



Delegated Report

Planning Application

Planning Application No: 20230700

Location: Garages At Rockley House Wrotham Road Culverstone

Description: Conversion and change of use of existing detached garage building to a two bedroom dwelling with provision of two parking spaces.

Applicant: Mrs Ann Greene

Site Visit Date: Previous application ref. 20210195

Submitted Documents/Plans

Application form;
Drawing no. 7456-PD1-003 – Garage Plans & Elevations;
Drawing no. 7456-PD1-010 Rev. C – Garage Conversion Floor Plans and Elevations;
Drawing no. 7456-PD1-001 Rev. B – Site Location Plan;
Drawing no. 7456-PD-002 Rev. B – Site Plan;
Drawing no. 7456-PD1-011 Rev. C – Garage Conversion Site Plan;
Highways Technical Note; and
Design, Access and Planning Statement.

Superseded

~~Drawing no. 7456-PD1-001 Rev. A – Site Location Plan;~~
~~Drawing no. 7456-PD-002 Rev. A – Site Plan;~~
~~Drawing no. 7456-PD1-003 – Garage Plans & Elevations;~~
~~Drawing no. 7456-PD1-010 Rev. B – Garage Conversion Floor Plans and Elevations;~~
~~Drawing no. 7456-PD1-011 Rev. B – Garage Conversion Site Plan;~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20210195	Conversion of existing garages and stores to a 2 bedroom single storey dwelling including new rooflights and fenestration changes. New vehicle access and driveway.	Refused Appeal dismissed	28.05.2021 24.01.2023
20190889	Conversion of the existing garage into a two storey 2no. bedroom dwelling.	Withdrawn	27.08.2019
20190641	Partial demolition to and extension and alterations of existing garage and store building including the insertion of dormers in the enlarged roof space in connection with its conversion into a three bed dwelling; provision of private garden area and parking areas.	Refused	06.12.2019

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Design & Development Principles

Gravesham Local Plan: First Review (1994)

- C11 – Change of use of Redundant buildings in the Countryside
- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network
- T5 – Access to Identified Highway Network

Paragraph 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed and beautiful places
- Section 13 – Protecting Green Belt land
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG2: Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards: Nationally Described Space Standards (2015)
- Gravesham Landscape Character Assessment (2009); Adopted Kent Council SPG's:
- SPG1: Landscape Character (2006)
- SPG4: Kent Vehicle Parking Standards (1996)

Consultations, Publicity and Representations

Consultees

GBC Highways Officer – 19/07/2023

The proposal as presented is not acceptable.

1. The existing property is served by the existing garage to be converted. To replace this, two accessible parking spaces are required which measure 2.5m x 5m each when located in open space, enclosing boundaries would widen the requirement and width and/or length may need to be adjusted if the parking is located close to any door or gate or is parallel to the access road. Due to its size the existing area to the front of the property cannot be considered as suitable parking, although it may serve as a drop off area. A parking plan is requested for the existing property along with a suitable accessway, access and egress to both parking spaces being proven by swept path drawings for a large family saloon (BMW Series 5 or similar)
2. With the loss of the garage, secure cycle parking should be provided for the existing property at the rate of one space per bedroom, this could currently be met by the garage to be converted.
3. The proposed dwelling requires two parking spaces as sized above; the current proposal does not provide this.
4. The red line needs to be adjusted to ensure that any delivery vehicle can safely turn within the site.
5. The proposed parking spaces should have appropriate sight lines for the speed of traffic using the accessway, 5 or 10mph would seem appropriate. Manual for Streets suggests for 10mph, a sight line of 11m x 2.4m x 11m is appropriate. The formula in Manual for streets suggests 6m x 2.4m x 6m is suitable for 5mph. The speed limit would have to be signed at the entrance to the site.
6. The new dwelling requires one secure parking space per bedroom to conform to the requirements of K.C.C. SPG4.

GBC Highways Officer – 06/09/2023

1. The existing property is served by the existing garage to be converted. To replace this, two accessible parking spaces are required which measure 2.5m x 5m each when located in open space, enclosing boundaries would widen the requirement and width and/or length may need to be adjusted if the parking is located close to any door or gate or is parallel to the access road. Due to its size the existing area to the front of the property cannot be considered as suitable parking, although it may serve as a drop off area. A parking plan is requested for the existing property along with a suitable accessway, access and egress to both parking spaces being proven by swept path drawings for a large family saloon (BMW Series 5 or similar). **Plan submitted shows 5 metres x 2.4metres which whilst not ideal, particularly considering the width of cars is increasing, currently 2.4 metres is nationally recognised as a suitable car parking space width. A swept path drawing has not been submitted which is a disappointment, but as the situation is described as existing there is not much more that can be done**
2. With the loss of the garage, secure cycle parking should be provided for the existing property at the rate of one space per bedroom, this could currently be met by the garage to be converted. **I see no proposals for the provision of secure cycle parking for the existing property, but this can be conditioned. (Currently cycle parking could occur in the garage to be converted)**
3. The proposed dwelling requires two parking spaces as sized above; the current proposal does not provide this. **I note the new dwelling will have a garden shed which could be used for the parking of cycles, although it may need to be larger to accommodate everything that would be expected of a garden shed such as lawn mower and garden tools. I would recommend that the provision of cycle parking should be conditioned**
4. The red line needs to be adjusted to ensure that any delivery vehicle can safely turn within the site. **The red line now includes the existing property and the existing on site turning provisions, so nothing more can be expected.**
5. The proposed parking spaces should have appropriate sight lines for the speed of traffic using the accessway, 5 or 10mph would seem appropriate. Manual for Streets suggests for 10mph, a sight line of 11m x 2.4m x 11m is appropriate. The formula in Manual for streets suggests 6m x 2.4m x 6m is suitable for 5mph. The speed limit would have to be signed at the entrance to the site. **As the access is not highway this would be an informative only, but given the limited use of the access, all users should be aware of the situation.**
6. The new dwelling requires one secure parking space per bedroom to conform to the requirements of K.C.C. SPG4. **See 3 above.**

No objections.

Meopham Parish Council – 07/09/2023

No objection.

Meopham Parish Council – 13/10/2023

No objection subject to compliance with local planning policy.

Dickens Country Protection Society

The Society would wish to object to this application on the grounds that the site is in an area within which Green Belt policies apply, where new dwellings would not normally be permitted. No very special circumstances have been put forward to warrant overriding Green Belt policy.

Neighbouring properties

16 surrounding properties were consulted plus site notice on both the original consultation and the re-consultation – one response (objection) was received for the original consultation the comments of which can be summarised as follows:

- Concerned at lack of physical boundary to one of the boundaries of the site as dogs pass through which impacts them, proposal likely to make concern worse, want a secure boundary in place.

Officer Note: This would be a civil matter between the owners of the sites.

Officer's Analysis

This application is a re-submission of previous application ref. 20210195 which was for 'Conversion of existing garages and stores to a 2 bedroom single storey dwelling including new rooflights and fenestration changes. New vehicle access and driveway' and was refused on 28 May 2021 and subsequently dismissed on appeal on 24 January 2023.

The application was refused on the following grounds:

1. *The site is within the Metropolitan Green Belt. Within the Green Belt there is a strong presumption against permitting new development outside of the present defined extent of urban areas and the present extent of any village. The National Planning Policy Framework (2019) within chapter 13 indicates that the most important attribute of Green Belts is their openness. The development will not preserve the openness of the Green Belt through the alteration of the existing building with domestic fenestration, and associated garden area, parking area, lighting, boundary treatments, surfacing, and general domestic paraphernalia and will conflict with the purposes of including land within the Green Belt as it will encroach into the countryside and urbanise the site. In the absence of any 'very special circumstances' that may otherwise outweigh the harm by reason of inappropriateness, and any other harm, the proposed development is considered to be contrary to the advice in section 13 of the National Planning Policy Framework (2019) and Policy CS02 of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014).*
2. *The application site lies within the locally designated Meopham Downs Landscape area, where local and national planning policy and guidance expect developments to conserve, restore and enhance the natural landscape. The proposed development, if permitted, would be harmful to the landscape character when compared to the existing structure and its use on the site. The harm from the redevelopment of the site in this instance would be derived from an increase in the prominence of the building through the intensification and the change in its character from an outbuilding for garaging and store to a self-contained dwelling in its own right by virtue of the insertion of windows, doors and rooflights, parking, residential garden, boundary treatments,*

surfacing, lighting and domestic paraphernalia. Furthermore the new vehicular access onto Wrotham Road which would result in the removal of a section of the boundary hedgerow due to the access itself and visibility splays would reduce the sense of enclosure and cause harm to one of the key characteristics of the Meopham Downs Landscape Character Areas. The proposal would therefore be harmful to the character and appearance of the surrounding area contrary to Policies CS12 (Green Infrastructure) and CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (September 2014) and section 15 of the National Planning Policy Framework (2019).

3. *The proposed vehicular access onto Wrotham Road is considered to be an inappropriate form of development in this location. Adequate visibility splays would not be able to be provided for the class and speed of the road and the access would therefore be harmful to the highway safety of people egressing from the access, road users and also pedestrians. As such the proposal is contrary to Policy CS11 (Transport) of the Gravesham Local Plan Core Strategy (2014) and saved Policies T1 (Impact of Development on the Highway Network) and T5 (New Accesses onto Highway Network) of the Gravesham Local Plan First Review (1994) and section 9 of the National Planning Policy Framework (2019) with reference to Gravesham's Planning Guidance Note 6 for Vehicle Accesses on Classified Highways (2009).*

In the appeal decision the Inspector agreed that the proposal would be inappropriate development in the Green Belt and also harmful to the openness of the Green Belt. The Inspector also agreed that the proposal would be harmful to the character and appearance of the area including landscape character but this was only in respect of the proposed new vehicular access, the Inspector did not agree with the Council's concerns regarding intensification of use or change of character from an outbuilding to a self-contained dwelling. The Inspector agreed that due to the proposed vehicular access, the proposal would be harmful to highway safety. As such the Inspector therefore dismissed the appeal.

It therefore needs to be seen in this latest application whether the grounds of refusal have been resolved in respect of the elements that the Inspector upheld.

The principle considerations in the assessment of the application are as follows:

Housing Need (As of December 2023)

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

"It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than "guidance" and as such a "material consideration" for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme."

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

Given the Council'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 Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF)

(2023). 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 at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 188)
- Sites of Special Scientific Interest
- Green Belt
- Local Green Space
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68)
- 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 129(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.

The proposed development for a net increase of 1 residential unit would offer a minimal contribution towards meeting this local need and, accordingly, officers consider that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2023) which requires new development to contribute positively 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 occupiers.

Whether the proposal would be inappropriate development in the Green Belt

This matter related to ground of refusal no. 1 of previous application ref. 20210195.

Paragraph 154 of the NPPF (2023) states that a Local Planning Authority should regard the construction of new buildings as inappropriate in 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 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.

Clearly (a), (b), (c), (d), (e) and (f) do not apply in this instance as the proposal is not for agriculture or forestry, appropriate facilities for outdoor sport, outdoor recreation, cemeteries, burial grounds or allotments, extension or alteration of an existing building, is not a replacement building, limited infilling in a village and is not affordable housing.

Consideration therefore needs to be given as to whether the development falls under (g). The site the subject of this application forms part of the garden of Rockley House and therefore meets the definition of previously developed land (Case Law (Dartford Borough Council -v- SSCLG [2017] EWCA Civ 141, 14 March 2017).

In addition paragraph 155 of the NPPF (2023) states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it:

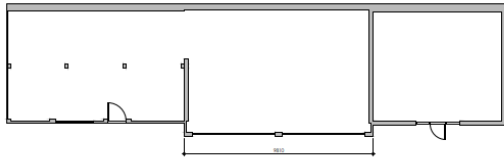
- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Of relevance to this proposal is d) the re-use of buildings provided that the buildings are of permanent and substantial construction. The building is considered to be of permanent and substantial construction.

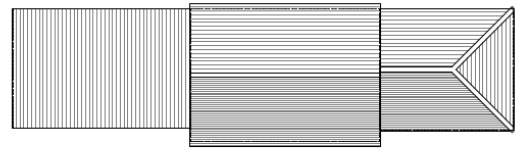
For both 154 (g) and paragraph 155 (d) the exceptions require that the proposed development should not have a greater impact on the openness of the Green Belt than the existing development and should preserve its openness and not conflict with the purposes of including land within it.

The below shows the garage as existing, the previously refused scheme ref. 20210195 and then as now proposed in this current application:

Existing



Garage - Floor Plan



Garage - Roof Plan



Garage - South Elevation



Garage - East Elevation



Garage - North Elevation



Garage - West Elevation



Dwelling - West Elevation



Dwelling - South Elevation



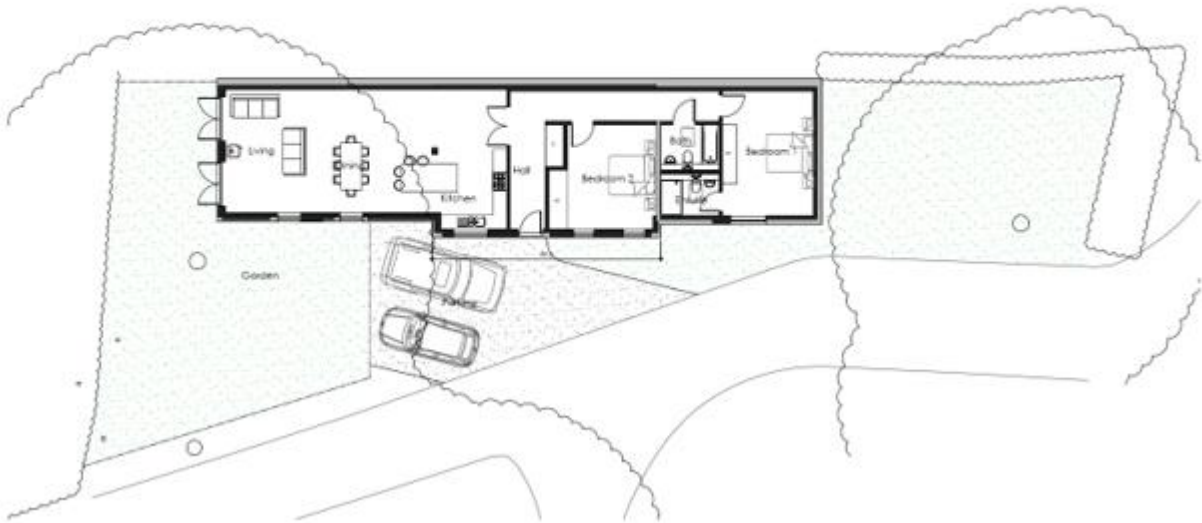
Dwelling - East Elevation



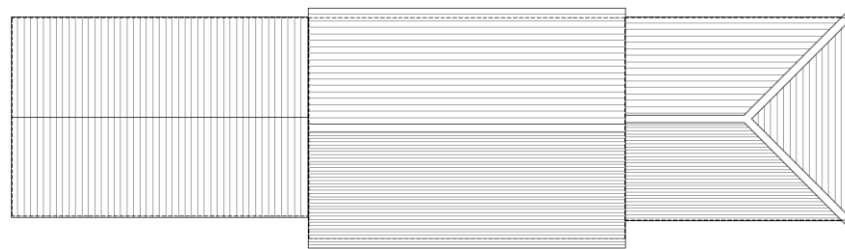
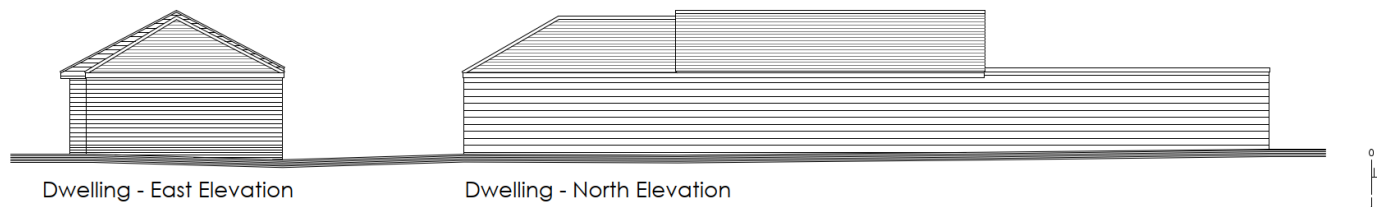
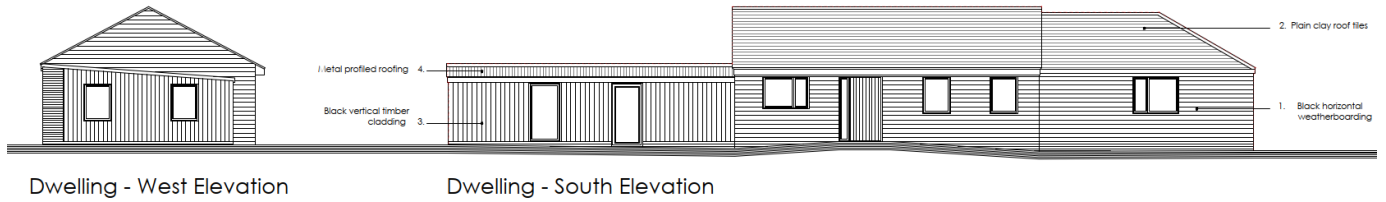
Dwelling - North Elevation



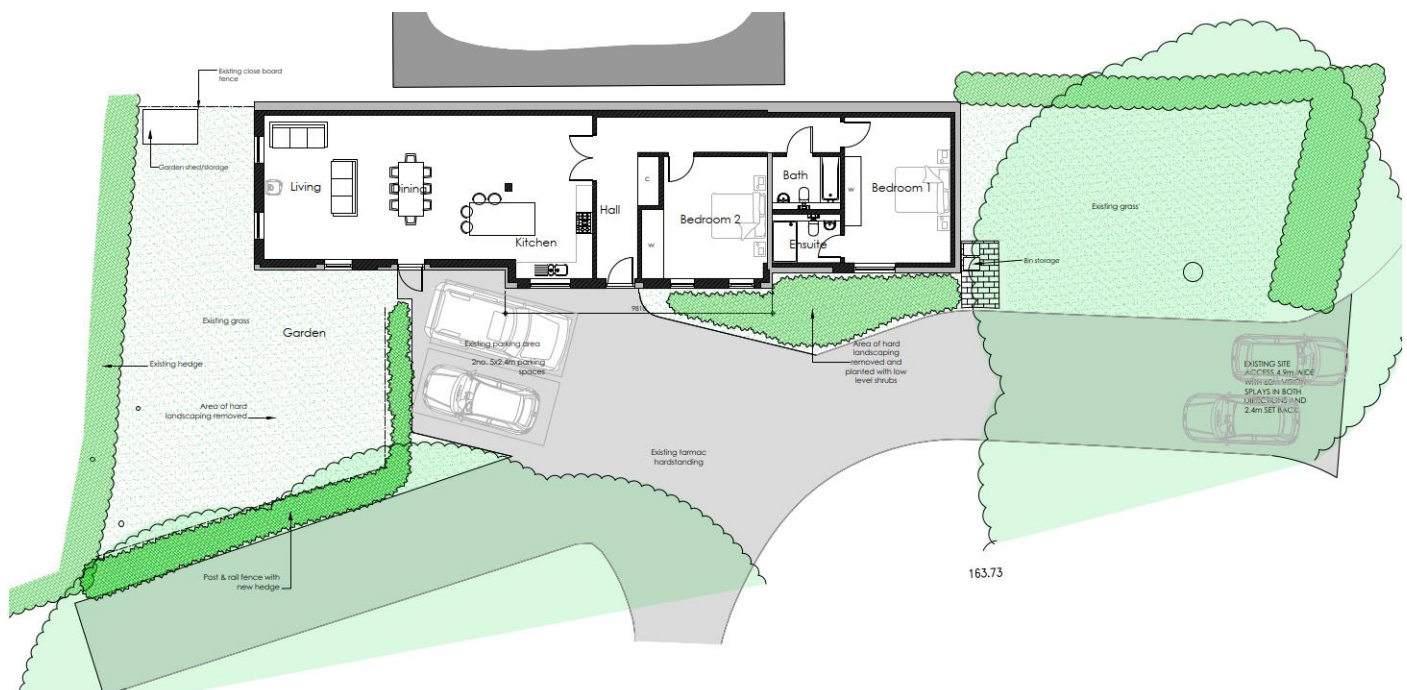
Dwelling - Roof Plan



Proposed scheme



Dwelling - Roof Plan



In the appeal decision the Inspector considered that the following changes taken altogether would be considerable and would create the appearance of a dwellinghouse which would increase the building's prominence in the countryside:

- The existing roof above the western store building being increased in height by some 700mm which would introduce a more steeply pitched structure unlike the current roof form which is broadly flat with a gentle slope;
- The additional openings proposed including the number of rooflights together with additional substantial sized floor to ceiling height openings in the elevation positioned furthest from the highway (western elevation);
- The more intensive use of the wider site by reason of the application site having its own vehicles, bins and garden items, over and above those already associated with the residential use of Rockley House
- Use as a dwellinghouse is likely to require more substantial lighting and for a greater period of time than the existing use of the garage evident from the insertion of windows and doors where previously these openings were constructed in solid opaque materials;
- The additional surfacing would likely be required to facilitate the access driveway and access areas from areas of private garden;
- No details of boundary treatments.

The Inspector considered that when comparing the alterations to the building in terms of its height, volume, bulk and mass against the existing situation, these changes would be fairly modest. However, when taken together with the changes to the fenestration and the intensification of the use and increased residential activity, the Inspector considered that the proposal would clearly have a significantly greater impact on the openness of the Green Belt and the purpose of including land within it and the proposal therefore failed to meet the exception set out in paragraph 154(g) nor met the requirements of paragraph 155 (d) of the NPPF (2023); the Inspector therefore found the proposal to be inappropriate development in the Green Belt which should not be approved except in very special circumstances.

In terms of the current proposal:

- The increase in the height of the roof above the western store is no longer proposed;
- In respect of openings, the rooflights are no longer proposed and the two sets of full length double doors which were proposed in the western elevation have now been reduced to two smaller windows. The rest of the openings are as previously proposed in the southern elevation and there would be none in the northern elevation;
- The site by its nature would still have its own vehicles, bins and garden items;
- The use as a dwelling would still require more substantial lighting and for a greater period of time than the existing garage use but as stated above the rooflights have been removed and the long and wide two sets of double doors have been removed and so the amount of lighting emitted from the building would be substantially reduced from what would have been the case with the previous application. The majority of the openings would be on the southern front elevation of the building which faces into the site itself with the main Rockley House;
- The proposal would not increase the area of hardstanding, it would just be what already exists and there would actually be an increase in soft landscaping on the site as an area of existing hardstanding would be replaced with soft landscaping to form the garden at the western end of the building and another part of the existing hardstanding would be replaced with soft landscaping in front of the eastern part of the building;
- Details of boundary treatments are now shown - the existing hedgerow boundaries would remain and the new boundary treatment around the proposed garden at the western end of the building would be a 1.2m high post and rail fence with a native species hedgerow to establish to a height of 1.5m and so is therefore a boundary treatment which is akin and sympathetic to the rural area.

Another key consideration is the alternative parking provision and storage requirements if the garage/store

is to be concerned. The planning statement focuses heavily on stating how well used the garage is, therefore more information was considered to be needed on what the occupiers of Rockley House will do if the garage/store is converted. For example, do they have plans to extend the hardstanding nearer the main dwelling or building additional buildings? From a check of the planning history Rockley House does have permitted development rights in place which would entitle the applicant to do such things and there is therefore a concern in terms of additional built development at Rockley House. The agent was therefore asked for further information regarding this and they advised that the applicants have existing parking and hardstanding to the front of Rockley House which will be used for their cars once the building is converted. Also that, although not included as part of this application, the applicant owns land to the west which is accessed from this main access and which contains building and hardstanding and which is available for storage and replacement parking. They advise that there is no additional built development that is proposed as a consequence of this application. The agent was asked to provide a site plan/block plan to show exactly where the land to the west is and its extent. They agent provided this and to confirm it is a piece of land to the west of the application site which is outside of the redline boundary next to two barn structures which is outside of the residential curtilage of the application site so could not be secured as parking for the dwelling. It is considered that on the basis that the site plan shows that there are two parking spaces in front of Rockley House and that permitted development rights for outbuildings and hardstandings would need to be removed in order to ensure that planning permission would be required for any new outbuildings or hardstandings, then on balance the matter of demand for alternative parking provision and storage requirements due to the loss of the existing garage/store has been suitably addressed.

In summary therefore, the proposal would now not increase the height, volume, bulk or mass of the existing building at all, the fenestration has been reduced as the rooflights are now no longer proposed and the two sets of double doors in the western elevation have now been reduced to two small windows, the lighting emitted from the building would therefore also be less, there would be no increase in hardstanding and there would actually be some existing hardstanding areas which would be replaced with soft landscaping and the small amount of new boundary treatment proposed would be sympathetic to the rural location. The only element of the Inspector's reasoning which remains for why the proposal would have a greater impact on the openness of the Green Belt is the intensification of the use and increased residential activity as by the nature of the proposal it would still have its own vehicles, bins and garden items etc. However, on its own it is not considered that this would make the proposal have a greater impact on the openness of the Green Belt.

Firstly as the Inspector noted, it was the enlargement of the building combined with all the other matters such as changes to the fenestration and the intensification of the use and increased residential activity that *taken altogether* that the Inspector considered the proposal would have a significantly greater impact on the Green Belt. Furthermore, as an outbuilding for garaging there will already be comings and goings from the garage in the form of parking and it can be seen that there are already cars parked outside of the garage at the current time and so this is no different to the parking for the proposed dwelling. Conditions could be applied to ensure bin storage is discreetly located. There is a shed shown in the rear corner of the garden, details of this have been shown. It would be very modest at 2m in width, 1.25m in depth and 1.5m in height and would be sited in the corner of the plot close to the dwelling. Permitted development rights could be withdrawn by condition should permission be forthcoming, this is on the basis that the Inspector agreed that an increase in the size of the building and domestic paraphernalia etc. was part of why the previous proposal would have had a significantly greater impact on the openness of the Green Belt. There is a note on the drawing that wall mounted downlights are proposed to be fitted near external doors. However, due to the Inspector's concerns regarding lighting being emitted from the building it is considered these would be excessive and if permission were to be forthcoming a condition would be required to control any external lighting. Conditions would be required to remove permitted development rights for hardstanding's and outbuildings also.

Overall, it is noted that the proposal would lead to a greater intensification of the use of the site as a dwellinghouse than a garage however, for the above reasons it is considered that this intensification on its own would not lead to a significantly greater impact on the openness of the Green Belt to justify refusal of the application. As such, it is considered the exceptions set out in paragraphs 149 (g) and 150(d) of the

NPPF (2023) have been met and the proposal is therefore considered to not be inappropriate development. The proposal is therefore considered to accord with Policy CS02 (LPCS).

Openness

This matter also related to ground of refusal no. 1 of previous application ref. 20210195.

In the appeal decision the Inspector stated that because of the reasons explained in their section on whether the proposal would be inappropriate development in the Green Belt, they also considered that the proposal would cause harm to the openness of the Green Belt. As set out above, with this revised proposal a number of the elements that were proposed in the previous application have been removed from the proposal such that it really now only comes down to the issue of intensification of use. However, as stated and having reference to the appeal decision, although it is acknowledged that there would still be an intensification of the use of the site such that there would be a degree of impact on the openness of the Green Belt, on its own this impact is considered to be limited and not sufficient to justify refusal. As explained above, the matter of additional demand for a garage/store has also been queried with the agent and there is space for two parking spaces for Rockley House and permitted development rights will need to be removed for outbuildings and hardstanding's.

On the basis of the above two sections it is therefore considered that ground of refusal no. 1 of previous application ref. 20210195 has been resolved and the Inspector's comments on which they dismissed the appeal.

Character and Appearance including Landscape Character

This matter related to ground of refusal no. 2 of previous application ref. 20210195. The site is located in the Meopham Downs Landscape Character Area.

The Inspector only upheld the Council's ground of refusal no. 2 in respect of the proposed new access which would have resulted in the loss of a significant length of the hedgerow to either side of the access. The Inspector agreed with the Council that this would have a substantial adverse visual effect on the Landscape Character Area. The Inspector did not agree with the Council's concerns regarding intensification of use and change of character from an outbuilding to a self-contained dwelling as they stated that given its position relative to Rockley House and the presence of other dwellings along the highway, whilst the Inspector considered the visual appearance would be altered they were not satisfied that this change would undermine the key characteristics of the area. However, due to the access the Inspector found that the proposal would be unacceptable with regards character and appearance.

In this re-submitted application the new vehicular access is no longer proposed and therefore the reasons for the Inspector dismissing the appeal no longer stand. As such it is considered the proposal is now acceptable in respect of character and appearance including landscape character and is therefore compliant with Policies CS12 and CS19 (LPCS) and therefore ground of refusal no. 2 of application ref. 20210195 has been addressed.

Highway Safety

This matter related to ground of refusal no. 3 of previous application ref. 20210195.

The Inspector upheld the Council's ground of refusal no. 3 in respect of the proposed new access which they agreed would have been harmful to highway safety. However, this new vehicular access is no longer proposed and the Inspector's reasons for dismissing the appeal in respect of highway safety have therefore been dealt with and the ground of refusal no. 3 has been addressed.

On other matters regarding parking and highway safety the Highways Officer has commented on the application. They had concerns with the proposal in respect of wanting two spaces to be shown for the existing property Rockley House measuring 2.5 x 5m, two spaces for the proposed dwelling to same

standard, cycle parking for the existing and proposed dwelling, sightlines for the two spaces for the proposed dwelling and red line to be amended to ensure delivery vehicles can turn safely. The agent was asked to address the Highways Officer's comments and revised plans were received.

The amended plan now marks out two parking spaces on the existing hardstanding area for Rockley House where there is space for these but they have now been marked out on the plan and are both shown to be 5m x 2.4m. The Highways Officer advises that they would prefer 2.5m but states that this is nationally recognised as suitable for a car width. There is no cycle parking shown for the existing dwelling Rockley House but it can be seen that there is space on the existing hardstanding area of Rockley House on which bicycles could be parked. Two parking spaces are shown for the proposed dwelling which are 2.5m x 5m. The Highways Officer states that the proposed garden shed may be too small to also fit bicycles so this should be conditioned. The red line has been amended to allow space for turning of delivery vehicles. The Highways Officer notes that as the access is not highway and is internal in the site and given the limited use of the access sightlines for the proposed parking spaces for the new dwelling would only need to be added as an informative.

Overall therefore in respect of the revised plans submitted it has been demonstrated that with the loss of the garage the host dwelling would still retain sufficient vehicle and cycle parking, the proposed dwelling would have sufficient vehicle and cycle parking (subject to condition re: the cycle parking) and the proposal would therefore not have a harmful impact in respect of parking or highway safety. As such the proposal is therefore compliant with Policy CS11 (LPCS) and saved Policy P3 (LPFR).

Design

There are now no extensions proposed to the building and very minimal alterations to the fenestration etc. The external materials would be changed as the walls would be faced with black horizontal weatherboarding and black vertical timber cladding and the main part of the roof would be plain clay tiles with the lower part at the western end metal profiled roofing. Some details have been provided on the drawing but the detail of exactly what clay tiles and exactly what colour of metal roofing it would be has not been provided. As such it is considered a condition would be required for the external facing materials if permission was to be forthcoming in order to obtain this detail. Subject to this it is considered the proposal would be acceptable in respect of the character and appearance of the building and in respect of design the proposal would be compliant with Policy CS19 (LPCS).

Living conditions for future occupiers

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and paragraph 130 (f) of the NPPF (2023) also expects development to have a high standard of amenity for existing and future users.

The property is proposed as a 2 bedroom, 4 person one storey dwelling with an internal usable floor space of 140 sq.m which meets the minimum national space standard gross internal floor area for such a dwelling type (70 sq. m).

Externally 115 sq. m garden space is provided to the west of the dwelling. This is sufficient private amenity space for future occupiers as it complies with the minimum standard for private amenity space for a two bedroom dwelling of 37.2 sq.m garden area as set out in SPG2 (2020). The property would not have a garden area from the rear wall of the dwelling as the garden would be to the side and front but the depth of the garden area overall would exceed the minimum standard by some 77 sq.m therefore the fact there would be no rear garden depth per se in this situation is considered acceptable. Overall therefore it is considered the proposal would provide acceptable living conditions for future occupiers and complies with Policy CS19 (LPCS).

Neighbouring Amenity

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and

sunlight, of its occupants and those of neighbouring properties and land and paragraph 130 (f) of the NPPF (2023) also expects development to have a high standard of amenity for existing and future users.

To the north of the proposed dwelling is the bungalow known as Fairhaven. With no increase in the size of the building and no windows in the norther elevation there would therefore be no impact to Fairhaven with regards any overshadowing, loss of outlook or overlooking.

No other surrounding properties would be impacted by this development including the host dwelling by virtue of their distance.

In summary the proposal would not impact on the amenity of surrounding properties and in this respect the proposal is considered compliant with Policy CS19 (LPCS).

Refuse Storage and Collection Arrangements

Policy CS19 (LPCS) requires new development to incorporate appropriate facilities for the storage and recycling of waste.

The submitted plans show bin storage to the south-west corner of the dwelling. As per comments above on impact on the Green Belt it is considered that should permission be forthcoming it would be prudent to condition details of refuse storage in order to ensure that what is provided is sympathetic to the rural location. Subject to conditioning details of the refuse storage for the dwelling if the proposal was to be supported, the proposal in respect of refuse would comply with Policy CS19 (LPCS).

Contaminated Land

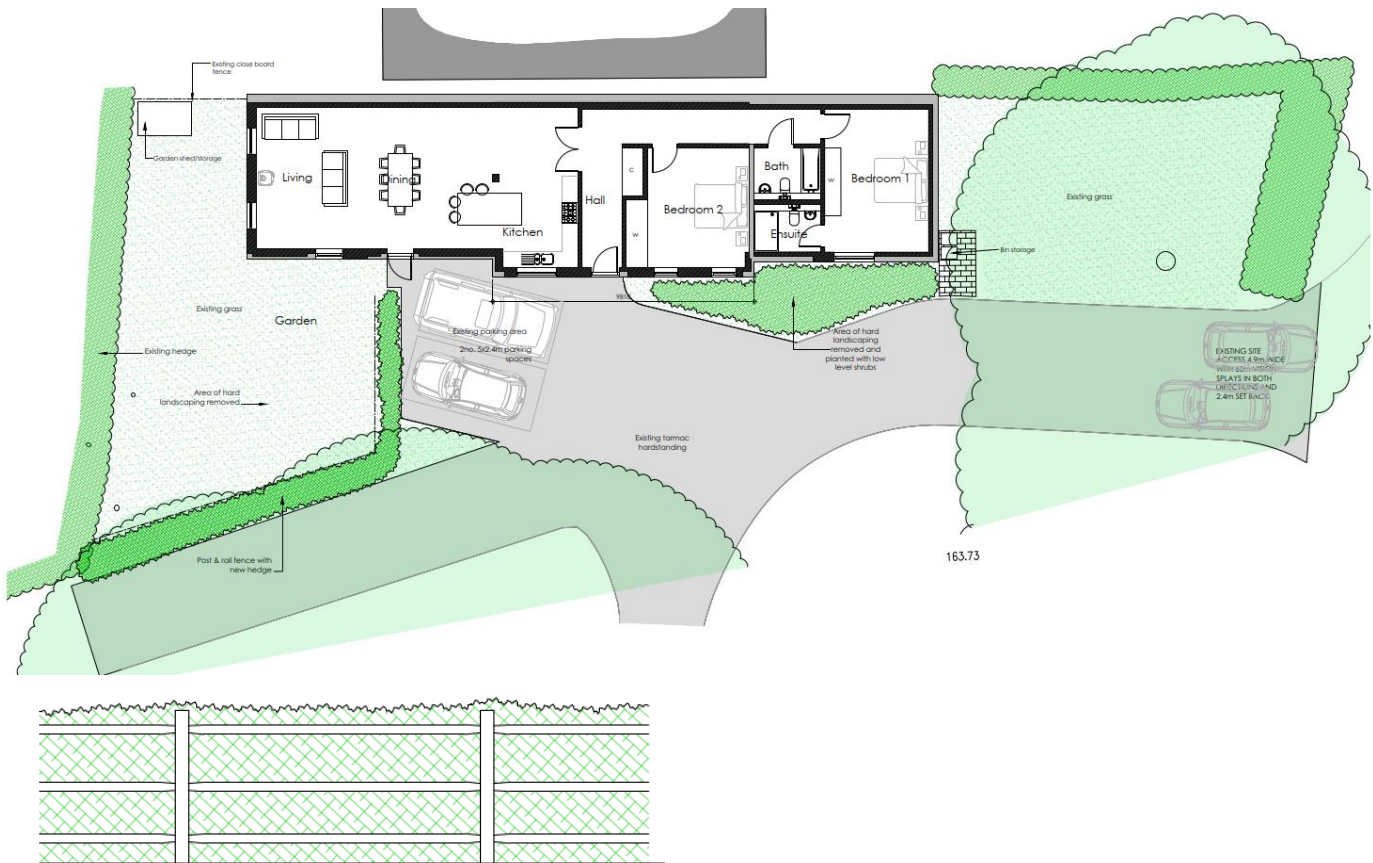
Policy CS19 (LPCS) and Paragraph 183 of the NPPF (2023) require new development to avoid adverse environmental impacts of land contamination and remediating contaminated land.

As the garage may have potential pollutants from oil spills etc and general uses associated with garages a watching brief condition should be included if permission is to be forthcoming.

Subject to the recommended condition no conflict with Policy CS19 (LPCS) and Paragraph 183 of the NPPF (2023).

Ecology and Biodiversity

Paragraph 180 of the NPPF (2023) seeks to ensure development provides biodiversity net gain. This proposal would provide a net gain as parts of existing hardstanding would be replaced by soft landscaping. Part of an area of hardstanding would be replaced with grass with a hedgerow around it to form the garden of the property and an existing hardstanding area in front of the building would be replaced with low level shrubs. The details being given on what would be provided as follows:



1.2m high post and rail boundary fence formed to denote domestic garden division with proposed planting of native species hedgerow allowed to establish to a height of 1.5m.

PROPOSED PLANTING

Proposed low level ground cover shrubs to include:

- 20% cotoneaster *Cotoneaster conspicuus*
- 10% cinquefoil *Potentilla fruticosa*
- 20% hebe *Hebe mackenii*
- 50% euonymus *Euonymus fortunei*

Proposed native mix hedging to include:

- 50% blackthorn *Prunus spinosa*
- 10% bird cherry *Prunus padus*
- 10% field maple *Acer campestre*
- 10% dog rose *Rosa canina*
- 10% hazel *Corylus avellana*
- 10% hawthorn *Crataegus monogyna*

It is considered there would be sufficient net gain on the site for biodiversity and it is also considered that sufficient information has been submitted in terms of the detail of the soft landscaping that would be added such that a condition would not be required if permission was to be forthcoming in order to obtain any additional information and in this regard the proposal is compliant with Policy CS12 (LPCS) and paragraph 174 of the NPPF (2023).

Sustainable Development

The site fronts onto Wrotham Road which is served by a bus route and is only 10 minutes' walk to Culverstone Green which includes two shops. Therefore, for the purposes of this application it is considered to be in a sustainable location.

Any other material considerations

None.

Balancing exercise/Conclusion

This re-submitted proposal is now considered to have addressed the reasons for why the Inspector dismissed the appeal in relation to application ref. 20210195 and also its grounds of refusal. It is now considered that subject to conditions the proposal would not be inappropriate development in the Green Belt, would not have a significant impact on the openness of the Green Belt to justify a refusal, would be acceptable in respect of character and appearance including landscape character, highway safety, design, amenity of future occupiers, neighbouring amenity, refuse, contaminated land, ecology and biodiversity and sustainable development. The proposal is considered compliant with local and national planning policy.

Recommendation: Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	16 February 2024	Dated:	21 February 2024