

Delegated Report

Planning Application

Planning Application No: 20230981

Location: 57 Beechwood Drive, Meopham, Gravesend DA13 0TX

Description: Alterations to existing 2 outbuildings to form family annexe.

Applicant: Mr Robin Neeves

Site Visit Date: 11 October 2023

Submitted Documents/Plans

Application form

Drawing no. 02-02 Rev P1 (existing plans)

Drawing no. 02-01 rev P1 (block plans)

Drawing no. 02-03 rev P1 (proposed plans)

Relevant Planning History

20220817	Alterations to existing 2 outbuildings to form family annexe.	Refused	28.09.2022
19980691	Erection of a detached double garage at the rear with storage area in the roofspace.	Permitted	17.02.1999
19970433	Application for the removal of condition (vii) of planning permission ref no. GR/97/214W to allow the loft area to be used for habitable rooms.	Permitted	12.09.1997
19970214	Erection of detached dwelling with detached double garage.	Permitted	28.05.1997
19940481	Erection of replacement dwelling & erection of double garage at the rear.	Permitted	17.10.1994
19880389	Erection of replacement weekend and holiday chalet	Permitted	26.07.1988
19810677	Construction of a cesspool	Refused	30.09.1981

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- C13 – Extensions to Dwellings in the Countryside

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 12 – Achieving well-designed places
- Section 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

Consultees

Meopham Parish Council

No comments received.

Highway Development Management Officer

This proposal gives some concern as the conversion has the potential to be used as an independent property. However, the garden is large with space to provide additional parking if required.

It is suggested the annex created by these works is restricted to be ancillary to the occupation of the main dwelling and a car parking plan is provided. Also, to comply with guidance (KCC SPG4) a cycle parking space should be provided. It is noted that the intended occupant may not wish or be able to ride a cycle, although an adaptive cycle may be possible, due allowance must be made for any future occupant.

Neighbouring properties

The application has been advertised by site notice and individual letters to five neighbouring properties. One letter of support has been received raising no objection; the buildings have existed for many years and there will be no changes to the exterior.

Officer's Analysis

Proposal

This application seeks planning permission for alterations to existing 2 outbuildings to form family annexe. The works include a single storey extension to interlink the two buildings. The existing shutters to the garage will be removed and replaced with windows. An existing smaller store attached to the larger store will be removed. No changes are proposed to the roof of the garage but the metal roof sheet is to be replaced with tiles to match the existing garage. Internally there will be a living/dining/pantry, WC, bedroom and veranda. On the first floor will be a room and a WC. The applicant has stated that the occupier of the annexe will continue to share living activity with the family in the main dwelling. There will be no intervening means of enclosure between the annexe and the main house, plus shared utilities.

Existing site:



Existing plans:



Proposed plans:



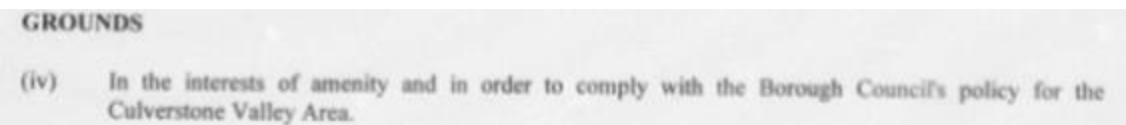
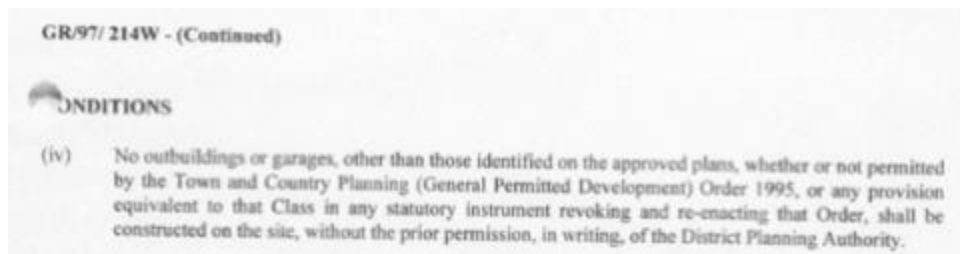
Background

19980691 – Condition 2 of the decision notice restricts the use of the garage:

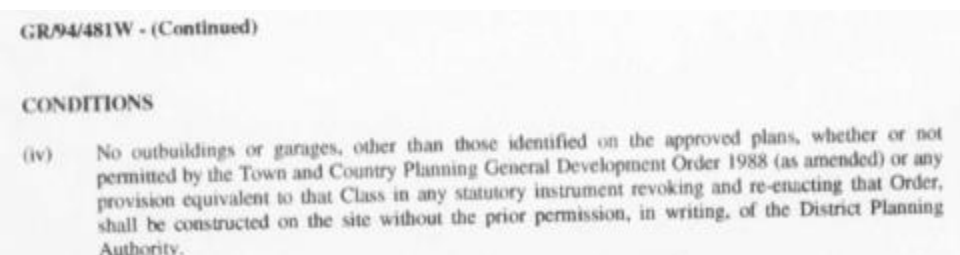
2. The garage hereby permitted shall be used for the accommodation of a private motor car (or cars) for the occupants of 57 Beechwood Drive, Culverstone, Meopham, as a private dwelling house and for no other purpose and no development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995, shall be carried out on the site in such a manner or in such a position as to preclude vehicular access into the garage.

2. In order that any other use of the garage may be the subject of a planning application which the District Planning Authority would wish to determine on its merits.

The existing shed may not be lawful as per the below condition of the 19970214 decision notice restricts permitted development for additional outbuildings:



The above condition was also included in the 19940481 decision notice, copied below:



GROUNDS

- (iv) In the interests of amenity and in order to comply with the Borough Council's policy for the Culverstone Valley Area.

Additionally on the 19880389 decision notice, the below condition was included:

- (v) No outbuildings or garages whether or not permitted by the Town and Country Planning General Development Order 1977 (as amended) or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order shall be constructed on the site without the prior permission, in writing, of the District Planning Authority.

- (v) In the interests of amenity and in order to comply with the Borough Council's policy for weekend and holiday chalets and caravans in the Green Belt.

Principle Issues

The main issues to consider in the determination of this application are the principle of the development in the Green Belt, and the impacts on the character and appearance of the surrounding area, on residential amenities and on highways.

Principle of Development in the Green Belt

The application site is located within 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; the essential characteristics of Green Belts are their openness and their permanence.

Para. 147 of the National Planning Policy Framework 2023 is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para. 148 states that 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.

There are no specific NPPF or local plan policies that relate to the creation of annexe accommodation at existing dwellings. As such, it is necessary to consider the general policies that relate to development in the Green Belt. Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt (paragraph 149 of the NPPF 2023). However, there are exceptions to this, which, as in the case of this proposal, include:

- (c) the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building;
- (g) 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 or would not cause substantial harm to openness and would contribute to meeting an identified affordable housing need.

In terms of point (c) the extension to the garage will be approx. 0.8m wide, 4.8m deep and 2.8m high with a flat roof. It will be approx. 5sqm. and will be approx. 2.8m high with a flat roof. Its function is to join the two buildings and does not result in disproportionate additions over and above the size of the original buildings. In addition to this the side store is being removed which amounts to approx. 2.3sqm.

The proposed annexe is no longer self-contained compared to the recent refusal. It would appear to contain no kitchen or bathroom but the inclusion of a pantry would indicate that there will be some basic cooking facilities. There will be a WC at ground floor and there is an existing WC at first floor. It would appear that there is no bathroom so there would be some reliance on the main dwelling.

The previously refused application proposed a large extension to the main garage building, contained all living accommodation to enable it to be self-contained, and was considered to result in a significant impact on the openness of the Green Belt compared to the existing buildings. The difference between this application and the previous is that the existing buildings now remain and a link is proposed to join them.

The two distinct buildings with a single storey extension to join them will have a significantly lesser impact on the openness of the Green Belt than the previously refused building. The proposed building will no longer be self-contained and, to ensure that it is not occupied or sold separately a condition is recommended to control this. The proposal is therefore considered to meet exception 149c of the NPPF

Para. 150 lists certain other forms of development that are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Part (d) allows the re-use of buildings provided that the buildings are of permanent and substantial construction.

The proposed annexe would be a re-use of a building however, no details have been provided to demonstrate whether this is of permanent and substantial construction. No structural report or planning statement has been submitted in support of the application. This is particularly relevant to the shed which appears to have never had the benefit of planning permission and is unlikely to be of substantial construction. However, given that the proposal already meets exception 149c and was not refused previously due to the structural condition of the building, this is not considered applicable.

Policy CS02 of the Core Strategy 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 Core Strategy 2014. Given that the proposal is considered to meet exception 149c of the NPPF and provides accommodation for a member of the family that already resides in the house, sustainability is not considered a concern in this case.

In determining this proposal account will be taken of Saved Policy C13 of the Gravesham Local Plan First Review (LPFR) (1994) which relates to extensions to dwellings in the countryside. It sets out a number of criteria that should be met when considering proposals for domestic extensions. As the policy pre-dates the NPPF, the weight attached to the policy must be considered carefully, with greater weight being given where the approach is consistent with paragraph 149 of the NPPF.

The most relevant section of Policy C13 is part (iv), which requires that the extension shall not be in a form that would facilitate the future formation of a separate residential curtilage. This is always a key planning concern with annexes, even when they are not within the Green Belt.

As noted above, there was a concern previously that the proposal has the real potential not to be ancillary to the main dwelling on the site particularly because there is a road to the rear of the dwelling which could offer independent access. This application now shows more reliance on the main dwelling for living accommodation and involves a minimal extension to link the buildings.

Internally the floor area has been reduced from 84sqm to approx. 72sqm. This is more in line with what would be expected for a two bedroom, two storey dwelling. Given that it does not contain all living accommodation to create a separate dwelling, it clearly has the space to do so and remains a concern. A subdivision of this plot would be likely to lead to additional parking requirements, hardstanding, boundary treatments, and other domestic paraphernalia that would all have a negative impact on the openness of the Green Belt. Such a proposal would not be acceptable. As discussed above, a condition to control the use of the building so it remains as one planning unit is therefore required and, as discussed below, is

considered appropriate now the building is smaller and more dependent on the main dwelling.

As planning permission is being sought for the ancillary use of the annexe it is helpful to consider case law in terms of the assessment of whether the annexe is ancillary or a separate planning unit.

Case Law

Usually the use of an existing outbuilding for ancillary residential accommodation in association with a main dwellinghouse does not require planning permission provided it complies with Sec. 55(2)(d) of the 1990 Act that provides that the use of buildings within the curtilage of a dwellinghouse for any purpose “incidental to the enjoyment” of that dwellinghouse is not development. The position with regard to residential use of a new outbuilding is different and in this instance the outbuilding to be converted has a condition of its permission that it should be used for the parking of cars only and therefore permission is required.

A number of cases, detailed below, have shown that for the purposes of Sec. 55(2)(d) “incidental to the enjoyment” may be interpreted generously.

If the accommodation created constitutes a separate planning unit, this then is not an incidental use, as Sec. 55(3)(a) makes clear. Any separate residential occupation of a building or buildings formerly within an existing single residential planning unit is development by virtue of Sec. 55(3)(a) of the 1990 Act, as confirmed by *Wakelin v SoS* 1978, a case in which a large house with a lodge that had been converted into two flats used as guest suites was proposed to be converted into a separate dwelling and sold off. The court held that the house, lodge and grounds were one planning unit and that to sever the lodge would constitute a material change of use.

In essence, an annexe will become a separate single dwellinghouse where it is self-contained with all the necessary day-to-day living facilities and has resulted in the creation of a separate planning unit.

Identifying a separate planning unit requires consideration of a range of factors and not simply the self-containment of the accommodation, and is a matter of fact and degree. Even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling and it was a matter of fact and degree whether a change of use had occurred.

A recent appeal decision is relevant:

An inspector refused to permit an ancillary annexe in the rear garden of a house in a Hertfordshire city after concluding that it lent itself to independent living in *St Albans* 21/03/2019 (APP/B1930/W/18/3217177 – appendix 1). The proposed annexe would replace an existing single storey garage at the far end of the rear garden from the main house and would contain all the facilities required for it to be used as an independent dwelling, including a kitchen and living area, a separate bedroom and a shower room. Whilst the plans showed that the existing vehicular access would be blocked up, the inspector observed that the corner plot made independent side access possible. The inspector was clear that a condition limiting the use of the annex to ancillary purposes would be difficult to monitor or enforce, and observed that due to the siting of the annex at a distance from the main house with its own direct access and extensive facilities, there would be a strong temptation to let the annex accommodation for separate occupation following its initial occupation by a relative. The inspector referred to the high court judgment in *Uttlesford DC v SSE & White* 1992 that, even if accommodation provides the facilities for independent day-to-day living, whether it is a separate planning unit from the main dwelling is a matter of fact and degree. In the absence of a clear connection with the main dwelling the inspector concluded the annex would be or become a separate planning unit.

A similar, albeit older case regarding separation, makes the same conclusion:

Application was made to use a first floor storeroom/playroom above a garage as a residential bedsit. An inspector concluded that the way the accommodation was laid out so that it could be accessed completely independently of the main house and this led him to the conclusion that the accommodation was not

“incidental to the enjoyment” of the main house, but a separate unit. This held even if the occupants were family or friends, see Swansea 08/06/1994 (APP 84-135 – appendix 2).

In the case of this application, the proposed annexe could be capable of being occupied independently. The garage and outbuilding is at the end of the garden approx. 15m away from the main dwelling however it does now show some reliance upon the main house. On balance, subject to a condition controlling occupation, on balance, the proposal is acceptable and complies with saved policy C13 of the Gravesham Local Plan 1994 and policy CS02 of the Gravesham Core Strategy 2014 and para. 149 and 150 of the National Planning Policy Framework 2023.

Very Special Circumstances

The applicant’s agent has mentioned that the applicant’s daughter requires accommodation so that her parents can care for her as she has a medical condition. Given that the proposal is not considered inappropriate development in the Green Belt, very special circumstances do not need to be considered.

Although there is limited information about the disability of the family member, the Council has had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Nevertheless, for the reasons set out above, it does not follow from the PSED that the application should succeed.

To conclude, the proposal is appropriate development in the Green Belt, and will not cause harm to the openness of the Green Belt.

Design, Landscape Character and Appearance

Development Plan policy places considerable emphasis on the importance of achieving high quality, beautiful and sustainable buildings and places. Paragraph 130 of the NPPF 2023 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

The application site lies in the countryside, in the Green Belt and in the Harvel Wooded Downs Landscape Character Area. With regard to the impact on the landscape, Policy CS12 of the Gravesham Core Strategy 2014 is relevant to this application, relating to green infrastructure. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment (LCA) 2009 will be taken into account in determining applications. The Harvel Wooded Downs Landscape Character Area comprises varied topography, ancient woodlands and small paddocks and pasture. There is a haphazard mosaic of residential plots and small holdings. The LCA recognises the overall condition of the landscape as moderate and the sensitivity of the area as moderate. It is recommended that the key landscape elements should be conserved and created.

Paragraph 137 of the NPPF 2023 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 2019 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 activity levels generated.

In this case, as mentioned above, the proposed extension and conversion of the existing garage and shed to ancillary residential accommodation will not have a significant impact on the openness of the site, character of the surroundings, the rural landscape character and appearance of the site and, as such, the proposal would accord with the requirements of Policies CS02, CS12 and CS19 of the Core Strategy 2014 and paragraphs 130, 137 and 174 of the NPPF 2023.

Residential Amenity

The NPPF 2023 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

Future Occupiers

In terms of additional living accommodation, the proposal will add a further two bedrooms to the application property, bringing the total number of bedrooms to 7. Garden space around the property will not be affected, as there are no external additions proposed save for the small extension to join the buildings. There is therefore no conflict with Policy CS19 of the Core Strategy 2014, or the standards set out in the NDSS 2015 and SPG2 in respect of the accommodation standards and retained garden for future occupants of the dwelling.

If the proposed annexe were to be severed from the main dwelling there would be various amenity concerns: Given the 15m gap between the properties there would be likely to be overlooking issues for occupiers of the annexe caused by the proximity of neighbouring windows well below the recommended 21m in the Residential Layout Guidelines SPG particularly to the garden areas. Furthermore, there would be an inadequate amount of amenity space for occupiers of the annexe.

Given that the annexe will be ancillary to the main house, the distance between the buildings does not raise concerns. None of the new windows will be overlooked from neighbouring properties.

Neighbouring Properties

The proposed conversion will have no significant impact on any neighbouring properties in terms of loss of outlook, sunlight or daylight. No windows face to the west or south at first floor and therefore no concerns are raised with regards to loss of privacy. Overall, the proposal would therefore safeguard the amenities of neighbouring properties, and as such, would comply with Policy CS19 of the Core Strategy 2014 and paragraph 130(f) of the NPPF 2023.

Ecology and Biodiversity

The proposal will not result in a significant loss of biodiversity as the buildings already exist. No changes to the current landscaping arrangements are shown on the plans and therefore there is no net loss of biodiversity in accordance with policy CS12 of the Gravesham Core Strategy 2014.

Parking and Highways

This proposal gives some concern as the conversion has the potential to be used as an independent property although, the garden is large with space to provide additional parking if required.

It is suggested the annex created by these works is restricted to be ancillary to the occupation of the main dwelling and a car parking plan is provided. To comply with guidance (KCC SPG4) a cycle parking space should be provided, of which there is plenty of space. Subject to an occupancy condition, no objections are raised on highways grounds.

Conclusion

The proposed annexe, subject to an occupancy condition, will have no detrimental impact on the openness of the Green Belt, surrounding landscape, amenity, parking or highway safety and therefore accords with the above mentioned policies and is recommended for approval.

Recommendation:

Permit

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

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	28 November 2023	Dated:	28th November 2023