



Delegated Report

Householder Planning Application

Application No:	20231146
Location:	68 Beechwood Drive, Meopham, Gravesend, Kent, DA13 0TX
Description:	Retrospective application for the removal of a mobile home annex and replace with a timber summerhouse (using existing concrete slab base).
Applicant:	Mr & Mrs R Petrucci
Site Visit:	N/A Desktop Assessment (with site photographs)

Submitted Documents/Plans

The application comprises the following documents and plans:

- Application Form – dated 10 November 2023;
- Covering Letter – dated 08 November 2023;
- Drawing no. P.01 – Plans and Elevations.

Relevant Planning History

Reference	Description	Decision	Decision Date
20200885	Application for Lawful Development Certificate in respect of the existing residential use of caravan/mobile home without ancillary use of the main dwelling house.	CERTIFICATE REFUSED	19.11.2020
20101034	Application for minor material amendment to planning permission reference number 20031049 for the erection of a detached garage in a different location and incorporation of gable ends.	PERMITTED NON-MATERIAL AMENDMENT	18.02.2011
20031049	Erection of a detached replacement bungalow with rooms in the roof space and erection of a detached garage at the rear.	PERMITTED	10.03.2004
20020991	Erection of a detached replacement bungalow with rooms in the roof space.	REFUSED	28.01.2003
20010807	Application for the removal of condition (2) of planning permission ref no. TH6/65/376 relating to the erection of a weekend and holiday chalet to allow permanent residential use.	PERMITTED	03.12.2001

19850189	Erection of a single storey side extension to form bathroom and construction of new roof	PERMITTED	26.04.1985
19840790	Erection of single storey front extension to form a bedroom and construction of new roof	REFUSED	26.11.1984
19840385	Erection of bungalow for weekend and holiday use	REFUSED	17.05.1984

Development Plan

Gravesham Local Plan Core Strategy (LPCS) (September 2014):

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

Saved Policies in the Gravesham Local Plan First Review (LPFR) (November 1994):

- P3 - Vehicle Parking Standards
- C13 - Extensions to Dwellings in the Countryside

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.

Other material considerations

National Planning Policy Framework (NPPF) (2023)

- Section 2 - Achieving Sustainable Development
- 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 Guidance (SPD) (2021)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Internal consultees

Local Ward Councillors - No comment received.

External consultees

Meopham Parish Council - No comment received.

Neighbouring properties

An advert was published in the Gravesend Messenger and a notice displayed on site 15 January 2024.

In addition, eight surrounding properties were consulted and four representations were received. There were three in support of the application and one registering objection.

The representations in support of the application raised the following considerations:

- Improvement to the site, which has been cleared up
- Replaced a monstrosity of a mobile home
- Enhances the area
- More in keeping with the area than the eye sore previously on the site

The objection raised the following considerations:

- Eyesore
- Excessive height close to boundary
- Impact on public right of way
- Concerns with use of the outbuilding
- Loss of biodiversity and trees

The consultation period expired 09 February 2024.

Preliminary Matters

The application was originally advertised incorrectly, without a public rights of way notice or advert published in the local paper. The Public Right of Way (NS295) runs to the south of the site and therefore needed to be advertised correctly.

The correct consultation was completed and expired 09 February 2024.

Analysis

Site Description

The application site consists of a chalet style dwelling that is the typical size and design of chalets within the Culverstone Valley Area. The dwelling is within a large plot of land, 26m in width and 44m in depth at the longest point.

An outbuilding has been constructed on site, without the benefit of planning permission, and replaced a mobile home that had been on site since approx. 2001.

Proposed Development

This application seeks retrospective planning permission for the retention of an outbuilding. The new outbuilding has replaced a caravan/mobile home that has been on site since approx. 2001. It has the following dimensions:

- Depth - 5.51m
- Width - 7.9m
- Height (max) - 2.8m
- Height (eave) - 2.35m



The outbuilding would be utilised as a garden room with a wc.

Green Belt

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.

There are five principle issues in determining this application;

1. Is the proposed development appropriate in the Green Belt?
2. The effect of the proposal on the openness of the Green Belt;
3. Any very special circumstances?
4. The effect on the landscape character and appearance of the area; and
5. Other matters.

1. *Is the proposed development appropriate in the Green Belt?*

The principle consideration of this part of the application is that the property falls within the Green Belt which is subject to strict policy constraints. Unfortunately, there are no specific development plan policies on the provision of outbuildings in the green belt. However, adopted Core Strategy policy CS02 requires development to be compatible with national policies for protecting the Green Belt.

It is noted that while saved Policy C13 (vii) of the Local Plan First Review sets out that the Council's approach to assessing proposals for outbuildings in the countryside and makes clear that they will be considered on their individual merits, but should be well designed, discreetly sited and subservient to the scale of the main dwelling. However, it is out of step with the National Planning Policy Framework (NPPF) and should be attributed minimal weight for the following reasons;

National Green Belt planning policies are detailed under Section 13 of the NPPF (2023) "Protecting Green Belt land". Paragraph 149 states that the construction of new buildings in the Green Belt is inappropriate development. It goes on to list six exceptions to this, however ancillary residential outbuildings do not form one of the exceptions specifically listed.

Paragraph 154(c) has some relevance, starting that the construction of new buildings (paragraph 154) is considered to be 'inappropriate' development in the Green Belt except where this involves (amongst other things) the:

- *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;*

It is clear that domestic outbuildings, including garages, do not specifically fall within this list and as such are considered to be inappropriate development per se.

However, within case law it was considered (in *Warwick DC v SSLUHC [2022]*) that paragraph 154(c) is not confined to physically attached structures, and an "extension" can include detached structures. Therefore, it is important to consider if the proposed garage would be considered an extension to the dwelling.

The Warwick judgement references Sevenoaks' approach to the NPPF and the installation of domestic adjuncts to dwellinghouses within the Green Belt, concluding that a building can be regarded as an adjunct without being physically connected to another building, and therefore can be considered extensions of other buildings without the physical connection. It is summarised that, "in the domestic setting it is not artificial to describe garages or other outbuildings as being extensions of the principal dwelling house". The use of 'not artificial' in this instance can be interpreted as not false or unnatural, and therefore it is correct and natural to consider a garage to be an extension to the principal dwelling house. As such, using the Warwick judgement, the erection of a garage would be a domestic extension to the dwelling.

In this case, the outbuilding is detached and around 9m from the closest part of the main house, and therefore is in close proximity to the main house. As such, being considered as an unattached extension the overall scale and size of the outbuilding should be assessed against the main house.

Policy C13 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 and should be afforded due weight.

The outbuilding introduces an additional footprint of 43.5m² above the existing footprint of 68 Beechwood Drive. This represents a 57% increase above that of the existing dwelling. Therefore, in numerical terms, the proposal would be inappropriate development within the Green Belt by exceeding the one third limit.

In visual terms, the outbuilding is not excessive in height and bulk, and although it would be constructed in close proximity to the main dwelling it is subservient and subordinate in scale. Therefore, visually the proposed carport is not considered to be disproportionate.

In line with paragraph 152, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 sets out that substantial weight should be given to that harm and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

2. The effect of the proposal on the openness of the Green Belt

Paragraph 142 of the NPPF (2023) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also states that the essential characteristics of Green Belts are their openness and permanence.

The openness of the Green Belt has both spatial and visual aspects, and any new built form of development is harmful to its open character. In visual terms, the outbuilding is visible from Beechwood Drive (as demonstrated in the Google Maps Street View image below – showing the previous caravan/mobile home). However, the outbuilding is within a residential curtilage and would be viewed in that context, close to the main dwelling and with the detached garage located nearby. Therefore, the new outbuilding is considered to have minimal impact on the visual openness of the Green Belt.



In spatial terms, the outbuilding is large however it is replacing a static caravan of a similar size on the site, which has been in situ since approx. 2001. Therefore the former caravan would have been immune from enforcement action and lawful through the passage of time, even though no lawful development certificate confirmed this. Nevertheless, this is a material consideration in the planning balance and means that the impact of the replacement outbuilding on the spatial openness of the Green Belt is minimal.

Reference back to paragraphs 152 and 153 of the NPPF (2023) informs us that inappropriate development in the Green Belt should not be approved except in very special circumstances and

that very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whether the development causes any other harm and whether there are any other relevant considerations to balance the overall planning argument, should now be considered.

3. Very special circumstances

No specific arguments have been put forward by the applicant in relation to the assessment of 'very special circumstances', however as aforementioned above this outbuilding is a replacement for a mobile home/caravan which had been on site for in excess of 10 years (since approx. 2001). Therefore, this is a material consideration in the planning balance as the caravan would have been immune from enforcement action, through the passage of time. This means that the replacement outbuildings harm on the Green Belt should be balanced against that of the caravan and is considered to be a more appropriate design than that of the development it is replacing.

4. The effect on the landscape character and appearance of the area

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. The style of properties is varied in terms of scale and style, with many plots being derelict caravans and small brick bungalows.

The Landscape Character Assessment (2009) continues to state that incongruous elements within the area involve replacing more traditional features through to modernisation of vernacular buildings. This is continued in the guidelines which set out how to conserve strong elements and "halt the erosion of the area with inappropriate development", and include the following points:

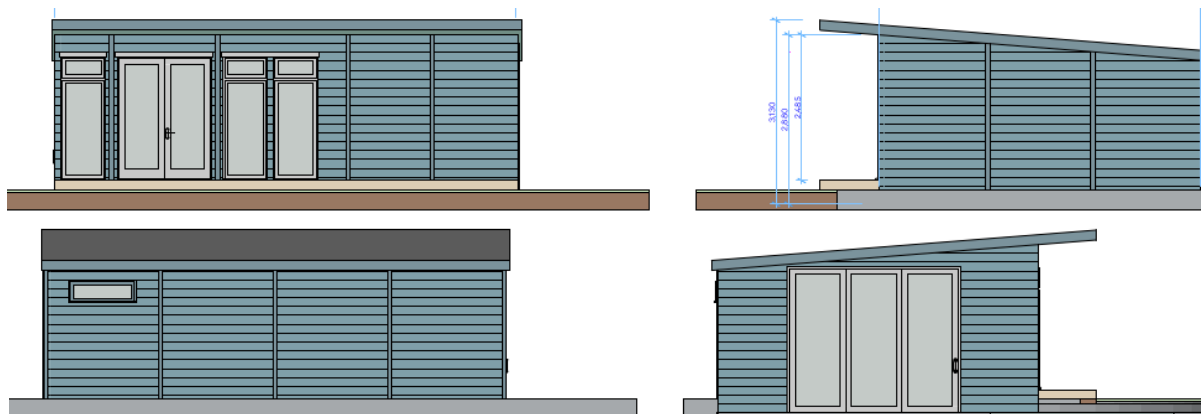
- Conserve and maintain traditional and distinct buildings, materials and elements;
- Assess development proposals through the area to modify variety in building styles and materials;
- Resist proposals that introduce inappropriate designs and materials.

Policy CS12 (Green Infrastructure) (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. Moreover, Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. Moreover, Section 12 (Achieving well-designed and beautiful places) of the NPPF (2023) sets out that developments should function well and add to the overall quality of the area, be visually attractive and sympathetic to local character.

Gravesham's Householder Extensions/Alterations Design Guidance SPD (2021) set out key principles for developments. Generally, the SPD highlights the importance of new development complementing and corresponding to existing character and the wider context. In this case, the rural character of the area and other surrounding dwellings should be considered.

The outbuilding has replaced a dilapidated mobile home/caravan, which has been on site since approx. 2001. The new outbuilding has been finished in facing timber painted grey/blue and will have a shallow pitched roof, with the following dimensions:

- Depth - 5.51m
- Width - 7.9m
- Height (max) - 2.8m
- Height (eave) - 2.35m



Overall, the proposed outbuilding is an improvement on the previous situation and will have no impact on the character of the landscape, street scene or the host property and is considered to be good design. Therefore, the application is in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

5. Use of the Outbuilding

The submitted plans and documents show that the outbuilding is to be utilised as a summerhouse, with a wc. This is in line with an incidental use, whereby the building would be reliant on the main dwelling for key functions.

There were concerns raised by a neighbour and the Parish Council, regarding the building be used in the future as a separate hereditament. Based on the information provided it is not capable for use as a separate unit, however planning conditions will be attached to ensure that the building contains no primary living accommodation at any time.

6. Other matters

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'. The proposal will safeguard the amenity of future occupiers in accordance with Policy CS19 (LPCS).

Neighbouring

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 135 of the NPPF (2023) requires development to have a high standard of amenity for existing users (in this case surrounding properties).

The outbuilding is set away from the nearest neighbour by approx. 26m and would therefore have no impact on the amenity of neighbouring properties in terms of loss of light, privacy, sense of enclosure or outlook. As such, the proposal is considered to safeguard neighbouring amenity in accordance with Policy CS19 (LPCS).

Parking and Highways

There are no parking or highways issues related to this proposal. The property benefits from a double garage and adequate driveway space for vehicular parking.

Public Right of Way

Public Right of Way (NS295) runs to the south of the application site. Although the development is substantially complete, an informative will be attached to the notice to ensure that the PROW is not stopped up or blocked at any point.

Biodiversity

The NPPF (Section 15) seeks to ensure that any development result in a biodiversity net gain. This application proposes the erection of the outbuilding on an existing concrete base has not significantly impacted on the biodiversity of the site. Moreover, the plans highlight that the existing trees along the boundary were retained, which is corroborated by the site photographs provided. Therefore, the development is not considered to have resulted in a loss of biodiversity and is in accordance with Section 15 of the NPPF (2023).

Conclusion:

The application has been fully considered and is in accordance with local and national planning policy.

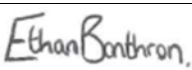
The outbuilding has replaced a large, dilapidated mobile home that had been on site since 2001 and is considered to be an improvement on the appearance of the site and wider landscape. It is not significantly larger than the structure it replaced and will have negligible impact on the Green Belt, nor any impact on the amenity of future occupiers, neighbouring properties, parking or the public right of way.

As such it is recommended that planning permission is granted, subject to conditions.

Recommendation:

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	12 th February 2024	Dated:	12th February 2024