

KEVIN WISE TOWN PLANNING

The Old Estate Office, Ewell Lane, West Farleigh, Kent ME15 0NG

The Chief Planning Officer
Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

8th November 2023

Dear Sir/Madam,

RE: Planning Application For A New Detached Summerhouse/Games Room At 68 Beechwood Drive, Meopham, Kent DA13 0PT.

On behalf of my clients Mr & Mrs Petrucci, please find enclosed an application seeking planning permission for a detached domestic outbuilding within the residential curtilage area of their house, No. 68 Beechwood Drive, Meopham. In addition to the statutory planning application for [REDACTED]s covering letter, the application submission comprises the following items:

- Completed 1APP application forms.
- Plan No KWTP/01 – Plan detailing a site location plan; existing and proposed block plans; the proposed building elevations and a floorplan.

Site Location & Background To The Development:

The site comprises a detached dwellinghouse and its domestic curtilage situated within the Culverstone area, which is a substantial residential area/settlement in reality but for planning purposes lies outside of the defined village confines of Meopham according to the Proposals Map of the adopted Development Plan. The dwellinghouse is not Listed and the site does not lie within a Conservation Area, but it is within the Kent Downs Area of Outstanding Natural Beauty.

As detailed above, the proposal involves a single storey ancillary outbuilding within the domestic curtilage of the house. Under most circumstances, such a development would benefit from a generic planning permission under Class E of the Town & Country Planning (General Permitted Development) Order 2015 (as Amended). However, in this case the structure is slightly taller than the prescribed 2.4m height limit for any building located within 2m of a boundary. In addition, even if the building height were 2.4m or lower when measured from prevailing ground level 68 Beechwood Drive has its Class E permitted development rights withdrawn by planning condition. Accordingly, this application for a specific planning permission is required – although the applicants did not realise that a domestic outbuilding of this nature would need a specific consent from the council and particularly since the summerhouse represents a direct replacement for a large mobile home which previously stood in this position. (NB – The mobile home unit was being used for independent occupation rather than an ancillary domestic use).

Discussion Of Relevant Planning Considerations:

As indicated in the preceding section, the proposed outbuilding was constructed as a direct replacement for an unsightly mobile home that was standing on the site. Indeed, the new

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Summerhouse directly sits on the existing original concrete slab that was installed for the mobile home. The outbuilding is intended to be used solely for ancillary domestic purposes only – namely a games room/summerhouse/garden store. The building would include a 'bar' and a small WC facility in one corner.

The structure features a shallow, mono-pitched, 'pent' roof which is weathered with felt. Its elevations are timber boarded and include with numerous French style doors. The building is a typical example of a garden summerhouse which one would expect to find within a domestic curtilage and, indeed, represents an 'off the shelf' model.

In terms of the applicable planning policy considerations the following policies are considered relevant:

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

NB - Paragraph 33 of the National Planning Policy Framework (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. Gravesham 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 be seeking to replace these in future.

In addition to Development Plan policies, the provisions of the National Planning Policy Framework (2021) must be considered along with 'Supplementary Planning Guidance'. In this case, the following are germane: SPG 4 - *KCC Parking Standards* (2006) and the *'Householder Extensions/Alterations Design Guide* (2021)' are relevant as well as the *'Gravesham Landscape Character Assessment'* (2009).

The main issues to consider in this case are firstly whether the principle of the development is acceptable within the Green Belt, and then secondly what the impacts of the new building would be upon the character and appearance of the area, upon local residential amenities, upon highway safety and the health and vitality of existing trees that stand near to the building.

Looking firstly at the issue of the principle of development within the Green Belt, the application site is located within the Green Belt where the fundamental aim is to prevent urban sprawl by keeping land permanently open and protecting the essential characteristics

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of Green Belts – i.e., their ‘openness’ and ‘permanence’. The NPPF makes it clear that any form of ‘inappropriate development’ is, by definition, harmful to the Green Belt and should not be approved except where there are suitably compelling and persuasive ‘very special circumstances’. In general terms the NPPF states that Local Planning Authorities should regard the construction of new buildings as ‘inappropriate development’ within the Green Belt under paragraph 149. Although there are several exceptions listed which include criteria (c) which permits ***“the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building”***. Additionally, there is criteria (g) which permits ***“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”***.

The proposed erection of domestic outbuildings does not specifically fall within any of the categories listed in paragraph 149 of the NPPF (2023) but there is significant case law on the issue (most notably ‘*Sevenoaks District Council v Secretary of State for the Environment and Dawe 1997*’ and more recently ‘*Warwick DC v Secretary of State for Levelling Up, Housing and Communities 2022*’ which established that a domestic outbuilding may be regarded as an extension to a dwelling provided that it forms a ‘normal domestic adjunct’.

In considering whether a proposal is considered to be a normal domestic adjunct, consideration is given to location and use in relation to the main dwelling. The building is clearly an ancillary domestic outbuilding in terms of its design and construction and it is sited close to the main house with a clear subservient relationship. Consequently, the development can only reasonably be judged to be ancillary to the main dwelling and a ‘normal domestic adjunct’. It must therefore be seen to constitute an extension to the dwelling at the application site.

In terms of scale, the new building would also not result in any disproportionate addition over and above the size of the original building. In any event, the structure is a direct replacement for existing bulk which previously stood on the very same concrete slab. That former structure was a lawful mobile home that included anchorage to the ground. The replacement outbuilding has less impact on the openness of the Green Belt than the original structure that it has replaced.

Given these facts and circumstances, the proposed outbuilding would not represent ‘*inappropriate development*’ and is allowed under the provisions of section (c) of paragraph 149 of the NPPF and represents a form of rural development that is compatible with national policies protecting the Green Belt and related policies in the Core Strategy 2014. Indeed, since the development is not inappropriate under paragraph 149c of the NPPF, there is no requirement to consider if the development harms openness or Green Belt functioning.

Policy CS19 of the Core Strategy 2014 requires that new development is well designed and respects the character and appearance of surrounding area. This application is located in a rural area but there is significant built form already in the locality, including not only this existing dwellinghouse but many other surrounding houses. The landscape is generally rural but features significant built form too as the area is one where hundreds of dwellinghouses have been converted over time from original holiday plots and chalets to permanent residences. This area is included within ‘Harvel Wooded Downs Landscape Character Area’. This relevant character area appraisal/study recognises these facts stating that: ***‘In the mid-20th Century the land to the north of Harvel was divided into a multitude of small plots that has resulted in sporadic and piecemeal development. These plots are enclosed***

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by a variety of boundaries including fencing, hedgerows and other materials, or defined by clearings in the woodland to create a haphazard mosaic of small-scale housing plots within the woodland. The style of properties is varied in terms of size, scale and style. Many plots accommodate derelict caravans adjacent to small brick bungalows. Security gates and fencing are dominant throughout the area.

'The uncharacteristic and sporadic settlement of small plots within coppice woodland is a dominant element within the area creating an incoherent landscape. There are many visual detractors, including derelict buildings and caravans, overgrown gardens, poor fencing, disjointed fencing materials and fly tipping. The visual unity is significantly interrupted, although the wooded nature of the area conceals much of the visual clutter from wider views.'

It is therefore evident that the land is already scarred by significant residential development and so the proposed outbuilding would not appear as either an alien feature or unduly change the nature or visual appearance of the area. Furthermore, as indicated above, the proposal is a redevelopment rather than new built form with the timber summerhouse replacing an unsightly mobile home building and involves not only an identical situation to the original in terms of siting, scale and footprint but provides a significant visual betterment. As such, there are no harmful visual impacts on the area nor the landscape character and so the proposals comply with the requirements of Policy CS02 of the Gravesham Core Strategy 2014, Policy C13 of the Gravesham Local Plan 1994 and Section 13 of the NPPF (2023).

Turning now to impacts upon residential amenity, there are no neighbouring dwellings close by to the summerhouse structure that could be affected by either loss of light, outlook or privacy and, again, in any event the building is a direct replacement for a near identically sized structure. The proposal therefore does not threaten any amenities of neighbouring properties and so complies with policy CS19 of the Core Strategy 2014.

With respect to highway safety, the proposals do not create any additional demand for car parking and does not reduce any parking facilities available at the property. Consequently, there are no associated highway hazards or impacts.

Dealing now finally with the potential impacts upon nearby trees, although there are various specimens standing in close proximity to the proposed outbuilding, the reality is that the structure has been built on the existing concrete slab that was occupied/used by the mobile home that formerly stood here on the site and so there have been no invasive ground works nor has there been any new or additional impermeable hardstands introduced. It is true that the trees may well result in future pressure for works/removal as a result of proximity to the building, but this would have been the case if the original mobile home were still in place and so the circumstances have effectively not changed.

In the light of the above considerations, the proposed new home office outbuilding and games room/home gym/garden store building would not contravene the applicable Development Plan policies or the provisions of the NPPF and would also be acceptable in all other respects. Accordingly, a planning permission be granted without delay.

In the event that any further information or clarification is required, please contact me as soon as possible to avoid any delays to the determination of this case.

Yours sincerely

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The Old Estate Office, Ewell Lane, West Earleigh, Kent ME15 0NG

Kevin Wise BA(Hons) BTP MRTPI

Mullion

Triforium

Arcade

Pier