

Delegated Report

Householder Planning Application

Planning Application No: 20220755

Location: Woodstock Farm Priestwood Road Meopham Gravesend

Description: Conversion of existing outbuilding to an annex for family member.

Applicant: Mr & Mrs A.P. Smith

Site Visit Date: 24 August 2022

Submitted Documents/Plans

Householder Planning Application form;
Drawing no. 22020BS-PP-S-(13)01 Rev. a Red and blue line site boundary plan;
Drawing no. 22020BS-PP-S-(13)02 Rev. a Existing block plan;
Drawing no. 22020BS-PP-E-(01)01 Rev. a Existing layout and roof plans;
Drawing no. 22020BS-PP-E-(02)01 Rev. a Existing elevations;
Drawing no. 22020BS-PP-S-(13)03 Rev. a Proposed block plan;
Drawing no. 22020BS-PP-P-(03)01 Rev. a Proposed layout and roof plans;
Drawing no. 22020BS-PP-P-(04)01 Rev. a Proposed elevations; and
Planning Statement.

Superseded Documents/Plans

Drawing no. 22020BS-PP-S-(13)01 Red and blue line site boundary plan;
Drawing no. 22020BS-PP-S-(13)02 Existing block plan;
Drawing no. 22020BS-PP-E-(01)01 Existing layout and roof plans;
Drawing no. 22020BS-PP-E-(02)01 Existing elevations;
Drawing no. 22020BS-PP-S-(13)03 Proposed block plan;
Drawing no. 22020BS-PP-P-(03)01 Proposed layout and roof plans; and
Drawing no. 22020BS-PP-P-(04)01 Proposed elevations.

Procedural issues

Following a request from the case officer, the applicant amended the red line boundary for the application site. In the original submission, the red line boundary indicated a parcel of land around the proposed annex, which was separate from the existing dwelling. The amended red line boundary area includes the dwelling and some surrounding land. It is noted that the dwelling is surrounded by a significant amount of other land, as shown by the blue line boundary. The omitted land appears to have been used historically for domestic/equestrian purposes, in connection with the existing dwelling at the application site.

Following a request from the case officer, the applicant also provided a planning statement with additional details regarding the proposed use and occupier for the annex and amended elevation drawings, which showed solar panels that had been omitted from the originally submitted versions.

It should be noted that the erection of new dwellings is not dealt with via a householder application. However as the Local Planning Authority are not minded to permit the development, clarification or amendment has not been sought on this occasion.

Relevant Planning History

Reference	Description	Decision	Decision Date
20201132	Application for the approval of condition 3 attached to planning permission reference number 20190780 relating to above ground works.	Approved	12.03.2021
20190780	Erection of equestrian building forming loose boxes and ancillary storage/tack room and change of use of land for equestrian purposes.	Permitted	27.04.2020
20051049	Application for renewal of temporary planning permission reference number GR/2004/993 for the continued use of garage for office use.	Permitted	13.01.2006
20040993	Continued use of garage for office use.	Permitted	22.12.2004
20000813	Erection of a hay and tool store.	Permitted	22.01.2001
19960680	Change of use of agricultural land to form manege on part of existing paddock.	Permitted	06.12.1996
19940207	Use of land for the keeping and grazing of horses and demolition of existing bungalow and erection of replacement bungalow and the re-roofing of existing garage and stable block.	Permitted	02.06.1994

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Gravesham Local Plan: First Review (1994)

- P5 – Exceptions to Vehicle Parking Standards
- T1 – Impact of Development on Highway Network

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development

- 12 – Achieving sustainable development and well-designed places
- 13 – Protecting Green Belt land
- 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Householder Extensions/Alterations Design Guide (2021); and
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

GBC - Highways Officer

Whilst the proposal may be an annex to the existing property, it has all the facilities necessary to survive as an independent dwelling. The applicant should therefore clearly define an area for parking for the annex and a visitor, as on street parking is not viable in this location. The access to the highway and on site turning should also be defined so they can be protected if necessary. Given the size of the applicant's site there is sufficient space so it does not need to be demonstrated as part of the application but can be conditioned.

I do not see any details regarding how foul sewerage will be accommodated. It is a matter for the applicant to resolve with Building Regulations that whatever system is proposed/in use is adequate and can readily accommodate an additional bathroom and kitchen. However, if the annex does not drain to a foul sewer, it will presumably be sharing the existing installation and as such the use of the annex should be restricted to a family member or someone directly employed for activities associated with the running of the stables. This is to ensure the annex has adequate foul drainage, as any selling or letting of the annex could result in the existing site owner requiring a bespoke system to be installed, which would require an area of land and access for maintenance vehicles which may or may not be made available.

KCC - West Kent Public Rights Of Way

Public Rights of Way NS265 lies to the south of the site and may be affected by the application and I therefore enclose a copy of the Public Rights of Way network map showing the definitive line of this path for your information.

It is important to advise the applicants that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.

Meopham Parish Council

No objection to this planning application provided that works are confined to the existing footprint and on the condition that it is not permitted as a separate hereditament.

Dickens' Country Protection Society

The Society would wish to object on the grounds that the site is an area within which Green Belt Policies apply where new dwellings would not normally be permitted. The building as proposed would be suitable for occupation separate to the main dwelling. No special justification to warrant overriding Green Belt Policy has been put forward.

Neighbouring properties

The application was publicised by a site notice and to two neighbouring properties by letter. No representations have been received.

Officer's Analysis

Background

The application site comprises of a dwelling with a number of outbuildings, a manège and land, which has been historically used for the keeping and grazing of horses for the personal enjoyment of the residential occupiers of the dwelling known as Woodstock Farm.

In 2019 planning permission was granted for the erection of an equestrian building containing 11 loose boxes, ancillary storage and a tack room and the change of use of the land for private equestrian purposes (reference 20190780). This building, when constructed, would be located some 80 metres to the east of the main dwelling at the application site. The building will be subject to a condition that precludes any livery use or commercial stabling activities.

The building that is the subject of this application, has been on site for many years and was originally used for purposes incidental to the dwelling known as Woodstock Farm. These incidental uses included a garage, domestic office, workshop and store. In 2004 a personal and temporary planning permission was granted for the garage part of the building to be used as a commercial office for the former occupiers of Woodstock Farm (reference 20040993). In 2005 a time unrestricted personal planning permission was granted for the continuation of the commercial office use for the same former occupiers (reference 20051049). The applicant has set out that the current use of the building is for general storage and as a games room and not as part of a business.

The current proposal (as shown on drawing nos. 22020BS-PP-E-(01)01 Rev. a and 22020BS-PP-P-(03)01 Rev. a) seeks to convert the building from a garage/store, office, games room and two stables used for general storage to a residential annex with a smaller games room and two stables used for general storage. The annex would include combined living, dining and kitchen area (40.2 square metres in area), a double bedroom (14.1 square metres in area) and a bathroom (4.7 square metres in area). The total floor area of the annex would be 60 square metres and it would be occupied by the applicant's daughter and her partner.

Green Belt

In relation to the Green Belt, Policy CS02 of the Gravesham Local Plan Core Strategy (September 2014) prioritises development in the urban area as a sustainable location for development. In the rural area it states that development will be supported within rural settlements that are inset from the Green Belt and defined on the Policies Map. Development outside those settlements (which is the case here), will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the Local Plan Core Strategy.

Therefore the principle issues in the determination of this application are;

- Is the proposed development appropriate in the Green Belt?
- Effect on the openness of the Green Belt
- Effect on the character and appearance of the area - including landscape character
- Other matters
- Very special circumstances

Is the proposed development appropriate in the Green Belt?

Paragraph 137 of the National Planning Policy Framework (NPPF 2021) sets out that the essential characteristics of Green Belts are their openness and permanence and paragraph 138 lists the five purposes that the Green Belt serves. At the application site, the Green Belt assists in safeguarding the countryside from encroachment. Paragraph 147 of the NPPF 2021 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 149 of the NPPF 2021 states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, but lists certain exceptions. These exceptions are set out in

sub-paragraphs 149(a) to 149(g). In addition, sub-paragraphs 150(a) to (f) identify certain other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

Of relevance to this proposal, sub-paragraph 150(d) of the NPPF 2021 identifies the re-use of buildings provided that the buildings are of permanent and substantial construction and sub-paragraph 149(g) identifies the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.

The application building is of permanent and substantial construction and the proposed conversion would not result in any alteration to the exterior fabric of the building. The application site would meet the definition of previously developed land set out in the NPPF 2021.

The proposed development has been described as an annex but in fact, it would have all the facilities necessary for independent living. The floor area (60 square metres) would be well in excess of the minimum requirement for a one bedroom, two person, single storey residential unit (50 square metres) when reference is made to the Nationally Described Space Standard (2015). Therefore the proposed annexe cannot be considered to be ancillary to the main dwelling, as it would facilitate independent occupation.

Furthermore the submitted planning statement acknowledges the independence of the proposed residential unit and states that it would be occupied by the daughter of the applicant and her partner and that;

‘the annex is proposed to be self-contained, and the couple would use this as their home. They would sleep, cook, and eat in the annex’.

Despite numerous references to the proposal as an annex and the statement that;

‘As the daughter of the applicant and living just a few meters away, it is not unreasonable to assume that they would eat the occasional meal with her parents. Due to the small kitchen area in the proposed annex, they may decide to use the washing facilities of her parents’ house;

it is clear from the planning statement that the intention of the applicant is to create a separate dwelling for his daughter and not to provide ancillary residential accommodation.

A second dwelling at the application site would be detrimental to the openness of the Green Belt by virtue of introducing additional residential activity, vehicle movements and parking and residential paraphernalia. In addition, the proposal would also undermine the purposes of including land in the Green Belt (specifically safeguarding the countryside from encroachment).

It is noted that the existing building has previously been used for stabling, general storage and as a games room. All of which are ancillary activities to the existing dwelling. As such, the proposal would have a greater impact on the openness of the Green Belt than the existing uses.

It is also noted that the GBC Highways Officer requests the provision of two car parking spaces for the proposed annex and that these could be provided without any physical alteration to the application site. This is because the area to the west of the proposed annex and the existing dwelling is already appropriately surfaced for parking. However the introduction of a second dwelling would increase the number of vehicles accessing the site and parking in the open, which would be detrimental to the openness of the Green Belt.

Whilst it is noted that the size and bulk of existing building would not be increased and that no separate garden area would be formed as part of the proposal, nonetheless, there would be additional residential activity and vehicle movements and residential paraphernalia associated with the new dwelling. In addition, it would be likely that there would be future pressure for a separate garden and/or outbuildings for use by the occupants of the new dwelling.

On balance, it is considered that the proposal would be detrimental to the openness of the Green Belt and undermine the purposes of including land within the Green Belt. In addition, the proposed development would have a materially greater adverse impact on the openness of the Green Belt than the existing development. As such, the proposal would be inappropriate development in the Green Belt and contrary to Policy CS02 of the Gravesham Local Plan Core Strategy (September 2014) and to paragraphs 149(g) and 150(d) of the NPPF 2021.

It is noted that the Dickens' Country Protection Society objects to the proposal on the grounds that the site is within the Green Belt, where new dwellings would not normally be permitted and that the building as proposed would be suitable for occupation separate to the main dwelling. This is a view which is in line with the Borough Council's Green Belt assessment.

Effect on the openness of the Green Belt

Paragraph 137 of the NPPF 2021 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also states that the essential characteristics of Green Belts are their openness and permanence. Paragraph 001 of the Planning Practice Guidance on Green Belts looks to assess the impact of a proposal on the openness of the Green Belt by taking into account the spatial and visual aspects of a development, its duration and remediability, and the degree of activity levels generated (Reference ID: 64-001-20190722).

There is no specific definition of "openness" in the NPPF, and the concept of what is considered as openness has only really emerged from case law. Effectively, 'openness' is epitomised by the absence of built development (i.e. land that is not built on) and it follows therefore that any new built development is likely to have an adverse impact on the openness of the Green Belt, but whether that impact is greater or lesser on sites where there is already built development will be dependent on an assessment on a case by case basis. It is a different concept to "visual impact". Although openness may be considered in a visual sense, the visual impact of a development in the Green Belt may be harmful through the siting, design and materials used. The presence of landscaping or screening may serve to mitigate the visual impact of a development including built development but there might still be an impact on openness.

The development, by its nature, would involve a form of inappropriate development at the application site that would erode the openness of the Green Belt. The proposal would introduce a new dwelling, which by virtue of introducing additional residential activity, vehicle movements and parking and residential paraphernalia would impact negatively on the openness of the Green Belt.

The proposal is contrary to paragraph 137 of the NPPF 2021 by its impact on openness and would also conflict with point (c) of paragraph 138 of the NPPF 2021, which seeks to safeguard the countryside from encroachment. Clearly, this proposal would represent an encroachment of development into the countryside, as the site lies outside any settlement boundary. This also conflicts with Policy CS02 of the Gravesham Local Plan Core Strategy 2014, which only supports development outside settlement boundaries where it is compatible with national and local policies for protecting the Green Belt.

Effect on the character and appearance of the area

Paragraph 130 of the National Planning Policy Framework 2021 (NPPF) sets out various design requirements and includes the need for the development to add to the overall quality of an area; be visually attractive; and be sympathetic to local character, including the surrounding built environment. Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 sets out that new development will be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the built environment and take account of the scale, height, building lines and other architectural features of buildings. Account should also be taken of strategic views, site topography, the

significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place.

The application site is located in the Harvel Wooded Downs Landscape Character Area and as such, Policy CS12 of the Gravesham Local Plan Core Strategy September 2014 is relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment will be taken into account in determining applications.

The Harvel Wooded Downs Landscape Character Area is characterised by varied topography with steep valley sides and plateaux. Ancient woodland, chestnut coppice and small paddocks and pastures can be found. Views both within and out of the character area are limited because of the combined effect of topography and the heavily wooded character of the landscape.

The area surrounding the application site is rural and existing dwellings are widely dispersed and located in spacious plots. The following image illustrates this and identifies the application building;



23 April 2020 image

The proposed development would be located some 7.8 metres to the north of the existing dwelling at the application site and would be visible from the adjacent roadway.



January 2021 image

The proposed conversion would not result in any alteration to the exterior fabric of the building but by virtue

of the introduction of a second dwelling at the application site, the residential nature of the surrounding plot would be intensified. As such, the proposed dwelling would undermine the spacious character of the application site and be detrimental to the character of the surrounding landscape. As such, the proposal would be contrary to Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (September 2014) and to paragraph 130(c) of the NPPF 2021.

Other matters

Amenity of Future Occupiers

The proposed development would exceed the minimum floor area requirement for a one bedroom, two person, single storey residential unit and for a double bedroom in the Nationally Described Space Standard (2015). As such, the proposal would provide a good standard of living for future occupiers and be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Neighbouring Amenity

The closest residential properties to the application site are Priestwood Farm and The Hode, Priestwood Road (located to the north and south respectively). Due to the design of the proposed development, to the screening provided by boundary treatments/vegetation and to the separation from surrounding properties, there would be no adverse overlooking, overshadowing or overbearing impacts to any of the surrounding occupiers.

The proposed development would increase the amount of residential activity and vehicle movements in the surrounding area, potentially causing adverse noise/disturbance/pollution impacts. However it is considered that the level of noise/disturbance/pollution associated with the proposed development would not be so significant as to warrant the refusal of planning permission.

Overall the proposed development would not be detrimental to the residential amenity of surrounding occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Highways and Parking

The application site has a large frontage parking area, capable of accommodating numerous vehicles. As the proposed annex would have all the facilities for independent accommodation, the GBC Highways Officer requests the provision of two on-site car parking spaces. As such, any planning permission granted would be subject to a condition that requires the laying out of two car parking spaces.

Overall it is considered that the proposal would make sufficient provision for the parking of cars within the site in accordance with the Borough Council's adopted Vehicle Parking Standards and would be in line with Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policies T1 and P5 of the Gravesham Local Plan First Review November 1994.

Public Right of Way

The comments of the KCC Public Rights of Way officer are noted. However, as the proposal constitutes the conversion of an existing building, that is located some distance from the footpath, it is considered that there would be no adverse impacts to the alignment or to the use of Public Right of Way reference NS265, which runs along the southern boundary of the application site. Notwithstanding this, any planning permission granted would have an informative attached, which outlines the advice given by KCC in relation to the Public Right of Way.

Any Other Material Planning Considerations

The application site is located within Groundwater Source Protection Zone 3, an Area of Archaeological potential and a Biodiversity Opportunity Area. However, as the proposed development would be within the confines of an existing residential garden, affect only a well maintained, existing outbuilding and no groundworks would occur, then it is considered that there would be no adverse impacts to any sensitive habitats or species, archaeological features or groundwater.

The issues raised by Meopham Parish Council have been considered in the above discussion.

Very special circumstances

Referring to paragraphs 147 and 148 of the NPPF 2021, inappropriate development in the Green Belt should not be approved except in very special circumstances and that very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

It is noted that the applicant has not advanced any specific argument in relation to very special circumstances. However the planning statement contains a number of justifications for the proposal.

It is acknowledged that the applicant would accept a planning condition restricting the proposed development to occupation by a family member only and to not be used as a separate residential unit. However this condition would not satisfy all of the tests set out in paragraph 55 of the NPPF 2021 because it would not be relevant to the development to be permitted. The proposal, despite being referred to as an annex, would create a separate residential unit at the application site. As a new dwelling, it would be unreasonable to restrict the occupation to a family member only and in any event, the proposal is intended to be occupied as a separate dwelling. Therefore the condition would undermine the fundamental intention of the proposal and would not overcome the adverse impacts of the proposal on the Green Belt.

It is acknowledged that the planning statement sets out that the proposed development would be used by the applicant's daughter, who works in the family equestrian business, which is run from the land marked by the blue line on the submitted location plan. However it should be noted that there is no lawful equestrian business in operation at the application site. Reference to planning permission reference 20190780 illustrates that Woodstock Farm has been used for private equestrian purposes and that the building, which can be built pursuant to that permission, would be subject to a condition that precludes any livery use or commercial stabling activities. Therefore there can be no requirement for residential accommodation in association with an existing equestrian business use.

The fact that the applicant wishes to house his daughter nearby is a personal preference and it should be noted that personal circumstances rarely outweigh the adverse impacts of inappropriate development on the Green Belt.

Overall it is considered that the applicants' justifications for the proposal either individually or cumulatively do not amount to the very special circumstances that would set aside the objection to the development on grounds of being inappropriate development in the Green Belt.

Conclusion

The above analysis sets out that the proposed development would be detrimental to the openness of the Green Belt and contrary to one of the purposes of including land within the Green Belt, namely protecting the countryside from encroachment. The proposal would introduce a new dwelling, which by virtue of introducing additional residential activity, vehicle movements and parking and residential paraphernalia would impact negatively on the openness of the Green Belt. In addition, the proposal would undermine the spacious nature of the application site and be detrimental to the landscape character of the surrounding area.

No very special circumstances have been advanced pursuant to paragraphs 147 and 148 of the NPPF 2021 sufficient to overcome the presumption against such inappropriate development.

The proposed development would provide an acceptable standard of living for future occupiers, would not be detrimental to biodiversity, residential amenity or highway safety and would not adversely affect groundwater or archaeology. All of which weigh in support of the proposal.

However the proposed development would constitute inappropriate development in the Green Belt, which

would be detrimental to openness and landscape character. As such, the proposal would be contrary to Policies CS02, CS12 and CS19 of the Gravesham Local Plan Core Strategy (September 2014) and to paragraphs 130(c), 149(g) and 150(d) of the NPPF 2021.

On balance, it is considered that the benefits of the proposal are significantly and demonstrably outweighed by the significant harm to the openness of the Green Belt and to the landscape character of the area.

Recommendation

Refusal on the following grounds;

- (1) The proposed development would introduce a new dwelling, which by virtue of introducing additional residential activity, vehicle movements and parking and residential paraphernalia would impact negatively on the openness of the Green Belt and be contrary to one of the purposes of including land within the Green Belt, namely protecting the countryside from encroachment. In addition, the proposed development would have a materially greater adverse impact on the openness of the Green Belt than the existing development. As such, the proposal would be inappropriate development in the Green Belt and contrary to Policy CS02 of the Gravesham Local Plan Core Strategy (September 2014) and to paragraphs 149(g) and 150(d) of the National Planning Policy Framework 2021.
- (2) By virtue of the introduction of a second dwelling at the application site, the residential nature of the surrounding plot would be intensified and the spacious character of the application site would be undermined. As such, the proposal would be detrimental to the character of the surrounding landscape and contrary to Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (September 2014) and to paragraph 130(c) of the National Planning Policy Framework 2021.

(For detailed informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:	<i>K Joyce</i>	Signed:	<i>R Hart</i>
Dated:	13 October 2022	Dated:	13th October 2022