

Shorne Parish Council

————— Borough of Gravesham —————

Clerk & Responsible Officer
Shorne Village Hall
The Street
Shorne
Nr Gravesend
Kent DA12 3EA



E-mail: clerk@shorneparishcouncil.org

17th January 2025

Application ref 20241145

Starwood Pear Tree Lane Shorne Gravesend Kent DA12 3JU

Change of use of existing outbuilding for incidental purposes.

This is a further application on this property following permission of application Ref 20230943. The applicant submitted an Appeal about the wording of the permission but this was withdrawn prior to determination.

The Parish Council has to **OBJECT** to this application for the following reasons and comments:

1. Previous planning situation:

There are three previous Planning permission decisions which are relevant:

- Ref 19750472 permission states:

(iii) the building shown on the submitted drawings as "motor house" shall not be used otherwise than for the accommodation of private motor vehicles, for the personal enjoyment of the applicant, and shall not at any time be used in connection with any trade or business or for living accommodation without the prior permission of the District Planning Authority.

- Ref 20050912 permission states:

2 The building hereby permitted shall be used as a hobby room/store for the residential occupants of Starwood House, the building shall not, at any time, contain any living accommodation and no trade or business shall be carried on therefrom

The above demonstrated that the Applicant had been informed twice that the garage building cannot be used as living accommodation.

- Ref 20230943 was a retrospective application to remove the above clause under Ref 20050912 so as to reclassify the garage building as an annexe, as it was being used as living accommodation. Permission was granted although an Appeal was submitted, but this was withdrawn before determination.

Plans submitted at that time did not include a “current” plan only the “proposed” plan, which labelled the first floor rooms as bedroom and bathroom but did not otherwise show any internal layout.

The planning statement said “A variation to this condition is necessary to secure minor internal amendments to the previously approved and modified detached garage, and in particular the inclusion of a toilet, shower and sink and a bedroom in place of an existing hobby room. The resultant first floor space is to be used as annexe accommodation incidental to the dwellinghouse, whilst the use at the ground floor will continue to be as previously approved for the parking of vehicles.”

The Officer inspection report stated: “On site, when inspecting the garage, it was found that the first floor already contained a toilet/shower. Although this would suggest that the conversion was already complete, the layout of the first floor was not set-out as presented in the plan provided, and therefore additional works are required to construct the partition in accordance with ‘drawing no. 01 - Proposed Garage/Annexe Floor Plans’.”

2. The present application:

When reviewed with Ref 20230943 the present application is very confusing.

It appears that the presently submitted “current” plan (which is a repeat of that submitted for 20050912) may be incorrect, except if the first floor toilet and shower facilities have been stripped out again.

The “proposed” plan is the same as the “current” and 20050912 plans, implying that there is not now to be any change in use (to an annexe as under Ref 20230943) from that permitted under Ref 20050912.

In the supporting planning statement (Section 4 on page 6) the applicant states that:

- 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.’
- The applicant suggests in point 4.1 that use of the first floor is presently over-restricted however we consider it is unlikely that there would be any objection or enforcement action taken in relation to other types of genuine incidental use on the first floor. However, the

applicant does not mention that Condition 2 of Ref 20050912 has anyway already been superseded by permission Ref 20230943

- In point 4.1 the applicant wishes for the whole building to be classified as having incidental use, while (first point 4.2) deliberately not providing detail of the intended use (although we note that the first point 4.2 is incorrect as the original use labels remain). This would include the garage potentially having a change of use, which would normally require a separate planning application for conversion to other use (whether Incidental or Ancillary). Any conditions would apply to the whole building. Without detail of what is actually proposed it is not possible to confirm that the proposed use is incidental rather than ancillary.
- The second point 4.2 refers to allowing for “.....potential future internal amendments to the previously approved and modified detached garage.” Again, we do not consider that internal alterations such as to the partitioning on the first floor are currently prevented however alterations to the garage that change its use would require planning permission.
- Point 4.3 states that there is not to be any “...material change in the use of the existing outbuilding. It is to remain for incidental purposes only.”, however, as evidenced by the inspection in 2023, and the retrospective permission that was granted, there had already been change from incidental to ancillary use.
- Point 4.4 is incorrect as conversion of a garage requires planning permission.
- Under point 6.2 on page 9, the applicant states that “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.” We do not consider this to be an acceptable approach as the nature of the change of use must be known in order for permission to be granted.

In summary:

The Parish Council does not consider that the present planning Conditions are as restrictive, in terms of genuine incidental use of the first floor, as the applicant suggests. While 20050912 clause 2 prevents ancillary use of the building (as living accommodation), which we considered to be appropriate given its position in front of the building line, this was superseded by decision Ref 20230943.

Therefore we do not consider that this application is either necessary or appropriate and request that it should be refused.

However, if GBC are minded to instead give permission:

- Strong Conditions should be attached preventing the building as a whole being used as or converted to a separate dwelling (and let/sold separately or used for trade/business) or used as “Ancillary accommodation”.
- If Incidental use of the whole building is to be permitted then the parameters of incidental use as permitted should be very carefully defined so as to assist the applicant not to inadvertently stray into ancillary use (for example extending the normal residential accommodation of the main dwelling house).
- Conversion of the garage element to any other use should require planning permission.