



# Delegated Report

## Householder Planning Application

**Planning Application No:** 20240259

**Location:** 31 Mitchell Avenue Northfleet Gravesend Kent

**Description:** Application for a non-material amendment to planning permission reference number 20230553 to allow addition of a shower and kitchenette to provide an annexe for use ancillary to the main dwelling.

**Applicant:** Mr Singh

### Submitted Documents/Plans

Application Form  
Proposed Block Plan  
Proposed Floor Plans v2  
Proposed Elevations v2

### Relevant Planning History

| Reference | Description                                                              | Decision  | Decision Date |
|-----------|--------------------------------------------------------------------------|-----------|---------------|
| 20230553  | Erection of a garden outbuilding for ancillary use to the main dwelling. | Permitted | 17.07.2023    |

### Development Plan

As an application under S.96A of the Town and Country Planning Act the considerations turn to whether the proposals are non-material. The application is not assessed under the development plan.

### Consultations, Publicity and Representations

No consultation has been undertaken as consultation is not required for application seeking Non-Material Amendment.

### Officer's Analysis

There is no statutory definition of 'non-material'. This is because it is so dependent on the context of the overall scheme – what may be non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under s.96A.

The proposed changes for to this application would include use of the approved outbuildings as an open plan kitchen and living area with separate wc and shower instead of the approved use as a gym and wc. No external changes are proposed.

In this case condition 4 of planning approval 20230553 is relevant:

*The outbuilding as hereby permitted shall not be occupied or used at any time other than for purposes incidental to the residential use of the main dwelling known as 31 Mitchell Avenue and shall not be used as a separate unit of accommodation.*

*Reason: A separate unit of accommodation would be inappropriate on this site and in accordance with Policies CS02 and CS19 of the Gravesham Local Plan Core Strategy (2014).*

As such, the decision requires that the building be used for incidental purposes. Whether the internal changes would change the building from an incidental building to an ancillary building or an independent residential unit, would be a material consideration. The outcome of that consideration could result in further assessment required in terms of; principle of development, residential amenity of neighbours, parking provision, future amenity of occupiers etc...

The Department for Communities and Local Government 'Permitted development for householders - Technical Guidance' is clear that a purpose incidental to a dwelling house would not cover normal residential uses, such as separate self-contained accommodation nor the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen. In this case, the building would include a kitchen and bathroom. Whilst no bedroom is identified it is plausible that the 'living area' could be used as a bedroom. It would appear that the internal changes would potentially result in non-incidental use, which would contravene with the condition. Whilst conditions can be amended under Non-Material Amendments, in this case changing the condition and the internal floor layout of the approved building would be a material planning condition in relation to the use of the building and planning permission would be required to assess the alternative proposal.

### **Conclusion & Recommendation**

It is considered that the above changes are material and require further consideration as part of a planning application. As such, the recommendation is to refuse this application for Non-Material Amendment.

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

|                      |                                                                                     |                     |                                                                                      |
|----------------------|-------------------------------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------------|
| <b>Case Officer:</b> | Mrs Lisa Fisher                                                                     | <b>Team Leader:</b> | <b>Richard Hart</b>                                                                  |
| <b>Signed:</b>       |  | <b>Signed:</b>      |  |
| <b>Dated:</b>        | 10th April 2024                                                                     | <b>Dated:</b>       | <b>11<sup>th</sup> April 2024</b>                                                    |