is the first time the caravan can be seen on-site due to the tree cover.



Introduction (cont.)

3 Aerial Imagery & Historical Mapping

- 3.9 The aerial image below from April 2020 shows the Touring caravan in the same location as 2015 aerial imagery. Since this image it is clear that the caravan has been moved to the east of its current position.



Supporting Documents.

4 Supporting Documents.

- 4.1 On the 10th November 2004 our client had 2 containers delivered to the site, which are still in the same location today. The Containers have been subject to many break-in attempts over the years and have acted as storage throughout their lifetime.

MILBANK TRUCKS LTD
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NORFOLK IP27 0PL
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01842 813815

Professional Crane Lorry Transport Services
Specialists in Machine Removal, UK & International Haulage
Website: www.milbank.co.uk/trucks e-mail: Trucks.Suffolk@milbank.co.uk

Tuesday, 9 November, 2004

PRO-FORMA INVOICE

Client No: J110
Client: BRYAN JACK

Telephone: [REDACTED]
Fax: [REDACTED]
Contact: [REDACTED]

Our Works Ref No: B01846

Collection Date:	Collection Time:	Delivery Date:	Delivery Time:
10-November-2004	8:00:00 am	10-November-2004	

Collect From:
AVTARADE
AVIATION TRADING ESTATE
B2117 SIDDING HILLS
NE ALBOURNE
WEST SUSSEX

Deliver To:
GREENACRES
LOCKYERS HILL
GREAT BUCKLAND
NR. MEOPHAM
KENT
DA13 0XP

Reference
HIRE OF HIAB C/W DBT TO COLLECT / DELIVER:-
2 No. 20' X 8' CONTAINER + DE-STACK Weight 2.50 Tonnes
xx COLLECT CHEQUE FOR £411-25p FROM BRYAN JACK xx

SUB TOTAL: [REDACTED]
VAT: [REDACTED]
TOTAL AMOUNT DUE: [REDACTED]

PLEASE BE AWARE IF YOU ARE PAYING BY CREDIT CARD THERE WILL BE AN EXTRA 2% CHARGE
THIS IS NOT A V.A.T. INVOICE
ALL GOODS CARRIED UNDER RHA CONDITIONS OF CARRIAGE 1998

SETTING THE STANDARDS FOR OTHERS TO FOLLOW
Member of Milbank Trucks (Holdings) Limited

Directors: D. C. Watson (Managing) J. O. B. Milbank M. J. C. Milbank B. St. Secretary: H. M. Drysdale MA FCGA
Registered in London No. 2021861 V.A.T. Reg. GB 434 8848 17

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Website: www.milbank.co.uk/trucks e-mail: Trucks.Suffolk@milbank.co.uk

To: BRYAN JACK
Fax No: [REDACTED]
Aim: [REDACTED]
Further to your order of today we confirm booking of the following:

Collect from:
AVTARADE
AVIATION TRADING ESTATE
B2117 SIDDING HILLS
NE ALBOURNE
WEST SUSSEX

Delivery to:
GREENACRES
LOCKYERS HILL
GREAT BUCKLAND
NR. MEOPHAM
KENT

On: 10-Nov-2004 @ 8:00 am
Details of Load: 20' X 8' CONTAINER + DE-STACK 1st to load + offload any add time at 150p/hr
Agreed amount: £350 +VAT
Insurance Cover: RHA
Hire Conditions: Clear access and hardstanding required for our vehicle to load and offload, plus an unobstructed ground

TO ENSURE BOOKING PLEASE COMPLETE AND FAX IMMEDIATELY TO 01842 819562
We confirm our acceptance of the above and accept any extra charges as signed for on the first sheet. We also accept Milbank Trucks Limited's special terms and conditions regarding lorry mounted cranes as below, and accept the RHA Conditions of Carriage (1998) (value of goods up to a maximum of £1,500 per tonne), copies available on request.

Signed: [REDACTED] Print Name: [REDACTED] Date: [REDACTED]

For and on behalf of [REDACTED]

Special Conditions. Milbank's full terms and conditions are available upon request.

A. RESPONSIBILITY FOR LOSS OR DAMAGE TO GOODS BEING HANDLED (CRANE, HIAB, ONLY):
Subject to the limitations of clause B below, Milbank accepts responsibility for the loss or damage to goods being lifted to a maximum of £25,000 per lift, excluding scratching, bruising or denting, the Hirer being responsible for the first £100 of each and every claim. At an additional cost to the Hirer and subject to Milbank being notified prior to the goods being lifted indemnity in excess of £25,000 can be provided. The foregoing indemnity shall not apply to: 1, any loss or damage caused or contributed to by any defect in the property being handled, or by the application of slings or hooks.
2, Any loss or damage to brittle objects.
3, Lifts involving the use of two cranes.

B. SLINGS:
1, Milbank will supply their standard selection of slings and no responsibility is accepted for loss or delay if these are found to be unsuitable for the purpose required.
2, Milbank accepts no responsibility for the correct use of slings or the method of slinging.
3, Milbank operatives shall for all purposes in connection with their employment in the working of the equipment be regarded as the servants or agents of the Hirer, this applies equally where the operative is obliged by the practical circumstances to give directions.

C. SITE CONDITIONS: It is the responsibility of the Hirer for the adequacy of the ground conditions to support the vehicle under its wheels or outriggers. The Hirer shall be responsible for the recovery of the vehicle from soft ground.

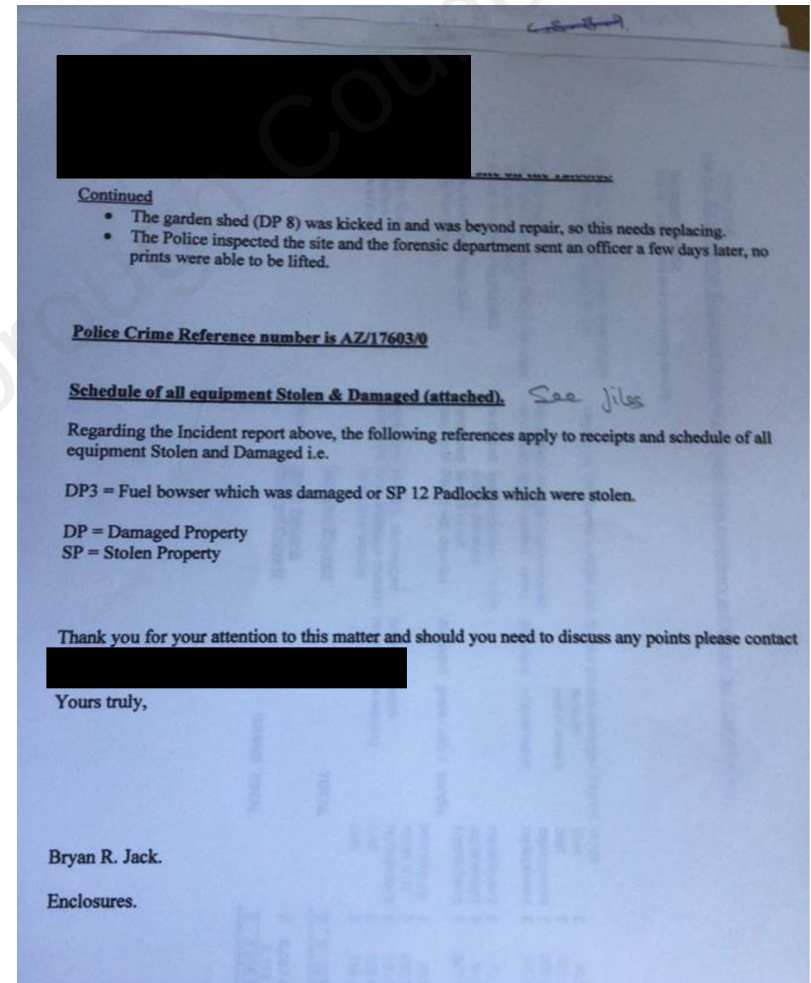
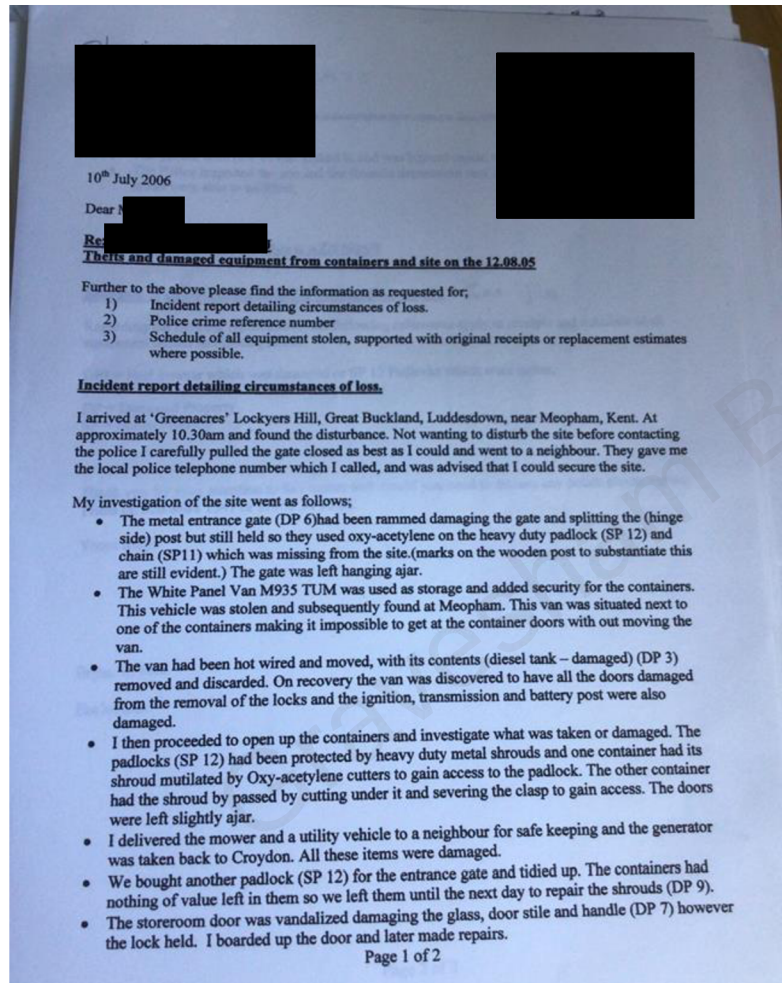
D. CONSEQUENTIAL DAMAGE: Milbank accepts no responsibility whatsoever for:
1, Any consequential loss due to or arising out of any breakdown, stoppage, delay, detention or non arrival of the vehicle through whatsoever or due to or arising out of any defect whatsoever with the vehicle or load.
2, Any damage to property beneath the wheels or to any overhead obstruction.

ALL GOODS CARRIED UNDER R.H.A. CONDITIONS OF CARRIAGE 1998. COPIES AVAILABLE ON REQUEST
SETTING THE STANDARDS FOR OTHERS TO FOLLOW
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Directors: D. C. Watson (Managing) J. O. B. Milbank M. J. C. Milbank B. St. Secretary: H. M. Drysdale MA FCGA
Registered in London No. 2021861 V.A.T. Reg. GB 434 8848 17

Supporting Documents.

4 Supporting Documents.

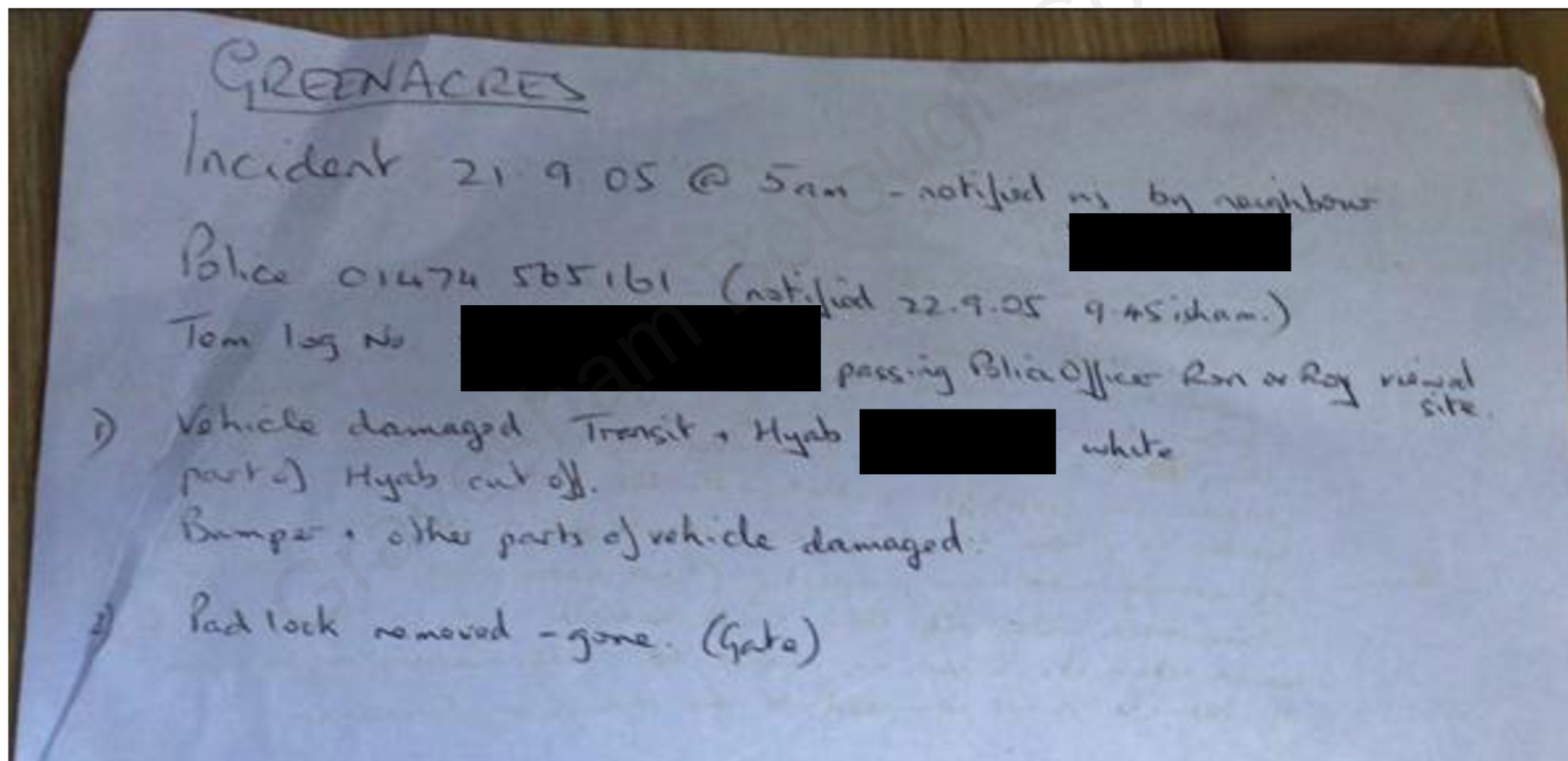
- 4.2 On the 12 August 2015 our client was subject to a break-in where the thief's broke through the padlocked and gated entrance, stole the van on-site and stole tools within the containers which they also broke into.



Supporting Documents.

4 Supporting Documents.

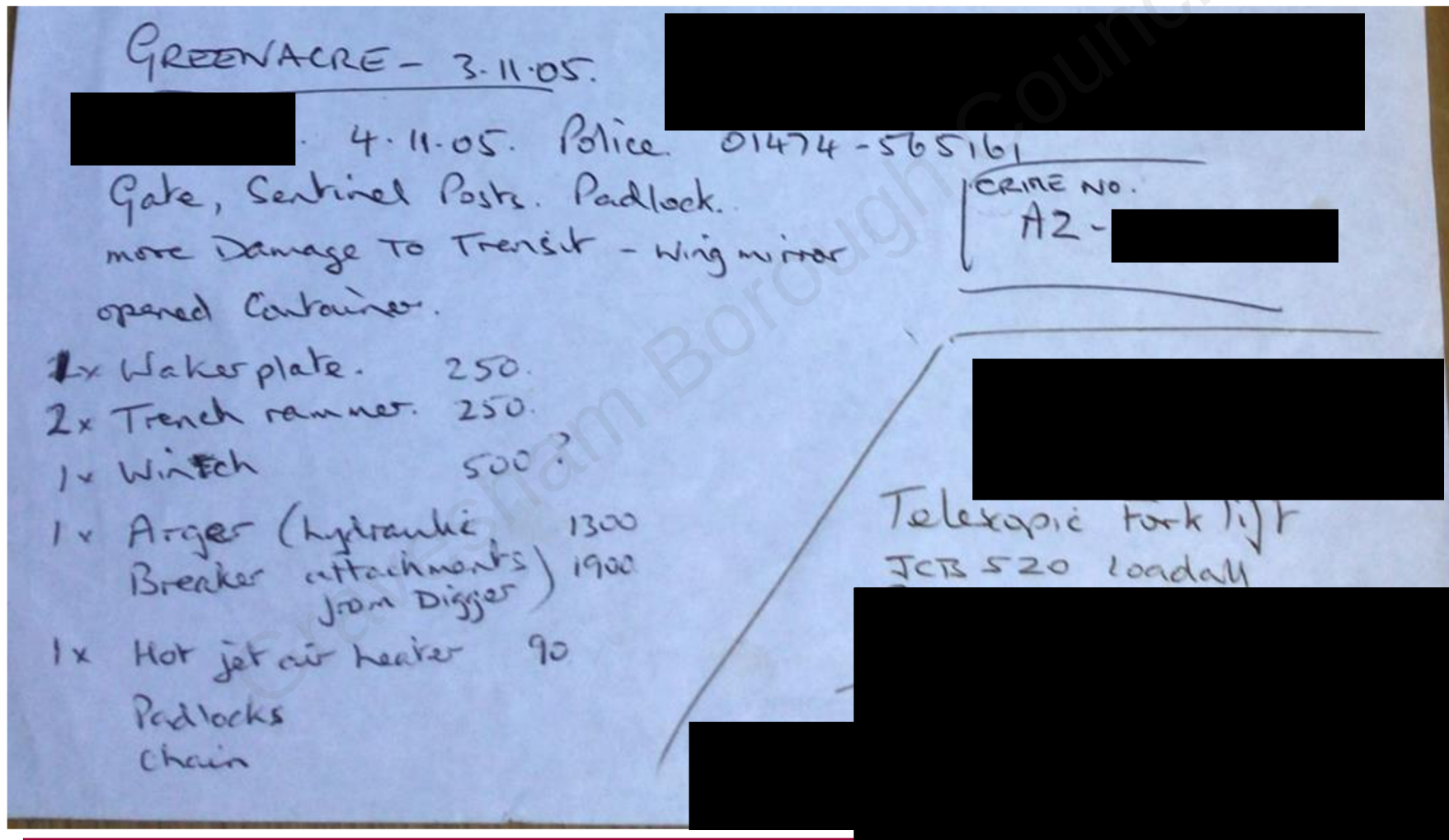
- 4.3 Our client was subject to another break in with the van & Hiab on site being damaged and the padlock having been removed at 5am in the morning.



Supporting Documents.

4 Supporting Documents.

- 4.4 The property was subject to another break in on the 3rd November 2005 when the gate was damaged and further damage was done to the van and containers on-site. This is the last of the break-ins that occurred this year.



Supporting Documents.

4 Supporting Documents.

4.5 Alongside the planning application submitted to Gravesham Borough Council in 2005, under planning reference 20051048, a range of documents were included within the submission. Below shows the Application Form to the proposal.

Gravesham Borough Council

Planning Application Form 1
Please Read Accompanying Guidance
Notes First and Complete in Block Letters

- 1 DEC 2005

FOR OFFICE USE ONLY
APPLICATION NO. 2005/1048
DATE REGISTERED 14/12

1a Name and address of applicant
Mrs. P. R. UNDERWOOD
Tel No. [REDACTED]

1b Name and address of agent (if any)
N/A
Contact Name [REDACTED]
Tel No. [REDACTED]

2 Address of the application site
GREENACRES LOCKERS HILL GREAT BRICKLAND
UNDERWOODS RD. BERRHAM KENT DA13

3 Description of proposed development
NEW BUILD SHEDS AND BARN

4 Type of application PLEASE TICK BOX

a ☒	An application for new building works	
b ☐	A full application for change of use only which does not involve any building works at present	
c ☐	A full application for change of use and new building works	
d ☐	An outline application for new building works (Answer question 5)	
e ☐	An application for removal of reserved matters of a previous outline permission (Answer question 6)	Ref. No. <u>[REDACTED]</u>
f ☐	An application for removal/variation of condition(s) of a previous planning permission	Ref. No. <u>[REDACTED]</u>
g ☐	An application for renewal of a temporary permission	Ref. No. <u>[REDACTED]</u>

Would you be prepared to accept a temporary permission? Yes ☐ No ☐

5. Outline application
IF YOU TICKED D IN QUESTION 4, PLEASE TICK ONE OR MORE BOXES
The following matters are reserved for future consideration:

External appearance ☐	Means of access ☐	Siting ☐	Landscaping ☐	Design ☐
--	--	---------------------------------	--------------------------------------	---------------------------------

6. Reserved Matters
If you ticked E in question 4, please state which reserved matters are dealt with in this application

7. Access and public rights of way
Would the proposal involve the construction of a new vehicular access? Yes ☐ No ☒
Or alteration of an existing vehicular access? Yes ☐ No ☒

And/or the creation or alteration of a pedestrian access? Yes ☐ No ☒
Are there any public rights of way within or adjoining the site? (If Yes, please colour the right of way brown on the submitted plans) Yes ☐ No ☒

8. Trees
Does the proposal involve the felling of any trees? Yes ☐ No ☒
If Yes, please give details on submitted plans

9. Drainage
How would the foul sewage be dealt with? SEPTIC TANK
How would the surface water be disposed of? DOMESTIC RAINWATER HARVESTING SYSTEM

10. Spoil
How much spoil/demolition rubble (if any) would result from the proposal? None m³
Where would the spoil/demolition rubble be disposed of? REMOVED

11. Existing Uses
Please state existing use(s) or, if vacant, the last use(s) of the site? PART VACANT BUILDING
AND PART ~~WAS~~ STABLE
If residential, state existing number of dwellings

12. Site Area
What is the site area? 1.8 Hectares
Please show the site (including the proposed access to it and site lines) on the submitted plans edged in red

13. Other Land
Do you own or control any adjoining land? Yes ☒ No ☐
If Yes, please show this on the submitted plans edged in blue

14. Declaration - To be completed by all applicants
I submit a site plan and the following plan(s) ORDNANCE SURVEY
and enclosing fee of £265.00 By Cheque ☐ PO No. [REDACTED] / Cash ☐
Signed [REDACTED] Date 28.11.05

15. Owners Certificate and Agricultural Holdings Certificate
If you are the only owner of all the land complete Certificate A, otherwise complete Certificate B, C or D in part 2 (see guidance notes)

CERTIFICATE A
Under Article 7 of the Town and Country Planning (General Development Procedure) Order 1995, I certify:

a) On the day 21 days before the date of the accompanying application, nobody (except the applicant) was the owner of any part of the land to which the application relates.
b) None of the land to which the application relates is or is part of an agricultural holding.

Signed [REDACTED] Date 28.11.05
On behalf of [REDACTED]

16. Additional Information

a) Does the proposal include Industry, Offices, warehousing, storage, shops?	Yes ☐	No ☒
b) Is the proposal for an agricultural dwelling?	Yes ☐	No ☒
c) Is the proposal for extracting minerals?	Yes ☐	No ☒

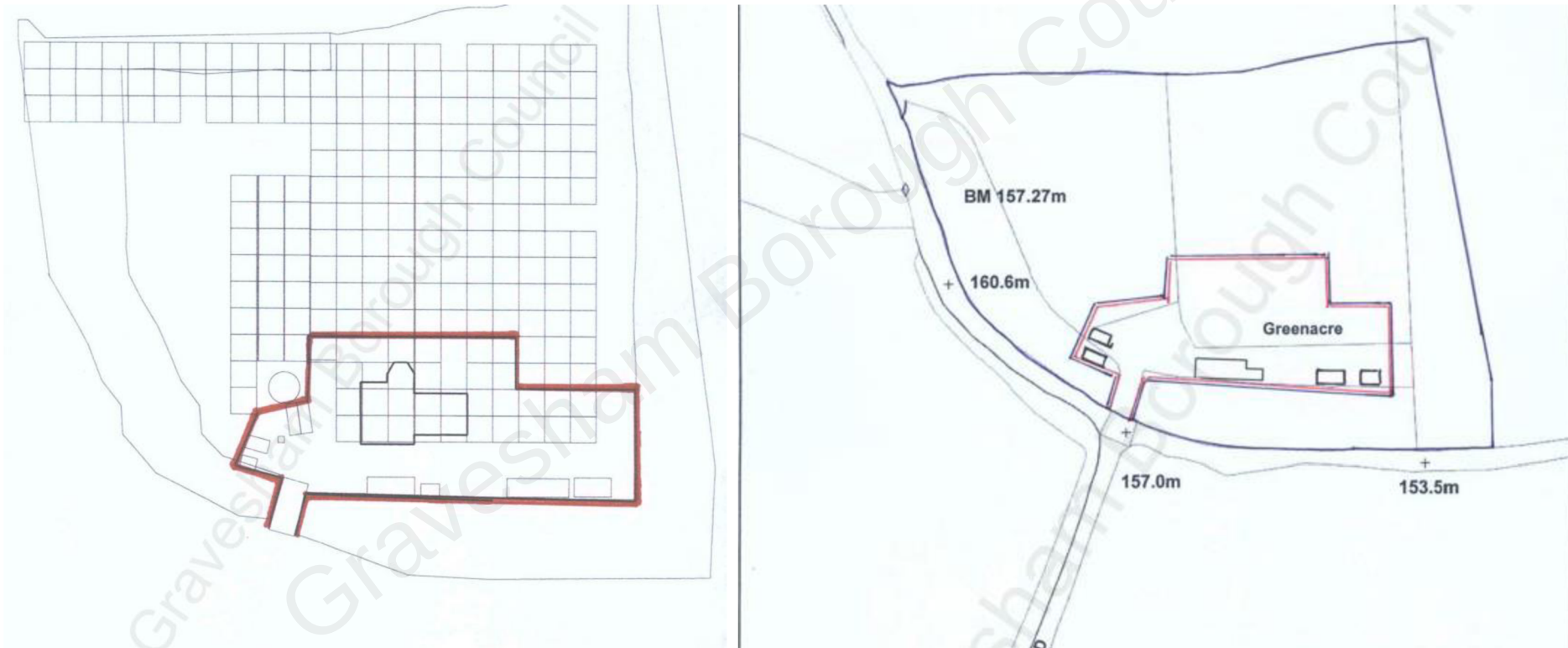
If Yes, please complete the additional form(s) 2, 1b or 1c as appropriate.

Gravesham Borough Council, Planning and Regeneration Services, Cygnet House, 132 Windmill Street, Gravesend Kent DA12 1BQ

Supporting Documents.

4 Supporting Documents.

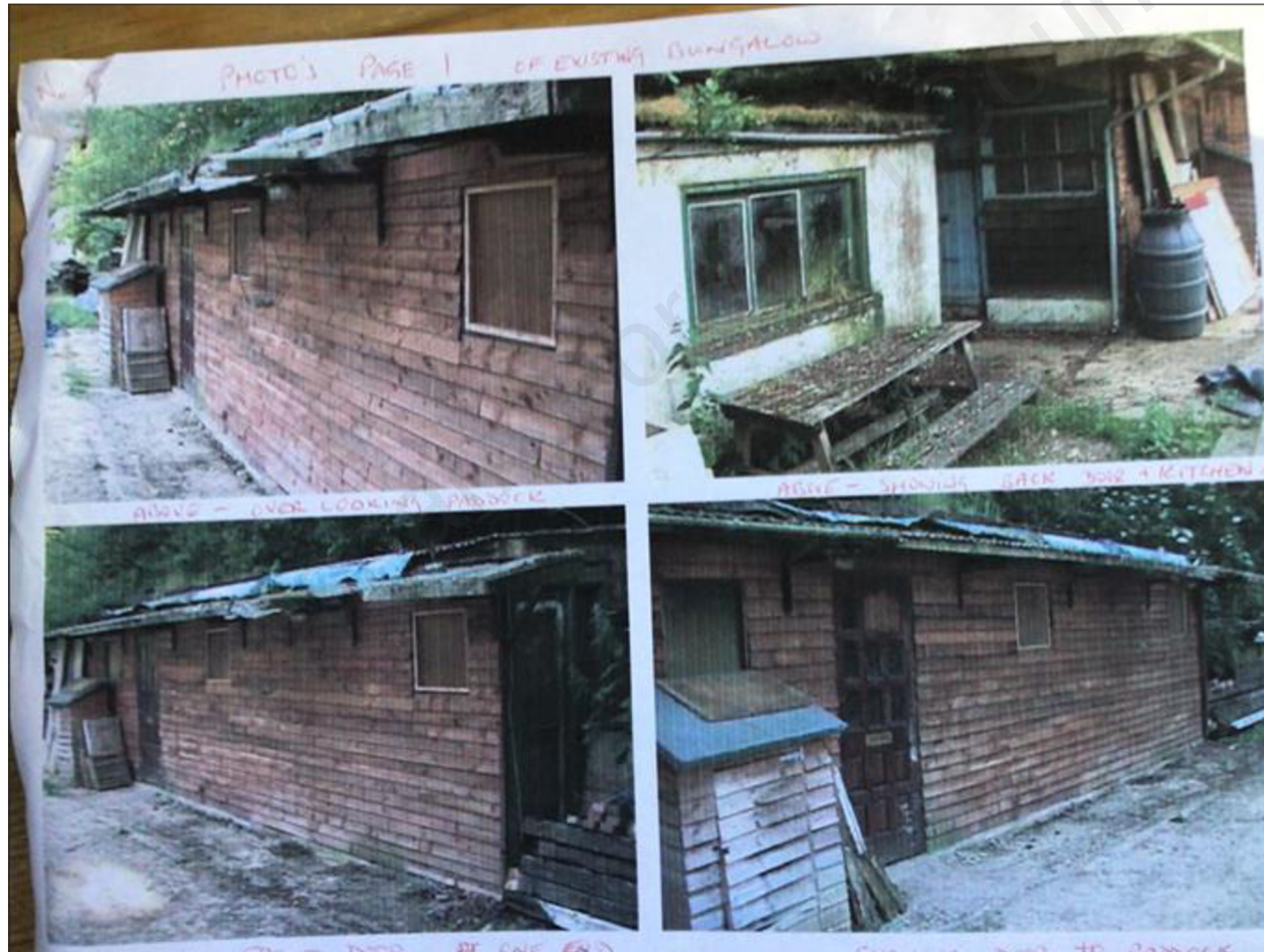
- 4.6 Within the submission of the documents within the 2005 application, under reference 20051048, two site plans were submitted, as shown below.



Supporting Documents.

4 Supporting Documents.

- 4.7 Within the 2005 Application, under reference 20051048, our client submitted photos of the existing buildings. The photos below show Structure A in 2005. The building has been in place here since the 1960's. The photos show the structure to be the same as today albeit of better quality. Further Photos are shown on the following pages.



Supporting Documents.

4 Supporting Documents.

- 4.8 The photos below show Structures B, C & D in 2005, once again in better condition than can currently be seen on-site. The structures can be seen to be aging since being on-site for over 50 years at the point of these photos.



Supporting Documents.

4 Supporting Documents.

- 4.9 Alongside the photos submitted with the 2005 application there is also photos submitted of the gated entrance to Greenacres. The gate can be seen to be of good construction and it is clear to have been on-site in excess of 15 years given when the photos were taken.



Supporting Documents.

4 Supporting Documents.

- 4.10 The decision to the 2005 application was a refusal based on ground of harming the openness of the Green Belt and Natural Beauty of the AONB. The final sentence states *'The proposal would constitute the replacement of an agricultural building with a residential dwelling'*. Given the size of the buildings on-site we can presume the 'agricultural building' is Structure A and has therefore been on-site in excess of 10 years.

PS-RLP Reference Code of Application GR/ 000510483

TOWN AND COUNTRY PLANNING ACTS

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

Notification of Refusal of permission to Develop Land

To Mrs P R Underwood
30 The Ridgeway
Waddon Ponds
Croydon
Surrey
CR0 4AE

TAKE NOTICE that The GRAVESHAM BOROUGH COUNCIL, the district planning authority under the Town and Country Planning Acts, HAS REFUSED TO PERMIT development of land situate at

Greenaeres
Lockyers Hall
Great Buckland
Luddesdown
Kent

and being Erection of a single storey detached replacement dwelling with rooms in the roof space and installation of a rainwater harvesting system and hot tank domestic sewage system

referred to in your application for permission for development dated 01 December 2005

and that the grounds for such refusal are -

1 The proposal is contrary to policy MGB3 of the adopted Kent Structure Plan and policies GB1 and GB2 of the adopted Gravesham Local Plan which identify the site as falling within the 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, unless it conforms with the open recreation functions of green belt or is directly related to agriculture or forestry uses appropriate to a rural area. The proposed erection of a new dwelling within the Green Belt is considered inappropriate development, undermining the openness and character of the Green Belt and therefore stands contrary to established development plan policy.

2 The proposal is contrary to policy ENV3 of the adopted Kent Structure Plan and policy C3 of the adopted Gravesham Local Plan. These policies give priority to the conservation and enhancement of the natural beauty, while resisting proposals that fail to make a positive contribution to the surrounding environment. The proposed development, by virtue of its residential presence and activity, would be harmful to the surrounding environment.

3 The proposal is contrary to the provisions of policy RS1 of the adopted Kent Structure Plan. This policy aims to ensure that all development in the open countryside has regard to the policies relating to the natural environment within the adopted development plans, while additionally ensuring that proposals enhance the character and amenity of the countryside. The proposal would constitute the replacement of an agricultural building with a residential dwelling.

Dated this 26 January 2006

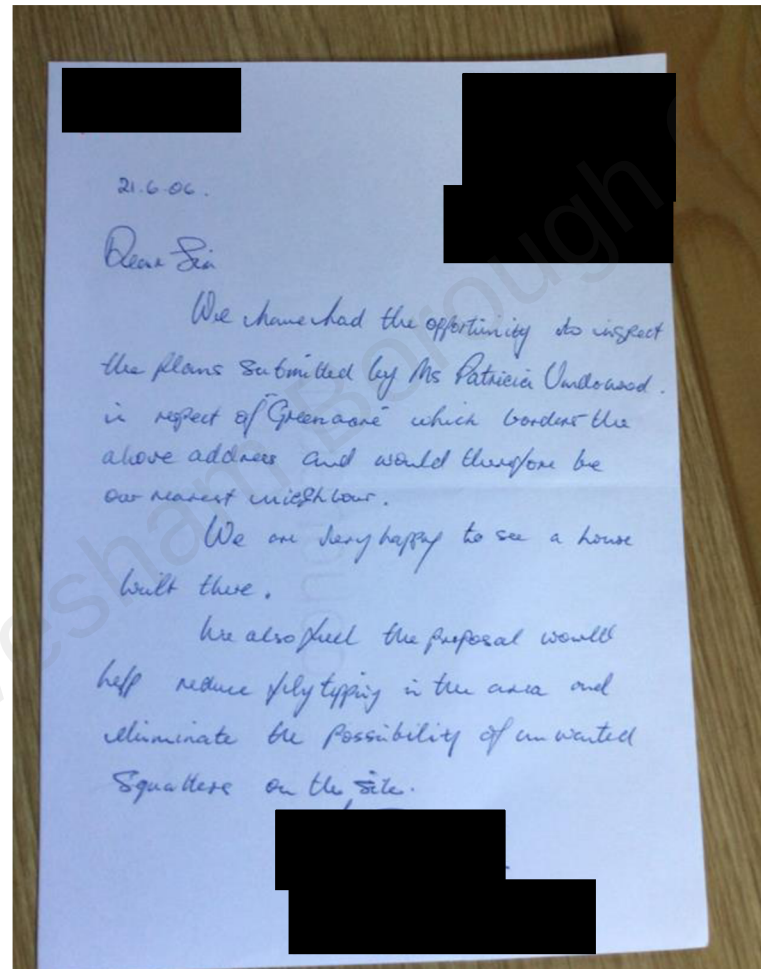
Address Cynet House
132 Windmill Street
Gravesend
Kent
DA12 1BQ

Signed 
Planning Services Manager

Supporting Documents.

4 Supporting Documents.

- 4.11 On the 21st June 2006 our client received letters of support for the development of a new home on the land to include within our clients appeal of the 2005 application, under reference 20051048. The appeal was made under appeal reference APP/K2230/A/06/2020177.

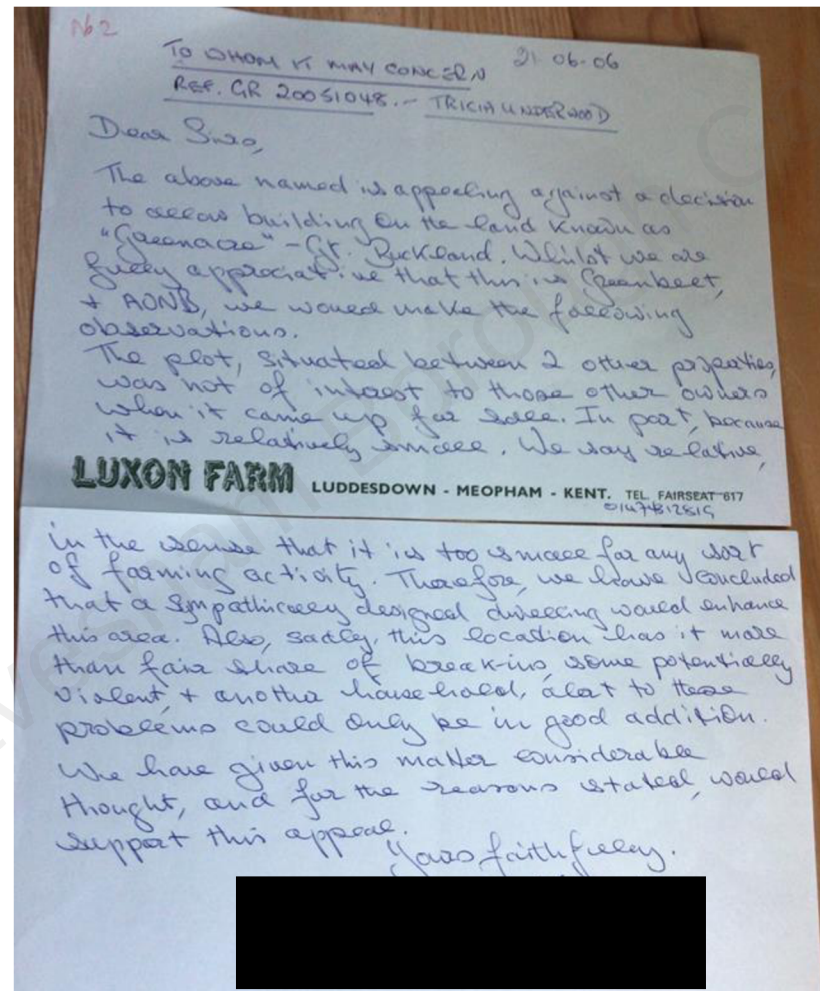


Supporting Documents.

4 Supporting Documents.

4.12

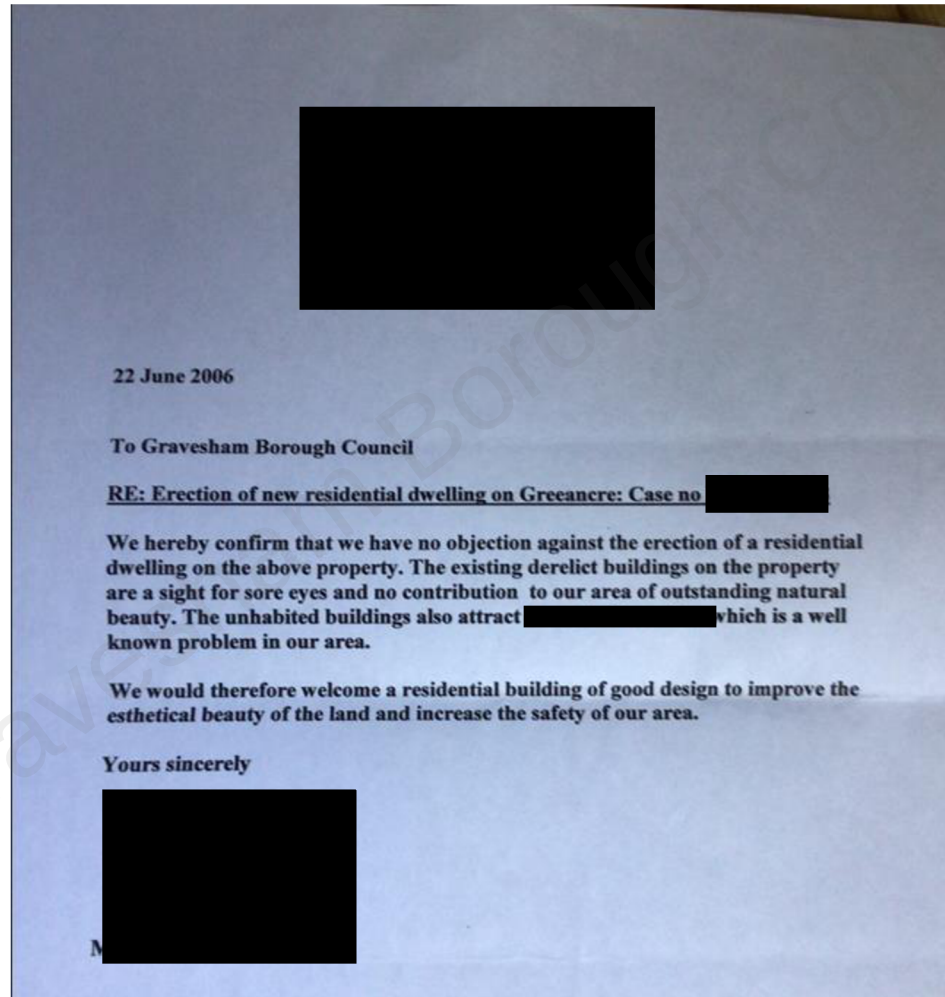
The letter below is another letter received in support of the appeal on the 21st June 2006. The letter outlines how the neighbours supported the appeal due to the siting between two properties and break-ins that had been occurring in the surrounding area.



Supporting Documents.

4 Supporting Documents.

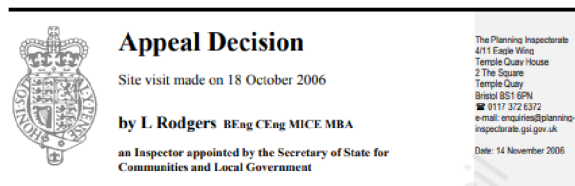
- 4.13 On the 22nd July 2020 our client received another letter in support of the planning appeal to Greenacres. The letter notes that there are many different derelict buildings on the site and notes the negative impacts of these buildings.



Supporting Documents.

4 Supporting Documents.

- 4.14** On the 14th November 2006 the Appeal Inspector dismissed the appeal, as the application created harm on the Green Belt and did not have sufficient considerations to outweigh this harm on the Green Belt.



Appeal Ref: **APP/K2230/A/06/2020177**
'Greenacres', Lockyers Hill, Great Buckland, Luddersdown, Nr Meopham, Kent, DA13 0XF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs P.R. Underwood against the decision of Gravesham Borough Council.
- The application Ref GR/20051048, dated 28 November 2005, was refused by notice dated 26 January 2006.
- The development proposed is a new build chalet bungalow.

Decision

1. I dismiss the appeal.

Procedural matter

2. Although shown on the application as 'Luddersdown', as confirmed in subsequent correspondence, the correct address is 'Luddesdown'.

Main issue

3. Whether the proposal would constitute inappropriate development harmful to the Green Belt, and if so, whether there are other considerations sufficient to clearly outweigh the harm.

Reasons

4. The appeal site comprises an area of mostly open field some 1.8 hectares in size and located close to the junction of Lockyers Hill and Luxon Road. The site contains several small structures clustered close to the entrance which are generally in a poor state of repair and appear to have been used for storage or shelter. There are other residential properties in the locality of the site but the site is largely surrounded by trees and there are no clear views of the other dwellings. The appeal site lies within the Metropolitan Green Belt, an Area of Outstanding Natural Beauty (AONB) and a Special Landscape Area (SLA).
5. *Planning Policy Guidance: Green Belts* (PPG2) states that the construction of new buildings inside a Green Belt is inappropriate unless it is for certain specific purposes, one of which is the limited extension, alteration or replacement of existing dwellings, provided that the new dwelling is not materially larger than the dwelling it replaces. Inappropriate development is, by definition, harmful to the Green Belt. PPG2 goes on to say that

Appeal Decision APP/K2230/A/06/2020177

development plans should make clear the approach local planning authorities will take. For the Green Belt in Gravesham, Policy GB1 of the Gravesham Local Plan 1994 says that the Green Belt policies as set out in the Approved Kent Structure Plan will be applied. From the information before me, the Kent Structure Plan has been replaced by the Kent & Medway Structure Plan, adopted during 2006. Policy SS2 of this latter plan states that new building within the Green Belt should accord with the provisions of PPG2.

6. My attention has also been drawn to Policy RA5 of the Gravesham Local Plan Second Review Deposit Version which states that the replacement of existing dwellings in the Green Belt will only be permitted subject to satisfying certain criteria, including that the 'existing dwelling must be an "original dwelling" in permanent use as a dwelling'. Whilst work on this plan was suspended at an early stage and it can be given little weight, it nevertheless indicates the direction of the Council's thinking.
7. The proposed development consists of a large chalet bungalow. Although one of the existing structures is also described as a bungalow, it has a stable like appearance and, as I saw on site, there is little evidence to suggest it has been recently occupied. I note from the Council's submission that an enforcement notice was issued some considerable time ago by the then Strood Rural District Council, following the construction of an unauthorised bungalow on the site. However, the notice was never pursued as the owners at the time converted the bungalow into agricultural use. I therefore conclude that the existing structure has no authorised residential use.
8. Although the appellant suggests that the application was made in order to expand an existing agricultural enterprise, in my view, the proposed building would be a residential dwelling, not a building for the purpose of agriculture. The proposed bungalow would not replace an existing dwelling and would be considerably larger than any structure currently on site. Against this background, I conclude that the proposed building constitutes inappropriate development in the Green Belt. I am in no doubt that the proposed development would also be detrimental to the openness of the Green Belt as a result of both its large size and the likely domestic usage of land associated with the building.
9. Although considerable thought has been put into the design of the proposed building, it would nevertheless represent an intrusion of the built environment into an Area of Outstanding Natural Beauty and a Special Landscape Area and its large size would be significantly more obtrusive than the existing single storey, rural buildings. No conclusive evidence has been presented to show that the proposed development is essential to meet local social or economic needs and I find the proposal would be contrary to Policies C4 of the Gravesham Local Plan 1994 and EN4 and EN5 of the Kent & Medway Structure Plan 2006 which seek to give long term protection to the landscape unless outweighed by essential local needs.
10. I have carefully considered the matters drawn to my attention by the appellant in order to assess whether there are any factors which would clearly outweigh the harm I have identified. The most significant matter is the proposal to consolidate the existing range of buildings which, as described by the appellant, represent a 'sprawling eyesore'. However, whilst agreeing that the removal of these structures would improve both the look and openness of the site, these are small, single storey structures and the proposed building would, in my view, be far more obtrusive and harmful to the openness of the Green Belt and the appearance of the landscape.

Appeal Decision APP/K2230/A/06/2020177

11. The appellant's intention is that the proposed bungalow would be both eco-friendly and, by the use of local materials, sympathetic to Kentish design. It is also suggested that the development would support the emergency services in their work and would support the maintenance of the surrounding flora and woodland. I have also noted the letters of support and the appellant's contention that the general security of the area would be improved. However, the proposed development would be secluded and I find that there would be little improvement to the security of the general locality, although I acknowledge that the security of the site itself could be improved by a regular presence.
12. Whilst I accept that a viable small holding may not be possible on the site and that there would be security concerns over unattended stabling, the site could be used in conjunction with the surrounding land and the arguments could be repeated too often to the overall detriment of the Green Belt. I have also noted the appellant's personal circumstances concerning her mother but, whether taken together or separately, I do not consider that the matters above clearly outweigh the harm I have identified and as such do not amount to very special circumstances.

Conclusions

13. Overall, I consider that the harm caused by reason of inappropriateness and that caused to the openness of the Green Belt, together with the harm to the AONB and SLA would not be clearly outweighed by any matters which would amount to very special circumstances. I therefore find that the proposal would not be acceptable having regard to the strict control over development in the Green Belt contained in both national and local policies, and the effect on the AONB and SLA. I have noted the appellant's views on the currency and continued relevance of the local and national plans and policies, but, having taken into account other material considerations, I must make my decision on the basis of the current development plan. Having had regard to all other matters I find nothing to change my decision to dismiss the appeal.

Lloyd Rodgers

Inspector

Supporting Documents.

4 Supporting Documents.

- 4.15 The 2009 Street View Photography on this page and the next shows the structures on-site through the tree cover from Lockyers Hill. The photograph shows the containers on-site, Structure A & D and also shows the caravan behind the containers if you look closely. The next page shows the caravan behind the containers more clearly.



Supporting Documents.

4 Supporting Documents.

- 4.16 The caravan can clearly be seen behind the containers in the same position as seen on the 2015 aerial imagery (see 3.8). The caravan has since been moved around the site multiple times however, has been on-site in excess of 10 years as shown by this photography.



Supporting Documents.

4 Supporting Documents.

- 4.17 The street view photography below shows the site in January 2021 where the Structures can be seen on site in addition to the Mobile Home on-site, which is not applied for within this application, and the caravan. The caravan is now in a different position on the site, adjacent to the mobile home.



Timeline

5 Development Timeline.

- 5.1 **1st January 1960** – Aerial Image showing some form of development at Greenacres on the south side of the land. (See 3.2)
- 5.2 **1960's** – Historic mapping showing Greenacres property with structures to the south side of the land. (See 3.3)
- 5.3 **1st January 1990** – Aerial Image showing Structures on-site in the same position as the existing buildings. (See 3.4)
- 5.4 **1st January 2003** – Aerial Image showing Structure A to the south side of the site. (See 3.5)
- 5.5 **10th November 2004** – 2 Containers for secure storage at Greenacres arrived on-site. (See 4.1)
- 5.6 **12th August 2005** – Tools were stolen from the containers after a break-in occurred at Greenacres which included the theft of our clients van. (See 4.2)
- 5.7 **21st September 2005** – Van & Hiab damaged with parts of Hiab cut off and bumper and other parts of the van damaged after padlock was removed. (See 4.3)
- 5.8 **3rd November 2005** – The gate to the site was damaged and padlock was removed during another break-in where the van was damaged further and the container was opened where further tools were stolen. (See 4.4)
- 5.9 **1st December 2005** – Planning Application received by Gravesham Borough Council for a Replacement Dwelling at Greenacres, under reference 20051048. Submitted along with the application were photos, site plans and an application amongst other items (See 4.5, 4.6, 4.7, 4.8 & 4.9)
- 5.10 **26th January 2006** – The planning application was Refused, given that the site was within the Green Belt and AONB. (See 4.10)
- 5.11 **21st & 22nd June 2006** – Our client received letters from surrounding properties in support of the new dwelling at Greenacres. (See 4.11, 4.12 & 4.13)
- 5.12 **14th November 2006** – The appeal on the previous planning application was dismissed under reference APP/K2230/A/06/2020177 (See 4.14)
- 5.13 **21st April 2007** – Aerial Image showing slight intensification of the site. (See 3.6)
- 5.14 **February 2009** – Google Street View shows the site with the containers, Structures & Caravan. (See 4.15 & 4.16)

Timeline

5 Development Timeline.

- 5.15 **7th March 2011** – Aerial Image showing Containers on-site. (See 3.7)
- 5.16 **20th April 2015** – Aerial Image showing touring caravan on-site for the first time. (See 3.8)
- 5.17 **23rd April 2020** – Aerial Image showing touring caravan 5 years later. (See 3.9)
- 5.18 **January 2021** – Google Street View shows the site with the container, structures & Caravan albeit with the caravan in a different location. To the current point. (See 4.17)

Summary

- 6.1 This planning application seeks to demonstrate that in the balance of probability, the Structures Labelled 'A, B, C & D' containers and touring caravan, have been located on site for a period in excess of 10 years.
- 6.2 The application is supported by Statutory Declarations from our clients, Mr Jacks & Mrs Underwood. The Statutory Declarations confirm that the structures, containers and touring caravan have been located on the land at Greenacres for over 10 years. This is considering that the Structures were constructed on site some time around 1960, the containers arrived on-site in 2004 and the caravan has been on-site since at least 2009.
- 6.3 We have shown within this statement through Aerial Imagery, Historical Mapping, Street View Imagery, Personal Photographs, Application Information and Crime Reports and documentation that the structures, containers and caravan have been on-site for excess of 10 years.
- 6.4 Given the robustness of the evidence provided in this application, including that contained within the supporting statutory declarations and documentation, there can be no doubt that the existing structures, containers and caravan have been on-site continually for a period in excess of 10 years.

14th October 2021.

Country House Homes Ltd.

