

Delegated Report

Householder Planning Application

Application No:	20220909
Location:	Double Oaks, Ridge Lane, Meopham, Gravesend, Kent, DA13 0DP
Description:	Demolition of a shed and erection of an outbuilding to accommodate an office.
Applicant:	Silvana Da Silva
Site Visit:	N/A Desktop Assessment

Submitted Documents/Plans

The application comprises the following documents and plans:

Application Form - dated 17/80/2022;
Drawing no. 001 - Rev. A - Site Location Plan and Block Plans;
Drawing no. 002 - Rev. A - Existing and Proposed Plans and Elevations.

Relevant Planning History

Reference	Description	Decision	Decision Date
19990843	Alterations to enlarge roof and conversion of roof space to form bedroom, bathroom and boxroom.	PERMITTED	26.01.2000
19910005	Erection of a detached bungalow.	PERMITTED	05.06.1991

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Saved Policies in the Gravesham Local Plan First Review (November 1994):

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

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.

Other material considerations

National Planning Policy Framework (2021)

- Section 2 - Achieving Sustainable Development
- Section 12 - Achieving Well-Designed Places
- Section 13 - Protecting Green Belt Land
- Section 15 - Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

- SPG 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)
- Gravesham Householder Extensions/Alterations Design Guidance (SPD) (2021)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Internal consultees

Local Ward Councillors - No comment received.

External consultees

Meopham Parish Council - no objections to this planning application provided that the office is never marketed separately from the main dwelling and does not involve a change of use of the premises from residential.

Kent County Council Public Rights of Way - Public Rights of Way NS285 lies to the east 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.

Neighbouring properties

An advert was published in the local newspaper and a notice was displayed on site.

In addition, five surrounding properties were consulted and no representations were received. The consultation period expired 30th September 2022.

Analysis

Proposal

This application proposes the demolition of an existing shed and the erection of a smaller single storey outbuilding for use as a home office and shower room/w.c. The erection of an outbuilding requires planning permission due to condition (iv) attached to planning permission ref. 19910005, which removed permitted development rights for the erection of outbuildings.

For the avoidance of doubt condition (iv) reads as follows:

(iv) No outbuildings, or garages, whether or not permitted by the Town and Country Planning General Development Order 1988 (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.

Erection of an Outbuilding

The principle consideration of this part of the application is that the property falls within the Green Belt which is subject to strict policy constraints. Unfortunately, there are no specific development plan policies on the provision of outbuildings in the green belt. However, adopted Core Strategy policy CS02 requires development to be compatible with national policies for protecting the Green Belt.

It is noted that while saved Policy C13 (vii) of the Local Plan First Review sets out that the Council's approach to assessing proposals for outbuildings in the countryside and makes clear that they will be considered on their individual merits, it is out of step with the National Planning Policy Framework (NPPF). Therefore, it should be attributed minimal weight for the following reasons;

National Green Belt planning policies are detailed under Section 13 of the NPPF "Protecting Green Belt land". Paragraph 149 states that the construction of new buildings in the Green Belt is inappropriate development. It goes on to list six exceptions to this, however ancillary residential outbuildings do not form one of the exceptions specifically listed.

Paragraph 149(c) has some relevance, starting that the construction of new buildings (paragraph 149) is considered to be 'inappropriate' development in the Green Belt except where this involves (amongst other things) the:

- 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; and

However, it is clear that domestic outbuildings, including garages, do not specifically fall within this list and as such they are considered to be inappropriate development per se.

In line with paragraph 147, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 sets out that substantial weight should be given to that harm and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In relation to saved policy C13 (vii) of the Gravesham Local Plan First Review, paragraph 219 of the NPPF sets out that 'Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Core Strategy policy CS01 also sets out in

paragraph 4.1.8;

Where there are no policies relevant to the application for relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted.*

This second bullet point is in line with paragraph 11 of the NPPF. Examples of the policies that indicate that development should be restricted are set out in a footnote in the NPPF and include land designated as Green Belt.

In addition, when considering proposals in the rural area, Policy CS02 gives further support to the policy approach set out in the NPPF stating that development outside those settlements, including affordable housing and proposals to maintain and diversify the rural economy, will be supported where it is compatible with national policies for protecting the Green Belt and policies in this plan.

On the basis of the above, it is considered that only minimal weight can be given to this part of policy C13.

Very Special Circumstances

Given the above determination, the national Green Belt policies contained in the NPPF are the presiding policy in determining a proposal for ancillary residential outbuildings in the Green Belt. It is considered that proposals for a detached outbuilding would constitute inappropriate development in the Green Belt that is harmful to the Green Belt and should not be approved except in very special circumstances. Moreover, substantial weight should be given to that harm and that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has not provided a supporting statement setting out any very special circumstances that exist to clearly outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm such as the effect on openness that may result from the proposal, however an assessment on the harm to the openness of the Green Belt is provided below.

The effect of the proposal on the openness of the Green Belt

Paragraph 137 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.

The proposed outbuilding will not harm the openness of the Green Belt. The development will replace a larger timber shed structure and therefore will not have any impact on its permanence or open character.

Reference back to paragraphs 147 and 148 of the NPPF informs us that 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. Whether the development causes any other harm and whether there are any other relevant considerations to balance the overall planning argument, should now be considered.

The effect on the character and appearance of the area

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. Section 12 (Achieving well-designed places) of the NPPF sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

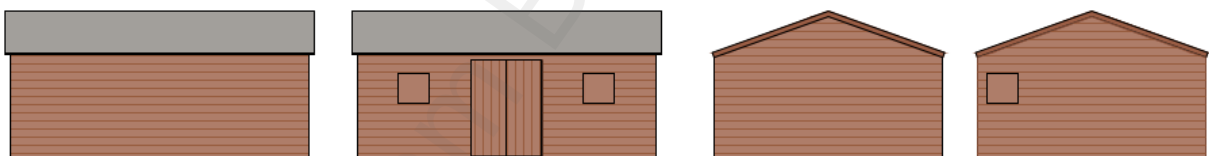
Gravesham's Householder Design Guidance SPD (2021) discusses outbuildings and states that their use should be incidental to the enjoyment of the dwellinghouse, should not occupy a significant amount of the garden, be subordinate to the main dwelling and should not be prominent or impact on the street scene.

The proposed outbuilding will replace an existing shed, which has been on site since approx. 2003. The new outbuilding will be constructed using brick and will have a shallow pitched roof, with the following dimensions:

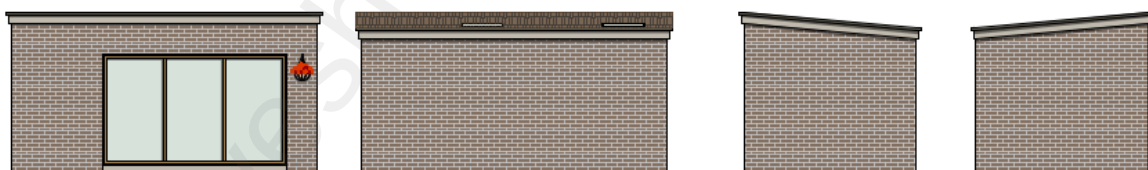
- Depth - 3.3m
- Width - 5.84m
- Height (max) - 3.05m
- Height (min) - 2.72m

The proposed outbuilding has a smaller footprint than the existing shed. It will have two velux windows on the roof slope and bifold doors on the front elevation. The building will be used as a home office and will include a shower room/w.c.

Existing Elevations



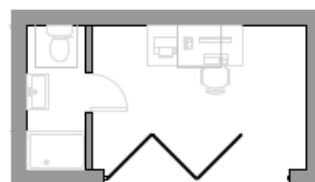
Proposed Elevations



Existing Floor Plan



Proposed Floor Plan



The outbuilding will be used as a home office as shown in the floorplans above, and this use will be secured by condition to ensure that no primary living accommodation is installed within the

outbuilding at any time.

Overall, the proposed outbuilding will have no impact on the character of the street scene or the host property and is considered to be good design. Therefore, the application is in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF.

Other matters

Amenity of Future Occupiers

The development is not considered to have any detrimental impact on the amenity of future occupiers and is in accordance with Policy CS19 (LPCS) and Section 12 (NPPF).

Neighbouring

The development will not impact on the amenity of neighbouring properties in terms of loss of light, loss of privacy, overshadowing, outlook or sense of enclosure. As such, the development is in accordance with Policy CS19 (LPCS) and Section 12 (NPPF).

Parking and Highways

There are no parking or highways issues related to this proposal. The property benefits from a driveway that has adequate space for vehicular parking and will not be reduced as part of this development.

Impact on the Landscape

In addition to being within the Green Belt, the site is located within the Harvel Wooded Downs landscape character area. This area is characterised by varied topography, ancient wood and haphazard mosaic resident plots and small holdings.

Policy CS12 (LPCS) seeks to protect the Green infrastructure within the Borough and states at 5.7.26 the overall landscape character and valued landscapes will be conserved, restored and enhanced.

The proposed outbuilding is not considered to impact on the Harvel Wooded Downs Landscape Character Area as it is a smaller structure than the existing shed and will therefore have a reduced impact on the landscape.

Conclusion

The application has been fully considered and is in accordance with local and national planning policy.

The outbuilding is located at the end of the garden and will have no impact on the street scene. Although large, it is only marginally above what would be allowed under permitted development and will have no impact on the amenity of future occupiers or neighbouring properties.

As such it is recommended that planning permission is granted, subject to conditions.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	6 th October 2022	Dated:	06 October 2022