



Delegated Report

Householder Planning Application

Planning Application No: 20221023

Location: Ringland Pear Tree Lane Shorne Gravesend

Description: Retention of a shed in the rear garden

Applicant: Mr Jaswinder Rana

Site Visit Date: 02 February 2022

Submitted Documents/Plans

Householder Planning Application form;
Drawing no. 15031-L1 Rev. B Red line site boundary plan;
Drawing no. 15031-ob1 Existing block plan;
Drawing no. 15031-ob2 Proposed block plan; and
Drawing no. 15031-ob3 Proposed layout and elevations.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220790	Retention of 3 no. externally mounted air conditioning units	Pending consideration	
20211463	Application for non-material amendment to planning permission reference number 20180629 to allow new and/or altered window/door openings and fenestration, revised central feature to front elevation and render detailing, revised flat roof eaves detail, revised pitched roof covering, external lighting, extractor fans, flues, CCTV and rear boundary walls/steps.	Pending consideration	
20210236	Variation of condition 2 of planning permission reference number 20180629 for the erection of part two storey and part single storey extensions to north and south side elevations alterations to door and window openings and new window and door installation, alterations to roof eaves and verges and formation a front gable alterations to porch and new cornice, fascia and perimeter detail, new render finishes and detailing to allow the removal of drawing no. 15031-01 Rev. R proposed layout and elevations for drawing no. 15031-01 Rev .S	Withdrawn	25.03.2021

	proposed layout and elevations for the pitched roof covering.		
20190688	Application for a Lawful Development Certificate in respect of the proposed erection of a two storey rear extension.	Refused	19.09.2019
20180629	Erection of part two storey and part single storey extensions to north and south side elevations alterations to door/window openings and new window/door installation, alterations to roof eaves/verges and formation a front gable alterations to porch and new cornice fascia/perimeter detail, new render finishes and detailing.	Permitted	21.09.2018

Development Plan

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
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- C13 – Extensions to dwellings in the countryside
- TC7 – Other Archaeological Sites

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.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places
- 13 – Protecting Green Belt land
- 15 – Conserving and Enhancing the Natural Environment
- 16 – Conserving and Enhancing the Historic Environment

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Householder Extensions/Alterations Design Guide (2021)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Shorne Parish Council

The Parish Council has no objection in principle to this proposal providing that there are not any significant objections raised by neighbours.

Although the location halfway down the garden is less usual, with the adjacent hedging and fall of the land there should not be any/much visual impact.

Higham Parish Council

No response received.

Neighbouring properties

The application was publicised by a site notice and to two neighbouring properties by letter. No representations have been received.

Officer's Analysis

Green Belt

In relation to the Green Belt, Policy CS02 of the Gravesham Local Plan Core Strategy (September 2014) prioritises development in the urban area as a sustainable location for development. In the rural area, it states that development will be supported within rural settlements that are inset from the Green Belt and defined on the Policies Map. Development outside those settlements (which is the case here), will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the Local Plan Core Strategy.

Therefore the principle issues in the determination of this application are;

- Is the proposed development appropriate in the Green Belt?
- Effect on the openness of the Green Belt
- Effect on the character and appearance of the area - including landscape character
- Other matters
- Very special circumstances

Is the proposed development appropriate in the Green Belt?

Paragraph 137 of the National Planning Policy Framework (NPPF 2021) sets out that the essential characteristics of Green Belts are their openness and permanence and paragraph 138 lists the five purposes that the Green Belt serves. At the application site, the Green Belt assists in safeguarding the countryside from encroachment. 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.

Paragraph 149 of the NPPF 2021 states that the construction of new buildings should be regarded as inappropriate development in the Green Belt but lists certain exceptions. These exceptions are set out in sub-paragraphs 149(a) to 149(g). Sub-paragraph 149(c) identifies 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. Sub-paragraph 149(g) identifies limited infilling or 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.

Saved Policy C13 of the Gravesham Local Plan First Review (November 1994) relates to extensions to dwellings in the countryside. It sets out a number of criteria that should be met when considering proposals for domestic extensions. As the policy pre-dates the NPPF 2021, the weight attached to the policy must be considered carefully; with greater weight being given where the approach is consistent with paragraph 149 of the NPPF 2021.

In particular, Saved Policy C13 places an overall limit on extensions of one third of the gross floor area of the original dwelling unless the increased floor space has no overall effect on the existing bulk and appearance of the dwelling (criteria (ii)). It also requires the massing, scale and form of any extension to be

appropriate to the existing dwelling and the Green Belt setting (criteria (vi)). It is considered that these factors are relevant in determining whether the size of an extension is proportionate and as such, these aspects of the policy are broadly in line with the NPPF 2021 and should be afforded weight.

In relation to outbuildings in the countryside, Saved Policy C13 states that they will be considered on their own merits but will be required to be well designed, discreetly sited and subservient to the scale of the main dwelling on the plot. It is considered that these factors are broadly in line with the design approach set out in the NPPF 2021 and so should be afforded weight.

The proposed erection of a domestic outbuilding does not fall within any of the categories listed in paragraph 149 of the NPPF 2021. However, it is acknowledged that there is case law (most notably *Sevenoaks District Council v Secretary of State for the Environment and Dawe* 1997 and most recently *Warwick DC v Secretary of State for Levelling Up, Housing And Communities* 2022) which establishes that a domestic outbuilding may be regarded as an extension to a dwelling provided that it forms a 'normal domestic adjunct'. In determining whether a proposal is a normal domestic adjunct, consideration is given to location and use in relation to the main dwelling. The outbuilding should have a close physical relationship with the main house, such that visually it would appear grouped with it and it should be used for purposes ancillary or incidental to the main dwelling.

As a domestic shed, the use for the proposed building would be incidental to the main dwelling. However the proposed shed would be located 28 metres from the rear elevation of the dwelling, be on lower ground and be separated from the dwelling by a terrace, raised planting and a substantial area of lawn. Accordingly, the proposed development would not appear grouped with the main house and would not constitute a 'normal domestic adjunct'. Therefore it would not be an extension or alteration of a building and paragraph 149(c) of the NPPF 2021 would not be applicable.

The application site forms part of the residential curtilage of the application property and lies outside of any built-up area. As such, it falls within the definition of previously developed land and therefore paragraph 149(g) of the NPPF 2021 is relevant. The proposal would be located on land that was free from built development and as such, the proposed outbuilding would consolidate and extend the level of built development at the application site and have a significantly greater impact on the openness of the Green Belt than the previous situation. As such, paragraph 149(g) of the NPPF 2021 would not be applicable.

The proposal does not fall within any of the exceptions listed in paragraph 149 of the NPPF 2021 and it is considered to be inappropriate development in the Green Belt, which would be detrimental to openness and an encroachment over the countryside (one of the purposes of including land in the Green Belt). The proposal is therefore contrary to Policy CS02 of the Gravesham Local Plan Core Strategy September 2014 and to paragraph 149 of the NPPF 2021.

Effect on the openness of the Green Belt

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 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 degree of activity levels generated (Reference ID: 64-001-20190722).

The following image (taken on 02 February 2022) illustrates the shed in its surrounding context;



The development, by its built nature, would involve a form of inappropriate development at the application site that would erode the openness of the Green Belt. However the proposed shed would only have a floor area of 7.2 square metres and a maximum height of two metres. It would be located in the rear garden, adjacent to an evergreen hedge, which is taller than it and the shed would not be widely visible outside the application site. Therefore the both the visual and spatial adverse impacts on the openness of the Green Belt would be minimal.

Effect on the character and appearance of the area

The application site is located in the Shorne Woodland Landscape Character Area and as such, Policy CS12 of the Local Plan Core Strategy is 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 will be taken into account in determining applications. In relation to the Shorne Woodland Landscape Character Area, this document states that the overall condition of the landscape is good and that it has moderate sensitivity. It recommends that the key landscape elements (i.e. wooded character and the ecological interest of the woodland) should be conserved and reinforced.

The area surrounding the application site is rural in character with sporadic dwellings in sizable plots located to the north and south and areas of farmland located to the west and east. The site itself contains grass and vegetation which surrounds the built form and there are a number of trees on the site boundaries.

It is noted that there would be no loss of woodland character and that the residential nature of the application site would be retained. The proposed development would not result in a significant increase in the amount of built development on the plot and the outbuilding would not be visible from public vantage points. Therefore it is considered that the proposed development would cause no adverse impact to the landscape character. As such, the proposal would be in line with Policy CS12 of the Gravesham Local Plan Core Strategy September 2014.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the local built, historic and natural environment and integrate well with the surrounding local area. In particular the design of new development should be derived from a robust analysis of local context and character and make a positive contribution to the street scene and the character of the area.

In relation to outbuildings, the Householder Extensions/Alterations Design Guide (2021) sets out that they should be subordinate in scale to the existing dwelling and plot and should not detract from the character of the area, especially when they will be visible from the street.

The design of the proposed outbuilding would be appropriate and it would be subordinate in scale to the dwelling at the application site. As such, the proposed development would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Other matters

Amenity of Future Occupiers

The proposed development would not be detrimental to the amenity of future occupiers and sufficient garden area would be retained. As such, the proposal would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

Neighbouring Amenity

The closest residential properties to the application site are Badgers Wood (located immediately to the north of the application site) and Tilsmore (located immediately to the south of the application site).

Due to the design of the proposed development, to the screening provided by boundary treatments and to the layout and orientation of the surrounding properties, there would be no adverse overlooking, overshadowing or overbearing impacts to the occupiers of the surrounding dwellings.

Overall the proposed development would not be detrimental to the residential amenity of surrounding occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Ecology and biodiversity

Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014) requires no net loss of biodiversity in Gravesham and seeks opportunities to enhance, restore, re-create and maintain habitats particularly in Biodiversity Opportunity Areas and within new developments.

The proposed development would be located in a Biodiversity Opportunity Area but within the confines of an existing residential garden, on land which was previously a well maintained lawn/domestic planting. Therefore there would be no adverse impacts to biodiversity and the proposal would be in line with Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014).

Any Other Material Planning Considerations

The application site is located in an area of multi-period archaeological potential, within Groundwater Source Protection Zone 3 and within the Lower Thames Crossing (LTC) Safeguarding Zone. However, as the proposed development would be within the confines of an existing residential garden with relatively few groundworks, then it is considered that there would be no adverse impacts to groundwater, archaeology or to the route/operation of the LTC. As such, the proposal would be in line with Policies CS18 and CS20 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy TC7 of the Gravesham Local Plan First Review November 1994.

Very Special Circumstances

Referring to paragraphs 147 and 148 of the NPPF 2021, 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.

The applicant has not identified any issues which he considers would amount to very special circumstances. However it is considered relevant that the proposed development would meet the criteria set out in Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and would not normally require planning permission. Such rights exist because it is generally considered acceptable for a householder to erect an outbuilding(s) within their residential curtilage (even within the Green Belt).

It should be noted that planning permission is required in this instance, due to the removal of Class E permitted development rights (amongst others) from the application property under condition 6 of planning permission 20180629. The permitted development rights were removed because the 2018 proposal resulted in significant increases in the size and bulk of the application property and it was considered reasonable and necessary in those circumstances, to control the extent of future built development at the

application site. In relation to Class E permitted development rights, these could have allowed the erection of an outbuilding(s) of substantial size, which could cover large areas of land at the application site, which when combined with the alterations to the dwelling, could be significantly detrimental to the openness of the Green Belt. Therefore it was considered appropriate that all proposals for future outbuildings should be made by via planning applications, in order that their impacts could be fully assessed.

The current proposal is for a small shed, which has minimal impact on the visual and spatial openness of the Green Belt and which is in line with a building that could normally be erected using Class E permitted development rights and as such can be allowed under very special circumstances.

Suggested Conditions

Development in accordance with approved plans

Conclusion & Balancing Exercise

The above analysis sets out that the proposed development would be detrimental to the openness of the Green Belt and contrary to one of the purposes of including land within the Green Belt, namely protecting the countryside from encroachment. However it is noted that the adverse impacts to openness would be minimal and that the shed would be well within permitted development tolerances and can be allowed under very special circumstances.

The proposal would not be detrimental to residential amenity, biodiversity, landscape character, groundwater or archaeology and would be of appropriate design. All matters which are benefits of the proposal and weigh moderately in support of it.

On balance, it is considered that the benefits of the proposal significantly and demonstrably outweigh the harm to the openness of the Green Belt.

Recommendation

Planning permission subject to conditions is recommended.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	15 November 2022	Dated:	17 November 2022