

Delegated Report

Householder Planning Application

Application No:	20250722
Location:	Narnia, Leafy Lane, Meopham, Gravesend, Kent, DA13 0DR
Description:	Alteration and extension of existing annexe to provide additional living accommodation.
Applicant:	Mr Peter Billane
Site Visit:	N/A Desktop Assessment

Submitted Documents/Plans

- Application Form – dated 16 July 2025;
- Drawing no. 001 – Rev. A – Location Plan, Existing and Proposed Block Plans;
- Drawing no. 002 – Rev. A – Existing Floor Plans;
- Drawing no. 003 – Rev. A – Proposed Floor Plans;
- Drawing no. 004 – Rev. A – Existing Elevations;
- Drawing no. 005 – Rev. A – Proposed Elevations.

Relevant Planning History

Reference	Description	Decision	Decision Date
20210465	Erection of an annexe in rear garden to provide accommodation ancillary to the main dwelling.	Permitted	17.06.2021
20151045	Application for removal of condition 1 attached to planning permission reference no. 20140158 for erection of front extension to form a split porch/open area and alterations to roof above from sloping roof to gable end type roof; to allow the porch to remain enclosed.	Permitted	30.06.2016
20140158	Erection of front extension to form a split porch/open area and alterations to roof above from sloping roof to gable end type roof.	Permitted	07.05.2014
20130988	Erection of single storey extension to form a bedroom and bathroom.	Application Refused	20.12.2013
20080689	Application for approval of condition 2(i)(ii)(iii) and (vi) attached to planning permission reference number 20080268 relating to the details of the rooflights.	Approval of details	16.01.2008
20080268	Application for variation of condition (viii) of planning permission reference number GR/91/780 to allow the installation of a velux window in north roof slope.	Permitted	30.05.2008

20020997	Construction of a dormer window in front roof slope and conversion of the proposed roof space into an enlarged bedroom.	Application Refused	27.01.2003
AP2003/000 07/NONDET		Appeal Dismissed	14.11.2003
19990108	Erection of a detached garage/store at the front.	Permitted	20.04.1999
19910780	Alterations to existing roof and erection of single storey extensions to front and rear to form utility room, bedroom, ensuite bathroom and dining room/conservatory.	Permitted	31.01.1992
19890870	Retention of a domestic dwelling.	Application Refused	14.03.1990
AP1990/000 21/REF		Appeal Allowed	25.09.1991

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

Paragraph 34 of the NPPF (2024) 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 (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places
- Section 13 – Protecting Green Belt Land

Supplementary Planning Guidance

- SPG 2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020

- Technical Housing Standards – Nationally Described Space Standard (2015)
- SPG 4 – KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

External Consultees

Meopham Parish Council – No comment received.

Internal Consultees

Local Ward Councillors – No comment received.

Neighbouring properties

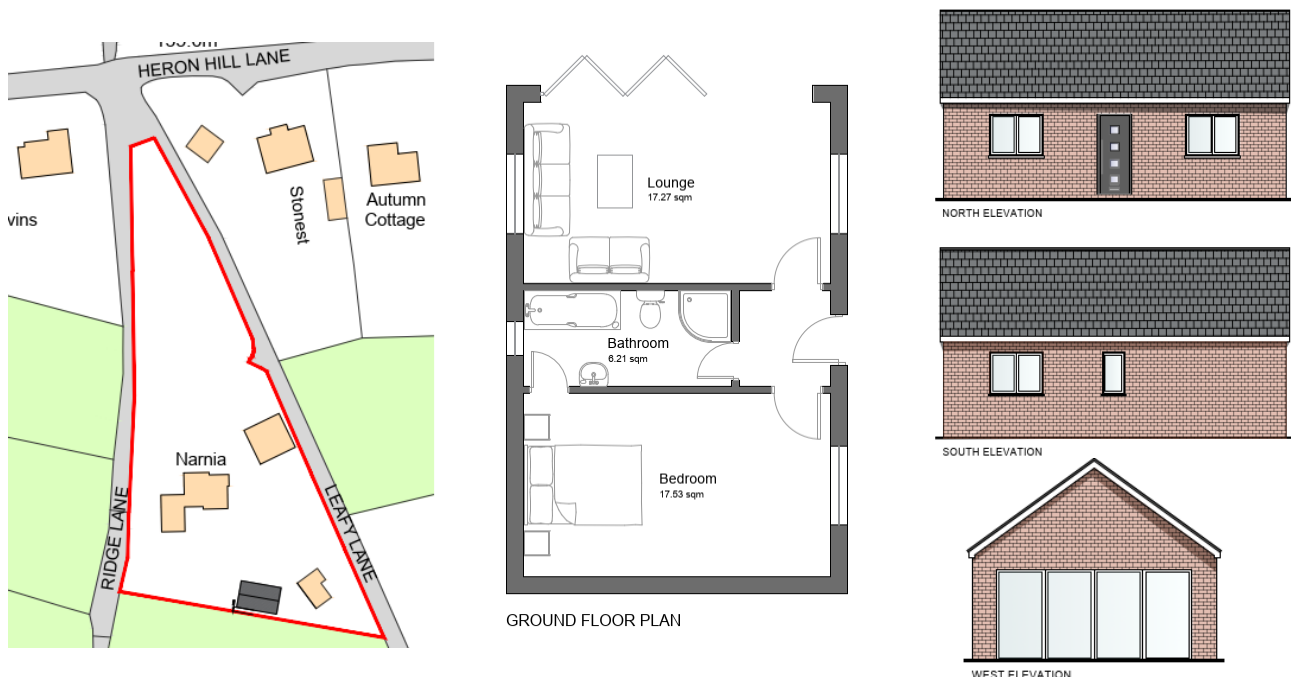
A notice was displayed on site 05 August 2025.

In addition, four surrounding properties were consulted and one representation was received, registering support for the development (with no comment).

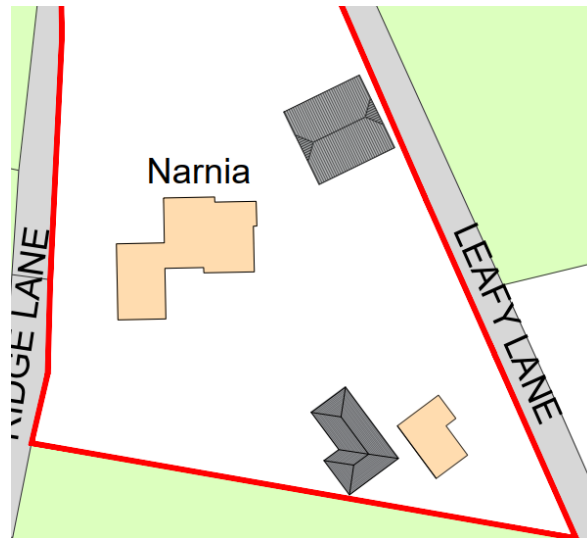
The consultation period expired 29 August 2025.

Preliminary Matters

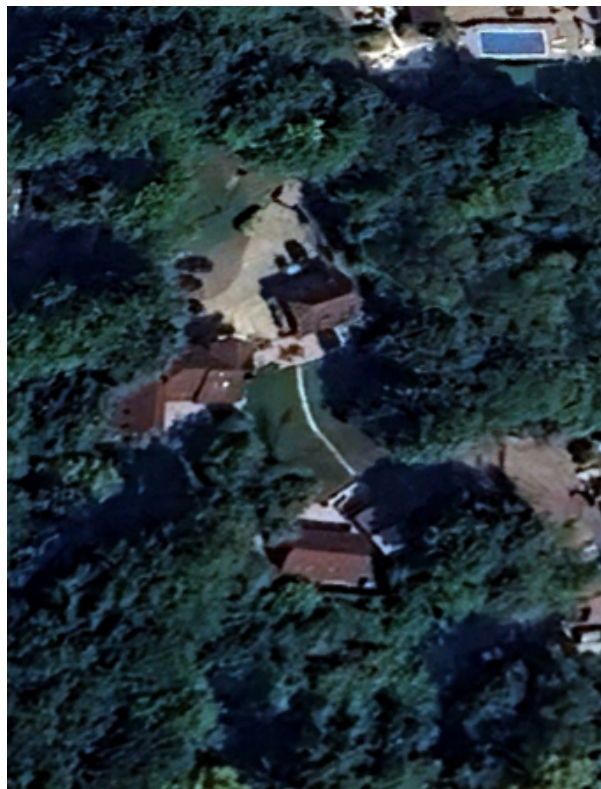
The recent planning permission (ref. 20210465) approved the “erection of an annexe in rear garden to provide accommodation ancillary to the main dwelling”. This was granted subject to 8no. conditions and the approved plans are set out below:



The supporting plans for this application show that the annexe outbuilding was not constructed in accordance with the approved plans for ref. 20210465 (as shown below), with a large building constructed at a different orientation to the approval contrary to condition 2:



The latest satellite imagery (Google Earth – August 2025) shows two outbuildings constructed as approved in the 2021 application, with the annexe constructed adjacent to the rear boundary. To confirm this position, the applicant was contacted and confirmed that the outbuilding was constructed in accordance with the approved plans.



Google Earth (August 2025)

Officer's Analysis

Site Description

The application site is located within the countryside outside any rural settlement and is a triangular plot of land (0.3 hectares) just south of Heron Hill Lane between the unmade roads of Ridge Lane to the west and Leafy Lane to the east. Within the wooded plot sits an extended detached single storey brick and tiled chalet dwelling with roofspace accommodation. There is a detached double garage to the east and two outbuilding towards the south of the site, one of which is an approved annexe (incidental to the main

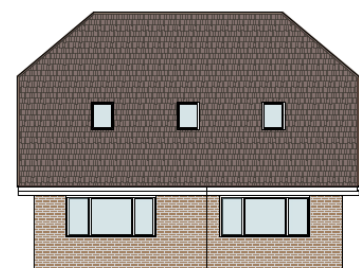
dwelling) (ref. 20210465).



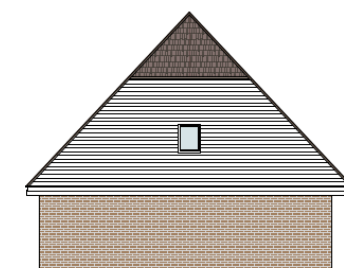
It is within a Green Belt area and within the Harvel Wooded Downs Landscape Character Area.

Development Proposal

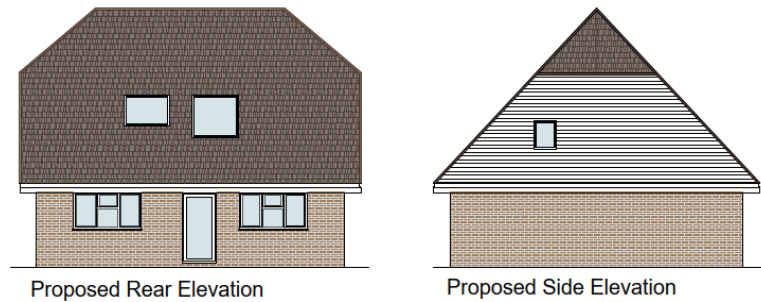
This application seeks planning permission to convert the existing garage into a residential annexe, through the blocking up of the garage doors and inserting windows into the front elevation, and an infill extension to the canopy section at the rear.



Proposed Front Elevation



Proposed Side Elevation



Garage Permission (1999)

The garage to which this application relates was granted permission in 1999 (ref. 19990108) for the erection of a detached garage/store at the front. The garage included a loft store area and was granted with the following condition:

2. *The garage hereby permitted shall be used for the accommodation of a private motor car (or cars) for the occupants of Narnia, Leafy Lane, Culverstone as a private dwelling house and for no other purpose and no development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995, shall be carried out on the site in such a manner or in such a position to preclude vehicular access into the garage.*

The existing plan demonstrate that the garage contains a gym, store and a small kitchen on the ground floor, with a bedroom and living area in the loft space. The garage doors are in situ on the front elevation and the building could still be considered to meet the condition, however the use of the building as an incidental residential unit

Principle of the Development

The application site is located in the Green Belt and as such Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) (2014) is relevant. Development in the urban area is prioritised as the sustainable location for development. In the rural area, Policy CS02 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, i.e. in the Green Belt, will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the LPCS.

The principle issues in determining this application;

- Green Belt;
- Design, Character, Appearance and Impact on the Landscape
- Amenity of Future Occupiers;
- Neighbouring Amenity;
- Parking and Highways; and
- Any Other Material Planning Considerations

Green Belt

As the application site is located in the Green Belt, paragraphs 142 and 143 and 152-156 of the National Planning Policy Framework (NPPF) (2024) and Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) (2014) are most relevant.

The overriding policy approach in the Green Belt is that new built development is strictly controlled, in order to protect the openness of the land. Paragraphs 154 and 155 of the NPPF (2024) set out the circumstances in which new built development can be considered to be appropriate in the Green Belt. In this instance paragraph 154(c) is relevant and sets out that;

154(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.

Saved Policy C13 of the Gravesham Local Plan First Review (LPFR) (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 2024, the weight attached to the policy must be considered carefully; with greater weight being given where the approach is consistent with that document.

In particular Saved Policy C13 (LPFR) 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 (2024) and should be afforded some limited weight.

As a general rule (and in line with Saved Policy C13 (LPFR)), the Borough Council considers that extensions which exceed the overall floor area of an original building by one third (33%) or more, are likely to be disproportionate additions. However, it is acknowledged that floorspace is only one measure of such impact and in coming to a conclusion on this issue, the Council has regard to a range of other factors including footprint, floorspace, volume, scale, mass and height.

In this instance, the proposed development would comprise of the extension/alteration of an existing building, which has a floor area of 59m². The proposed annexe building would have an overall floor area of 63.3m² and therefore results in an overall increase of 7.3%. This is comfortably below the one third limit (33%) as set out in saved policy C13 and would not be considered to result in a disproportionate addition above the size of the original building and as such, the proposal would be considered to be appropriate development in the Green Belt. As such, the proposal would be in line with paragraph 154(c) of the NPPF (2024) and Saved Policy C13 (LPFR).

Annexe

Notwithstanding the development according with paragraph 154(c) of the NPPF (2024), the planning position relating to the provision of buildings or structures for annexes or the conversion of buildings for use as annexes (sometimes termed 'granny annexes') or other ancillary accommodation is quite complex and sometimes contradictory and there is case law, in relation to such development, which can itself be open to interpretation.

Existing residential properties enjoy permitted development rights which allow certain building works, such as extensions or outbuildings to be carried out without having to make a planning application. Permitted development rights are set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As aforementioned, this garage outbuilding was granted planning permission in 1999 (ref. 19990108) and was conditioned to be used only for the 'accommodation of a private motor car (or cars)' and for 'no other purpose', and any change to the intended use would require planning consent. It is noted from the supporting plans that the outbuilding contains living accommodation and is in breach of condition 2. There is no evidence before the Local Planning Authority that the change of use is lawful through the passage of time, and therefore will be not considered as such.

It is recognised that 'residential annexes' in whatever form that might take are an increasingly common form of development that are generally proposed in order to allow relatives to live with their family with some degree of independence. However, to remain ancillary accommodation and not a separate unit of accommodation, the use of annex must normally retain some form of reliance on the main dwelling.

There is no specific local or national planning policy that directly relates to the provision of new, or use of existing buildings, as annexes. However, there are emerging policies in the Regulation 18 (Stage 2) Development Management Policies Document (2020), including RES 3: Residential Annexes, that show the

direction of travel the Council is going and such emerging policies may be accorded some limited weight.

By way of general guidance, a proposed annex should (where possible):

- Be subordinate to, and used in connection with, the main dwelling and must not be able to function without the main dwelling (for example, not having separate kitchen facilities).
- Be interconnecting with the main dwelling as a whole (for instance via doorways); if accessed by a separate external entrance this should not separate from the main dwelling and therefore should rely on a common shared access with the main dwelling.
- Be within the curtilage of the main dwelling.
- Have a functional connection with the main dwelling (e.g. the occupant should be a dependant relative of the residents of the main dwelling or employed at the main dwelling).
- Be in the same ownership as the main dwelling.
- Be designed in such a way as to easily allow the annex to be used at a later date as an integral part of the main dwelling.
- Have no boundary demarcation or sub division of the garden areas between the curtilage of the main dwelling and the annex.
- Have adequate parking and amenity facilities for the needs of the annex occupants and the residents of the main dwelling.
- Comply with the Council's normal standards for extensions to a dwelling including those relating to design and the amenities of neighbouring occupiers.

***Note: The above is largely reflected in emerging policy RES3: Residential Annexes Regulation 18 (Stage 2) Development Management Policies Document (2020).*

A key consideration in this application is whether the site will continue to operate as a single planning unit or whether there will be two households living independently of each other on the site.

In essence, the annex hereby proposed could function as a separate single dwellinghouse. It will contain primary living accommodation in the form of a 3no. bedrooms and 2no. bathrooms, and a fully equipped kitchen/living/diner. There are existing separate accesses, through both the pedestrian/vehicular, that mean the occupants of the annex will not rely upon a common shared access. Therefore, this application for change of use of the outbuilding into an annex will change the operation of the dwelling from a single planning unit into two independent households on one site.

However, identifying a separate planning unit requires consideration of a range of factors and not simply if a unit of accommodation is self-contained, but is a matter of fact and degree. Even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling; it is a matter of fact and degree whether a change of use has occurred.

Case Law

The use of an existing outbuilding for ancillary residential accommodation in association with a main dwellinghouse does not require planning permission provided it complies with Sec. 55(2)(d) of the 1990 Act that provides that the use of buildings within the curtilage of a dwellinghouse for any purpose "incidental to the enjoyment" of that dwellinghouse is not development. The position with regard to residential use of a new outbuilding is different.

A number of cases, detailed below, have shown that for the purposes of Sec. 55(2)(d) "incidental to the enjoyment" may be interpreted generously. The creation of an annexe from an existing outbuilding would therefore be unlikely to require permission provided the building was occupied by a family member. However, the situation is not as clear where the occupant is someone who is not a member of the family but has a strong functional connection with the main dwelling, for example, a housekeeper or handyman.

If the accommodation created constitutes a separate planning unit, this then is not an incidental use, as Sec. 55(3)(a) makes clear. Any separate residential occupation of a building or buildings formerly within an existing single residential planning unit is development by virtue of Sec. 55(3)(a) of the 1990 Act, as

confirmed by *Wakelin v SoS* 1978, a case in which a large house with a lodge that had been converted into two flats used as guest suites was proposed to be converted into a separate dwelling and sold off. The court held that the house, lodge and grounds were one planning unit and that to sever the lodge would constitute a material change of use.

In essence, an annexe will become a separate single dwellinghouse where it is self-contained with all the necessary day-to-day living facilities and has resulted in the creation of a separate planning unit. *Uttlesford DC v SoS and White* 1992, in which a garage attached to a dwelling had been converted to a 'granny annexe', provides leading case law on the matter. In *Uttlesford* an Inspector had determined that where a domestic garage within a residential curtilage was used for living accommodation in connection with the dwelling, no material change of use occurred. The court agreed, ruling that the fact that the elderly occupier of the annexe had all the living facilities that enabled her to live independently from the rest of the family did not amount to the creation of a separate planning unit that required permission. The significance of this case is that the even though the accommodation in the garage was capable of independent use, the court judgment suggested that a quality of separateness was occupation by someone who was not connected with the family occupation of the whole planning unit.

Identifying a separate planning unit requires consideration of a range of factors and not simply the self-containment of the accommodation, and is a matter of fact and degree. In her decision to grant permission for the conversion and extension of an outbuilding at a house in the Essex green belt to a residential annexe, notwithstanding the Council's concern that it would result in the creation of an independent residential unit, the Inspector in *Castle Point* 27/11/2020 DCS No 400-028-727 relied on the *Uttlesford* judgment. The Council had reached its own view that the proposal was tantamount to a new dwelling with reference to *Gravesham BC v SSE* 1984 because the accommodation provided all the facilities for independent day-to-day living. The Inspector, however, followed the more recent and relevant case law in *Uttlesford*, stating that even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling and it was a matter of fact and degree whether a change of use had occurred.

In the case before her, the Inspector recorded that whilst the extension and conversion of the outbuilding would provide all the facilities for day-to-day living, it would function as an annexe, with the primary occupants also sharing living space, eating and socialising with the rest of their family in the main dwelling. There was a paved footpath between the annexe and the main house allowing easy access between the two. As such, she held that the garage conversion would remain part of the same planning unit as the main dwelling. Based upon the evidence before her the inspector was satisfied that the proposal related to an annexe. She allowed the appeal subject to a condition that it should not be severed from the main house by reason of being sold or let as a separate unit of accommodation.

In reaching her decision, the Inspector noted that reference had also been made to *Carter v South Bucks DC* 2011 but considered that case was different in that a garage had been converted into a three-bedroomed property with a substantial conservatory extension. It had its own garden, separated from the main dwelling by fencing, trees and shrubs, with no footpath linking the two buildings. Whilst family meals were taken together that was in the substantial garage conversion rather than in the host dwelling. As a matter of fact and degree in that case it was found that a new planning unit had been created.

In this case, whilst the proposed annexe would be capable of being occupied independently and the building is detached from the main house. Although linked to the main house by the shared access/driveway, the fully served building would be capable of independent living represents a new dwelling. The size of the accommodation is generous and would have no reliance on the main dwelling. Therefore, as a matter of fact and degree the annexe hereby proposed is not incidental and would constitute a separate self-contained unit of accommodation.

It is on this basis and in considering the above case law, as a matter of fact and degree, a new planning unit would be created at the application site, and the proposal would be contrary to Policy CS02 of *Gravesham's Local Plan Core Strategy (LPCS)* (2014).

Furthermore, the existing site contains a dwelling and an approved one bedroom annexe, the proposed new unit of accommodation is overdevelopment of the site (see Design, Character and Appearance).

Design, Character and Appearance

Policy CS19 (LPCS) states that new development will be visually attractive, fit for purpose and locally distinctive. It also seeks to conserve and enhance the character of the local built, historic and natural environment and integrate well with the surrounding local area, whilst ensuring that the design, layout and form of new development will be derived from a robust analysis of local context and character and make a positive contribution to the street scene, the quality of the public realm and the character of the area.

The operational development required to convert the garage into an annexe would not result in any extension to the building and only minor works in replacing the doors with matching brickwork and windows. While this would change the character of the building to a more residential appearance, there would be no impact on the wider area nor conflict with any local or national design policy.

Notwithstanding this, the conversion of the garage into an annexe would create a self-contained unit of accommodation, separate to the main dwelling and incidental annexe already on the site. This uplift and proliferation of use, by creating a new self-contained unit of accommodation, represents overdevelopment of the site.

Overall, the proposal and existing development on the site constitutes a cumulative negative impact of overdevelopment.

Impact of Development on the Landscape

In addition to being within the Green Belt, the site is located within the Harvel Wooded Downs Landscape Character Area. This area is characterised by varied topography, ancient wood and haphazard mosaic resident plots and small holdings.

Policy CS12 (LPCS) seeks to protect the Green infrastructure within the Borough and states at 5.7.26 the overall landscape character and valued landscapes will be conserved, restored and enhanced.

The development is not considered to impact on the landscape by virtue of no extension and only minor alterations to the building. Therefore, the proposal accords with Policy CS12 (LPCS) and safeguards the quality of the Harvel Wooded Downs Landscape Character Area.

Amenity of Future Occupiers

Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, should accord with the adopted GBC Residential Layout Guidelines'.

The proposal will provide acceptable living conditions that safeguard the amenity of future occupiers in accordance with Policy CS19 (LPCS) the room sizes accord with GBC Residential Layout Guidelines (2020).

Neighbouring Amenity

In considering any proposals for development it is important to ensure that it does not cause demonstrable harm to the amenity of any existing residents or property such that it will materially harm their living conditions. Policies seeking to protect amenity and ensure acceptable future living conditions are included in the Local Plan Core Strategy. 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.

The NPPF (paragraph 135) also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to secure a high standard of amenity for all existing and future users.

The development will not cause any detrimental impact on the amenity of the neighbour in terms of overlooking, loss of light, sense of enclosure or outlook. There will be no encroachment onto neighbours land. Overall, the application is considered to safeguard the amenity of the adjoining properties in accordance with Policy CS19 (LPCS) and paragraph 135 of the NPPF (2024).

Parking and Highways

Any proposals would need to be considered against saved policy T1 (LPFR) (1994) and Policy CS11 (LPCS). These policies ensure that development provides an acceptable amount of parking in accordance with the adopted KCC Parking Standards and the access and parking arrangements do not have a detrimental impact on highway safety.

The property benefits from a generous driveway with adequate parking spaces to accommodate the number of vehicles required to accord with Gravesham's adopted parking standards (SPG4) (2006). The plans do not show any change to the existing access into the site and therefore there will be no serve impact on the highway network.

As such, the proposal is in accordance with saved policy T1 (LPFR), Policy CS11 (LPCS) and Section 9 of the NPPF (2025).

Conclusion

The application has been fully considered and is contrary to local and national planning policy.

The proposed annexe would be independent of the main dwelling as it would include all the day-to-day facilities of a separate planning unit and would not be incidental or reliant on the main dwelling. Therefore, as a matter of fact and degree, an independent unit would be created and the proposal is contrary to Policy CS02 of Gravesham's Local Plan Core Strategy (2014).

The proposed conversion of the garage into an annexe represents cumulative overdevelopment of the site, with the site already containing the main dwelling and a single bedroom incidental annexe. Therefore, the proliferation of residential activity on the site and cumulative residential additions to the main dwelling are overdevelopment contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2024).

Therefore, it is recommended that the application is refused.

Recommendation

Refusal

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

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	10 th October 2025	Dated:	14 th October 2025