

Delegated Report

Application No:	20220398
Location:	The Haven, Brimstone Hill, Meopham DA13 0BN
Description:	Conversion of existing summerhouse to a permanent residential dwelling
Applicant:	Dr H Hundal

Submitted Documents/Plans

The application comprises the following documents and plans:

Application form
Planning Statement
Drawing no. SH111 (proposed floor plan)
Drawing no. SH110 (existing floor plan)
Drawing no. SH112A
Drawing no. SH113A (location plan)
Drawing no. SH114 (existing elevations)

Relevant Planning History

20201036	Application for variation of condition 2 attached to Planning Consent reference number 20160443 allowed on Appeal (APP/K2230/D/16/3156172) being for the construction of a subterranean building comprising a swimming pool, changing rooms, shower, plant room and garage for three vehicles with canopy, erection of gabion retaining walls and entrance staircase with alterations to the ground level; as varied by reference number 20181027 to allow enlarged basement comprising of additional garden equipment store room, games area and storage room; to allow a revised internal layout.	Permitted	17.11.2020
20181027	Variation of condition 2 to planning application reference number	Permitted	16.11.2018

20160443 allowed on Appeal
reference number
APP/K2230/D/16/3156172, 02
December 2016 for the
construction of a subterranean
building comprising a swimming
pool, changing rooms, shower,
plant room and garage for three
vehicles with canopy, erection of
gabion retaining walls and entrance
staircase, with alterations to the
ground level; to allow enlarged
basement comprising of additional
garden equipment store room,
games area and storage room.

20170627	Application for a non-material amendment to planning permission reference number 20140475 to allow the reconfiguration of the ground floor to basement staircase and use of the basement as a gym and two store rooms; removal of one set of doors in the entrance hall and reconfiguration of the ground floor to first floor staircase and the first to second floor staircase, reconfiguration of the internal layout of the first floor involving the reduction in size of the laundry room to provide a cupboard, enlargement of a cupboard on the landing to form airing cupboard, reduction in size of steam room/sauna to change to a laundry room, change of ensuite bathroom to bedroom 1 to provide walk-in wardrobe incorporating the addition of the ensuite bathroom originally planned for bedroom 2, change of bedroom 2 into a guest suite comprising two bedrooms and ensuite bathroom; change in the internal floorspace of the roofspace and reconfiguration of the layout reducing the size of bedroom 5 to provide a cinema room, removal of two approved rooflights and installation of two larger rooflights in a different position.	Permitted	29.06.2017
20170559	Application for non-material amendment to planning permission reference number 20100148 to allow the internal configuration to	Permitted	25.05.2017

	be altered to consist of media room, table tennis room, study, sauna/steam room, kids gym, adults gym, bar room, 2 bathrooms, laundry room and boiler room.		
20160443	Construction of a subterranean building comprising a swimming pool, changing rooms, shower, plant room and garage for three vehicles with canopy, erection of gabion retaining walls and entrance staircase, with alterations to the ground level.	Refused, appeal allowed	21.07.2016
20150670	Application for a non-material amendment to planning permission reference no.20150281 to allow the erection of a single 1200mm wide pedestrian gate to the side of the tennis court.	Permitted	05.08.2015
20150281	Reconstruction and realignment of existing tennis court including ancillary fencing and retaining structures.	Permitted	26.06.2015
20141111	Erection of detached outbuilding to form garage with associated parking and plant room with steps from sunken patio area to ground floor level, and construction of underground swimming pool, changing rooms and additional plant room at basement level, with construction of sunken patio area and associated steps at rear and construction of underground tunnel to main dwelling.	Refused	26.06.2015
20140478	Application for a Lawful Development Certificate in respect of the use of the building as a single dwelling house (Use Class C3).	Granted	06.11.2014
20140475	Application for the variation of condition 2 attached to planning permission reference no. 20130834 (for a minor-material amendment to planning permission reference number 20071038 for the demolition of the main dwelling and erection of a detached two storey	Permitted	08.09.2014

four bedroom dwelling) to allow minor changes to the building to allow (i) use of the roof space as a master bedroom and en-suite facilities, (ii) the use of a basement void as a plant room, wine cellar and storage area, (iii) installation of 1no. satellite dish to the side elevation and 4no. CCTV units to the corners of the building and (iv) the installation of 9no. rooflights to the front, rear and side roof slopes.

20130834	Application for minor material amendment to planning permission reference number 20071038 for a new chimney and entrance portico/columns, additional windows to the side and a back door to be installed.	Permitted	29.10.2013
20130109	Conversion of garage into a residential dwelling.	Permitted	13.06.2013
20120860	Application for variation of condition 3 attached to planning permission reference number 20100148 for erection of a detached summer house to be used as residential for a temporary period whilst the main dwelling is completed; to extend the temporary period allowed for residential occupation of the summer house for a further two years.	Permitted	05.12.2012
20110929	Retention of a satellite dish and phone booster on rear of summer house.	Permitted	07.12.2011
20110813	Retention of the garden re-grading to form a terraced landscape.	Permitted	10.11.2011
20100148	Erection of a detached summer house to be used as residential for a temporary period whilst the main dwelling is completed.	Permitted	17.02.2011
20100134	Application for non-material amendment to planning permission reference number 20071038 for the rotation of the proposed dwelling by 20 degrees.	Permitted	20.05.2010
20071038	Demolition of main dwelling and	Permitted	16.01.2008

	erection of a detached two storey four bedroom dwelling.		
20070899	Demolition of existing garage and erection of a detached five bay garage.	Permitted	19.11.2007
20070741	Application for Lawful Development Certificate for the proposed erection of a detached building in garden to provide gym, snooker room/bar, media room and chill out area.	Certificate granted	03.10.2007
20070191	Erection of wall varying in height from 1.8m to 2.85m with 4.25m high pillars and electronic gates on the Brimstone Hill frontage.	Permitted	17.04.2007

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 - Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Design & Development Principles

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
- T1 – Impact of Development on the Highway Network

Other material considerations

National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed 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

Kent Downs Area of Outstanding Natural Beauty Management Plan

As part of the site lies within the Kent Downs Area of Outstanding Natural Beauty (AONB), the adopted Kent Downs AONB Management Plan is also relevant. The policies relevant to the consideration of this application are:

- LLC1
- LLC2

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 3.27 year supply has most recently been calculated within the statement published [here](#)), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF. 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 181)
- 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); and
- 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 125(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.

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)
- Kent Downs AONB Management Plan
- Landscape Character Assessment (2009)

Consultations, Publicity and Representations

KCC Heritage

I have no comments to make on archaeological matters.

Meopham Parish Council

The Parish Council raises objections on the grounds of inappropriate development in the Greenbelt and AONB.

Dickens' Country Protection Society

The Society would wish to object on the grounds that the site is in an area within which Green Belt Policies apply and an Area of Outstanding Natural Beauty. New dwellings are only permitted in the Green Belt under very special circumstances. In the Society's view no special circumstances sufficient to warrant overriding Green Belt Policy have been put forward. The fact that the building has already been constructed should not influence the matter.

Public Rights of Way Officer

Public Rights of Way NS259 lies to the north of the site and may be affected by the application and I therefore enclose a copy of the Public Rights of Way network map showing the definitive line of this path for your information.

It is important to advise the applicants that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.

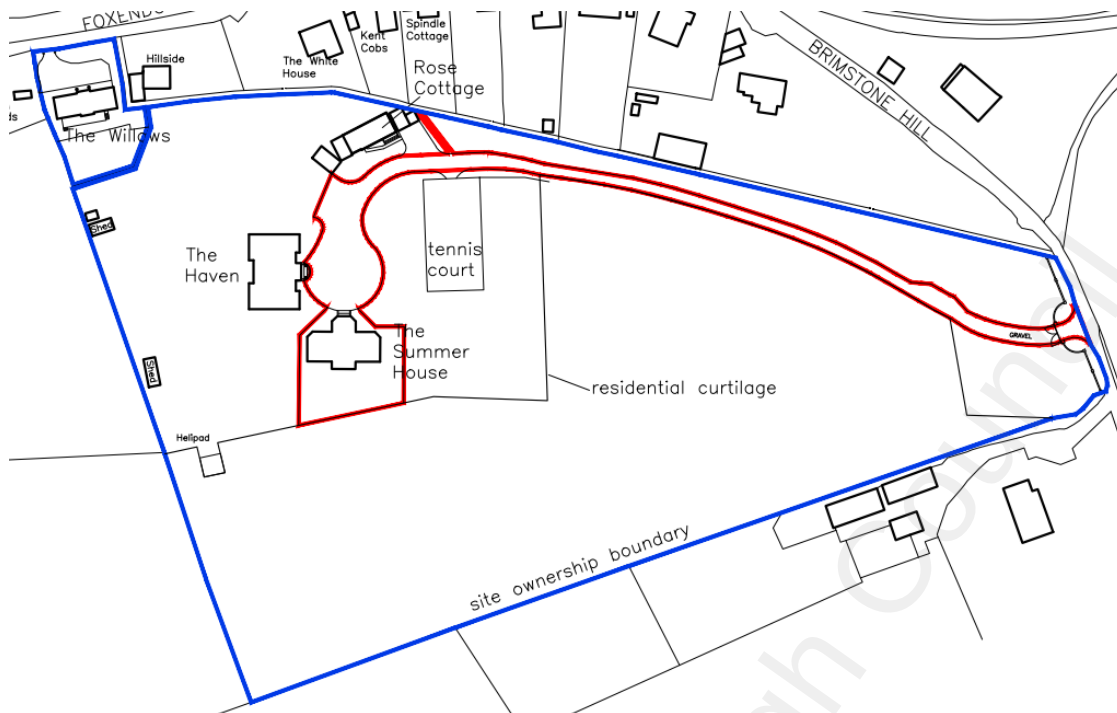
Neighbouring properties

The application was advertised by site notice and individual letters to 16 neighbouring properties. One letter has been received containing an extensive history and photos of the site but neither objecting or supporting the application.

Analysis

Proposal

This application seeks planning permission for the conversion of existing summerhouse to a permanent residential dwelling. There will be no external changes to the building however the plot will be divided to provide for two separate curtilages as shown below:



Planning application reference 20100148 granted permission for the erection of a detached summer house to be used as residential for a temporary period whilst the main dwelling granted permission at appeal under reference 20160443 was being built.

Condition 3 of 20100148 stated:

The development hereby approved may be used as temporary residential accommodation for a period of two years from the date of this permission and shall thereafter revert to being a non-habitable outbuilding to be used for purposes incidental to the enjoyment of the dwelling known as The Haven and at no time shall any primary living accommodation be provided therein, nor shall it be provided with its own curtilage or sub-divided from the main planning unit without the prior approval of the Local Planning Authority in writing.

Reason: In order that, save for a temporary period of two years from the date of this consent, this building is only regarded as being appropriate development in the Green Belt as it is incidental to the enjoyment of the main dwellinghouse on the site and does not constitute a separate dwelling that would be regarded as inappropriate development harmful to the openness of the Green Belt.

There was also a s106 agreement signed by the applicant that states:

3 The Owner hereby covenants with the Council not to use the detached summerhouse for separate residential purposes after the Period nor for any purpose other than a non-habitable out-building to be used for purposes incidental to the enjoyment of The Haven and in any event at no time whatsoever after the Period shall any primary living accommodation be provided therein

Housing Need

In regard to housing need, Policy CS02 (LPCS) sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least

6,170 new dwellings during the period. Evidence now available shows that the Council is not able to demonstrate a five-year housing supply. This engages the first part of footnote 8 of the National Planning Policy Framework and this means for decision-taking that planning permission for applications involving the provision of housing should be granted in line with the requirements of the National Planning Policy Framework Para 11(d) unless:

- i. the application of policies in this Framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
- 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.

The proposed development for a net increase of '1' no. dwelling would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded minimal weight in support of the application. However, this has to be balanced against other requirements of the NPPF (2021) and in particular paragraph 130 and 134 - of the NPPF (2021) which requires development to be added to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers. The proposed development is considered acceptable as discussed below.

Character and Appearance

The application site is located within the Green Belt, the Harvel Wooded Downs Landscape Character Area and part of the site is in the North Downs Area of Outstanding Natural Beauty.

The outbuilding is located to the south of the Haven which is a large detached dwelling located within substantial grounds. The outbuilding is single storey with a pitched roof and is used for recreation in association with the main dwelling.

To the north is Rose Cottage which is in the same ownership and was granted a lawful development certificate for residential use under reference 20140478 due to the passage of time.

Green Belt

Para 137 of the NPPF states that the Government attaches great importance to Green Belts.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. The Courts have confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result, but equally this does not mean that the openness of the Green Belt has no visual dimension.

Para. 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para. 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Para. 149 lists exceptions for the construction of a new building. As this is not a new building this paragraph does not apply.

Para. 150 lists certain forms of development that are not inappropriate in the Green Belt provided

they preserve its openness and do not conflict with the purposes of including land within it. Exception (d) allows for the re-use of buildings provided that the buildings are of permanent and substantial construction and therefore is acceptable provided it preserves the openness of the Green Belt and does not conflict with the purposes of including the land within it. The proposal to use this building as a residential dwelling would meet this exception providing it preserves the openness.

Openness

An outbuilding was granted permission under a lawful development certificate in 2007 (but not built) however the main house was demolished and permitted development rights were removed from the new dwelling. Therefore a planning application was required for the summer house that exists. This was approved on the basis that the lawful could have been implemented in 2007 and that scheme was more obtrusive in the Green Belt. The current summerhouse is located further down the valley slope where there is improved screening and it is closer to the replacement house. It was granted permission as it was felt an exception could be made as it had no greater impact on the openness of the Green Belt as it did not occupy a greater area than the existing buildings.

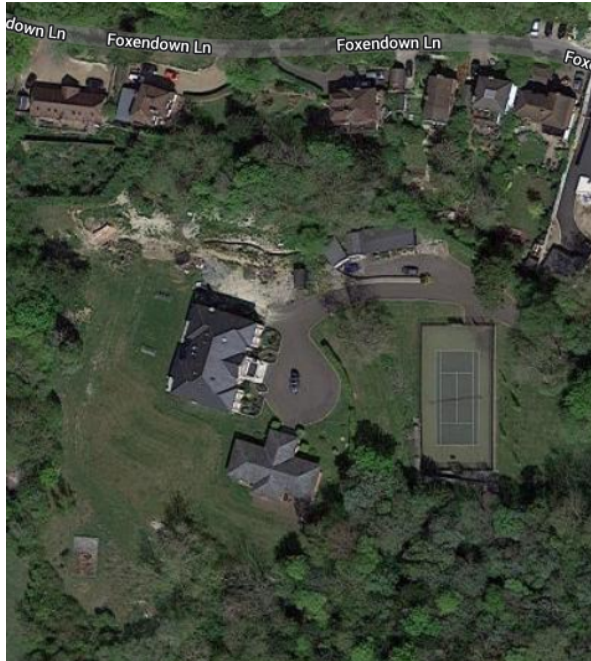
The applicant requested the summerhouse be used as a dwelling for two years in order to complete the new dwelling. This was in order to sell other property to raise the finances and this was considered reasonable. The applicant stated they had no intention to use the summerhouse as a separate dwelling and agreed to condition 3 and signed a section 106 agreement to ensure the building remained ancillary after the two years.

The building was used by the family during the construction of the main building. The building already exists and therefore its reuse per se will not have an impact on the openness of the Green Belt. However, the difference between a building ancillary to the main dwelling such as the summerhouse and a separate dwelling is the subdivision of the land, creation of a residential curtilage and the domestic paraphernalia that comes with a dwelling such as hardstanding for parking, patios, boundary treatments, washing lines, sheds etc. All of these can have a negative impact on the openness of the Green Belt.

Appeal reference APP/K2230/W/18/3208174 (appendix 1) sought permission for the conversion of a barn at Rutherford Stables into a residential dwelling. Whilst this was dismissed, the Inspector dealt with the issue of domestic paraphernalia and its impact on the Green Belt. It was found that the conversion of the fairly recently constructed barn was compatible with the NPPF and had a neutral impact on the openness of the Green Belt.

The Inspector took the view that, due to the buildings prominent location visible from a number of public vantage points, the resulting domestic paraphernalia would introduce a domestic formality negatively impacting on the rural character of the area (not Green Belt).

There are similarities between the two applications, however, The Haven is not in a prominent location cannot be seen from the wider rural area. On this basis, given the residential curtilage will be located to the south of the property where the land slopes down to woodland (see below) it is not considered that there will be a negative impact on the landscape character:



Another difference between this site and Rutherford Stables is that the building already exists and is not to be altered.

The proposal therefore meets the criteria of para. 150 (d) of the National Planning Policy Framework 2021 and the objectives of policies CS02 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Landscape Character and North Downs Area of Outstanding Natural Beauty

The site is located within the Harvel Wooded Downs landscape character area where the condition and sensitivity of the area is considered moderate. The guidelines are to conserve and create. The site is also located partly within the North Downs Area of Outstanding Natural Beauty. The creation of a new separate dwelling would result in pressure for additional boundary treatment and residential paraphernalia such as sheds, washing lines etc. which will all have an impact on the wider landscape. However, as discussed above, the site is screened from the wider landscape and is unlikely to be readily visible from the wider countryside and AONB. Furthermore soft landscaping will be addressed through a conditions and the redline for the site is within the existing garden.

The proposal therefore does not conflict with the criteria of the adopted policy CS12 of the Gravesham Local Plan Core Strategy 2014 and SD2 of the Kent Downs AONB Management Plan 2021-2026.

Sustainable development

Para. 80 of the National Planning Policy Framework 2021 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate

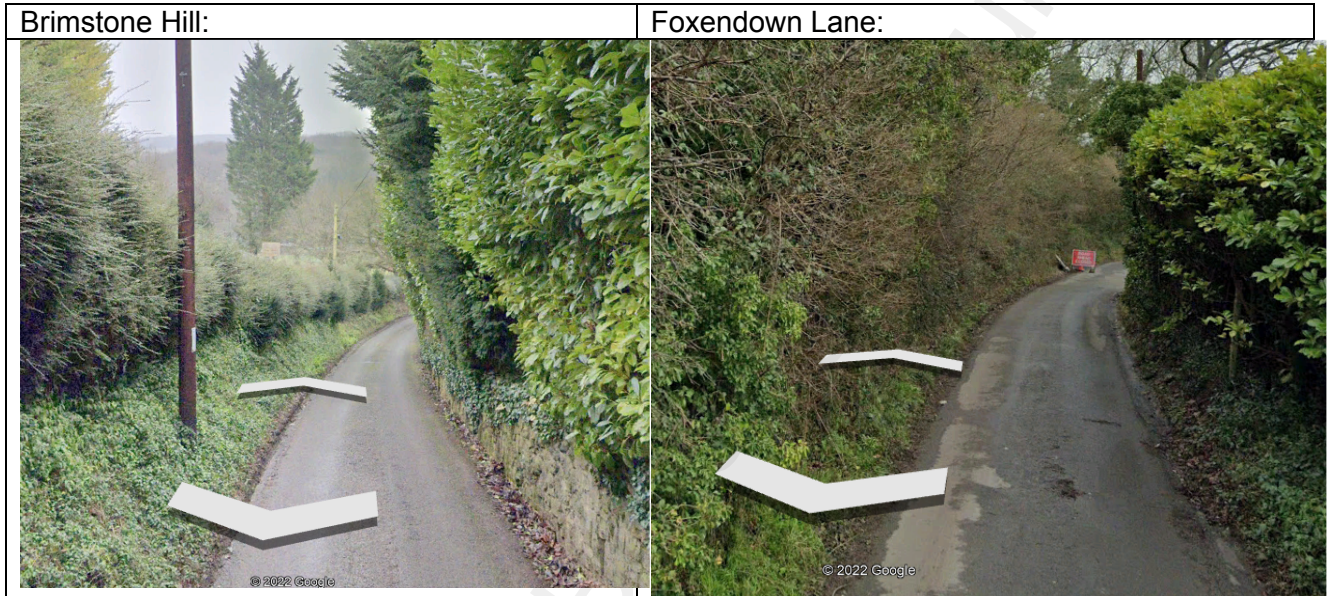
setting;

d) the development would involve the subdivision of an existing residential building; or

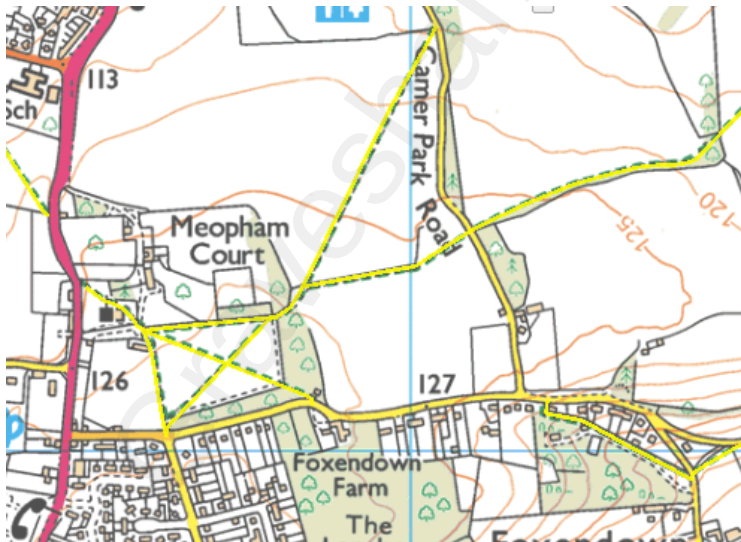
e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The application site is located within the rural area and Metropolitan Green Belt. The nearest shops are approx. 1.8km away and the nearest leisure centre is approx. 1.3km away. The road leading to these facilities is narrow and does not have a footpath:



Whilst there are public footpaths that can be seen below in yellow, there are still large amounts of roadway with no pavements and the remainder of the journey would be through fields:



The nearest bus route is over 1km away and would be reached by walking along these same roads. The lack of footpaths and lighting would deter pedestrians from walking, particularly outside daylight hours.

Whilst there is the possibility of on-line shopping and home deliveries, this would still engender additional vehicle movements into this area of countryside.

Whilst the NPPF does not stipulate a distance that would constitute an isolated dwelling there has been a recent local appeal that deals with the matter (APP/K2230/W/19/3235446 – appendix 2). This application was for a new dwelling in the countryside and Green Belt. This was also approx. 1km away from local services and bus stop. The Inspector did not consider the site isolated for the purposes of para. 79 (now para. 80) of the NPPF. However, he did consider para. 108 (now 110) of the NPPF that recognises that opportunities to maximise sustainable transport solutions vary between rural and urban locations. Its overall aim is to promote walking, cycling and public transport use and reduce reliance on the private car as a mode of transport (para. 14). The local roads of this site are also narrow, unlit, enclosed country lanes, not dissimilar to the application site. The Inspector found that it would be highly likely that future occupiers would access services by private car and the dependency on this would encourage travel further afield. He found that the appeal site 'would not be a suitable location for housing with regard to the accessibility of services and facilities. The proposal would therefore be contrary to Policies CS01 and CS02 of the LPCS, which amongst other things, seek to improve the social and environmental conditions in the area and support development in urban areas and rural settlements inset from the Green Belt. The proposed development would also conflict with paragraph 78 of the Framework insofar as it promotes sustainable development in rural areas.' (para 17). The difference between this appeal site and the application site is that the appeal was for a new dwelling whereas this application is for the re-use of a building. The re-use of a building and the subdivision of a residential dwelling are both exceptions to para. 80. If this were an application for a new dwelling it would not be acceptable in policy terms however, as it falls within an exception it meets the criteria of para. 80 of the National Planning Policy Framework 2021.

Whilst the proposal is outside of any defined settlement boundary and in an unsustainable location the proposal meets the criteria of para. 80 of the National Planning Policy Framework 2021 and therefore also accords with policies CS01 and CS02 of Gravesham Local Plan Core Strategy 2014.

Section 106 Agreement

A Section 106 agreement was signed by the owner to ensure the outbuilding/summerhouse would not be used as a separate dwelling. As five years has passed, the applicant is entitled to make an application under subsection (3) to discharge this obligation. This is a separate application and does not need to be completed before a decision is made on the planning application. A relevant informative will be included on the decision notice reminding the applicant of this requirement.

Amenity of Future Occupiers

In terms of living accommodation, the building is large enough to accommodate a conversion to three bedrooms. The proposed garden area measures over 400sqm which is more than adequate for a three bedroom dwelling. The remaining garden space for The Haven is even larger and therefore no concerns are raised on amenity grounds.

Neighbouring Amenity

There are no neighbouring properties within close proximity to the dwelling or the annexe. In terms of the arrangement between the main house and the summerhouse there are no windows that directly overlook each other. The corner windows face the main house however, these serve the lobby and therefore not a habitable room. There will be no detrimental impact in terms of outlook, sunlight or daylight.

No concerns are raised with regards to impact on amenities and therefore the proposals accord

with policy CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.

Parking and Highways

There is ample off road parking on the site for two properties and therefore no concerns are raised with regards to parking or highway safety.

Conclusion

The conversion of the existing annexe building into a separate dwelling meets the criteria of para. 150 (d) of the National Planning Policy Framework 2021. The building exists and therefore will have no detrimental impact on the character and appearance of the street scene. The building is well screened and therefore any resulting paraphernalia will also be well screened from the wider landscape and AONB.

Whilst the located is considered isolated and unsustainable the proposal to covert an existing building is listed as an exception under para. 80 of the National Planning Policy Framework 2021 and therefore no objection is raised.

Recommendation:

Permit

See draft Decision

Case Officer: AW	Team Leader: Richard Hart
Signed: 	Signed: <i>R Hart</i>
Dated: 31 August 2022	Dated: 6 th September 2022