



Delegated Report

Application No:	20220184
Location:	The Retreat, Northfleet Green, Gravesend DA13 9PN
Description:	Retrospective application for the construction of an outbuilding.
Applicant:	Mr J Chow
Site Visit Date:	Various

Submitted Documents/Plans

The application comprises the following documents and plans:

Application form received 22 February 2022.

Planning Statement received 22 February 2022.

Drawing no. 005 rev A (proposed southeast side elevation) received 22 February 2022.

Drawing no. 004 rev A (proposed northwest elevation) received 22 February 2022.

Drawing no. 003 rev A (proposed front elevation) received 22 February 2022.

Drawing no. 001 rev A (proposed site plan) received 7 April 2022.

Drawing no. 002 rev A (proposed ground floor plan) received 22 February 2022.

Relevant Planning History

There is an extensive planning history on the entire site including 'Hazells'. The application site was a garage and store serving this listed property. An application was approved to extend this and use as an annexe to the main dwelling and following this an application was approved to remove the tying condition so it could be used as a separate dwelling. That separate dwelling is now known as 'The Retreat'.

20201208	Retrospective listed building application for the construction of an outbuilding and pavilion in the garden of The Retreat, Hazells Farm.	REF	13.01.2021
20201207	Retrospective application for the construction of an outbuilding and pavilion in the garden of The Retreat, Hazells Farm.	Refused, appeal dismissed	13.01.2021
20201171	Retrospective application for Listed Building Consent for the retention of an outbuilding and pavilion in the garden of The Retreat, Hazells	WDN	25.11.2020

Farm.

20191276	Erection of a two storey and part single storey front extension and single storey side extension with installation of 3 dormer windows in the side roof slope.	REF	30.01.2020
20160986	Application for Listed Building Consent for revisions to the existing building which relate to changing a door to a window and revised detailing of the dormer roof window.	PER	12.10.2018
20151112	Application for removal of condition 3 attached to planning permission reference no. 20140762 for Listed Building Consent for internal and external alterations in connection with the continued use of the former garage building and extension thereof, involving alterations to the roof, providing additional ancillary living accommodation linked to the host dwelling 'Hazells' and erection of 2.1m-2.6m high boundary wall and 2.1m high entrance gates; to allow the continued use of the residential dwelling but as a separate unit not linked to the host dwelling.	PER	04.02.2016
20151111	Application for the removal of condition 3 attached to planning permission reference no. 20140761 for continued use of the former garage building and extension thereof, involving alterations to the roof, providing additional ancillary living accommodation linked to the host dwelling 'Hazells' and erection of 2.1m-2.6m high wall and 2.1m high entrance gates; to allow the continued use of the dwelling but as a separate unit not linked to the host dwelling.	PER	04.02.2016
20140765	Continued use of former railway land as residential curtilage.	PER	16.12.2014
20140763	Continued use of the former 'Gardens Lodge' and extension thereof, involving alterations to the roof, providing additional ancillary	PER	17.12.2014

living accommodation linked to the host dwelling 'Hazells'.

20140764	Application for Listed Building Consent for internal and external alterations in connection with the continued use of the former 'Gardens Lodge' and extension thereof, involving alterations to the roof, providing additional ancillary living accommodation linked to the host dwelling 'Hazells'.	PER	17.12.2014
20140762	Application for Listed Building Consent for internal and external alterations in connection with the continued use of the former garage building and extension thereof, involving alterations to the roof, providing additional ancillary living accommodation linked to the host dwelling 'Hazells' and erection of 2.1m-2.6m high boundary wall and 2.1m high entrance gates.	PER	17.12.2014
20140761	Continued use of the former garage building and extension thereof, involving alterations to the roof, providing additional ancillary living accommodation linked to the host dwelling 'Hazells' and erection of 2.1m-2.6m high wall and 2.1m high entrance gates.	PER	17.12.2014

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS18 – Climate Change
- CS19 - Design & Development Principles
- CS20 – Heritage and the Historic Environment

Paragraph 33 of the National Planning Policy Framework (2021) sets out 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 and The review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the National Planning Policy Framework (2021), the

Council will also seek to replace these saved policies via the emerging Local Plan.

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 – Vehicle Parking Standards
- TC2 – Policy for Listed Buildings
- C13 – Policy for Extensions to Dwellings in the Countryside

Other material considerations

National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 12 – Achieving well-designed places
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)

The Council has a statutory duty under 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects the settling of listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Consultations, Publicity and Representations

Conservation Officer (from 20201207)

The proposals are out of character with the listed building and cause harm to its setting. As a result they are contrary to local and national policy. The proposals are out of scale and will appear alien to the character of the site. The siting of the buildings is poorly considered making little attempt at concealment. The site should offer an open appearance with the original stable building being the only visual reference and association with the listed building. The proposals for additional buildings will compromise the historic relationship of the stable building and the farm building diluting the historic significance of the ancillary historic building. The design for the structures appears modern and out of character with the setting and this combined with their location result in harm to the setting of the listed building.

The proposals are contrary to local and national policy and cannot be supported.

Environment Agency (from 20201207)

We have assessed this application as having a low environmental risk. We therefore have no comments to make.

Non planning consents

Although we have no comments on this planning application, the applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

The applicant should contact 03708 506 506 or consult our website to establish whether a consent will be required. <https://www.gov.uk/environmental-permit-check-if-you-need-one>

Neighbouring properties

The application has been advertised by site notice, press notice and individual letters to three neighbouring properties. No letters of representation have been received.

Analysis

Procedural matter

The applicant has stated in their planning statement that the site is no longer curtilage listed because the building was separated from the main dwelling and created its own curtilage. The Council do not agree with this and the applicant, as recent as 2020, has always accompanied a planning application with a listed building consent applicant and has not disputed this before. The Inspector of the recent appeal (APP/K2230/D/21/3270667 – appendix 1) did not take a view either way.

Proposal

This application seeks retrospective permission for an outbuilding. It will be 11.1m wide (at its widest point), 7.7m deep and 2.76m high with a pitched roof. It will be located to the front of the dwelling and will be used as an outbuilding for leisure use. It is noted that there is a pavilion also on site which was refused permission at appeal and is not included in this current application.

Background

20201207 sought retrospective permission for the construction of an outbuilding and pavilion in the garden of The Retreat, Hazells Farm:



This was refused for the following reasons:

1. The outbuilding and garden pavilion, due to their scale and design, result in disproportionate additions over and above the size of the original building which is located within the Green Belt, the Istead Arable Farmlands Landscape Character Area and in a countryside location and therefore conflict with Policies CS02, CS12 and CS19

of the Core Strategy 2014, saved Policy C13 of the Gravesham Local Plan 1994 and para. 145 of the National Planning Policy Framework 2019.

2. The outbuilding and garden pavilion within the grounds of this curtilage Listed Building, due to their position, scale, design and use of materials results in an incongruous development that neither preserves or enhances the setting of the listed building contrary to Policies CS19 and CS20 of the Core Strategy 2014, saved policy TC2 of the Gravesham Local Plan First Review, para. 127 and Section 16 of the National Planning Policy Framework 2019.

The applicant appealed the decision and the appeal was dismissed for the following reasons:

- Disproportionate additions over and above the size of the original dwelling inappropriate in the Green Belt
- Fails to preserve the openness of the Green Belt

The main issues are:

- Whether the proposed development constitutes inappropriate development in the Green Belt,
- Its effect on the openness of the Green Belt,
- The effect of the proposal on the character and appearance of the countryside, including on the Instead Arable Farmlands Character Area;
- The effect of the proposal on the setting of 'The Retreat', a curtilage listed building,
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Green Belt

The application site is located within the Instead Arable Farmlands Landscape Character and the Green Belt. The dwelling was previously a garage to the main Grade II listed property known as 'Hazells'. It was extended and converted to an annexe serving 'Hazells'. Permission was later given to separate the dwelling from the main property.

The site is located within the Green Belt. Para. 138 of the NPPF outlines the five purposes of the Green Belt as:

- 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.

Para. 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) 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;
- d) the replacement of a building, provided the new building is in the same use and not materially

larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Within the previous application the case was made that para. 149 (c) was appropriate in this case. Any extension or alteration of a building is an exception provided that it does not result in disproportionate additions over and above the size of the original building. The original building was a coach house relating to the main dwelling 'Hazells'. In 2003 it was being used as a garage. The building was extended under planning application 20140762 and 20140761. The extensions that have been added to the building since it was a garage in 2003 amount to an increase in floor area of 253.26%. This in itself is disproportionate and therefore any addition to this would also be considered disproportionate.

The additional building amounts to a further approx. 80.6sqm of floor area and therefore is considered to result in disproportionate additions over and above the size of the original building and conflict with para. 149 of the National Planning Policy Framework 2021.

The Inspector of the recent appeal agrees with this approach (paras. 9 and 10):

The Framework states that a local planning authority should regard construction of new buildings as inappropriate in the Green Belt. This is subject to the exceptions listed in paragraph 149 of the Framework. Of these, the Council consider indent (c) to be most relevant which allows for 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.

The outbuilding and the garden pavilion are free standing structures. A High Court Judgement established that separation alone does not prevent a development from being part of a dwelling. Whilst that case related to a garage building, which the Inspector considered could be regarded as a 'normal domestic adjunct' the use of the development in this case, as an office/games room/cinema and garden pavilion could likewise be said to be a normal domestic adjunct. Therefore, taking into account of the use and close proximity to The Retreat, it is my view that the development can reasonably be treated as an extension when applying Green Belt policy. Moreover, the appellant has not suggested otherwise.

The Inspector goes on to say (paras. 13 and 14):

The Framework does not define what a disproportionate increase in size would be. In my judgement, the proposed buildings would add further significant floorspace and volume to the site which cumulatively would be disproportionate to the size of the original dwelling when considered with previous additions. Furthermore, whilst the location of the larger outbuilding is relatively well screened and discreet, the proposal would not be subservient to the modest scale of the host dwelling in terms of its footprint and overall size and scale.

The proposed development would therefore result in disproportionate additions over and above the size of the original dwelling. As such, I conclude that the appeal proposal would be inappropriate development in the Green Belt and, as defined by the Framework, harmful and substantial weight should be given to that harm. Furthermore, in this respect, the appeal proposal would not comply with the requirements of Policy CS02 of the CS or Policy C13 of the LP which

seek to protect the Green Belt.

The applicant's statement says (para. 1.1) 'the structure sits in front of the dwelling but located some 13m in front from it. It is submitted as a householder application for the retention of a Class E outbuilding rather than an extension to the property'. The applicant states that the proposal meets exception (b). Exception (b) states that the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it is not inappropriate. The planning unit is in residential use; it is not used for outdoor sport, outdoor recreation, a cemetery, burial ground or an allotment. This exception is therefore not applicable to a residential outbuilding.

In terms of openness, the Framework is clear that the essential characteristics of Green Belts are their openness and permanence. In this case the development results in a building where there was none previously. The building is not insignificant in terms of footprint, height and scale and represents a relatively large addition to the built form of the site. The Inspector agrees that the building is well screened by existing boundary fencing and walls and there are more distant views from upper windows of neighbouring properties. He goes on to say (para. 17)

I acknowledge that the buildings are well screened by existing boundary fencing and walls. Opportunities to view the development from outside the site are limited, other than for more distant views from the upper windows of neighbouring dwellings. While the change in amount of built form within the site would be clearly discernible to occupants of the dwelling itself, the overall visual impact on openness would not be significant.

However, the absence of significant visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt. When considered as a whole, the spatial impact of the development means that it would clearly fail to preserve the openness of the Green Belt. I assign moderate weight to this further harm to the Green Belt.

The building does not meet any of the exceptions of the National Planning Policy Framework 2021 and is considered inappropriate development within the Green Belt that causes harm to the openness where very special circumstances do not exist.

In determining proposals for garages and outbuildings in the countryside account will be taken of Saved Policy C13 of the Gravesham Local Plan First Review (November 1994). It states that proposals 'for domestic garages and outbuildings will be considered on their individual merits but will be required to be well designed, discreetly sited and subservient to the scale of the main dwelling on the plot.' As saved policy C13 pre-dates the NPPF, 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. The Inspector for the appeal (Appendix 1) states in para. 8:

'The Framework directs that policies should be afforded due weight having regard to the degree of consistency with it. There are clear inconsistencies between Policy C13 and the Framework although I acknowledge the broad thrust of the policy to protect the Green Belt from inappropriate development is consistent. Overall, due to the inconsistencies with the Framework, I afford Policy C13 little weight.'

Character, Appearance and Impact on the Curtilage Listed Building

The application site lies within the Istead Arable Farmlands Landscape Character Area. It is also located close to other buildings that originally formed part of the farmland at 'Hazells'. The layout of the street therefore is not uniform. The site is located from Northfleet Green Road along a gated access. It is surrounded by high boundary treatment.

In terms of design and appearance the additional buildings appear incongruous and result in overdevelopment of the plot whose character is that of an ancillary building relating to Hazells (albeit now separated).

The Istead Arable Farmlands Landscape Character Area Assessment characterises the area as gently undulating topography with open arable farms and clusters of properties and farmsteads. The condition of the landscape is generally poor and its sensitivity is moderate. The guidelines are to restore and create. The additional buildings and their design are not considered to restore or create distinctive features that support the landscape character.

The Inspector of the recent appeal acknowledges that the development is well screened and not readily visible from outside of the domestic curtilage of the site and, whilst the buildings increase built form of the site, this does not rise to the level of unacceptable impact on the character and appearance of the surrounding countryside.

The outbuilding therefore does not conflict with Policies CS19 and CS12 of the Gravesham Local Plan Core Strategy 2014 that together seek high quality design and to conserve, restore and enhance landscape character.

Curtilage Listed Building

Saved Policy TC2 of the Gravesham Local Plan states that, in the case of applications for development affecting the setting of listed buildings, the primary consideration of the Borough Council will be the maintenance of the integrity of the original listed building. Proposals will also need to be sympathetic to the listed building in terms of massing, scale appearance and materials.

The NPPF states that heritage assets are irreplaceable resources and should be conserved in a manner appropriate to their significance. Para. 199 of the National Planning Policy Framework 2021 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The main dwelling on the site is curtilage listed.

It was the Council's view that the outbuilding was out of character with the listed building and causes harm to its setting. However the Inspector did not share this view (paras. 26-29):

The host dwelling, 'The Retreat' appears to have been significantly extended such that its original form is not readily apparent. Various boundary enclosures have also diminished the visual connection between 'Hazells', 'The Retreat' and other buildings formerly associated with 'Hazells', including 'The Stables' to the south of the site.

The proposed outbuilding has a large footprint but its low height and siting close to the front boundary of the site means that it is not readily visible from the adjacent access road. Furthermore, its positioning to the front of 'The Retreat' and its separation by the driveway leading to the dwelling results in a visual distinction between the two buildings. The building is constructed in materials including black painted timber weatherboarding which I consider are generally appropriate to the character and appearance of 'The Retreat', and do not significantly detract from it. Whilst some views of the building would be obtainable from 'Hazells' itself I do not consider that it would materially harm its setting or architectural and historic significance. Furthermore, the building would not be viewed in the same context as other buildings in the immediate vicinity that also have a historic association with 'Hazells'.

Similarly, the proposed garden pavilion would be a lightweight, open sided structure that whilst relatively close, would not significantly detract from or visually compete with 'The Retreat' and

would not harm its setting.

For these reasons, therefore, the proposed development would not conflict with Policies CS19 and CS20 of the CS which seek to ensure developments respect the local character and preserve the historic environment respectively. Furthermore, it would not conflict with Policy TC2 of the LP which seeks to preserve the integrity of listed buildings. There would also be no conflict with Sections 12 and 16 of the Framework insofar as it promotes good design and seeks to protect the historic environment.

The building therefore does not conflict with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014, Saved Policy TC2 of the Gravesham Local Plan First Review 1994 or para. 130 and Section 16 of the National Planning Policy Framework 2021 in this regard.

Amenity of Future Occupiers

Sufficient amount of garden space remains for the occupants of The Retreat and therefore no concerns are raised.

Neighbouring Amenity

The development has no detrimental impact on any neighbouring dwelling in terms of loss of outlook, privacy, sunlight or daylight due to the single storey nature of the development and the height of the boundary treatment around the site.

Parking and Highways

The plans show no additional bedrooms or the loss of off road parking and therefore no objections are raised on highways grounds.

Conclusion

The outbuilding is inappropriate development within the Green Belt that meets none of the exceptions listed in para. 149 of the National Planning Policy Framework 2021. The building, due to its scale, location and design, detrimentally impacts on the openness of the Green Belt where no special circumstances exist and therefore conflicts with Policies CS02 and CS19 of the Core Strategy 2014 and Saved Policy C13 of the Gravesham Local Plan 1994.

Recommendation:

Refuse.

See draft Decision

Case Officer: AW	Team Leader: Richard Hart
Signed: 	Signed: R Hart
Dated: 17 May 2022	Dated: 19 th May 2022