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## Appeal Decision

Site visit made on 14 January 2026

by **Peter Willows BA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 March 2026

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**Appeal Ref: APP/K2230/C/24/3352389**

**1 Earl Road, Northfleet, Gravesend, Kent DA11 7AE**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by Ms Bernadette Batters against an enforcement notice issued by Gravesend Borough Council.
  - The notice was issued on 22 August 2024.
  - The breach of planning control as alleged in the notice is Without planning permission, the formation of an extended vehicular access from a highway by way of excavating the front garden and laying a hard surface.
  - The requirements of the notice are:
    - (i) Remove the retaining walls and hardstanding.
    - (ii) Reinstatement the front garden, retaining walls and access to its condition before the breach occurred as illustrated by the photograph in appendix 1 attached to this notice, including reseeded the front garden with grass.
    - (iii) Remove all resultant debris and associated materials from the property.
  - The period for compliance with the requirements is 3 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c) and (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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### Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the formation of an extended vehicular access from a highway by way of excavating the front garden and laying a hard surface at 1 Earl Road, Northfleet, Gravesend, Kent DA11 7AE, as shown on the plan attached to the notice and subject to the following condition:
  - 1) Within 3 months of the date of this decision, the development shall be modified to fully accord with the details shown in Option 01, as shown on the submitted 'Proposed Elevations Options' and 'Proposed Plans Options', as attached to this decision.

### Preliminary Matters

2. The appellant has provided plans showing the development in a modified form. These show three options for providing more greenery and re-establishing some front boundary treatment. It appears to me that one of the options on the proposed plans, which shows a hedge to the front boundary but no new wall, has been mislabelled as 'Option 01' and should actually be 'Option 03', and I have considered it on that basis.

3. In accordance with section 177(1)(a) of the Act, it is open to me to consider granting planning permission for the appellant's revised proposals provided that I am satisfied that they comprise 'the whole or any part of' the matters alleged in the notice. The proposals before me include planting and, in two of the options, a new wall. However, these are relatively minor additions. The major works – the excavation and creation of the hardstanding – would remain, while the extent of the access itself (in terms of its width) would be reduced. Viewed as a whole, all three options can be reasonably regarded as part of the matters alleged in the notice, and I have therefore considered them in determining the appeal and the deemed planning application.
4. The National Planning Policy Framework (the Framework) was revised in December 2024, after the appeal was made, but it does not appear to me that the changes have any significant bearing on this case.

### **Ground (b)**

5. The basis of the appellant's ground (b) case appears to be the erroneous reference to a material change of use in section 4 of the notice ('Reasons for issuing this notice'). However, there is no such reference in section 3, which is the part of the notice that sets out the breach of planning control. The error in section 4 is very obvious and does not affect the substance of what the notice actually alleges. Consequently, I am not persuaded that the matters alleged in the notice have not occurred and the appeal on ground (b) fails.

### **Ground (c)**

6. It is argued that a wall that has been constructed as part of the scheme is permitted development. However, to reach that view requires the development to be broken down into its constituent parts. It seems to me that all the works comprised in the creation of the access and hardstanding are part and parcel of the matter alleged at section 3 of the notice. The wall appears to be an integral part of those works, apparently required as a retaining wall along the edge of the excavated area. It is clear that those works amount to development, as defined by s55 of the Act. There is nothing before me to suggest that the project as a whole is development permitted by any class within *The Town and Country Planning (General Permitted Development) (England) Order 2015* (as amended). Consequently, this was development requiring a specific planning permission and was a breach of planning control.
7. For these reasons, the appeal on ground (c) fails.

### **Ground (a)**

#### *Main issues*

8. The main issues are:
  - The effect of the development on the character and appearance of the area; and
  - Its effect on biodiversity.

#### *Character and appearance*

9. Earl Road is a busy route running through a mature residential area. The appeal property is the first in a run of mainly semi-detached homes fronting the road,

raised up a little in relation to the road. They are set back a short distance and many retain their original planted front gardens. However, the greenery at No1 has been removed. The front of the site has been excavated to bring it closer to the level of the road and a surfaced parking area has been created. The loss of greenery and removal of the front boundary wall leaves the front of the property dominated by an expanse of hard surfacing, causing harm to the character and appearance of the area.

10. The extent of the harm is lessened to an extent by the fact that there are some similar developments in the same row of properties. As a result, the development at the appeal property does not appear entirely out of place. Even if some of those developments were carried out without planning permission, I have no evidence to show that they are likely to be removed, and so they are relevant to my assessment of the character of the area. Nevertheless, the harm I have found means there is conflict with the design aims of Policy CS19 of the Gravesham Local Plan Core Strategy and the Framework. It is also at odds with the overall approach outlined in the Council's Front Driveway Design Guidance, although I attach only limited weight to that in view of its informal status.
11. The alternative proposals put forward by the appellant would not fundamentally change the scheme. However, two of the proposals would see the reinstatement of a front boundary wall, together with the reintroduction of some greenery. This would go some way towards redefining a stronger front boundary to the property and reducing the somewhat stark appearance of the current development. As a result, these options would significantly improve the appearance of the development. Even so, there would remain an element of visual harm.

#### *Biodiversity*

12. The photograph appended to the enforcement notice shows a front lawn with some modest shrubs. There is virtually no greenery in the scheme as built. Local Plan Policy CS12 seeks to prevent a net loss of biodiversity within the Borough. The Framework promotes net gains for biodiversity and seeks to avoid significant harm.
13. However, such overall aspirations do not suggest that no loss of greenery is ever permissible. This is not a site recognised for any specific biodiversity interest, and there is no evidence to suggest that the biodiversity loss is significant. The photograph of the site before it was developed suggests limited biodiversity interest, primarily confined to a grassed lawn. While it may be that some driveway designs can add to biodiversity, as highlighted in the Council's Front Driveway Design Guidance, that does not mean that the appeal scheme is unacceptable.
14. Overall, the evidence before me does not suggest more than a very limited loss of biodiversity. Consequently, I find no conflict with Policy CS12 or the Framework.

#### *Other matters*

15. Earl Road appeared to me to be a busy through route. There is terraced housing opposite the appeal site, and that side of the road was lined with parked cars when I visited the site in the middle of the day, effectively narrowing the road at this point. Thus, it seems to me desirable that the occupiers of the appeal property are able to park their car off the road. However, prior to the development the driveway was narrow and likely to be awkward to manoeuvre into and out of, particularly

when the road was busy. Consequently, I regard the improved parking provision at the site as a benefit of the development.

16. There is no technical evidence before me to analyse the highway safety implications of the development. However, in the absence of evidence to the contrary, there seems to me to be some merit in the appellant's claim of improved safety. The wider opening will clearly improve intervisibility between pedestrians and drivers emerging from the appeal property. Similarly, emerging vehicles will have improved intervisibility with vehicles on the carriageway. This is likely to be particularly beneficial because the parked vehicles opposite force vehicles towards the appeal property's side of the road, reducing the opportunity for evasive action. The appellant also suggests that it is now possible for vehicles to turn within the site. However, the evidence on that lacks detail and I attach little weight to it.
17. Overall, I regard the improved parking and access provision at the appeal property as a significant benefit of the development. The revised schemes put forward by the appellant would retain that benefit.
18. The appellant refers to a 'fallback' development which, it is said, would be implemented if the enforcement notice is upheld. However, I have only limited information as to what this would comprise. Consequently, it has not been shown that any genuinely usable scheme to provide comparable parking could be carried out without the need for express planning permission. Accordingly, that consideration has no bearing on my decision.

### **Conclusion and conditions**

19. The development has caused some harm to the character and appearance of the area. That harm could be significantly reduced by the implementation of one of the appellant's alternative schemes. Of the three options set out by the appellant, Option 1 would provide the best combination of appearance and improvements for vehicles in my view. I have not found material harm or conflict with local or national policy in respect of biodiversity impacts.
20. The harm I have found leads me to conclude that there is conflict with the development plan as a whole. Set against that is the significant benefit of improving the parking and vehicular access provision at the appeal property.
21. Viewing matters as a whole I conclude that the benefits of the modified development (Option 01) outweigh the harm and the conflict with the development plan. Accordingly, I will grant planning permission, subject to a planning condition requiring the modified scheme to be implemented within a specified timeframe, to ensure the satisfactory appearance of the development.
22. Since the appeal succeeds on ground (a), the notice will be quashed and the appeal on ground (f) does not fall to be considered.

*Peter Willows*

INSPECTOR



## Plans

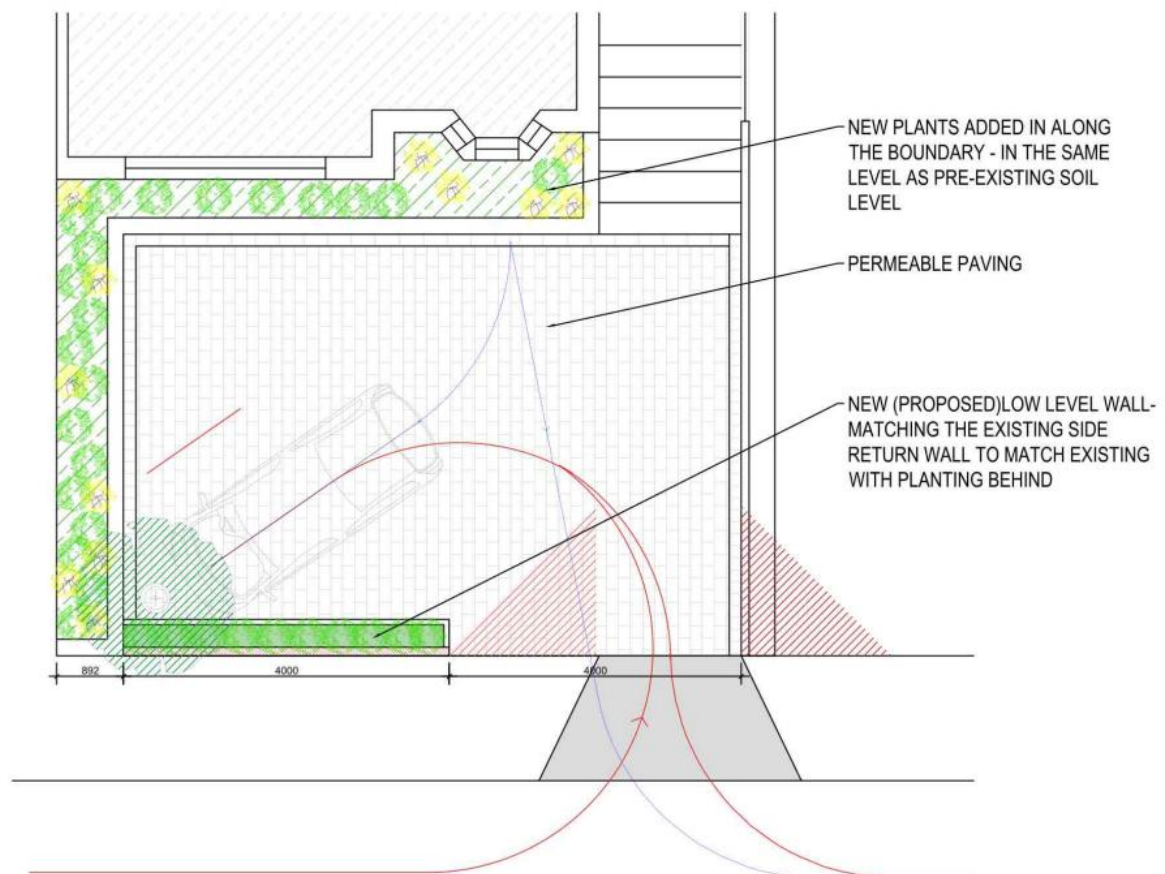
These are the plans referred to in my decision dated: 19 March 2026

by **P H Willows BA MRTPI**

**Land at 1 Earl Road, Northfleet, Gravesend, Kent DA11 7AE**

**Appeal Ref: APP/K2230/C/24/3352389**

Scale:NTS



**1 PROPOSED FRONT DRIVEWAY PLAN**  
SCALE 1:50

OPTION 01- WITH EXISTING DROPPED KERB AS IS- WITH FLOWERING/  
PLANT BED BEHIND THE LOW WALL ALONG THE FRONT- WHICH WILL  
NOT BE MORE THAN 600MM HIGH;

