

Householder Planning Statement

Starwood, Peartree Lane, Shorne,
DA12 3JU

Use of existing outbuilding for incidental
purposes



RTPI

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1 Introduction

- 1.1 This Householder Planning Statement has been submitted in support of an application for the following development at Starwood, Peartree Lane, Shorne, DA12 3JU (hereafter referred to as 'the Site'):

Use of existing outbuilding for incidental purposes

- 1.2 The proposed development affects the following Land Registry title(s):

Title Number	Description	Owner
K654169	Land adjoining Starwood	The Applicants
K424735	Starwood	The Applicants

- 1.3 The application is accompanied by the following plans and documents:

- **Householder Planning Statement**
- **3926B-01A Site Location Plan**
- **3926B-02A Existing Elevations**
- **3926B-03A Existing Floor Plans**
- **3962B-04A Proposed Elevations**
- **3962B-05A Proposed Floor Plans**
- **3962B-06A Existing Block Plan**
- **3962B-07A Proposed Block Plan**

2 Site Context

- 2.1 The existing Starwood curtilage (hereafter referred to as 'the Site') comprises a large detached property on the northern side of Peartree Lane set within a 0.6 hectare plot of land. Land within the family's ownership extends to another 10.2 hectares, inclusive of a 7 hectare woodland and 2.2 hectare paddock.
- 2.2 The existing dwelling is set back by a minimum of 50m from the highway and benefits from two vehicular accesses. One was recently constructed in 2018, as per planning permission 20171122, to provide a separate and direct access to the stable, tack room, feed store and storage containers that currently exist within the rear part of the recently lawfully certified garden that serves Starwood (see application reference 20210376). There is a concrete framed barn towards the far end of the Site that has been the subject of a certificate of lawfulness (see application reference 20230491).
- 2.3 The subject outbuilding is located along the eastern boundary of the Site a few metres forward of the main front elevation of the dwelling and features two small dormer windows in each of the north (rear) and south (front) elevations. A garage exists at the ground floor whilst a separate door in the northern elevation leads to an internal staircase and a first floor that previously comprised a hobby room.
- 2.4 Being entirely residential land not located within a built-up area, this means that the Site is entirely previously developed. The Site is outside of the rural settlement of Shorne. The existing built form is part of a ribbon of housing along Pear Tree Lane to the south, all set within generous plots of previously developed land.

3 Relevant History

3.1 The following decisions are considered relevant to this particular application and relate solely to the subject detached outbuilding:

- [Alterations and additions to provide additional living accommodation and erection of a detached garage](#)

Ref. No: 19750472 | Status: Application Permitted

- [Variation of condition \(iii\) of planning permission reference number GR/75/472 for erection of a detached garage; to allow the store in the roof space above the garage to be used as a hobby room and construction of dormer extensions in both side roof slopes of garage to provide enlarged roofspace for the hobby room/store.](#)

Ref. No: 20050912 | Status: Application Permitted. This refers to the incorrect reference number. The correct reference number is GR/74/472. It also changes the description of the development and included a three-year commencement condition. It is certainly the case now that neither of these matters should occur when determining section 73 applications.

- [Application for variation of condition 2 attached to planning permission reference number 20050912 for the erection of a detached garage, to allow the store in the roof space above the garage to be used as a hobby room and construction of a dormer extension in both side roof slopes of garage to provide enlarged roof space for the hobby room/store to allow use of detached garage as an annexe in connection with main dwelling house.](#)

Ref. No: 20230943 | Status: Application Permitted, although Condition 3 limited the use of the first floor to a bedroom and bathroom, which did not reflect the application form. Nor was it possible to issue this permission in this manner as it varied the operative part of the parent permission (20050912). An appeal was withdrawn in lieu of the subject application.

4 Proposed Development

- 4.1 Condition 2 of planning permission 20050912 removes the ability to use the first floor for any other reason other than a hobby room or store. This householder application attempts to create a brand new standalone permission that would permit any incidental use of the entire detached outbuilding.
- 4.2 To discourage GBC from adding unnecessary conditions that require specific uses of the rooms or a list of drawings that refer to specific uses of rooms, all labels relating to the internal rooms have been removed from the proposed floor plans.
- 4.2 A new permission is necessary to allow for potential future internal amendments to the previously approved and modified detached garage.
- 4.3 No new built form is proposed, nor is there to be a material change in the use of the existing outbuilding. It is to remain for incidental purposes only.
- 4.4 Permission is only required due to the restrictive condition of the previous permission granted under 20050912 (or 20230943), otherwise, such changes would be deemed 'permitted development.'

5 Planning Policy

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Court of Appeal has clarified that for a decision maker this means establishing whether a proposal is in accordance with the development plan as a whole. The question of compliance with one policy should not dictate the outcome of a proposal in the absence of considering compliance with all other relevant policies. Decision makers are therefore tasked with identifying and understanding all relevant policies and material considerations in order to reach a properly informed planning judgment on a proposal, and to avoid an irrational or vulnerable decision that may be subject to criticism in a public law challenge.
- 5.2 Paragraph 2 of the National Planning Policy Framework ('the Framework') reiterates what is said in Section 38(6), whilst paragraph 12 of the Framework is clear that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 5.3 Paragraph 38 of the Framework encourages local planning authorities to approach decisions on proposed development in a positive and creative way. It also encourages working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, adding that decision-makers should seek to approve applications for sustainable development where possible.
- 5.4 Annex 1 of the Framework confirms that for the purposes of decision-taking, the policies in the plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. It adds that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with greater weight being given to those policies that are closer to the policies in the Framework.

Development Plan

- 5.5 Development Plan for the area within which the application site is located comprises the Gravesham Local Plan Core Strategy (CS) (adopted September

2014) and the Saved Policies of the Gravesham Local Plan First Review (LPFR) (adopted November 1994).

5.6 Relevant Development Plan policies in the CS include:

- CS01: Sustainable Development;
- CS02: Scale and Distribution of Development (Green Belt);
- CS19: Development and Design Principles.

5.7 Relevant Development Plan policies in the LPFR include:

- T4: Development Outside the Built-up Area;

Other Material Considerations

The Framework

5.8 In summary, the following paragraphs are considered most relevant as additional material considerations in the determination of this application:

- 115 (highway safety);
- 123 (effective use of land);
- 131, 135 and 139 (design);
- 142, 143, 152-154 (Green Belt).

6 Planning Assessment

Key Issues

- 6.1 The proposed householder development has been assessed by Graham Simpkin Planning against the following key matters:

Matter	Policy	Comment	Position
Countryside	T4	No external changes are proposed	Compliant
Design	CS19	No external changes are proposed	Compliant
Daylight	CS19	No external changes are proposed	Compliant
Green Belt	CS02	No external changes are proposed	Compliant
Highway safety & parking	CS19	Alternative parking proposed	Compliant
Outlook	CS19	The outbuilding benefits from a dual aspect first floor	Compliant
Overbearing	CS19	No external changes are proposed	Compliant
Overlooking	CS19	No external changes are proposed	Complaint
Trees	CS19	No operational development is proposed as part of the application	Complaint
Use	CS19	See below for more detail	Compliant
CONCLUSION			Compliant

Incidental Use

- 6.2 Although the intention is to continue the previously approved and conditioned ground floor use of the outbuilding for the parking of vehicles, the Applicant wishes to provide for the ability to use this space for an alternative incidental use, without first having to apply for planning permission.
- 6.3 The Site involves a considerable amount of hardsurfacing so alternative parking can easily be found elsewhere, in particular directly in front of the main dwelling. The proposed site plan clarifies this with three parking spaces shown. The space within the outbuilding would remain for incidental uses only.
- 6.4 There is insufficient space at the first floor which in itself would prevent this from becoming an independent dwelling (as was accepted to be the case as part of GBC's assessment of 20230943). The use of the first floor will therefore remain incidental to the previously approved detached house from 1960, with nothing changing in respect of the primary use of the subject outbuilding or the surrounding land. A separate planning application for such a material change of use would be required were that not to be the case.

Use of Conditions

6.5 In assessing the need for conditions, paragraph 56 of the Framework confirms that they should be kept to a minimum. Furthermore, the Applicant believes that any condition requiring specific incidental uses of rooms fails the following tests, also as set out in paragraph 56 of the Framework:

1. Necessary (the Applicant says that it is not necessary in a prescriptive form as the formation of a separate dwelling is development in its own right);
4. Unreasonable (the Applicant suggests that any such condition is unreasonable as it seeks to prevent other incidental uses).

6.6 However, in case GBC considers that a condition relating to incidental use of the outbuilding is necessary, the Applicant wishes to suggest the following:

- *The outbuilding shall be used for incidental purposes only for the occupants of Starwood and the outbuilding shall not, at any time, be let or sold and no trade or business shall be carried out therefrom.*

7 Conclusions

- 7.1 Given the above, there should be no concerns with the application that seeks a new and separate permission for the incidental use of this long-standing detached outbuilding. No operational development is proposed.
- 7.2 In consideration of all relevant development plan policies and material considerations, this application should be viewed positively by the authority and it is respectfully requested that this submission is approved.