



Delegated Report

Householder Planning Application

Application No: 20241145

Location: Starwood, Pear Tree Lane, Shorne, Gravesend, Kent, DA12 3JU

Description: Change of use of existing outbuilding for incidental purposes.

Applicant: T Russell

Site Visit: 23rd October 2023

Submitted Documents/Plans

- Application Form – dated 19 November 2024;
- Planning Statement (ref. PR3926B) (19 November 2024);
- Drawing no. 3926B-01A - Site Location Plan;
- Drawing no. 3926B-02A - Existing Elevations;
- Drawing no. 3926B-03A - Existing Floor Plans;
- Drawing no. 3962B-04A - Proposed Elevations;
- Drawing no. 3962B-05A - Proposed Floor Plans;
- Drawing no. 3962B-06A - Existing Block Plan;
- Drawing no. 3962B-07A - Proposed Block Plan.

Relevant Planning History

Reference	Description	Decision	Decision Date
20230943	Application for variation of condition 2 attached to planning permission reference number 20050912 for the erection of a detached garage, to allow the store in the roof space above the garage to be used as a hobby room and construction of a dormer extension in both side roof slopes of garage to provide enlarged roof space for the hobby room/store to allow use of detached garage as an annexe in connection with main dwelling house.	PERMITTED	10.11.2023
20050912	Variation of condition (iii) of planning permission reference number GR/75/472 for erection of a detached garage; to allow the store in the roof space above the garage to be used as a hobby room and construction of dormer extensions in both side roof slopes of garage to provide enlarged roofspace for the hobby room/store.	PERMITTED	15.12.2005
20050675	Application for a Lawful Development Certificate in respect of the proposed construction of a dormer extension in both of the side roof slopes of the detached	CERTIFICATE REFUSED	20.10.2005

	garage at the front.		
19750472	Alterations and additions to provide additional living accommodation and erection of a detached garage	PERMITTED	19.08.1975

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)

- C13 – Extensions to Dwellings in the Countryside
- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network
- T5 – Access to the Identified Highway Network

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 9 – Promoting Sustainable Transport
- Section 12 – Achieving Well-Designed Places
- Section 13 – Protecting Green Belt Land
- Section 15 – Conserving and Enhancing the Natural Environment

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

Shorne Parish Council - This is a further application on this property following permission of application Ref 20230943. The applicant submitted an Appeal about the wording of the permission but this was withdrawn prior to determination.

The Parish Council has to **OBJECT** to this application for the following reasons and comments:

1. Previous planning situation:

There are three previous Planning permission decisions which are relevant:

- Ref 19750472 permission states:

(iii) the building shown on the submitted drawings as "motor house" shall not be used otherwise than for the accommodation of private motor vehicles, for the personal enjoyment of the applicant, and shall not at any time be used in connection with any trade or business or for living accommodation without the prior permission of the District Planning Authority.

- Ref 20050912 permission states:

2 The building hereby permitted shall be used as a hobby room/store for the residential occupants of Starwood House, the building shall not, at any time, contain any living accommodation and no trade or business shall be carried on therefrom

The above demonstrated that the Applicant had been informed twice that the garage building cannot be used as living accommodation.

- Ref 20230943 was a retrospective application to remove the above clause under Ref 20050912 so as to reclassify the garage building as an annexe, as it was being used as living accommodation. Permission was granted although an Appeal was submitted, but this was withdrawn before determination.

Plans submitted at that time did not include a "current" plan only the "proposed" plan, which labelled the first floor rooms as bedroom and bathroom but did not otherwise show any internal layout.

The planning statement said "A variation to this condition is necessary to secure minor internal amendments to the previously approved and modified detached garage, and in particular the inclusion of a toilet, shower and sink and a bedroom in place of an existing hobby room. The resultant first floor space is to be used as annexe accommodation incidental to the dwellinghouse, whilst the use at the ground floor will continue to be as previously approved for the parking of vehicles."

The Officer inspection report stated: "On site, when inspecting the garage, it was found that the first floor already contained a toilet/shower. Although this would suggest that the conversion was already complete, the layout of the first floor was not set-out as presented in the plan provided, and therefore additional works are required to construct the partition in accordance with 'drawing no. 01 - Proposed Garage/Annexe Floor Plans'."

2. The present application:

When reviewed with Ref 20230943 the present application is very confusing.

It appears that the presently submitted "current" plan (which is a repeat of that submitted for 20050912) may be incorrect, except if the first floor toilet and shower facilities have been stripped out again.

The "proposed" plan is the same as the "current" and 20050912 plans, implying that there is not now to be any change in use (to an annexe as under Ref 20230943) from that permitted under Ref 20050912.

In the supporting planning statement (Section 4 on page 6) the applicant states that:

4.1	Condition 2 of planning permission 20050912 removes the ability to use the first floor for any other reason other than a hobby room or store. This householder application attempts to create a brand new standalone permission that would permit any incidental use of the entire detached outbuilding.
4.2	To discourage GBC from adding unnecessary conditions that require specific uses of the rooms or a list of drawings that refer to specific uses of rooms, all labels relating to the internal rooms have been removed from the proposed floor plans.
4.2	A new permission is necessary to allow for potential future internal amendments to the previously approved and modified detached garage.
4.3	No new built form is proposed, nor is there to be a material change in the use of the existing outbuilding. It is to remain for incidental purposes only.
4.4	Permission is only required due to the restrictive condition of the previous permission granted under 20050912 (or 20230943). otherwise, such changes would be deemed 'permitted development.'

- The applicant suggests in point 4.1 that use of the first floor is presently over-restricted however we consider it is unlikely that there would be any objection or enforcement action taken in relation to other types of genuine incidental use on the first floor. However, the applicant does not mention that Condition 2 of Ref 20050912 has anyway already been superseded by permission Ref 20230943
- In point 4.1 the applicant wishes for the whole building to be classified as having incidental use, while (first point 4.2) deliberately not providing detail of the intended use (although we note that the first point 4.2 is incorrect as the original use labels remain). This would include the garage potentially having a change of use, which would normally require a separate planning application for conversion to other use (whether Incidental or Ancillary). Any conditions would apply to the whole building. Without detail of what is actually proposed it is not possible to confirm that the proposed use is incidental rather than ancillary.
- The second point 4.2 refers to allowing for “.....potential future internal amendments to the previously approved and modified detached garage.” Again, we do not consider that internal alterations such as to the partitioning on the first floor are currently prevented however alterations to the garage that change its use would require planning permission.
- Point 4.3 states that there is not to be any “...material change in the use of the existing outbuilding. It is to remain for incidental purposes only.”, however, as evidenced by the inspection in 2023, and the retrospective permission that was granted, there had already been change from incidental to ancillary use.
- Point 4.4 is incorrect as conversion of a garage requires planning permission.
- Under point 6.2 on page 9, the applicant states that “Although the intention is to continue the previously approved and conditioned ground floor use of the outbuilding for the parking of vehicles, the Applicant wishes to provide for the ability to use this space for an alternative incidental use, without first having to apply for planning permission.” We do not consider this to be an acceptable approach as the nature of the change of use must be known in order for permission to be granted.

In summary:

The Parish Council does not consider that the present planning Conditions are as restrictive, in terms of genuine incidental use of the first floor, as the applicant suggests. While 20050912 clause 2 prevents ancillary use of the building (as living accommodation), which we considered to be appropriate given its position in front of the building line, this was superseded by decision Ref 20230943.

Therefore we do not consider that this application is either necessary or appropriate and request that it should be **refused**.

However, if GBC are minded to instead give permission:

- Strong Conditions should be attached preventing the building as a whole being used as or converted to a separate dwelling (and let/sold separately or used for trade/business) or used as “Ancillary accommodation”.
- If Incidental use of the whole building is to be permitted then the parameters of incidental use as

permitted should be very carefully defined so as to assist the applicant not to inadvertently stray into ancillary use (for example extending the normal residential accommodation of the main dwelling house).

- Conversion of the garage element to any other use should require planning permission.

Dickens Protection Society – The Society notes the site is in an area within which Green Belt Policies apply, where development, other than that defined in the policy, would not normally be permitted.

The Society cannot envisage how an application for planning permission that is development as defined in the act and regulations, can be determined unless that for the building in question, the proposed use of uses are identified in the application.

In the Society's view, taking into account the Green Belt notation, any consent for residential use should be excluded by condition.

Neighbouring properties

A notice was displayed on site.

In addition, six surrounding properties were consulted and one representation was received. The neighbour registered objection to the proposal raising the following considerations:

- Existing Conditions
 - Ground floor use restricted to vehicular parking
 - The building in question cannot be sold or used separately or independently of the main dwelling
- Agree with Parish Council Objection

The consultation period expired 07 February 2024.

Officer's Analysis

Site Description

Starwood is a detached dwelling located on the north side of Pear Tree Lane Shorne set within large grounds. The property is a detached chalet style bungalow which is set back some 50m from the highway.



The building is currently in use as a garage and a hobby room / store at first floor level. This application would enable the entire building to be used for incidental purposes to the main dwelling.

Proposed Development

This application seeks planning permission for the change of use of existing outbuilding for incidental purposes.

Principle of the Development

The site lies outside the nearest settlement boundary of Shorne, and has a number of constraints, including being within the Green Belt, in the Kent Downs National Landscape, in a Biodiversity Opportunity Area, in the Shorne Woodland Landscape Character Area and in an Archaeological Notification Area. Considering these designations, the main issues for consideration in the determination of this application are as follows:

- Principle of development in the Green Belt
- Impact on Landscape Character
- Residential amenity
- Parking and highways

Green Belt

Policy CS02 of the Local Plan Core Strategy (LPCS) (2014) prioritises development in the urban area as a sustainable location for development. In the rural area it 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 (which is the case here), will only be supported where it is compatible with national policies for protecting the Green Belt and local policies (LPCS).

Green Belts are of great importance. The fundamental aim of Green Belt policy is to prevent urban sprawl by preserving the open and permanent characteristics of Green Belts (paragraph 142 of the National Planning Policy Framework (NPPF) 2024). Paragraph 153 of the NPPF (2024) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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.

Local Planning Authorities should regard development as inappropriate in the Green Belt, unless certain exceptions apply (paragraph 154 of the NPPF 2024). In the case of this proposal, the following exceptions are applicable:

g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

As an existing residential property, this site is considered to comprise previously developed land. The existing outbuilding would be considered a 'domestic adjunct' considering its location and use in relation to the main dwelling; it is clearly within the residential curtilage of Starwood and has a close visual relationship to it. The use of the outbuilding will be changed to a general incidental use linked to the main dwelling. Such a use would not cause substantial harm to the openness of the Green Belt.

However, a key planning concern would be the conversion of outbuildings into an annexes and potential for them not to be ancillary to the main dwelling on the site, even when they are not within the Green Belt. In this particular case, the building has its own separate access as it is detached from the main dwelling. If it were to be subdivided away from the main dwelling, it could lead to additional parking requirements, hardstanding, boundary treatments, and other domestic paraphernalia that would all have a negative impact on the openness of the Green Belt. Such a proposal would not be acceptable. However, Inspectors have stated (APP/K2230/D/23/3324637) that an application should be taken at face value meaning that although the incidental outbuilding may have the potential to be a separate residence, if an incidental outbuilding is being applied for, then that is what it should be occupied as and conditioned as such. Any

different use would require planning permission and be determined against relevant policies.

Nevertheless, given the concern relating to the potential for plot severance in this Green Belt location, it will be essential to impose a condition restricting the use of the annexe as ancillary and related to the main dwelling. On this basis, the proposal would therefore not be deemed inappropriate under exception (g).

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are: ... iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;...

The existing outbuilding will be changed to incidental use related to the main dwelling on the site. The building is in good condition, and requires no other works than what would be expected to enable it to be used in the manner proposed. The proposal would not affect openness as the works would all fall within the existing footprint of the building, and would not conflict with any of the five purposes of the Green Belt set out in paragraph 143 of the NPPF (2024):

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

On the basis of the above considerations, and subject to the inclusion of a restricted use condition, the proposed development would not be inappropriate in the Green Belt and would comply with the requirements of Section 13 of the NPPF (2024) relating to the protection of Green Belt land and Policy CS02 (LPCS).

Landscape Impacts

Paragraph 187 of the NPPF (2024) aims for development to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

The application site is also located in the Shorne Woodland Landscape Character Area within the Gravesham Landscape Character Assessment (GLCA) 2009 and as such, Policy CS12 (LPCS) is also relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the GLCA will be taken into account in determining applications. The GLCA states that the character area is defined by undulating landform and extensive tree cover, which provides an enclosed character and subsequent low visibility within the area. The overall condition of the landscape is good and has moderate sensitivity. It is recommended that key landscape elements should be conserved and reinforced, including the wooded character of the area.

Starwood is set back from the road and screened from public vantage point. Visually, the proposal would not result in any change to the external appearance of the building and it is considered that this would not represent a significant change in the character and appearance of the site. On this basis, the proposal would not result in an adverse visual impact on landscape character and in a similar vein, the proposal would not be considered to be intrusive within its AONB setting.

Overall, it is considered that the proposal would conserve the rural landscape context of this site within the AONB and Shorne Woodlands Landscape Character Area. As such, the proposal would comply with the relevant requirements of Policies CS02 and CS12 (LPCS), and paragraphs 187 and 189 of the NPPF (2024).

Design, Character and Appearance

Section 12 of the NPPF (2024) relates to achieving well-designed places and sets out the Government's

requirements in relation to design issues. Paragraph 131 emphasises the importance of achieving high quality, beautiful and sustainable buildings and places. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 of the NPPF (2024) also seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 (LPCS) reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

Saved Policy C13 of the Local Plan 1994 relates to extensions to dwellings in the countryside, which whilst is not directly applicable to the proposed development, does give some guidance about outbuildings in this type of setting. Criteria (vii) states that proposals for domestic garages and for other outbuildings will be considered on their individual merits but will be required to be well designed, discreetly sited and subservient to the scale of the main dwelling on the plot. In design terms, the proposal does not involve any external alterations and is therefore considered to be acceptable, and will comply with the requirements of saved Policy C13 of the Local Plan 1994, Policy CS19 (LPCS), and the relevant paragraphs in Section 12 of the NPPF (2024).

Residential Amenity

The NPPF (2024) states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 135f). Paragraph 198 of the NPPF (2024) seeks to ensure that new development takes into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. The impact on amenity is also considered with regard to the criteria within Policy CS19 (LPCS), which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land and avoid adverse impacts from pollution.

Future Occupiers

In terms of additional living accommodation, the plans do not show the intended uses of the rooms within the outbuilding. However, as discussed above, the proposed condition restricting the outbuilding as incidental accommodation related to the existing main dwelling would help prevent any impacts on amenities. A condition restricting the physical subdivision of the plot with fencing etc. would also be appropriate.

Neighbouring Properties

The change of use of the outbuilding and the nature of the proposed incidental use of the outbuilding would not cause any sense of enclosure, loss of light, outlook or privacy to neighbouring properties. The proposal would therefore comply with Policy CS19 (LPCS).

Parking and Highways

The existing garage space in the outbuilding would be lost as a result of this proposal and there would be an additional bedroom. The original planning permission (19750472) for the outbuilding contained a condition as follows:

The building shown on the submitted drawings as “motor house” shall not be used otherwise than for the accommodation of private motor vehicles, for the personal enjoyment of the applicant, and shall not at any time be used in connection with any trade or business or for living accommodation without the prior permission of the District Planning Authority

It must be noted that the reason for the condition was not concerned with a lack of parking space and

parking pressures.

The conversion of the garage will result in a loss of parking space for the property but it is clear that the property benefits from sufficient parking spaces on the driveway.

It is on this basis that there would be no adverse parking or highway issues resulting from the proposals, which would comply with Saved Policies T1, T5 and P3 of the Local Plan 1994 and Policies CS11 and CS19 (LPCS).

Any Other Material Planning Considerations

Biodiversity

The NPPF (2024) in paragraph 187 states that planning decisions should contribute to and enhance the natural and local environment by protecting sites of biodiversity value. Policy CS12 (LPCS) reflects this stance and states that sites designated for their biodiversity value will be protected. There will be no net loss of biodiversity in the Borough, and opportunities to enhance, restore, re-create and maintain habitats will be sought, in particular within the Biodiversity Opportunity areas, where this site is located.

Considering the proposal does not involve any development, it is not considered appropriate to condition biodiversity measures.

Biodiversity Net Gain (BNG)

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

In this case, the proposed development is covered by an exemption as it is a householder application. BNG is therefore not required in this case.

Archaeology

The site lies within an area of archaeological potential. However, it is considered unlikely that the proposals would have a significant below-ground archaeological impact as the structure is already built. The proposal therefore complies with Policy CS20 (LPCS) and paragraph 210 of the NPPF (2024).

Conclusion

Subject to conditions, the proposal is considered to be appropriate development in the Green Belt, plus it is acceptable in terms of the design and impact of the change of use on the application site itself and on the character and appearance of the surrounding rural landscape, and with regards to residential amenity and highway matters.

The proposals would therefore comply with the requirements of Policies CS02, CS11, CS12, CS19 and

CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policies C13, T1, T5 and P3 of the Local Plan First Review (1994), and paragraphs 116, 131, 135, 142, 143, 153, 154, 187, 189 and 210 of the National Planning Policy Framework (2024).

Recommendation

Permission – subject to conditions.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	14 th February 2025	Dated:	17th February 2025