



Delegated Report

Application No: 20211077

Location: Greenacres Farm, Brimstone Hill, Meopham, Gravesend, Kent, DA13 0BN

Description: Application for removal of condition 4 attached to planning permission reference no. 20151137 to allow the annexe to be a separate residential dwelling.

Applicant: Mrs Joann Hill

Site Visit Date: Desktop assessment

Submitted Documents/Plans

The applicant has submitted the following in support of the application:

Application form received 1 September 2021;
Drawing no. PL-1601/03/A (Site Plan) received 16 September 2021; and
Block Plan received 16 September 2021.

Relevant Planning History

<u>Application No.</u>	<u>Description</u>	<u>Status</u>	<u>Decision</u>
20151100	Application for the removal of condition attached to planning permission reference no.TH/6/53/291 the erection of bungalow in connection with smallholding to allow the property to be occupied as a dwelling house not in connection with an agricultural holding.	Permission	19.09.2016
20151137	Erection of a single storey front extension and change of use from holiday let to annex.	Permission	12.07.2016
20020084	Use of existing ancillary outbuilding for letting out as holiday accommodation.	Permission	13.11.2002
19990327	Construction of pitched roof over complete building and conversion of roof space to form bedroom and	Permission	05.07.1999

bedroom/games room and erection of open style porch.

19980155	Erection of single storey extension to form tank room and fuel store, construction of pitched roof over existing flat roof extension and conversion of roof space to form 2 no. bedrooms and erection of open style front porch.	Refused	14.05.1998
19530295	Erection of bungalow in connection with smallholding	Permission	10.02.1954
19530212	Site for farm dwelling	Permission	12.11.1953

Development Plan

Gravesham Local Plan Core Strategy 2014

CS01 – Sustainable Development

CS02 – Scale and Distribution of Development

CS12 – Green Infrastructure

CS19 – Design and Development Principles

Saved Policies in the Gravesham Local Plan First Review 1994

T1 – Impact of Development on Highway Network

T5 – Access to the Identified Highway Network

P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF 2021 sets out that those 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. Whilst saved policies from the Local Plan First Review 1994 generally conform with the National Planning Policy Framework 2019, the Council will also seek to replace these saved policies via the emerging Local Plan.

Given Gravesham's current inability to demonstrate a 5 year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF 2021. This requires that in regard to housing development, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF 2021 at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF 2021, paragraph 181)
- Sites of Special Scientific Interest;
- Green Belt;

- Local Green Space;
- Areas of Outstanding Natural Beauty;
- Irreplaceable habitats;
- Designated heritage assets (and other heritage assets of archaeological interest, see NPPF 2021, footnote 68); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 121(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

Other Material Considerations

National Planning Policy Framework 2019

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 12 – Achieving well-designed places

Section 13 – Protecting Green Belt land

Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance (SPG)

SPG2 – Residential Layout Guidelines (2020)

SPG4 – KCC Parking Standards (2006)

Technical Housing Standards – Nationally Described Space Standards (March 2015) (NDSS)

Gravesham Landscape Character Assessment (2009)

Use of planning conditions (2019)

Kent Downs Area of Outstanding Natural Beauty Management Plan (2014-2019)

Consultations, Publicity and Representations

GBC Environmental Protection Team (Regulatory Services)

No comments.

GBC Highways Officer

As presented I would oppose this proposal. As an annex to the main dwelling, no additional parking would be required. As an independent dwelling it will require its own dedicated parking provision.

Each dwelling would require a minimum of two parking spaces, and given the nature of Brimstone Hill where on street parking is not possible, a minimum of one communal visitor space. A parking plan should be submitted that clearly demonstrates adequate parking provision and access is available for each dwelling.

You may also wish to consider how foul drainage will be dealt with, as I note on the block plan a cesspit is shown. Generally two properties will generate more foul water than one with an annex.

KCC Heritage

No comments.

Kent Fire and Rescue

The emergency access requirements for the Fire and Rescue Service have been met.

Dickens Country Protection Society

Objection on the grounds that the site is in an area which Green Belt Policies apply and the North Downs Area of Outstanding Natural Beauty. Removing the condition would allow a new dwelling to be established in breach of Green Belt Policy.

Meopham Parish Council

Objection as it is inappropriate development in the Green Belt.

Neighbouring properties

The application has been advertised by individual neighbour letters to 8 properties, and on site. The consultation periods expired on 14 and 22 October 2021 respectively.

One letter of representation has been received with the following comments:

- Single residential sites should only be occupied as single homes. Multiple use by different parties is not allowed.
- The application is for profit.

Local Ward Councillors were also consulted and made no comments.

Analysis

Proposal

This application seeks permission for the removal of condition 4 attached to planning permission reference no. 20151137 to allow the annexe to be a separate residential dwelling.

Condition 4 of 20151137 states as follows:

The annexe hereby permitted shall at all times be used for accommodation ancillary to the existing dwelling at Greenacres Farm, Brimstone Hill, Meopham and it shall not at any time be sold, parted, let or exchanged as a separate dwelling.

Reason To protect the amenity of the area, prevent over intensification of the site and to protect the openness of the Green Belt in accordance with Policy CS02, Policy CS12, Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

The submitted application form states that the application has been submitted in order that a family member and their family can own the property in their own right.

Principle Issues

The application site is located in the countryside in the Kent Downs Area of Outstanding Natural Beauty (AONB) and in the Green Belt. It is also located in the Harvel Wooded Downs Landscape Character Area.

Strategic Policy CS02 of the Gravesham Local Plan Core Strategy September 2014 is relevant.

Policy CS02 states that development will be supported within rural settlements that are inset from the Green Belt and that for development outside those settlements, development will only be supported where it protects the national and local planning purposes of the Green Belt.

The removal of condition 4 essentially seeks a determination on whether a separate unit of accommodation (i.e. a new dwelling) would be appropriate on this site. The main issues for consideration in the determination of this application are therefore as follows:

- Appropriateness of development in the Green Belt;
- Impact on openness and the character and appearance of the surrounding area;
- Residential amenity;
- Highways and parking; and
- Ecological impact on the Thames Estuary and Marshes Ramsar/SPA.

Appropriateness of Development in the Green Belt

The application site is a single storey three bedroom detached building located to the west of Brimstone Hill and set back from the main road. The main house on the site (Greenacres Farm) faces Brimstone Road (east) and has an access to its northern flank leading up to the application building beyond the rear of the house. There are various other outbuildings/hardstanding at the rear of Greenacres Farm. The site as a whole is a large plot and is surrounded by mature planting and open fields.



Green Belts are of great importance. The fundamental aim of Green Belt policy is to prevent urban sprawl by preserving the open and permanent characteristics of Green Belts (paragraph 137 of the NPPF 2021). Paragraph 147 of the NPPF 2021 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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.

The construction of new dwellings is inappropriate in the Green Belt. This proposal involves the re-use of an existing building; paragraph 150 of the NPPF 2021 considers the re-use of buildings in the Green Belt as not inappropriate provided that the buildings are of permanent and substantial construction. The original 20020084 planning permission was granted on the basis that the proposal for holiday let involved the conversion of an existing building. The current proposal also involves the re-use of the existing building, and is not therefore inappropriate development in the Green Belt, subject to the development preserving its openness and no conflicting with the purposes of including land within it (which is discussed below).

It should be noted that paragraph 79 of the NPPF 2021 sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 80 also states that planning policies and decisions should avoid the development of isolated homes in the countryside unless particular circumstances apply. In the context of this application, an annexe to the main dwelling does not constitute a new home in the countryside, but an annexe to be used and owned separately would, and such a proposal does not meet any of the circumstances whereby an isolated new home in the countryside would be acceptable. Its location approx. 1.7km from the nearest train station at Sole Street and over 2km from the main village/local centre of Meopham would mean that future residents of the proposed dwelling would be likely to rely on private car(s) to reach essential services and facilities. It is therefore considered that the separation of the annexe would result in an isolated home in the countryside with no special circumstances for its justification.

No plans have been submitted showing how the plot would be separated in order to allow the change from an annexe to a separately owned dwelling. There would need to be some form of boundary treatment to create private amenity space, and there would also need to be some level of parking provision for this property and the main property. The use as a separate unit of living accommodation would result in the division of the plot and will undoubtedly result in additional boundaries, residential paraphernalia and parking. This will all have an impact on the openness of the Green Belt and the landscape character of the area.

Impact on Openness and Character and Appearance of Surrounding Area

Paragraph 137 of the NPPF 2021 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. Paragraph 001 of the Planning Practice Guidance 2019 on Green Belts looks to assess the impact of a proposal on the openness of the Green Belt by taking into account the spatial and visual aspects of a development, its duration and remediability, and the activity levels generated.

The application proposal, whilst not a form of inappropriate development in so much it can be considered as an exception as per paragraph 150 of the NPPF, would however erode the openness of the Green Belt through the associated separation and intensification in use.

The site lies within the Kent Downs Area of Outstanding Natural Beauty. Reflective of paragraph 176 of the NPPF 2021, Policy SD1 of the Management Plan 2014-2019 recognises the need to conserve and enhance the natural beauty of the AONB as the primary purpose of the designation, and this is given the highest level of protection. Policy SD8 states that proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated.

The application site is also located in the Harvel Wooded Downs Landscape Character Area and as such, Policy CS12 of the Core Strategy 2014 is also relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment (LCA) will be taken into account in determining applications.

In relation to the Harvel Wooded Downs Landscape Character Area, the LCA states that the overall condition of the landscape is moderate and that it has moderate sensitivity. It recommends that the strong landscape elements of the area should be conserved, whilst design standards should be defined to halt the erosion of the area with inappropriate development.

The proposed subdivision brought about by the removal of condition 4 would intensify the use of the site and bring with it the potential for further permanent extensions, curtilage buildings, fencing, parking, patios, garden furniture and clothes drying equipment on this site, amongst other things, that would detract from the visual and spatial quality of what is currently a single residential house, garden and outbuildings. The cumulative scale and extent of such development is not considered to be limited development within this designated area, and it would significantly harm the special rural characteristics of the immediate area, which is generally of isolated single dwellings within generous plots surrounded by woodland and open fields.

The proposed removal of condition 4 is therefore considered to be unacceptable on the grounds that it would adversely impact on the openness of the Green Belt and would fail to conserve or enhance the character of the site and surrounding AONB and Landscape Character Area. The proposal would therefore fail to comply with the requirements of Policies CS12 and CS19 of the Core Strategy 2014 and paragraphs 130, 137, 150, 174 and 176 of the NPPF 2021.

Residential Amenity

The NPPF 2021 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

Future Occupiers

The extension approved under application 20151137 provided the annexe with an overall floor space of 187m². The extension created a three bedroom annexe.

In the Nationally Described Space Standard (NDSS) 2015 a 3 bedroom 6 person dwelling requires a minimum gross internal floor area (GIFA) of 95m². The GIFA area for the annexe exceeds the minimum required space standard. On this basis, the size of accommodation would be acceptable for future occupiers to live in independently on a long term basis.

However, there are no details of any dedicated outside amenity space for such a family sized dwelling, and given the location of the annexe, which is closely surrounded by other outbuildings, there would appear to be little opportunity for this to be provided. The Residential Layout Guidelines SPG states that for a three bedroom house there should be a minimum garden area of 60m². This does not appear to be able to be acceptably accommodated within the site.

It is assumed that the annexe is currently served by utilities via the main house, and there is no separate access. If the use of this annexe as a separate unit of accommodation were to be allowed, it would be very unlikely that future occupiers would want the current shared arrangements to continue long-term. This may have further impacts on the amenity of future owners.

On the basis that there is a conflict with the requirements of paragraph 130 of the NPPF 2021, Policy CS19 of the Core Strategy 2014 and the Residential Layout Guidelines SPG in respect of the lack of any dedicated outside amenity space for future occupants, and therefore an inadequate provision for storage, leisure use, clothes drying and play space, the proposed removal of condition 4 is considered to be unacceptable.

Neighbouring Properties

Other than the main property, there are no neighbours immediately affected by the proposal. The annexe is single storey and at a sufficient distance from the main property (20m away at the closest point) so as not to cause any adverse amenity issues. Both properties have different orientations (Greenacres is east to west; the annexe is south to north) so there is no mutual overlooking. As it has an existing ancillary residential use, the proposal for a separate residential use would be unlikely to cause any significantly different issues for the main property.

One point to note, however, is that as no plans have been provided, it is not clear whether the main property would retain sufficient garden space with the subdivision of the plot.

Overall, it is considered the proposal would have an acceptable impact on neighbouring properties in terms of outlook, privacy, light, noise and activity levels. As such, the proposal complies with Policy CS19 of the Core Strategy 2014.

Parking and Highways

No details regarding access or parking for a separate dwelling have been submitted and therefore it is not possible to assess the impact on parking or highway safety. The proposal therefore conflicts with Policies T1, T5 and P3 of the Local Plan 1994 and CS11 of the Core Strategy 2014.

Thames Estuary and Marshes Ramsar / Special Protection Area (SPA) – SAMMS Tariff

As the application site is within 6km of the Thames Estuary and Marshes SPA/Ramsar Sites and would provide additional residential accommodation, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. On this basis a tariff of £253.83 is required (given there is one additional dwelling proposed on the site).

This tariff was not requested due to the recommendation for the application, and the applicant has therefore not paid this tariff. Without an agreement in place to secure this contribution or any evidence to inform an appropriate assessment, the Local Planning Authority cannot be satisfied that the proposal would put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar Sites, which is contrary paragraphs 174 and 180 of the NPPF 2021 and Policy CS12 of the Core Strategy.

Housing Need

The proposed development would provide a net increase of 1 dwelling, which would offer a small contribution towards meeting local housing need and, accordingly, this weighs in support of the application, particularly where evidence has shown that the Council cannot currently demonstrate a five year housing supply.

The NPPF 2021 encourages the effective use of land in meeting the need for homes, in particular by making as much use as possible of previously developed or 'brownfield' land (paragraph 119), which this site would be considered to be. However, this has to be balanced against safeguarding

and improving the environment and ensuring safe and healthy living conditions, matters which are sought throughout the NPPF 2021, including in particular in paragraphs 124 and 130, which respectively require development to maintain an area's prevailing character and setting, and add to the overall quality of the area, be visually attractive, sympathetic to local character and create a high standard of amenity for existing and future users, and in paragraphs 137 and 176, which respectively require the protection of Green Belt land and the conservation and enhancement of landscape and scenic beauty in AONBs.

In this case, the proposal would result in a loss of openness in the Green Belt, be detrimental to the appearance of the special landscape character AONB and Landscape Character Area, fails to meet amenity requirements and does not address issues of parking or highway safety. These matters significantly and demonstrably outweigh any housing benefit of this application.

Conclusion

Whilst it is recognised that the proposal would provide a small contribution towards increasing housing numbers in the area, the adverse effects of granting planning permission in this instance would significantly and demonstrably outweigh this benefit. On this basis, the application is unacceptable for the following reasons:

1. The proposal would result in the separation of the annexe from the main dwelling and its use as a separate unit of living accommodation, which would result in the intensification of the use of the site and additional residential paraphernalia that would adversely impact on the openness of the Green Belt and would fail to conserve or enhance the landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty and Harvel Wooded Downs Landscape Character Area. The proposal is therefore considered to conflict with Policies CS02, CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 80, 130, 137, 150, 174 and 176 of the National Planning Policy Framework 2021.
2. The proposal would result in a poor living environment for future occupants as a result of the lack of any dedicated amenity areas. The proposal would therefore fail to provide a high standard of amenity for future users, which would conflict with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 130 of the National Planning Policy Framework 2021.
3. The submitted application fails to demonstrate how parking and access for a separate dwelling will be accommodated on the site, and therefore fails to enable the assessment of the impact on parking and highway safety, contrary to Policies T1 and T5 of the Gravesham Local Plan First Review 1994 and Policy CS11 of the Gravesham Local Plan Core Strategy 2014.
4. The proposal fails to secure a contribution towards strategic mitigation measures within the Thames Estuary and Marshes SPA/Ramsar Sites to resolve disturbance issues to wintering birds, and in the absence of this contribution or any evidence to inform an appropriate assessment, the development fails to comply with the requirements of the Habitat Regulations and paragraphs 174 and 180 of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Recommendation:

Refuse.

See draft Decision.

Case Officer: Katherine Parkin	Team Leader: Faye Hobbs
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Signed: K. Parkin	Signed: 
Dated: 09/11/2021	Dated: 10 November 2021

Gravesham Borough Council