



**OUR REF: 3971.SC**

**DEMOLITION OF EXISTING BUILDINGS AND  
ERECTION OF A NEW SINGLE-STOREY DWELLING**

**‘HARLANDS’ HIGHCROSS ROAD SOUTHFLEET  
DA13 9PH**

**PLANNING STATEMENT**

## **1.0 INTRODUCTION**

**1.1** This Planning Design and Access Statement is submitted in support of a full application made on behalf of Mr Lee Clarke seeking permission for the following development.

*‘Demolition of a range of existing buildings and the erection of a single-storey dwelling and garage. (Re-submission following refusal of application DA/23/00033/FUL)’*

The application is made in relation to land at ‘Harlands’ Highcross Road Southfleet Kent DA13 9PH.

**1.2** The application comprises the following documents

- Covering letter
- Application Form
- CIL Forms 1, 2 and 7
- Planning Statement
- Heritage Statement
- Residential Space Standards Assessment
- Water Efficiency Statement
- Preliminary Ecological Appraisal (Calumma)
- Arboricultural Report (GRS Trees)
- Drawing nos
- 3971.01 Site Location
- 3971.02 Existing Block Plan
- 3971.03 Existing Elevations
- 3971.04 Proposed Block Plan
- 3971.05 Proposed Floor Plan
- 3971.06 Proposed Elevations
- 3971.07 Existing Barn Floor Plan

## **2 SITE CONTEXT**

**2.1** The application site is located on the western side of the B255 Highcross Road some 340m north west of its junction with Westwood Road/Hook Green Road and 700m south of the B262 Betsham Road. The land is situated within a loose group of dwellings along Highcross Road and opposite the large employment site located at Westwood Farm.

**2.2** Originally, the application site was associated with and located within the curtilage of Ivy House (Grade II) located to the north, but has been in separate ownership since being purchased by the applicant’s family in 1997. To the south of the site is Plum Cottage.

**2.3** The site is located within the Green Belt and partially within the locally designated Westwood Area of Special Character.

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- 2.4** The site is accessed directly from Highcross Road, via an access which was allowed following an appeal in November 1992. It comprises two main areas, a fenced paddock area lying to the south of the application site of approximately 0.25ha and the area comprising the application site itself which extends to some 0.22ha. The land is used for grazing and the keeping of horses and other birds and animals. The northern boundary is marked by a tall and dense existing hedgerow as is the boundary with Plum Cottage which also includes some fencing. The boundary to Highcross Road is marked by a post and rail fence and metal gate set on the higher ground within the application site.

### **3 PLANNING HISTORY**

- 3.1** The use of the land for grazing and keeping of horses and other birds and animals has been taking place on the land for many years. Relevant history as can be ascertained from the Council's website is as follows.

DA/88/00138/OUT: Erection of a detached dwelling: REFUSED 11/07/1988

DA/91/00006/FUL: Retention of a vehicular access onto the B255: REFUSED 23/07/1991 APPEAL ALLOWED & ENFORCEMENT NOTICE QUASHED 02/11/1992

DA/98/00120/FUL: Demolition and replacement of existing stables, tack room and barn together with erection of new machinery store and two storage bays for manure: PERMITTED 14/04/1998

DA/22/00769/LDC: Application for a Lawful Development Certificate existing for the buildings that were required to be demolished pursuant to condition 03 of permission DA/98/00120/FUL dated 14/04/1998 have not been demolished and are still in-situ and other buildings and structures on the site were substantially complete in 2013 and have remained in-situ since that time: CERTIFICATE GRANTED 25/08/2022

DA/23/00033/FUL: Demolition of a range of existing buildings and the erection of a single-storey dwelling and provision of utility room in part of existing retained barn: REFUSED 02/06/2023

- 3.2** Application 23/00033 was refused on four grounds.

*01 The proposal is considered to be inappropriate development in the Green Belt, and would be significantly harmful to its openness, rural character, and the purposes of the Green Belt. Very special circumstances have not been demonstrated to outweigh this harm and the proposal is therefore contrary to Core Strategy Policy CS13 and Policy DP22 of the adopted Dartford Local Plan and chapter 13 of the National Planning Policy Framework and policy M13 of the emerging draft local plan*

*02 The benefit of providing one dwelling on site is not considered to outweigh the disbenefits of development. The disbenefits of the development are; inappropriate*

*development in the Green Belt conflicting with the purposes of the Green Belt; harm to the rural character of the area; poor accessibility of the site, insufficient information to demonstrate that there would not be harm to biodiversity and protected species; harm to the setting of heritage assets. As such the development is contrary to policies CS1, CS10 and CS13 of the Core Strategy, Policies DP2, DP6, DP13 and DP25 of the Dartford Development Policies Plan, the Housing Windfall Supplementary Planning Document (2014) and policies M1, M2, M5, M9 and M13 of the emerging draft local plan.*

*03 Inadequate information has been submitted to adequately assess the impact of the proposal on protected species and to ecology and biodiversity features contrary to Policy DP25 of the Dartford Development Policies Plan and M15 of the emerging draft local plan.*

*04 The proposed dwelling, by virtue of its siting to the front of the site in a prominent position, scale, potential loss of screening in the form of boundary hedging and proximity to Ivy House (a grade II listed building) and the manner in which it will disrupt views of Ivy House will be harmful to the setting of this listed building and the Westwood Area of Special Character. This is considered to result in less than substantial harm to the listed building, no public benefits have been identified to outweigh this harm and therefore the development should be refused. This is contrary to policies DP2 and DP13 of the Dartford Development Policies Plan, policies M5 and M6 of the emerging draft local plan and paragraphs 189 and 200 of the NPPF.*

**3.3** A copy of the delegated report is attached at **Appendix One**.

## **4 PROPOSALS**

**4.1** The application is a revised application following refusal of application DA/23/00033FUL.

**4.2** In addition to this Planning Design and Access Statement, and the required plans, this application is accompanied by a Heritage Statement, an Arboricultural Assessment and Report, a Preliminary Ecological Appraisal and as required by the local validation list, a Nationally Described Space Standards Statement and a Water Efficiency Statement.

**4.3** The application seeks full planning permission for the erection of a new single-storey dwelling with garage following the demolition of a range of existing buildings on the site. The applicant still proposes that the dwelling would be a self-build project.

**4.4** The buildings to be demolished are shown in drawing 3971.04 and comprise most of the buildings certified as lawful under application DA/22/00769 on 25 August 2022 together with the existing barn.

**4.5** The buildings to be retained are the manure storage bay, two stable buildings approved under application 98/00120/FUL on 14 April 1998 and the small,

prefabricated garage/workshop currently sited to the west of the existing barn/store that is now proposed to be demolished.

- 4.6 The proposed dwelling has been relocated further west into the site and largely occupies the site of the existing barn.
- 4.7 The new dwelling would be approximately 16.4m in length (plus the 6.2m wide garage) and 7.3m in depth, some 2.3m to eaves and 3.5m to the ridge at its highest. Overall the proposed dwelling would have a footprint of 153m<sup>2</sup> (GEA) and a Gross Internal Area (GIA) of 138m<sup>2</sup> inclusive of the double garage..
- 4.8 It is proposed that the dwelling would be clad externally in black horizontal fibre-cement boarding under an insulated metal roof system. Doors and windows would be powder-coated aluminium and rainwater goods comprised of black plastic.
- 4.9 As part of the proposals existing structures on the site amounting to approximately 188m<sup>2</sup> or 460m<sup>3</sup> in volume will be demolished.

## 5 PLANNING POLICY

- 5.1 The relevant policies are collected together under separate topic headings. The Development Plan comprises the 2011 Dartford Core Strategy (CS) and the 2017 Dartford Development Policies Plan (DP).
- 5.2 The Dartford Local Plan to 2037 has been formally submitted for Examination. The hearing stages of the examination have now been completed and consultation on the Main Modifications concluded on 25 September 2023. The Inspector will now consider any representations made and also in due course publish a report into the soundness of the Plan which will recommend whether it can be adopted or not. Applicable policies in the new plan do therefore have some weight as a material consideration in the decision making process, but not the full weight of an adopted plan. Copies of the relevant Development Plan and emerging Local Plan Policies are attached at **Appendix Two**.

### Green Belt

- 5.3 Policy CS13 of the 2011 Core Strategy reiterates the intention to resist inappropriate development and to manage the Green Belt as a recreational and ecological resource. It identifies a number of projects, which it seeks to implement but none of these affect the application site. In addition, it recognises the need to protect agricultural land uses within the Green Belt, again not relevant to the current proposals.
- 5.4 At Policy DP22 of the Development Policies Plan 2017 the Council provides further guidance on development in the Green Belt, reiterating that they will resist inappropriate development and setting out criteria amongst others for replacement buildings. Draft Policy M13 in the New Local Plan is similar in its wording and criteria to existing Policy DP22.

Housing Delivery and Design

- 5.5** Policy CS10 of the Core Strategy sets out criteria against which proposals for ‘windfall’ development will be judged. Development Policies Plan policy DP6 also makes reference to Policy CS10. Policy CS17 sets out a number of criteria relating to the design of new development against which proposals will be judged. Policy DP2 of the 2017 Development Policies Plan sets out criteria seeking to ensure new development achieves good design

Ecology and Biodiversity

- 5.6** Policy DP25 of the 2017 Development Policies Plan identifies designated nature conservation sites. It is apparent that any loss of habitat or biodiversity features should firstly be avoided and secondly should be mitigated where possible. This former is the case with the current proposal which will not adversely affect biodiversity or result in loss of any habitat.
- 5.7** The application site sits within the 6-10km buffer zone of the North Kent Special Protection Areas and Ramsar Sites and as the application seeks approval for a single replacement dwelling it does not fall within the currently adopted threshold for screening proposed residential development for Appropriate Assessment under the Habitat Regulations in this buffer zone.

Heritage

- 5.8** Policies DP12 and DP13 of the Development Policies Plan 2017 set out how the Council will consider applications that affect Heritage Assets. The application site lies in the vicinity of some designated Heritage Assets, the scheme’s impact on the significance of these assets is considered in the Heritage statement that accompanies the application

**6 PLANNING ISSUES**

- 6.1** It is considered that there are four main planning issues in this case, and these are addressed below under separate sub-headings.

**Green Belt**

- 6.2** The NPPF at paragraphs 137 and 138 clearly sets out the purposes of the Green Belt.

*‘137. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

*138. Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*

*d) to preserve the setting and special character of historic towns; and*

*e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'*

**6.3** In terms of the impact of the currently proposed development on the purposes of the Green Belt as set out in the NPPF, it is clear that the proposed development will not be contrary to the stated purposes of the Green Belt:

- It will not add to the sprawl of a large built up area.
- It will not result in neighbouring towns merging into one another.
- It will have no impact on the countryside in terms of encroachment .
- It will not have any impact on the setting and special character of a historic town.
- It will not have any impact on urban regeneration.

The proposal's impact on the openness of the Green Belt, in the sense as set out in Paragraph 137 of the NPPF, is considered in greater detail below. It is important to note that the site is already partially developed and can be considered to be previously developed land as defined in the NPPF.

**6.4** It is also necessary to consider whether the development constitutes inappropriate development in line with the advice of the NPPF and if so, whether there are Very Special Circumstances that exist that are of sufficient weight to outweigh other considerations.

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

*148. 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.*

*149. 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;*

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*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.*

- 6.5** The application site is not in agricultural use having been used for the stabling, keeping and grazing of horses and other animals and not used in connection with a dwelling on the site for many years. The 1992 appeal decision commented that the use had been going on since the 1950s. In the 1998 application committee report, the following comments were made in response to objections from the Parish Council;

The main issue in this case is not whether a substantial private horse - keeping/stables use is appropriate, but whether the proposed replacement buildings are acceptable. The principle, notwithstanding the comments of the Parish Council, is already 'established'.

- 6.6** The recently approved Lawful Development Certificate has also confirmed that a range of existing buildings on the site are lawful through the passage of time and are not therefore temporary buildings.

- 6.7** It is contended therefore that the proposal can be considered as appropriate in the Green Belt under the terms of paragraph 149(g) of the NPPF as it constitutes the partial redevelopment of previously developed land. This is of course subject to the impact on openness of the Green Belt being acceptable in comparison to the existing development.

- 6.8** Given the fact that the development is considered to be appropriate, it is not necessary to demonstrate Very Special Circumstances.

Openness of the Green Belt

- 6.9** The application has been prepared in the light of the pre-application comments previously provided on the earlier scheme and comments received during the determination process of application 23/00033.

- 6.10** The pre-application proposal had a ridge height of approximately 8.5m and eaves of 3.5m and higher. It also projected into the site approximately 12m from the boundary. Its principal elevation with its main entrance and dormer windows set within the roof faced towards Highcross Road.



- 6.11** As with application 23/00033, the new dwelling is single-storey and has a height of around 3.5m to the ridge, some 5m lower than the original proposal. The principal elevation and therefore the main mass of the dwelling, does not face Highcross Road.
- 6.12** Importantly, the new house is still proposed to be sited parallel to the existing northern boundary replicating the siting of the current buildings and it will not project into the site as far as previously proposed.
- 6.13** The new application now proposes the removal of the existing barn and the re-siting of the dwelling further westwards. This provides a greater separation from the eastern site boundary. This change has been made following further consideration by the applicant of the suggestions made by the case officer and the Council's Urban Design Officer in their consideration of the previous application who suggested that the existing barn should be removed and the dwelling re-sited to improve the setting of the Grade II listed Ivy Cottage to the north.
- 6.14** As can be seen from the GRS Arboricultural Report it is confirmed that the existing boundary hedgerow will not be adversely affected by the proposed dwelling. None of the other trees within the site will be affected by the development.
- 6.15** These significant changes address two fundamental concerns raised in the earlier refusal.
- 6.16** As can be seen from the submitted drawings, a number of the existing buildings and structures on the site are proposed to be demolished. The combined footprint of these amounts to approximately 188m<sup>2</sup> and is larger than the footprint of the proposed dwelling.
- 6.17** It is clear therefore that there will be a substantial benefit to the openness and additionally to the appearance of the site arising from the proposals. As such it is considered that there would not be an unacceptable impact on the openness of the Green Belt.

**Design and impact on character of the area and neighbouring properties**

- 6.18** The overall mass and scale of the proposed dwelling has been re-assessed following the previous pre-application advice and that provided during the determination of the earlier application.
- 6.19** The building has a simple functional design that will not adversely affect the character and appearance of the area. The new building is single-storey. Due to the location of the dwelling relative to the site's northern boundary and the need to ensure adequate fire-protection, the dwelling would be clad in horizontal black fibre-cement boarding. This colour and the use of horizontal timber-effect boarding reflects commonly found elements on a number of buildings in the vicinity of the site.
- 6.20** The dwelling's internal layout meets the Nationally Described Space Standards.
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- 6.21** It will not be necessary to alter the existing access onto Highcross Road to facilitate the development. The new building will be sited further from Highcross Road than current buildings on the site.
- 6.22** The siting of the proposed dwelling is such that there will be no loss of privacy or amenity to the occupiers of the adjacent dwellings at Ivy House to the north or Plum Cottage to the south.
- 6.23** The site is not readily visible in long and medium distance views. Public Footpath DR26 is located approximately 160m south of the application site on lower land than the application site. The proposed dwelling would, if visible, be seen in the context of the retained existing barn and stables and the hedge behind and due to its low height and proposed materials would not be visually prominent or out of context. In shorter distance views, due to the existing screening provided by fencing and planting within and on the boundaries of the properties either side of the application site, the site is not readily visible until directly outside the site itself at the access point.
- 6.24** The height and siting of the proposed dwelling combined with the separation from and intervening planting and screening will ensure that there will be a negligible impact on the setting of Ivy House and as such any harm to this designated Heritage Asset will be less than significant and in fact would be towards the lower end of any scale of such harm.
- 6.25** It is considered therefore that the proposed dwelling would not have an adverse impact on the character of the surrounding area, the amenity of adjoining dwellings and that it is of a design that takes into account in an appropriate manner its immediate context and constraints.

### **Heritage Impact**

- 6.26** A detailed assessment of impact is set out in the accompanying Heritage Statement. In summary however the assessment concludes as follows;
- The buildings within the Site are not considered to be of architectural or historic interest, and none are considered to be representative of non-designated heritage assets (i.e. are of no heritage significance). In addition, the buildings to be demolished are considered to be a negative feature within the area. As such, it is not considered that there are any heritage issues arising from the demolition of the existing buildings within the Site.
  - Given the nature of the proposals, the sympathetic design and response to the character and appearance of the area, and the proximity of the proposed siting to both designated and non-designated heritage assets identified in the Heritage Statement, it is considered that the scheme would not result in any perceivable harm to these assets. Additionally, the removal of multiple existing buildings spread across the site, should be seen and welcomed.
  - No designated heritage assets will be impacted upon by the proposed development via a changed setting, including Listed Buildings within the surrounds of the Site and the Area of Special Character. This is primarily due to the lack of any key contribution made by the Site to such assets and absence of intervisibility. In particular it is not considered, and contrary to the view previously expressed by

the Council that the setting of Ivy Cottage would be harmed. In any event these revised proposals have resulted in the re-siting of the dwelling and the submitted arboricultural assessment also clearly indicates that the boundary hedge will be retained.

- 6.27** As such, the proposals are considered to be in accordance with the statutory requirement set out within the Planning (Listed Buildings and Conservation Areas) Act 1990, the Framework, NPPG and relevant Development Plan policy

**Ecology and biodiversity**

- 6.28** The development site is outside the 6km zone from European and Ramsar Protected sites on the Thames Estuary and as a single dwelling with 10km of those sites is not liable to make a SAMMS contribution.
- 6.29** This application is accompanied by a Preliminary Ecological Appraisal and an Arboricultural Survey.
- 6.30** In terms of the impact on trees and planting within the site, a specific issue raised by the Council in their consideration of the previous application, the submitted report confirms that the development as proposed will not result in the loss of any existing trees or hedgerows on or adjacent to the site.
- 6.31** The findings of the PEA can be summarised as follows;

*Birds*

Structures and woody vegetation offer potential for nesting birds. There was no evidence of nesting barn owl. Care must be taken to ensure that nesting birds are not disturbed during proposed works.

*Bats*

Structures proposed for demolition do not include features suitable for roosting bats. Bats could forage and/or commute over the application area. Any external lighting should follow appropriate guidelines to minimise disturbance to foraging bats.

*Reptiles*

Available ground vegetation is characterised by short sward grassland that is managed on a regular basis making the site suboptimal for reptiles. Since reptiles likely occupy adjacent areas of suitable habitat, precautionary mitigation is recommended.

*Amphibians*

No ponds are located within the application area. Four ponds are located within 500 m of the site boundary, three of which are located within 250 m. One pond is located within 70 m of the site boundary. Proposed development work will not negatively impact the local conservation status of widespread amphibian species. Appropriate survey and/or mitigation for great crested newt is recommended.

*Badgers*

No evidence of badger was observed within the application area.

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*Dormouse*

Habitat suitable for dormouse will not be disturbed by the proposed development.

*Beaver, Otter and Water Vole*

Available habitat is considered unsuitable for beaver, otter or water vole.

*Hedgehog*

Hedgehog could shelter and/or forage within the local area. Precautionary mitigation for hedgehog is recommended.

*Invertebrates*

Available habitat within the proposed development area is considered to offer opportunities for widespread species of invertebrates.

- 6.32** Appropriate landscaping within the site, together with precautionary mitigation and biodiversity enhancement measures as recommended in the PEA can be secured by means of an appropriate condition. With regard to Great Crested Newt mitigation the applicant will be using the DLL route and confirmation of this through an IACPC Certificate will be provided as soon as it becomes available from Natural England.

**Other issues**

- 6.33** In terms of the site's location and the Council's approach to 'windfall development', it is recognised that the site is not in a highly sustainable location nor close to every day facilities and that the applicants are likely to rely on the private car for most daily activities. However, it is the case that the current use of the site by the applicants does generate traffic movement as the applicants attend site to look after the various animals and livestock accommodated on it. This involves vehicle movements along the local network to and from the applicants current house to the site which would counterbalance future movements to and from the site from the proposed dwelling.
- 6.34** It is also acknowledged that the Council can currently demonstrate a 5-year supply of housing land. That in itself, does and should not preclude permission for new housing development given the NPPF guidance at paragraph 60 on the need to boost the supply of housing overall. The provision of a new dwelling in this location will also provide an opportunity for its future occupiers to support local services.

**7.0 CONCLUSIONS**

- 7.1** The application proposals are considered to be appropriate development in the Green Belt through them constituting partial re-development of previously developed land.
- 7.2** The proposals will not have an unacceptable impact on the openness of the Green Belt. The proposed building is of a lower footprint and volume than the existing structures that will be removed. Its siting respects the existing pattern of the buildings on the site and will not unacceptably intrude into the openness of the overall site, which in any event will be enhanced through the removal of the existing structures.

- 7.3** The proposals will not have an unacceptably adverse impact on the overall character and visual amenities of the area or the amenities of the occupiers of adjacent and nearby existing dwellings.
- 7.4** The design of the dwelling and proposed external materials are acceptable and will not have an adverse visual impact.
- 7.5** The impact of the proposed dwelling on the setting of the adjacent designated heritage asset Ivy House, will be less than substantial and towards the lower end of the harm scale.
- 7.6** It is acknowledged that the site is not in a fully sustainable location and that the future occupiers of the dwelling would largely be reliant on the private car for day to day needs. However, it would result in the construction of a self-build dwelling and make, an albeit limited, contribution to overall housing supply and upon completion to the support of local services. The existence of a five-year supply does not mean that all suitable housing development should then be resisted. Future trips to and from the new dwelling would be offset by the ceasing of the existing trips to the site made by the applicants to tend to the animals and livestock/birds.
- 7.7** It is considered that the revised proposals have addressed the Council's previous concerns and that they accord with relevant Development Plan policy when taken as a whole and that permission should be granted for the development as applied for.

# **APPENDIX ONE**

## **Delegated Report for Application 23/00033**

## DELEGATED REPORT SHEET

**APPLICATION NO:** 23/00033/FUL

**LOCATION:**

Land Known As Harlands Highcross Road Southfleet Kent

**DESCRIPTION:**

Demolition of a range of existing buildings and the erection of a single-storey dwelling and provision of utility room in part of existing retained barn

Is this description different to that set out in the application form? NO

**TARGET DATE:** 14.03.2023

**DATE SITE NOTICE / PRESS NOTICE EXPIRES:** 25.02.2023/ 27.02.2023

**RELEVANT HISTORY**

22/00769/LDC Application for a Lawful Development Certificate existing for the buildings that were required to be demolished pursuant to condition 03 of permission DA/98/00120/FUL dated 14/04/1998 have not been demolished and are still in-situ and other buildings and structures on the site were substantially complete in 2013 and have remained in-situ since that time. 25.08.2022 CE

98/00120/FUL Demolition and replacement of existing stables, tack room and barn together with erection of new machinery store and two storage bays for manure 14.04.1998 PER

**RELEVANT POLICIES**

Core Strategy:

CS13: Green Belt

CS17: Design of Homes

Development Policies Local Plan:

DP2: Good design in Dartford

DP3: Transport impacts of development

DP4: Transport access and design

DP5: Environmental and amenity protection

DP6: Sustainable residential location

DP7: Borough housing stock and residential amenity

DP8: Residential space and design in new development

DP22: Green Belt

DP25: Nature conservation and enhancement

The Council submitted for examination the Pre-Submission (Publication) Dartford Local Plan on 13 December 2021. With completion of its examination in public, through both legal compliance and soundness Stages, new policies clearly represent a material consideration in the determination of planning applications. The last (Stage 2) examination hearing day was held 11th May 2023.

NPPF paragraph 48 advises weight may be given according to the stage of plan preparation, extent of unresolved objections to relevant policies, and degree of consistency with the NPPF. The

Council considers the plan now very well advanced, albeit the examination has not yet concluded. In terms of policy objections, the following policies have consistently lacked unresolved soundness objections and regards all these policies as demonstrably consistent with the NPPF. Dartford Borough Council considers applicable policies including the following may be material considerations afforded greater weight : S3, D1, D2, D3, D7, E3, M5, M6, M11, M13 & M16. The relevant Policies are:

M1: Good design for Dartford  
M2: Environmental and amenity protection  
M10: Residential amenity space provision  
M11: Residential extensions, new dwellings and garden land  
M13: Green Belt in the Borough

National Planning Policy Framework 2021

Paragraph 55: conditions  
Paragraph 126: Good design  
Paragraph 189: heritage assets  
Paragraph 130: environment and landscape setting  
Paragraphs 137-151: Green Belt  
Paragraph 200: listed buildings

Kent Minerals and Waste Local Plan 2020

## **KEY CONSTRAINTS**

Green Belt  
Area of Archaeological potential  
Groundwater source protection zone  
Southfleet Parish  
Amber Great Crested Newt Risk Zone  
Setting of a number of grade II listed buildings  
Area of Special Character

## **CONSULTATION RESPONSES**

CONSULTATIONS/NOTIFICATIONS CORRECT? YES

Biodiversity KCC: advise that no ecological information has been submitted with the application and therefore they advise that further information is sought from the applicant prior to determination. They request that an Ecological Impact Assessment including a preliminary roost assessment of the existing buildings and preliminary ground level roost assessment of any trees likely to be impacted by the works.

They further advise of records for hazel dormouse, Great Crested Newts (the site also being within an amber risk zone for Great Crested Newts) and also potential for roosting bats, birds and barn owls on the site. As a result of the various risk factors they advise that the ecological assessment should be sought prior to determination.

Lushland: advise that the main arboricultural feature to be affected would be an overgrown hedge along the northern boundary of the site behind the existing stables and outbuildings. He advises that no arboricultural information has been provided in order to indicate what the impact of demolition and then construction of a new dwelling would have. He considers it likely that some cutting back of the hedge will be required for construction and to provide clearance for windows.



Due to the absence of arboricultural information he advises that he cannot comment further without an arboricultural impact assessment and method statement which should be produced in accordance with BS5837:2012.

Conservation Officer advises that the site is within the setting of several grade II listed buildings including; Ivy House, Oasthouse and 2 Cylindrical oasts approximately 100 metres to north west of 34 Highcross Road, at Westwood Farm, Stables approximately 60 metres to north of no 34, Highcross Road, Granary approximately 15 metres north of 34 Highcross Road, Stables approximately 20 metres north of 34 Highcross Road.

The site is also within the Westwood Area of Special Character.

He advises that the buildings within the site itself are not considered to be of architectural or historic interest and therefore raises no objection to their demolition.

He advises that the site is a sufficient distance from the listed buildings and, with the intervening vegetation, there is intervisibility to a limited extent between the site and the listed buildings. Due to the scale of the development proposed he advises that it would not cause significant harm to the setting of the listed buildings.

He goes on to say that, bearing in mind the overall impact of the development, the harm caused would be 'less than substantial harm' (paragraph 202) in the context of the guidance set out in chapter 16 of the NPPF.

He further comments that the listed buildings and their overall significance would remain predominantly intact. However, they derive part of their significance from their settings hence, there would be some harm caused to the settings of the listed buildings in the vicinity. The Act requires special regard to be had to the desirability of preserving listed buildings and their settings.

He states that the proposal would provide some benefits in terms of the provision of housing and the removal of the existing, somewhat ramshackle, corrugated metal structures and their replacement with a building of a design and materials that are sensitive to its surroundings. Against that, the proposal would cause harm to the setting of listed buildings. While, in the parlance of the NPPF, that harm would be less than substantial, the desirability of avoiding any harm requires special regard, or special attention.

He therefore concludes by stating that, while there are some benefits to the proposal, he does not consider they are sufficient to outweigh the less than substantial harm that would be caused to the significance of the designated heritage assets affected. The proposal would also be contrary to the statutory provisions of the Act and he does not support the proposal.

Kent Highway Services: advise that the proposal does not warrant their involvement

Environmental Health: recommend conditions relating to contamination and disturbance during construction

Kent Fire Brigade: advise that the access requirements for the fire and rescue service have been met

KCC Heritage-Archaeology: advise that, whilst the site lies within an area of multi-period archaeological potential, the proposals are considered unlikely to have a significant below ground impact and therefore have no further comments to make

Southern Water: advise that there are no public foul and surface water sewers in the area to serve the development and therefore the applicant should examine alternative means of foul and surface

water disposal. They also advise that it is possible that a sewer now deemed to be public is crossing the site and if a sewer is found during construction then an investigation of the sewer will be required to ascertain its ownership before further works continue

Southfleet Parish Council object to the development on the grounds that it would be unacceptable development of the site detrimental to the character and openness of the Green Belt

COMMENTS FROM NEIGHBOURS: an anonymous comment was received in writing but as the author did not disclose their address I cannot give this weight in the consideration

## **SITE DESCRIPTION**

The site is located on the western side of Highcross Road in Southfleet. The entire site is within the Green Belt and the front (eastern side) of the site where the new dwelling would be located is within the Westwood Area of Special Character. The site is also within the setting of some grade II listed buildings, most notably Ivy House to the north. The access to the site is from Highcross Road in the form of a concrete driveway, there are fairly steep banks either side of the access and a wooden gate marks the entrance to the site. The site is primarily grass with a number of single storey outbuildings to the northern and western edges of the site.

## **PROPOSAL**

Planning permission is sought for the demolition of a number of the existing outbuildings and the erection of a new dwelling. Some of the buildings are to be retained and one (labelled a barn) partly converted to a utility room as part of the residential use. The existing use of the site is not residential and therefore the proposal will also involve a change of use of the land. A block plan has been provided at officer request to indicate the extent of residential curtilage and as such the change of use would not be for the entire site.

It is relevant to note that a number of the buildings on site are considered to be lawful by virtue of a recent lawful development certificate 22/00769/LDC.

## **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

1. Is the development CIL liable? YES – self build exemption applied for
2. Is the floorspace of the development (excluding new dwellings) very close to 100 sq m? N/A
3. Has the development already started? NO
4. Is there an existing building on site (note – this does not include any new building the subject of the planning application if retrospective)? YES

If YES, has the building been in continuous lawful use for a period of no less than 6 months in the last 3 years (prior to planning permission being granted)? YES

The buildings appeared to be in use at the site visit in August 2018 and in January 2023. A number contained various items being stored in relation to the upkeep of the site, None of them appeared to be derelict, the site itself appears to be maintained regularly and there are birds kept on site. As such I conclude that they appear to be currently in use.

## KEY ISSUES

The key issues relate to; whether the development is appropriate development in the Green Belt and, if this is not the case, whether any very special circumstances exist; biodiversity implications; impact to the setting of the nearby listed buildings; impact on visual amenity; the principle of development in terms of the provision of housing on this windfall site; impact on residential amenity; standard of accommodation proposed and; parking provision.

With regard to the Grade II listed:

- Ivy House, Highcross Road
- Oasthouse and 2 Cylindrical oasts approximately 100 metres to north west of 34 Highcross Road
- Stables approximately 60 metres to north of no 34, Highcross Road
- Granary approximately 15 metres north of 34 Highcross Road
- Stables approximately 20 metres north of 34 Highcross Road

the decision maker is required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The decision maker must also give considerable importance and weight to the desirability of preserving the setting of the listed building (see *Barnwell Manor Wind Energy Limited v East Northamptonshire District Council and others* [2014] EWCA Civ 137).]

## COMMENT

### 1. Inappropriate development in the Green Belt

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and will be resisted. Such development will only be deemed acceptable where very special circumstances are found to exist, that is other considerations which outweigh the harm by reason of inappropriateness and any other harm.

Paragraph 149 of the NPPF lists certain exceptions which are not inappropriate within the Green Belt, these are; buildings for agriculture and forestry, facilities for outdoor sport, recreation, cemeteries and burial grounds, extensions or alterations to existing buildings, replacement buildings, limited infilling in villages, limited affordable housing for local community needs, limited infilling or redevelopment of previously developed land.

The most relevant exception which could apply to the site is paragraph 149 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.*

The planning history of the site indicates that the buildings and use of the land is lawful. I refer to planning application reference: 98/00120/FUL and the associated committee report:

It is stated within the committee report that the site “is within separate ownership with no associated

dwelling” and that “there is a row of old buildings along the northern boundary of the site...these consist of stables and storage constructed of wood and corrugated iron”. The report also states that “the buildings appear to have been on site for many years and certainly the grazing/stables use was accepted at the time of an appeal in 1992”.

I further note that the lawful development certificate (22/00769/LDC) also established the lawfulness of most of the buildings on site.

The land is considered to be previously developed, although I note that the built development on site is largely contained to the northern and western boundaries. Exception g) is accompanied by some stipulations, that is, that the development not have a greater impact to the openness of the Green Belt than the existing development or that it not cause substantial harm and meet an affordable housing need. The proposal is not for affordable housing and as such the first criterion is relevant.

In order to consider whether the development complies with this criterion and can be considered as appropriate development in principle it is necessary to undertake a full assessment of the details of the proposal.

The dwelling will be located at the north eastern corner of the site in a location where there is an existing outbuilding. The existing building has a sloping roof so that its front (south) elevation sits slightly higher. The land also slopes on site resulting in different heights from east to west. As such the building has a height of between 2-2.5m at its front and 1.8-1.2m at its rear. It is 20 metres long and around 3.5 metres deep. The building is constructed of corrugated and wooden panels and wooden posts and is not entirely enclosed to its front elevation with sizeable sections being open.

In comparison the proposed dwelling would have a 3.5m ridge height and a 2.4 metre eaves height attaching to the existing barn. The house itself would have a depth of 14 metres and, in combination with the attached barn, the entire structure would have a depth of 24 metres. In addition to the greater height of the dwelling I note that its construction would be more substantial and domestic in character in comparison with the somewhat open and low building, which one would expect to see in a rural/agricultural/equestrian type setting. Based on my site visit there does appear to be some cabling to the building which may have provided some light to parts of it and there is an external light mounted on a pole, presumably for security purposes. However the building does not have any glazing or windows in the manner which is now proposed. The new dwelling would have several windows to all elevations, a total of 8 windows, a set of bi-fold doors and a front entrance door. This would result in light leakage into what is currently a fairly dark and rural area thereby introducing a residential character into the area. There is also a new window proposed in the existing barn building as part of its conversion.

The proposed block plan also shows a larger area of hardstanding, whereas the extent of existing is limited to the access and a narrow strip in front of some of the buildings. There is a separate residential curtilage shown which would be limited to the eastern side of the site and what appears to be a small gate shown indicating that there would be boundary treatment between the residential curtilage and the rest of the site. I note that the block plan has been amended at officer request as the plans did not previously indicate parking or where the residential curtilage would be. This plan was requested as part of other amendments which the officer considered would serve to reduce the impact to the Green Belt but the applicant opted not to make such amendments. I note this to indicate that, some of the harm to the Green Belt is as a result of fencing dividing sections of the site, the hardstanding and additional parking space but the block plan was requested as part of wider amendments. As such it is relevant to consider these harms as part of the assessment, before this plan was provided it was now known whether or not there would be a separate residential curtilage or where parking would be located.

The plans indicate that the existing stables and barn are to be retained on site. The applicant has advised that the barn is used to store equipment used for maintaining the land under the applicant's

control including the paddock shown in the blue line area. Consequently, whilst some of the buildings are to be removed, and this will be discussed later in the report, the retention of some of the more substantial buildings and their use in addition to the new residential use would represent an intensification in the use of the site. This includes the provision of additional lighting into a fairly dark rural site, hardstanding, parking, fencing/boundary treatment, domestic paraphernalia, an overnight presence on a site which would currently be in use by the applicants during the day and other domestic features associated with a residential use which are not currently present on the site.

The development is considered to have a greater impact, in terms of both visual and special considerations, on the openness of the Green Belt by virtue of the provision of a larger, more substantial building on site and additional fencing, domestic paraphernalia and other elements which are part and parcel of the establishment of a domestic curtilage. Consequently I do not consider that the development falls within the above exception and is therefore inappropriate development in the Green Belt in principle.

Paragraph 134 of the NPPF sets out the 5 purposes of the Green Belt, these are;

a) To check the unrestricted sprawl of large built-up areas -

It is accepted that the development would not have a sprawling effect given its location some distance from the boundaries of large built-up areas.

b) To prevent neighbouring towns from merging into one another -

It is accepted that the location of this site, some distance away from the town, would not contribute to a merging affect.

c) To assist in safeguarding the countryside from encroachment –

The proposed development would provide a new dwelling and result in increased hardstanding and other urbanising features on what is currently largely a grass area. I do note that there are buildings on the site but the overriding impression of the site is that it is largely open to the south and across its centre. It is bordered by paddocks and open countryside to the south east and west. As such the open rural character of the site would be eroded by virtue of the establishment of a residential curtilage and the associated new dwelling and other domestic features such as fencing. It is considered that the proposal would result in encroachment into the countryside. The development clearly encroaches into the countryside and therefore fails to preserve this purpose of including land within the GB.

d) To preserve the setting and special character of historic towns –

This is not relevant to the application site.

e) To assist in urban regeneration by encouraging the recycling of derelict and other urban land –

It is considered that the siting of this dwelling would not assist in regeneration of the urban area.

It is therefore my view that the development would conflict with purpose c) as set out at paragraph 134 of the NPPF.

As the proposed development is considered to be inappropriate in the Green Belt, it could only be deemed acceptable if Very Special Circumstances were found to exist – that is other considerations which outweigh the harm by inappropriateness and any other harm.

The other harms listed in policy DP22 are:

a) *the extent of intensification of the use of the site;*

The known lawful use of the site based on the planning history and as indicated above is for grazing/stabling of horses. In an appeal decision dated 2nd November 1992 the Inspector referred to the use of the site, "the paddock's use for equestrian recreation is a long standing use of low intensity". Since this time additional buildings have been erected on the site and the applicant has referred to the keeping of horses more recently in connection with the lawful development certificate application. It appears that there are not currently horses on the site, based on the recent site visits of August 2022 and January 2023 however the site has not undergone a formal change of use. As such the use of the site, based on the lawful development certificate, aerial mapping, site visits and planning history, has not materially or formally been changed.

By comparison the current application seeks to provide a new dwelling on the site, thereby providing a new separate use which would introduce a constant presence onto the site and all comings and goings one would expect to be associated with a residential dwelling. The planning statement indicates that "the land is used for grazing and the keeping of horses and other birds and animals". The use of the land for the keeping of birds and other animals has not been formally established although I do note that this could be ancillary to the use of the site for the keeping of horses. I do note that, of the chicken coops shown on the lawful development certificate plans, 3 of these were not granted a lawful development certificate as there was not considered to be adequate evidence that these had been in situ for 4 years or more. As such, whilst there were numerous birds on the site at the site visit in 2022 I am not aware of this having been formally established, other than as an ancillary/ incidental use. That is to say that, the lawful use of the site is considered to be for the keeping of horses and the applicant has also mentioned the keeping of birds and other animals. There is no indication that either of these uses is to cease and as such the use of the site will include both the animal keeping and the residential dwelling. As such the use of the site will intensify as a new use will be introduced, which is different in nature to the current use, and the existing use will be retained. I do not consider that the applicant needing to commute to the site to attend the animals rather than living on site represents a more intensive use as there is currently no residential use on site.

Consequently there will be a marked intensification in the use of the site.

b) *the impact of an increase in activity and disturbance resulting from the development, both on and off the site, including traffic movement and parking, light pollution and noise;*

The introduction of a dwelling and formation of domestic curtilage will result in increased, and more formal, parking on site in addition to light pollution from the windows and glazed doors. There will also be a constant presence on site and the use of land as a garden which has the potential to create additional noise and light pollution. The proposal is for one dwelling, there will be traffic movement associated with this by the residents, deliveries, visitors etc in addition to any deliveries required for the stables and animal keeping.

c) *the impact on biodiversity and wildlife;*

The site is in the Green Belt and within a Great Crested Newt Risk Zone. KCC Biodiversity have commented that additional information is required prior to determination as the application was not accompanied by any ecological information.

They also advise of records for hazel dormouse, Great Crested Newts and also potential for roosting

bats, birds and barn owls on the site. As a result of the various risk factors they advise that the ecological assessment should be sought prior to determination.

The comments of KCC Biodiversity indicate that there is a potential of harm to wildlife and biodiversity as a result of the development. The removal of some of the buildings which are potential roosting locations, as well as the provision of additional hardstanding, increased light pollution, introduction of residential character such as fencing, domestic paraphernalia and the use of some of the land for parking and a garden are all likely to result in impacts to biodiversity and wildlife. As the applicant has not provided any ecological information with the planning statement indicating at 6.24 that “the development will not have an adverse impact on ecology or biodiversity” and that “the proposals will not result in the loss of any existing trees on or adjacent to the site”. These claims are not supported by surveys and evidence and as such, based on the lack of information and the comments of KCC Biodiversity, I conclude that there is insufficient information in this respect and therefore I cannot rule out that there would be an impact to biodiversity on the site.

In addition to this I note that the Council’s tree consultant has advised that he considers it likely that hedging on the boundaries will need to be cut back and that, without any arboricultural information, he cannot comment further on this. The loss of hedging could also affect birds and other wildlife and as there is also lack of information or supporting evidence that the hedge can be fully retained. This has further biodiversity and wildlife implications.

The introduction of a new residential use is, in principle, likely to affect wildlife. This is not to say that an acceptable impact could be demonstrated but this is not the case. Additional information was not sought from the applicant as the scheme is unacceptable for other reasons. That’s being said, the applicant/agent would have been aware of the comments by KCC Ecology as a publicly displayed document and could have sought to address the comments. The applicant was invited to amend the development itself but declined to do so and consequently it was not considered practical to request additional ecological information.

*d) the impact on visual amenity or character taking into account the extent of screening required;*

The new building and its curtilage will introduce a residential/ domestic character onto a plot which is largely grass and modest single storey buildings which once would expect to find on a rural/equestrian type site. Other than the buildings to the perimeter the land is fairly open. The establishment of residential curtilage would require additional fencing, hard standing and other domestic features. The development would have an urbanising impact on this rural area. The removal of the small scale buildings, such as sheds and chicken coops, which are in keeping with the current use and character of the site, would open up the site to greater views from the west so that the new house and any other associated features would be more visible from the open fields and countryside. In order to prevent these views substantial planting and/or screening would be required.

As such the development is considered to have a marked impact to the visual amenities of the area by virtue of the above.

*e) impacts arising from infrastructure required by the development.*

The proposal is for one dwelling and therefore, aside from the on-site parking provision, should not generate a need for notable infrastructure provision. I do note that the provision of hardstanding itself is part of the additional harms to the Green Belt as noted above.

I consider that there is notable additional harm as well as the harm by inappropriateness. The planning statement submitted with the application indicates that, as the development is considered to be appropriate, they do not consider that it is necessary to demonstrate Very Special

Circumstances. However, whilst a case has not been put forward, it is still for the decision maker to consider whether these exist.

### Whether Very Special Circumstances Exist

The NPPF (paragraph 148) indicates that substantial weight is given to any harm to the GB. VSC will only be found to exist where other considerations outweigh the harm by inappropriateness and the other harms.

The proposal includes the removal of some buildings from the site, as shown on the accompanying block plan. These buildings are located on the eastern and northern boundaries and to the south western corner of the site. The buildings have been described in places throughout this report but I highlight again that these are all single storey, low level structures. Those which are larger or are of more substantial construction are located to the northern boundary and a number of these are to be retained, based on the block plan. As such the barn, garage, stables and manure store will all remain on site.

The planning statement indicates that the demolished structures on site will amount to 245 cubic metres in volume with a footprint of 149 cubic metres. They have not stated a volume for the new dwelling within the statement. Based on the elevations and plans provided the new dwelling will have a volume of around 313 cubic metres and will be attached to the existing barn which will undergo a partial conversion to provide a utility room in part. I note that the consideration of harm and openness within the Green Belt is not limited to a volume calculation and there are additional harms identified above relating to the use, intensity, character, visual amenity, biodiversity and other considerations. The removal of the buildings will also result in a loss of existing screening for the new dwelling and their removal also has the potential to cause harm to biodiversity by virtue of impact to roosting locations.

I do not consider that the removal of the greenhouse, chicken coops, sheds and other small outbuildings (some of which may not be lawful) outweighs the harms identified above and as such they do not constitute VSC.

The site is within the setting of a listed building and in an Area of Special Character, as such I now turn to consider the impact to these of the new development.

### 2. Listed buildings and area of special character

Policy DP13, in relation to listed buildings states:

“Development proposals affecting statutorily listed buildings should have special regard to the desirability of preserving the building or its setting. Loss of or harm to a statutorily listed building or its setting will only be permitted in exceptional circumstances in line with clauses 3 and 4 above.”

With clauses 3 and 4 being:

“3. Where a proposal will lead to substantial harm or total loss of significance, permission will be refused unless it can be clearly demonstrated that the development is necessary for substantial public benefits to be achieved that will outweigh the harm or loss.

4. Where a proposal will lead to less than substantial harm, this will be weighed against the public benefits of the proposal.”

Harm is caused if significance is eroded (to any extent). Significance of a heritage asset is defined in the NPPF and setting of the heritage asset can also contribute to its significance. Setting is defined in the NPPF as follows: “The surroundings in which a heritage asset is experienced. Its extent is not



fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.” There is usually no fixed boundary to setting (see *Catesby Estates Limited v Steer* [2018] EWCA Civ. 1697)]

The site is located near to a number of listed buildings. The conservation officer has identified that the proposal would cause less than substantial harm to the setting of the listed buildings by virtue of the provision of a higher more substantial building at the front of the site. I note that the closest and therefore most impacted building would be Ivy House to the north. At present there is notable vegetation on the boundary upon which the conservation officer has commented. Given the tree consultant’s comments in relation to the likely reduction to the boundary hedging I consider that some of the natural screening between the listed building and the site is likely to be lost. Its retention has not been demonstrated within the application documentation and as such I do consider that, as well as the biodiversity implications above, there is potential impact to the setting of the listed building, Ivy House.

I consider that the provision of a larger building within the setting of Ivy House, in addition to the loss of some natural screening thereby adding to the building’s visibility within the setting, is likely to cause less than substantial harm to the setting of Ivy House. There are no identifiable public benefits and as such the proposal is contrary to policy DP13 and paragraph 202 of the NPPF.

In relation to the Area of Special Character the listed buildings form an important part of the character of the ASC as such any impact to their setting would in turn affect the character of the ASC. Being higher and more substantial than the existing buildings the new house is likely to disrupt some views of Ivy House from the south. As such in addition to the harm to the setting of the listed building I identify some impact to the character of the ASC which is primarily derived from the dispersed group of listed buildings within the area.

### 3. Windfall site

The site is a windfall site as it has not been identified for housing development within the Council's Strategic Housing Land Availability Assessment (SHLAA) being for less than 5 units. Windfall policy (principally CS10 and DP6) has been developed to ensure that unidentified sites are of a quality commensurate with identified sites so that the Council's strategy for development and associated infrastructure provision is not undermined. The Housing Windfall SPD is a material consideration.

CS10:4 sets out criteria for assessing windfall sites to ensure their quality is acceptable. The criteria includes 4 points, of which c) and d), relate to infrastructure provision are less relevant given that the proposal is for 3 units. Most relevant to this scheme are points a) and b):

#### a) The sustainability of the site for housing development

The sustainability of the site is determined via two key elements; the classification of a site in terms of brownfield or greenfield land and the accessibility of a site in relation to public transport links, shops, services and community facilities.

The site is brownfield land which is, in principle, more favourable for development. However I note that not all of the land is built up, there are large areas of the site which are undeveloped and are grassed areas. The development of the site would mark a step change in terms of the character of the land, as discussed above. Nonetheless I do give positive weight to the classification of the land as previously developed.

In terms of the accessibility of the site the Council's Windfall Supplementary Planning Document advises a desirable walking distance of 400m to public transport and 800m to community facilities.

Walking environments should be pleasant and safe. The 400m walking distance should represent the distance that would be walked along a well-defined, safe and secure, and direct and accessible route.

There is a bus stop around 320 metres away which provides buses to Bluewater, Greenhithe and Longfield. During the day these appear to run once every two hours which is unlikely to encourage modal shift away from car use. The walk to the bus stop is also on the road and not a safe walkable route, it is considered. Given the rural location of the site it is also some distance from shops and community facilities and consequently the occupants are likely to rely on the car as the primary mode of transport. Consequently the site is considered to have a low level of accessibility.

The Council seeks to site development in accessible locations close to services, shops and public transport in order to facilitate modal shift away from reliance on the car as the primary mode of transport. If new dwellings are sited in inaccessible locations then occupiers are much more likely to rely on car travel. If a house is near to shops, schools, services, public transport links then this can assist occupiers in opting to walk or use public transport.

The site is not accessible but it is previously developed land. It is however, also in the Green Belt. As such the site is fairly favourable for development as the classification as PDL is given the highest weighting in the balance of sustainability. This must be weighed against the identified disbenefits.

b) Whether benefits of development outweigh disbenefits;

The inappropriate development in the Green Belt and associated 'other harms', harm to the setting of heritage assets and potential harm to ecology and biodiversity are a significant disbenefits.

- Residential amenity

The site is bordered by residential sites but, given the proposed location of the dwelling and the site's existing lawful use I do not consider that the provision of a single storey dwelling on the site is likely to give rise to harm to neighbour amenity.

- Quality of accommodation

The internal layout will exceed the requirements of the Nationally Described Space Standards (NDSS). The site would also provide a large garden and a spacious plot for occupiers. This being said the rear of the building would be very close to the boundary and a dense hedge, it has been indicated by the trees consultant that this hedge is likely to be reduced as a result of the development however it could result in lack of outlook and light for one of the bedrooms.

As such I am concerned that there would be reduced quality of accommodation for the master bedroom. This is also a disbenefit of the development.

- Design

Design should respond to, reinforce and enhance positive aspects of the locality. Given the siting of the building within the setting of a listed building and the likely reduction to the intervening hedging the design of the overall proposal is considered to impact negatively upon the locality. In and of itself the design is not deemed to be poor rather its height, siting and loss of screening between the dwelling and the listed Ivy House demonstrate poor design in terms of the overall scheme and its setting.

- Highway amenity and parking provision

Parking provision is acceptable to serve the development. The development does not merit the

involvement of the highway authority. The access is in situ and in use. Whilst parking provision is acceptable, the provision of additional hard standing has impacts to the Green Belt and visual amenity.

- Biodiversity

The biodiversity implications have been discussed above. I note that the biodiversity impacts are considered to be harmful based on the current lack of information to the contrary. This cannot be dealt with via condition as the biodiversity of the site and potential impacts to protected species and wildlife would need to be established prior to consent being granted.

- Conclusion to windfall assessment

The benefit of providing one dwelling on the site is significantly outweighed by the provision of inappropriate development in the Green Belt and the associated other harms and the disbenefits of within this Green Belt context, inaccessible location, poor quality accommodation for part of the property, harm to setting of listed building and the associated ASC impacts to biodiversity.

## **HUMAN RIGHTS IMPLICATIONS**

In determining the application, the Council, as local planning authority, is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the 1998 Act, prohibits local planning authorities from acting in a way, which is incompatible with the European Convention on Human Rights. The Convention rights (both qualified) likely to be engaged are:

- Article 8: Respect for private and family life, home and correspondence;
- Protocol 1, Article 1: Right to peaceful enjoyment of property.

In practice, the Council, as the Local Planning Authority, in determining a planning application will, having regard to the interests of the community and those of the applicant, undertake a balancing exercise to ensure a fair outcome.

I am satisfied that any potential adverse amenity impacts are acceptable and that any potential interference with the Convention rights are legitimate and justified. Both public and private interests are to be taken into account. The main body of the report identifies the extent to which there is interference with the Convention rights and whether the interference is proportionate. In summary, Article 8 and Protocol 1, Article 1, are not considered to be unlawfully interfered with by the application.

## **Public Sector Equality Duty**

Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is not considered that the proposal holds any material implications in this respect.

## **CONCLUSION / REASON FOR RECOMMENDATION:**

The proposal is considered to be inappropriate development in the Green Belt and there are no VSC which have been found to outweigh this harm. There is also less than substantial harm to the setting of a grade II listed building, there have not been any public benefits identified which would outweigh this harm. The site is also a windfall site and the disbenefits of developing the site have also been found to outweigh the benefit of providing housing on site. As such the development is contrary to the Council's policies and to the NPPF. There is also insufficient information in respect of biodiversity features and wildlife. I therefore recommend that it be refused.

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**RECOMMENDATION****REFUSAL****DECISION CODE****REF****DRAWING NOS: 3723 - 01 SITE LOCATION PLAN, 3723 - 05 PROPOSED FLOOR PLAN , 3723 - 06 PROPOSED ELEVATIONS, 04 REV A PROPOSED BLOCK PLAN****CIL LIABLE: Y****REVISED DATES:** and revised on 05.05.2023**Has the applicant agreed to pre-commencement conditions? N/A****CONDITIONS/REASONS**

1. The proposal is considered to be inappropriate development in the Green Belt, and would be significantly harmful to its openness, rural character, and the purposes of the Green Belt. Very special circumstances have not been demonstrated to outweigh this harm and the proposal is therefore contrary to Core Strategy Policy CS13 and Policy DP22 of the adopted Dartford Local Plan and chapter 13 of the National Planning Policy Framework and policy M13 of the emerging draft local plan.
2. The benefit of providing one dwelling on site is not considered to outweigh the disbenefits of development. The disbenefits of the development are; inappropriate development in the Green Belt conflicting with the purposes of the Green Belt; harm to the rural character of the area; poor accessibility of the site, insufficient information to demonstrate that there would not be harm to biodiversity and protected species; harm to the setting of heritage assets. As such the development is contrary to policies CS1, CS10 and CS13 of the Core Strategy, Policies DP2, DP6, DP13 and DP25 of the Dartford Development Policies Plan, the Housing Windfall Supplementary Planning Document (2014) and policies M1, M2, M5, M9 and M13 of the emerging draft local plan.
3. Inadequate information has been submitted to adequately assess the impact of the proposal on protected species and to ecology and biodiversity features contrary to Policy DP25 of the Dartford Development Policies Plan and M15 of the emerging draft local plan.
4. The proposed dwelling, by virtue of its siting to the front of the site in a prominent position, scale, potential loss of screening in the form of boundary hedging and proximity to Ivy House (a grade II listed building) and the manner in which it will disrupt views of Ivy House will be harmful to the setting of this listed building and the Westwood Area of Special Character. This is considered to result in less than substantial harm to the listed building, no public benefits have been identified to outweigh this harm and therefore the development should be refused. This is contrary

to policies DP2 and DP13 of the Dartford Development Policies Plan, policies M5 and M6 of the emerging draft local plan and paragraphs 189 and 200 of the NPPF.

**SHORT CODE FOR REFUSALS OR REASONS FOR VARIATION OF CONDITION (VCON):**

Inappropriate development in the Green Belt, harm to setting of listed building and Area of Special Character, unacceptable windfall development, impact to biodiversity and wildlife

<b>DATE:</b>	<b>PLANNER:</b>	<b>HoPS:</b>	<b>DM:</b>	<b>PP/MPTL</b>
2 <sup>nd</sup> June 2023	ALAVER		<b>EE 2.6.23</b>	

# APPENDIX TWO

## Development Plan Policies

# *Dartford Core Strategy*



*Adopted September 2011*

**DARTFORD**  
BOROUGH COUNCIL



**Policy CS 10: Housing Provision**

1. In order to meet housing needs and to provide an impetus for regeneration of the Borough, land is allocated for housing in accordance with the spatial strategy set out in Policy CS 1. The capacity between 2006 and 2026 is as follows<sup>107</sup>:

Dartford Town Centre inc Northern Gateway	up to 3,070
Ebbsfleet to Stone	up to 7,850 <sup>108</sup>
Thames Waterfront	up to 3,750
Other sites north of A2	up to 2,400
Sites south of A2, normally provided within village boundaries	200

2. The Council will support proposals for housing as identified through the strategic site allocations in Policies CS 3 and 5 and shown on the Proposals Map.

3. Housing proposals will also be supported in the broad locations for development, as identified in Table 1 below and shown on Diagram 2, subject to compliance with other policies in this Plan and with future Local Development Documents.

**Windfall Sites**

4. Planning applications for sites not identified as deliverable or developable in the SHLAA<sup>109</sup> will be assessed in the same way as planned development by consideration of:

- a) The sustainability of the site for housing development<sup>110</sup>;
- b) Whether benefits of development outweigh disbenefits;
- c) The capacity of the current and proposed infrastructure to serve the development taking into account committed and planned housing development<sup>111</sup>;
- d) Where spare capacity is not available, the ability of the site to provide for the requirements it generates.

5. The Council will monitor the role of windfall sites in overall housing provision and the impact on infrastructure capacity. Where critical trigger points are reached, the Council will take appropriate management action<sup>112</sup>.



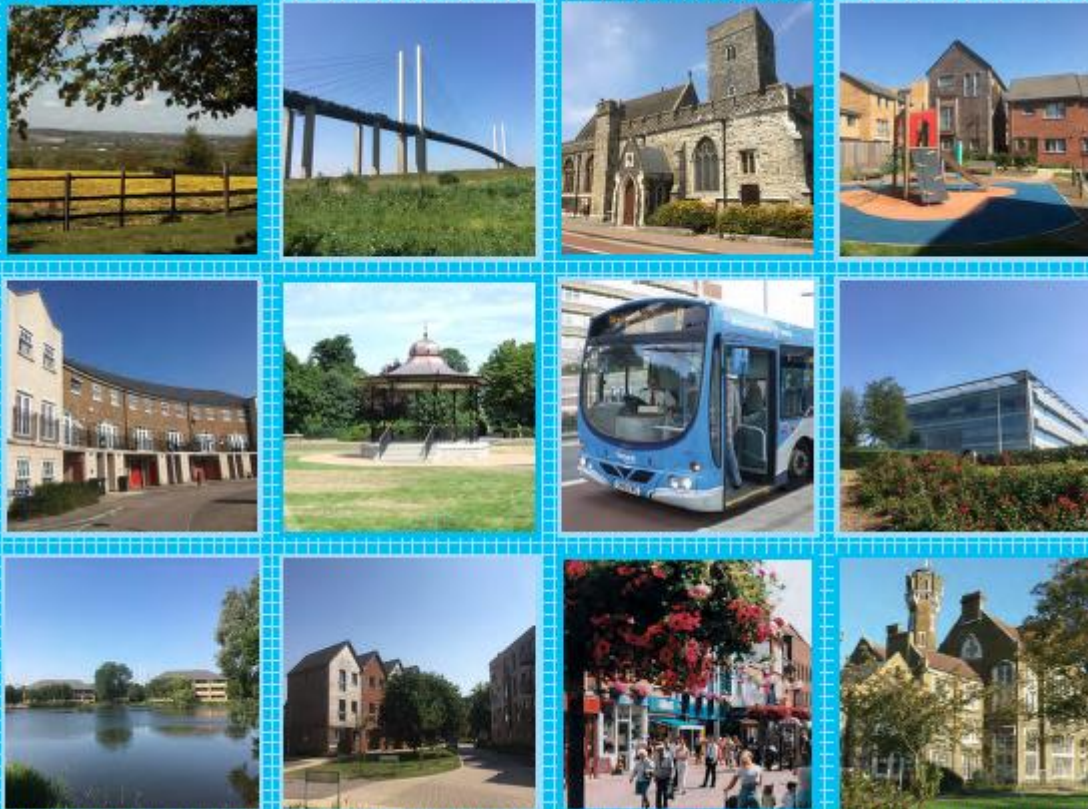
**Policy CS 13: Green Belt**

1. In order to protect the openness of the Green Belt the Council will:
  - a. Resist inappropriate development, in accordance with PPG2, through its development control decisions.
  - b. Work with its partners to actively manage the Green Belt as a recreational and ecological resource, through the provision of green recreational and biodiversity networks linked with the urban area. The following projects will be implemented:
    - Enhancement of rural reaches of the Darenth Valley
    - New Countryside Gateway at South Darenth Lakes
    - Dartford Heath –restoration of heathland
    - Darenth Country Park improvements
    - Darenth Woods natural habitat enhancements
    - Beacon Woods Country Park improvements
    - Former Mableton Hospital – enhancement of areas of ecological value
    - Better connectivity between Dartford and Gravesham countryside through Ebbsfleet Valley and A2 corridor
2. Agricultural land uses within the Green Belt will be protected. More detailed policies will be set out in the Development Management DPD.

**Policy CS 17: Design of Homes**

1. To achieve living environments that enrich the quality of life and provide the conditions for communities to flourish the Council will:
  - a) Require the application of the principles of the Kent Design Guide in developing housing proposals
  - b) Require that the criteria identified as locally important are addressed in the design of homes. These include:
    - Internal spaces that are appropriate and fit for purpose
    - Adequate internal storage and recycling storage space
    - Garages, where provided, are of a fit for purpose size
    - Secure arrangements for management and maintenance of communal areas.
    - Useable private amenity space, usually provided as a garden in family houses and a balcony, patio or roof garden in flats.
    - High quality communal open space
    - Priority for those on foot or bicycle in internal estate roads
2. Further policies and guidance on these matters will be set out in the Development Management DPD and SPD's.
3. Sites will be developed at a variety of densities, depending on their location and accessibility to public transport. The form and density of housing will vary across the larger sites, in response to accessibility and other characteristics of each part of the site. Variations in density across a site should be used to develop different character areas.
4. Broad indications of appropriate average net densities are as follows:
  - a) Rural Village sites: below 40 dwellings/ha
  - b) Dartford town centre, Northern Gateway, Ebbsfleet Valley Strategic Site, Thames riverside sites (outside Conservation Area) and other major sites which integrate Fastrack: over 50 dwellings/ha
  - c) Other urban sites: 35-55 dwellings/ha

# *Dartford Development Policies Plan*



*Adopted July 2017*

*Dartford Local Plan Document*

**DARTFORD**  
BOROUGH COUNCIL



**Policy DP1: Dartford's Presumption in Favour of Sustainable Development**

1. The Development Plan, which has been prepared in Dartford in accordance with national objectives to deliver sustainable development, is the statutory starting point for decision making. Planning applications that accord with the policies in the Dartford Core Strategy and this Plan, and policies in neighbourhood plans (where relevant), will be approved wherever possible, unless material considerations indicate otherwise.
2. A positive approach to considering development proposals will be taken in Dartford Borough, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF) and the development needs of the Borough identified in the Core Strategy. The Local Planning Authority will work proactively with applicants to find design and mitigation solutions to enable appropriately located development that improves the economic, social and environmental conditions in the Borough.

**Policy DP2: Good Design in Dartford**

1. Development will only be permitted where it satisfies the locally specific criteria for good design in the Borough:
  - a) Responding to, reinforcing and enhancing positive aspects of the locality. Opportunities to create high quality places should be taken, particularly using prominent physical attributes (including the Borough's distinctive riverside environments, cliff faces, extensive network of open spaces and tree coverage).
  - b) Ensuring appropriate regard is had to heritage assets (see policies DP12 and DP13); and that the character of historic settlements, including the market town of Dartford, is respected.
  - c) Facilitating a sense of place, with social interaction, walking/ cycling, health and wellbeing, and inclusive neighbourhoods, through a mix of uses and careful design and layout. Good design should be reinforced and enhanced through integrating new development with the public realm, open space and natural features including rivers and lakes/ ponds. Within large developments, public art reflecting local character and heritage should be included.
  - d) Providing permeability through clear pedestrian and cycle linkages, and where appropriate, active frontages, and a fine grain mix of buildings and spaces. Commercial and public facilities should be well integrated into their surroundings, both within the site and the wider locality.
2. In determining planning applications, the Local Planning Authority will consider how the height, mass, form, scale, orientation, siting, setbacks, access, overshadowing, articulation, detailing, roof form, and landscaping of the proposals relate to neighbouring buildings, as well as the wider locality. Appropriate weight will also be given to outstanding or innovative design that will help raise design standards in the wider area. Materials should support a sense of place, and be locally sourced or recycled from within the site where possible. Development shown to be suitable in these respects, and the principles in clause 1 above, will be permitted.

### Design and Heritage

3. In areas of additional design sensitivity, and where heritage assets (e.g. Conservation Areas) or their setting is affected, and within Areas of Special Character, developments will need to demonstrate accordance with policies DP12 & DP13 as applicable. Particular consideration should be given to design objectives, including in paragraph 6.2. In these areas, proposals incorporating energy efficiency measures and micro-renewables that yield clear net benefits (in line with Policy DP11:2) will normally be viewed positively, provided that good design mitigates the impact on the townscape and they are in accordance with policies DP12 & DP13.

### Safe and Accessible Design

4. Spaces should be designed to be inclusive, safe and accessible for all Dartford's communities, including young, elderly, disabled and less mobile people. The design of buildings, open space and the private and public realm should, where appropriate, reduce the fear of, and opportunities for, crime, paying attention to the principles of Safer Places<sup>6</sup> (or any future equivalent) otherwise development will not be permitted.

### Designing for Natural Resources, Flood and Waste Management

5. Layout and design should allow the efficient management/ reuse of natural resources and waste, in order for development to be permitted. Early consideration should be given to the achievement of on-site flood alleviation. Development will also be required to provide adequate and convenient arrangements for the storage of refuse and recyclable materials as an integral part of its design.

### Advertisement and Signage Design

6. Signage and advertisements should be of a scale and design that is sympathetic to the building and locality, particularly in the designated Area of Special Advertisement Control, and should not have a negative impact on visual amenity, public safety or the safe and convenient movement of pedestrians, cyclists and vehicles, otherwise permission will not be granted.

**Policy DP6: Sustainable Residential Locations**

1. Residential development (Class C3) locations that have been shown to be deliverable or developable in the Dartford Strategic Housing Land Availability Assessment (SHLAA) and have been assessed as sustainable<sup>15</sup> will, as non-windfalls, be permitted where the proposals are in accordance with Core Strategy Policy CS10:1&2, and in accordance with other development plan policies and material considerations.
2. Unplanned windfall residential development may be permitted following assessment in accordance with Core Strategy Policy CS10:4&5, other development plan policies and material considerations (including the Dartford Housing Windfall SPD). Consistent with CS10, all windfall developments for five or more dwellings will be permitted only where they demonstrate that the following criteria are fully satisfied:
  - a) Windfall residential development should be located on 'brownfield' land to ensure unplanned development does not prejudice achievement of the Core Strategy target of 80%. Greenfield windfall sites will only be permitted if highly sustainably located in all respects of clause b) below, and if the site is needed to rectify an absence of five year housing land supply.
  - b) To reduce transport demand and minimise car use, proposals must be within easy walking distance of a range of community facilities including schools, shops, leisure and recreation facilities on safe and attractive walking routes; and well located with respect to

walking/ cycling and public transport to employment opportunities in the Borough. The assessment of pedestrian access shall be based on applying appropriate walking distance thresholds suitable in the Dartford context that will assist in substantial modal shifts from car use.

- c) The proposal is designed and planned to contain specific measures and improvements to reduce car use and promote alternative transport options. These should, as appropriate:
    - i. encourage the use of existing walking, cycling and public transport provision;
    - ii. contribute to the operation of feasible, efficient and effective sustainable transportation systems and capacity. This may on large developments require support to deliver new or improved public transport facilities, routes or services.
3. Residential development should provide evidence proportionate to the scale of the proposal that it will not result in unacceptable or unforeseen cumulative impacts on social, community or green infrastructure that cannot be mitigated.



**Policy DP12: Historic Environment Strategy**

1. Development should contribute to the conservation and enjoyment of the Borough's historic environment. The Local Planning Authority will work with developers on strategies to realise this in the context of site heritage opportunities and constraints.
2. Where heritage may be at risk, landowners will be expected to work proactively with the Local Planning Authority in bringing forward proposals to preserve or enhance these assets, to facilitate their successful rehabilitation and seek their viable reuse consistent with their heritage value and special interest.
3. Development proposals which may affect the significance of heritage assets (both designated and non-designated) or their setting should demonstrate how these assets will be protected, conserved or enhanced as appropriate. Proposals should aim to reflect and interpret the historic character of a site and conserve its most significant historical and/or architectural aspects.
4. A heritage statement should accompany all planning applications affecting heritage assets. On archaeological sites, a desk-based assessment will be required as a minimum. Applications affecting designated heritage assets will be assessed under Policy DP13. Applications affecting non-designated assets will be assessed against the criteria below.

**Non-Designated Heritage Assets**

5. The Borough's non-designated heritage assets include:
  - a) Archaeological sites, including sites holding an interest as defined in the NPPF;
  - b) Applicable sites within Areas of Special Character, as defined on the Policies Map;
  - c) Sites with significant industrial heritage;
  - d) Land with historic landscape character;
  - e) Historic open space, parks and gardens.
6. Development proposals affecting non-designated heritage assets should establish the asset's significance. Development should conserve or enhance those aspects that have been identified as significant and, where possible, should seek to better reveal an asset's significance.
7. In determining planning applications affecting non-designated assets, the effect of the proposal on the asset's significance will be taken into account. A balanced judgement will be taken having regard to the significance of the heritage asset and the scale of any harm or loss of significance. Development resulting in a total loss of significance will not normally be permitted.

**Policy DP13: Designated Heritage Assets**

1. Designated heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. A heritage statement should establish the significance of the heritage asset in order to enable the assessment the impact of a development proposal. Any harm or loss will require clear and convincing justification.
2. In determining planning applications, the Local Planning Authority will pay close regard to:
  - a) the significance of the heritage asset;
  - b) the desirability of maintaining and, where possible, enhancing significance; and
  - c) the desirability of ensuring viable uses are found for heritage assets, consistent with their conservation.
3. Where a proposal will lead to substantial harm or total loss of significance, permission will be refused unless it can be clearly demonstrated that the development is necessary for substantial public benefits to be achieved that will outweigh the harm or loss.
4. Where a proposal will lead to less than substantial harm, this will be weighed against the public benefits of the proposal.

**Listed Buildings**

5. Development proposals affecting statutorily listed buildings should have special regard to the desirability of preserving the building or its setting. Loss of or harm to a statutorily listed building or its setting will only be permitted in exceptional circumstances in line with clauses 3 and 4 above.

**Conservation Areas**

6. Development proposals affecting a conservation area should pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Proposals that would result in harm or loss of significance will be determined in line with clauses 3 and 4 above.
7. The demolition of any building in a conservation area will only be permitted where it is clear that it will not adversely affect the character and appearance of the area.

**Scheduled Monuments**

8. Development proposals affecting Scheduled Monuments will only be permitted where they clearly conserve the asset or enhance its significance. Proposals resulting in loss or harm will only be permitted on a wholly exceptional basis and in line with clauses 3 and 4 above.

**Policy DP22: Green Belt in the Borough**

1. Dartford's Green Belt is shown on the Policies Map, and its essential characteristics are its openness and permanence. Inappropriate development in the Green Belt will be resisted in accordance with national planning policy.
2. Inappropriate development is by definition harmful to the Green Belt and will only be approved in very special circumstances. Very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
3. In assessing other harm, the Local Planning Authority will use the following criteria:
  - a) the extent of intensification of the use of the site;
  - b) the impact of an increase in activity and disturbance resulting from the development, both on and off the site, including traffic movement and parking, light pollution and noise;
  - c) the impact on biodiversity and wildlife;
  - d) the impact on visual amenity or character taking into account the extent of screening required;
  - e) impacts arising from infrastructure required by the development.
4. Where developments are considered not inappropriate in line with national planning policy, they will be supported where they contribute to the Core Strategy (CS13) policy objective of conserving the Green Belt as a recreational, ecological and agricultural resource. Such developments will also be assessed against the following clauses where applicable.

**Re-use of Buildings**

5. Applications for re-use should relate to lawful permanent buildings of substantial construction. They should take into account the character and scale of the existing building(s). In circumstances where character and scale are important to the local setting, excessive external alterations and additions will not be permitted.

**Replacement Buildings**

6. The replacement of a building will be permitted where:
  - a) The replacement building remains in the same use; and
  - b) The replacement building will not be materially larger than the existing



building it replaces, taking into account bulk, height, massing and scale. As a replacement, the building should be limited to an expansion of no more than 30% volume of the original<sup>31</sup> building.

#### Extensions to Buildings

7. Extensions to buildings will be permitted where:

- a) They are proportionate and subservient in appearance, bulk, massing and scale of the original building; and
- b) The proposal would not result in a disproportionate addition to the original building. The extension must constitute no more than a 30% volumetric increase over and above the original building, and maximising the footprint of the building will not be appropriate in every circumstance.

#### Infilling or Redevelopment of Previously Developed Sites

8. Proposals should not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Developments that lead to over-intensification of the site will not be permitted.

#### Agricultural Development

9. Development should not result in the loss of the best and most versatile agricultural land and should not impede the continuation of a lawfully existing agricultural development and/ or land use.
10. The change of use of an agricultural building should, where planning permission is required, demonstrate it is no longer needed for its current or intended agricultural use and should not result in a need to create any further building(s) to replace it.
11. New agricultural buildings will be permitted where it can be demonstrated that there is a need for the proposed development and where they are sited and designed to minimise their impacts as outlined in clause 3.
12. Proposals for farm diversification, including shops, processing, workshops or sports and recreation, should be ancillary to the existing main use. It should be demonstrated that the activity is related to the main farm use and that the proposal will not create the need for new buildings or supporting infrastructure and facilities that may harm rural character.

**Equine Development**

13. Proposals for the use of land for horses or for the erection of stables and associated facilities and/ or operational development will be carefully considered. Assessment will include the location/ layout of all structures; and quality of the provision and landscaping proposed.

**Development for Outdoor Sport and Recreation**

14. Proposals for outdoor sport and recreation should not materially impact on the character and amenity of the locality or result in the deterioration of the land, landscape or biodiversity. The scale, siting, design, use and level of activity of built recreation development will be taken into account when assessing the impact of a proposal.
15. Supporting infrastructure and facilities should not unacceptably harm local character. They should be directly associated with the main use and be of a scale, quality and design to minimise their impact.

**Policy DP25: Nature Conservation and Enhancement**

1. Development on the hierarchy of designated sites, featuring nationally recognised and locally protected sites, shown on the Policies Map will not be permitted. Development located within close proximity to designated sites, or with likely effects on them, should demonstrate that the proposal will not adversely impact on the features of the site that define its value or ecological pathways to the site.
2. Proposals should seek to avoid any significant adverse impact on existing biodiversity features. Any potential loss or adverse impact must be mitigated, including with reference to the following guidance points:
  - a) Where mitigation measures require relocation of protected species this will only be acceptable when accompanied by clear evidence that the proposed method is appropriate and will provide for successful translocation.
  - b) Proposals should include provision for protection during construction, and mechanisms for on-going management and monitoring.
3. Developments will be expected to preserve and, wherever possible, enhance existing habitats and ecological quality, including those of water bodies, particularly where located in Biodiversity Opportunity Areas. Particular regard should be had to points a) and b) below. Development proposals where the primary purpose is to enhance biodiversity will normally be permitted where:
  - a) New biodiversity areas make use of native and local species as set out in the Kent Biodiversity Strategy and consider ecological links and adaptability to the effects of climate change
  - b) Biodiversity features strengthen existing green and ecological corridors; and contribute to the creation and enhancement of the Green Grid.

**Large residential development and North Kent European Protected Sites**

4. Large residential developments located within 10km from the North Kent European Protected sites that are located outside the Borough will be required to undertake a Habitats Regulation Assessment to demonstrate that the mitigation measures proposed are satisfactory to avoid potential adverse recreational effects to protected features. Information on mitigation options is available on the Council's website.

**Trees**

5. In all development proposals existing trees should be retained wherever possible. If retention is demonstrated not to be feasible, replacement provision should be of an appropriate tree species and maturity and/ or canopy cover taking into account the tree that is being replaced and the location.

**DARTFORD LOCAL PLAN**  
TO 2037

*Pre-Submission  
(Publication) Document*  
September 2021





**Policy M1: Good Design for Dartford**

1. Development must demonstrate that it is designed in line with the National Design Guide and the National Model Design Code, considers the principles of Kent Design, and satisfies all of the following locally specific criteria for good design in the Borough:
  - a) Responding to, reinforcing and enhancing positive aspects of the locality. Opportunities to create appropriately distinctive high quality and beautiful places should be taken, particularly using and enhancing prominent physical attributes which include the Borough's distinctive riverside environments, extensive open spaces, biodiversity assets, landscape and tree coverage;
  - b) Ensuring appropriate regard is had to heritage assets and that the character of historic towns and villages and Areas of Special Character are respected;
  - c) Facilitating a sense of place with social interaction, a physical environment encouraging health and wellbeing, attractive active environments and travel options, and secure, inclusive and integrated neighbourhoods through a mix of uses and careful design and layout that ensures that commercial and public facilities are well integrated within the site and the wider locality;
  - d) Providing permeability for the site to sufficiently connect to its surrounds and for the public to traverse the site, through clear pedestrian and cycle linkages and, where appropriate, active frontages, open streets, and a fine grain mix of buildings and spaces;
  - e) Reinforcing and enhancing good design by integrating new development with the public realm/ open space, and providing biodiversity gain and natural features including rivers and lakes/ ponds; and
  - f) Meeting the requirements set out in any supplementary local design guidelines which will be produced after public consultation consistent with these principles and national requirements, to be adopted as formal Supplementary Planning Documents or design codes.
2. Development must be shown to be suitable in terms of its height, mass, form, scale, orientation, siting, access, overlooking, overshadowing, articulation, detailing, roof form, and landscaping relative to neighbouring buildings and the wider locality. Materials must support a sense of place and relate well to the local character. Outstanding or innovative design which helps raise design standards in the wider area will be supported on appropriate sites which are not closely related to sensitive areas or assets.
3. The appropriate scale and density of development at a site should be the outcome of securing high quality development through a design-led process and demonstrated by agreed masterplans on large sites, having proper regard to:
  - a) the current built environment context including heritage assets;
  - b) the location of the site in the Borough and its characteristics:

- i) Assessment of development potential using locally specific design or conservation guidance documents, and fulfilling applicable Plan objectives for the area;
  - ii) Outside the urban area, design should, in particular, be sympathetic to local landscape and townscape character;
  - c) providing spacious, green and good quality developments including clearly meeting or exceeding nationally described space standards for new homes, and fulfilling policy for amenity space and green infrastructure provision; and
  - d) the principle of securing a mix of uses and residential types, achieving efficient re-use of land where appropriate, and delivering regeneration at urban locations well-served by public transport and services.
4. Public spaces in and outside buildings and all accommodation must be designed to be inclusive, safe and accessible for all Dartford's communities, including young, elderly, disabled and less mobile people. The design of buildings, open space and the private and public realm must be in accordance with active design principles and reduce the fear of, and opportunities for crime.
5. Signage and advertisements must be of a scale and design that is sympathetic to the building and locality, particularly in the designated Area of Special Advertisement Control, and must not have a negative impact on visual amenity, public safety or the safe and convenient movement of pedestrians, cyclists and vehicles.

#### **Policy M9: Sustainable Housing Locations**

1. Sites located in accordance with the Central Dartford or Ebbsfleet and Swanscombe policies, or in the identified housing land supply (where the proposed number of dwellings is broadly in line with the projected site capacity), will be permitted for residential development.
2. At other locations, residential development will be supported where the benefits of the proposal outweigh the disbenefits, including the sustainability of the site's location. Unplanned windfall development within use class C3 involving a net gain of five or more dwellings should also show that:
  - a) It is located on brownfield land, unless it has been demonstrated that the site is necessary to rectify a lack of five year supply of deliverable housing land;
  - b) It is within easy walking distance of a range of community facilities including schools, shops, leisure and recreation services, and is well located with respect to walking/ cycling and good public transport to a choice of employment opportunities; and
  - c) In the case of major development, it is also shown to be sufficiently served by infrastructure, after allowing for the infrastructure requirements of the sites identified in the housing land supply.

### Policy M13: Green Belt

1. Dartford Borough's Green Belt is shown on the Policies Map, and its essential characteristics are its openness and permanence. Inappropriate development in the Green Belt will be resisted in accordance with national planning policy.
2. Inappropriate development is by definition harmful to the Green Belt and will only be approved in very special circumstances. Very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
3. In assessing other harm, the local planning authority will use the following criteria:
  - a) The extent of intensification of the use of the site;
  - b) The impact of an increase in activity and disturbance resulting from the development, both on and off the site, including traffic movement and parking, light pollution and noise;
  - c) The impact on biodiversity and wildlife;
  - d) The impact on visual amenity or character taking into account the extent of screening required; and
  - e) Impacts arising from infrastructure required by the development.
4. Where developments are considered to be not inappropriate in line with national planning policy, they will be supported where they contribute to the objective of conserving the Green Belt as a recreational, ecological and agricultural resource. Such developments will also be assessed against the following criteria where applicable.

#### Re-use of Buildings

5. Applications for re-use of buildings must relate to lawful permanent buildings of substantial construction. The change of use of the curtilage to the building, any extension required to facilitate the change of use, and the impacts of such changes in use on the purposes of the Green Belt will be taken into account. The lack of demand for the existing lawful use will need to be demonstrated. In circumstances where character and scale are important to the local setting, excessive external alterations and additions will not be permitted.

#### Replacement Buildings

6. The replacement of a building will be permitted where:
  - a) The replacement building remains in the same use; and
  - b) The replacement building will not be materially larger than the existing building it replaces, taking into account bulk, height, massing and scale. As a replacement, the building should be limited to an expansion of no more than 30% volume of the original building\*.



#### Extensions to Buildings

7. Extensions to buildings remaining in the same use will be permitted where:
- a) They are proportionate and subservient in appearance, bulk, massing and scale of the original building; and
  - b) The proposal would not result in a disproportionate addition to the original building. The extension must constitute no more than a 30% volumetric increase over and above the original building\*, and maximising the volume of the building to 30% will not be appropriate in every circumstance.

#### Infilling or Redevelopment of Previously Developed Sites

8. Proposals for the infilling or redevelopment of previously developed sites must not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Developments that lead to over-intensification of the site will not be permitted.

#### Changes of Use

9. Changes of use of land must not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing use. Consideration will be given to the impacts on the Green Belt in terms of other harms set out in criterion 3 and of the impacts of associated works.

#### Agricultural Development

10. Development must not result in the loss of the best and most versatile agricultural land, disturb or damage soils of high environmental value, or impede the continuation of a lawfully existing agricultural development and/or land use.
11. Proposals for farm diversification, including shops, processing, workshops or sports and recreation, must be ancillary to the existing main use. It must be demonstrated that the activity is related to the main farm use and that the proposal will not create the need for new buildings or supporting infrastructure and facilities that may harm rural character.

#### Equine Development

12. Proposals for the use of land for horses or for the erection of stables and associated facilities and/ or operational development will be carefully considered. Assessment will include the location/ layout of all structures, the need for the size of structures and buildings proposed to serve the use of the land, and the quality of the structures, buildings and landscaping proposed. Structures, engineering works and buildings serving equine uses should be removed from the site when they are no longer in use and are no longer required to serve the equine use of the land.



Development for Outdoor Sport and Recreation

13. Proposals for outdoor sport and recreation must not adversely impact on the character and amenity of the locality or result in the deterioration of the land, landscape or biodiversity. The scale, siting, design, use and level of activity of built recreation development, together with the supporting infrastructure and services, will be taken into account when assessing the impact of a proposal.
14. Supporting infrastructure and facilities must not unacceptably harm local character. They must be directly associated with the main use and be of a scale, quality and design to minimise their impact.

**Policy M15: Biodiversity and Landscape**

1. Development on sites designated for their biodiversity value will not be granted planning permission unless it can be clearly demonstrated that the biodiversity value will not be adversely affected by the proposals. Proposed development located on or in close proximity to designated sites, priority or other irreplaceable habitats or priority species, or with potential effects on them, must demonstrate that it will not adversely impact on the biodiversity value or ecological pathways. Residential developments of more than 15 dwellings located within 10km of the North Kent Special Protection Areas and Ramsar sites will be subject to screening and, if necessary, assessment under the Habitats Regulations. This may require the implementation of mitigation measures to ensure that there are no likely significant effects on the protected features of those sites.
2. Developments will be expected to protect and enhance biodiversity. In the event that development adversely affects any existing habitats, this must be replaced by compensatory habitat of a similar type, size and condition in close proximity to that which is being lost. The new national biodiversity net gain requirements will apply to all applicable developments. Local delivery of net gains should preferably be made by enhancing existing habitats and/ or creating new habitats on-site or, in cases where this is not achievable, off-site within the Biodiversity Opportunity Areas. These will need to be informed by and link to the Dartford Green Grid network and any Local Nature Recovery Strategy.
3. All new developments should be designed and laid out in a way which is sympathetic to their landscape setting. Major developments will be expected to deliver a landscaping scheme that is visually attractive, enhances biodiversity, uses native species, incorporates sustainable drainage measures, and helps to mitigate and adapt to climate change. This will need to incorporate the following elements:
  - a) New trees and other landscape features should be used to create attractive new streets and provide appropriate natural shading on buildings, at street level and on open spaces.
  - b) Planting of particular species should be considered to reduce the impact of air pollution.
  - c) Management and maintenance of the landscape for the lifetime of the development will be required to ensure that landscape and biodiversity features are maintained.
4. In all development proposals, including works to trees protected under a Tree Preservation Order, existing tree coverage, hedgerows and other landscape features should be retained wherever possible. If retention is demonstrated not to be feasible and/ or removal is justified, replacement provision should be of an appropriate native tree species or landscape feature which reflects the maturity, canopy cover and location of that being replaced.