



Planning Statement

Retention of outbuilding within the residential curtilage incidental to the enjoyment of the dwelling house.

**The Retreat Hazells Farm Northfleet Green Road
Istead Rise Kent DA13 9PN**

Mr. J. Chow

18 February 2022

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1.0 Introduction

1.1 This statement is being made to support this application by Mr J. Chow to Gravesham Borough Council's for the retention of the outbuilding within the residential curtilage of The Retreat Hazells Farm Northfleet Green Road Istead Rise Kent DA13 9PN. The application relates to the retention of the existing outbuilding located in the residential garden of the premise and used as a summerhouse and home office. The structure sits in front of the dwelling but located some 13m from it. It is submitted as a householder application for the retention of a Class E outbuilding rather than an extension to the property.

1.2 In addition to the application form and certificates the following documents are submitted;

Application plans:

- Heritage Statement
- Drawing no. 220202-001A (Proposed Site Plan)
- Drawing no. 220202- 002A (Proposed Floor Space)
- Drawing no. 220202_ 003A (Proposed Front Elevation)
- Drawing no. 220202- 004A (Proposed NW Elevation)
- Drawing no. 220202-005A (Proposed SE Elevation)
- Planning Statement

2.0 Site and its Surroundings

2.1 The Retreat e is a rural dwelling located on the western side of Northfleet Green Road at a point where it turns 45 degrees to the northeast, some 500m north of its junction with New Barn Road. The site comprises a detached dwelling located to the rear of its plot with its amenity area located primarily to the front of the dwelling. The site is surrounded by new residential dwelling and barn conversions on what was the old Hazells Farm that was historically part of the Hazells Estate.

2.2 It was formerly a garage building within the curtilage of Hazells, a Grade II, immediately to the NE. In December 2014 (20140761 &2) Planning permission and Listed Building Consent was granted for it extension and continued use as

ancillary accommodation to the host dwelling (Hazells) with the erection of boundary walls, varying between 2.1 & 2.6m in height, and with 2.1m high entrance gates to form a totally self-contained unit. This was conditioned that it could only be used incidental to Hazells.



2.3 Later in February 2016 (20151111 & 12) both planning permission and listed Building Consent was granted to lift the restrictive condition to allow its use as a separate dwelling not linked to the host dwelling. – thus separating it from the curtilage of the listed building. The applications also included the detailing of new boundary walls which totally enclosed the property and provided it with a separate access onto Northfleet Green Road rather than via the existing Hazells access. **It is at this point the property became its own planning unit unrelated to Hazells and no longer within its residential**

curtilage, as shown in the GoogleEarth image above. It is not within the residential curtilage of the Listed Hazells.

2.4 The main eastern boundary wall to the property was constructed to define the curtilage of the new planning unit which was accessed via an unmade track leading to Northfleet Green Road. It was a self-contained dwelling no longer part of the listed building curtilage. It is important to note that there are no conditions attached to the 2015 permissions that retained it as a curtilage building protected by the Grade II listing of Hazells only that its permitted development rights were withdrawn. As a consequence the development proposed by this application requires planning permission as a Class E outbuilding incidental to the dwelling.

2.5 Planning History

- Conversion of the garage into a residential dwelling including the installation of a mezzanine floor and retention of perimeter fence

Ref. No: 20030642 Status: Application Refused Appeal Dismissed

- Continued use of former garage building with extension, alterations to the roof to provide ancillary accommodation linked to Hazells and erection of walls and gates.

Ref. No: 20140761 Status: Application Granted subject to conditions
17/12/2014

- Listed Building Consent – as above .

Ref. No: 20140762 Status: Application Granted subject to conditions
17/12/2014

- Application to remove condition linking occupation ancillary to Hazells as a separate dwelling

Ref. No: 20151111 Status: Application Permitted – creation of a new planning unit.

- Listed Building Application as above.

Ref. No: 20151112 Status: Application Permitted – creation of new planning unit

- Application for approval of conditions to permission 20140764

Ref. No. 20160418 Status approval of details of materials , surface treatments and walls.

- Application for variation of Condition 1 to permission 20151111

Ref. No. 20160466 Status Approved details of changes to elevations.

- Retrospective application for the construction of an outbuilding and pavilion Ref.No. 20201207 – refused 13 January 2021 on Green Belt, Character of the Countryside and impact on the setting of the Listed Hazells. It was dismissed on appeal largely as inappropriate development in the Green Belt. The Inspector finding that the other grounds had not been substantiated.

2.6 From the planning history the most important of these are permissions 20151111 & 12 which granted permission for the use of the building as a separate unit thereby creating a new planning unit unrelated to Hazells.

3.0 The Proposal

3.1 The proposal is for the retention of the detached timber log summerhouse which is located some 13m from the main host dwelling. The works were commenced in July 2020 and the outbuilding was substantially complete at this stage. Notwithstanding recent case law regarding the normal domestic adjunct of outbuildings close to the host dwelling we are satisfied that at 13m this is clearly a Class E building as opposed to an extension which is supported by numerous appeal decisions.

3.2 The Council's adopted house design guidelines regards dwelling to have a minimum depth of 10m rear amenity area and in this case, which the amenity area is in front of the dwelling, it is in excess of 10m from the host.

4.0 Planning Policy Context

4.1 Section 70 of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that, when making a determination under the Planning Acts, the determination shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Article 35 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, requires that, when issuing a decision, councils must also include a statement explaining, whether, and if so how, in dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

National Planning Policy

4.2 National planning policy is enshrined within the revised National Planning Policy Framework (NPPF) issued in July 2021 and its accompanying revised the Planning Policy Guidance (PPG). The PPG seeks to set out how to implement the strategic vision contained within the NPPF.

4.3 With regards to decision-taking, the revised NPPF advises that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems. Decision-takers at every level should seek to approve applications for sustainable development where possible (paragraphs 186 and 187).

4.4 Paragraph 7 of the NPPF states that, “the purpose of the planning system is to contribute to the achievement of sustainable development”. It goes on at paragraph 8, that there are three dimensions of sustainable development as: economic, social and environmental. Paragraph 10 of the NPPF states that a “presumption in favour of sustainable development’ which is at the heart of the Framework to ensure that sustainable development is pursued in a positive way.

4.5 The overarching principle is contained within Paragraph 11 which states that there is a ‘**presumption in favour of sustainable development**’. Para.12 goes on that the presumption in favour of sustainable development does not

change the status of the development plan and states that where a development that is contrary to an up to date development plan that permission should not be granted. The NPPF emphasises that planning applications that accord with the policies in the Councils Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.'

4.6 The NPPF supports the protection of the Green Belt and seeks to restrict development with Paragraph 137 stating the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 notes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances. Paragraph 148 further states, *"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."*

4.7 Paragraph 149 states construction of new buildings in the Green Belt is inappropriate development, however, lists exceptions with sub-point b) stating *"the provision of appropriate facilities (in connection with the existing use of land)as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land in it"*

4.8 The development plan for the site comprises the **Gravesham Local Plan Core Strategy (2014)** and the saved policies of the **Gravesham Local Plan First Review (1994)**. The following policies of and were taken into consideration in the preparation of this application:

Gravesham Local Plan Core Strategy

4.9 The following policies have been taken into consideration in the formulation of this application:

- Policy CS01: Sustainable Development
- Policy CS02: Scale and Distribution of Development
- Policy CS12: Green Infrastructure
- Policy CS13: Green Space, Sport & Recreation
- Policy CS19: Design and Development Principles
- Policy CS20: Heritage & the Historic Environment

Gravesham Local Plan First Review Saved Policies

4.10 The following policies are relevant to the consideration of this application;

- Policy T1: Impact of Development on the Highway Network
- Policy T5: New Access onto Highway Network
- Policy P3: Vehicle Parking Standards
- Policy TC2; Listed Buildings
- Policy C13 : Policy for Extensions to Dwellings in the Countryside

5.0 Planning Considerations

5.1 It is our view that the primary consideration of the resubmitted proposal are whether the proposal constitutes inappropriate development in the Green Belt as a Class E outbuilding used incidental to the dwelling house for leisure and recreational use and, as previously developed land, are there any very special circumstances which justify the grant of planning permission.

Inappropriate Development

5.2 Clearly in terms of Paragraph 147 the development has to be considered to the inappropriate but then it need to be considered in the light of the exemptions allowed in Paragraph 149 and whether any very special circumstances outweigh the harm it causes. It is accepted that prior to the applicants acquisition it was a separate dwelling within the Green Belt albeit now surrounded by a recent barn conversion and associated new dwellings.

This proposal is for the provision of a building to be used incidental to the enjoyment of the dwelling for leisure and recreational purposes and as such, generally acceptable within Para.149. The development is well screened by existing boundary enclosures and the buildings are not readily visible from outside of the domestic curtilage of the site. Views of the building is not therefore widely obtainable from the wider countryside. In any event, the design and materials of the buildings would not be inappropriate in a rural location.

4.8 The outbuilding is located within a recent development of new dwellings and converted buildings, many of which have incidental outbuildings and could not be considered to be contrary to the criteria with Para. 138 or have a detrimental impact on the openness of the Green Belt

Impact on the openness of the Green Belt

5.4 The question now arises about the impact on openness of the Green Belt. Paragraph 134 of the NPPF states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.5 In this case, the building does not result in urban sprawl or result in towns merging into another and the Planning Inspectorate have held that it would not harm the setting of any historic building. It is a timber framed outbuilding (summerhouse) to be used incidental to the dwelling house and is attached to one of the boundary walls and is largely screen from outside views. We do not regard it as an extension to the building but a separate free-standing Class E building which is neither excessive or disproportionate to the host dwelling and would not therefore affect the existing openness of the Green Belt. The siting of the building, together with its bulk and massing, is within the existing built form surrounding it and its design would totally accord with its rural location. The scale and form of the building is such that it would not encroach into the existing character of the area but would be a normal feature within it. The new building was designed in a way that it is read in conjunction with the existing barn conversions with the recent redevelopment.

Character and Appearance

5.7 The application is a householder application for the retention of a Class E outbuilding and is supported by drawings and supporting statement. It is for the retention of the log cabin style structure which is of a similar appearance to the many structures which it is adjacent to. The use of timber cladding, together with the glazing, would match the appearance of other buildings surrounding the site and is not visible from a public highway. The limited height of the structures mean that it will not be conspicuous or a noticeable feature in the wider surrounding landscape and is barely visible from outside the site. The development would read as part of the existing development on the site. The appearance of the building does not appear unduly incongruous in localised views along Northfleet Green Road, or in longer views from the surrounding countryside. It is our opinion that the building is of a good standard of design typical of what would be found in a rural area. It has no adverse impact on the landscape character of the area.

6.0 Conclusions:

6.1 The applicants realise that because of its location in front of the host that even Class E buildings require planning permission having regard to the Inspectorates decision on their previous attempt to regularise matters. The layout and design of the building are in keeping with the good design principles outlined in the NPPF and is not considered to be out of character with the area. It would not have any significant impact or be detrimental to the Green Belt and would comprise facilities for the leisure and recreational use within the Green Belt.

7.2 The building due to its distance to neighbouring properties, would have no detrimental impact on neighbouring residential amenity. The access to the site is already established and will not involve any additional traffic movements so would not be material effect or harm highways safety or pedestrian safety. It is a site that fulfils the requirements of the NPPF in supporting a presumption in favour and is not considered to be contrary to local policy and therefore it is our view that the application should be supported, and permission granted for the proposed development.

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