
GSP PROJECT REF: [3514.PN](#)

RESPONSE TO REPRESENTATIONS

LAND TO THE REAR OF STARWOOD
PEARTREE LANE, SHORNE, DA12 3JU

JULY 2022

1.0 INTRODUCTION

- 1.1 This statement has been prepared in response to the objections from Shorne Parish Council and the Dickens' Society in connection with planning application for:

Demolition of existing stables and removal of containers and conversion of existing framed structure to form separate bungalow with three bedrooms plus erection of detached triple garage, additional conservatory, porch and use of existing access.

- 1.2 This should be read in conjunction with the Planning Statement as originally submitted.

2.0 RESPONSE TO CONSULTÉES

Shorne Parish Council

Land ownership

- 2.1 The ownership of title K654169 is queried. This was incorrectly stated as being under the ownership of the applicant in the planning statement, when it is actually under the ownership of the applicant's children. As such, an updated application form is included as part of this response with notice being served on the multiple landowners. The applicant apologises for this oversight and is grateful to the Parish Council for highlighting this error.

Access track

- 2.2 Arrangements for access to the remainder of title K654169 is a matter for the different landowners, but at the present time there is only an access leading to the existing stables. The proposed site plan shows a new extended track leading to the triple garage along the rear fence, with double gates being retained as they currently exist enabling continued access to the paddock land beyond. The proposed layout therefore appears to satisfy the Parish Council's concerns, aside from the possibility of changes to land ownership which is not a matter for the planning application and would, no doubt, remain a concern of the Parish Council's in the absence of any application.

Green Belt / Landscape Harm

- 2.3 It is a matter of fact that the lawful use of the land is residential. The application proposes a swap of residential buildings for alterations and additions to a structure that already exists in outline form. It also proposes an overall significant reduction in the amount of built form within the site. Neither of these facts about the proposal are acknowledged by the Parish Council. Since the quantum of built form is to be materially reduced, the use of the site remains residential and no structure is to be added that exceeds the height of any existing structure, it is difficult to understand the Parish Council's Green Belt and landscape objections. The applicant's position is that this is appropriate development in the Green Belt, hence the absence of any 'very special circumstances.'

Backland development and precedents

- 2.4 The statement does not report that there are examples of backland developments on the northern side of the road. Since the Parish Council admit that backland developments do exist in Pear Tree Lane, the applicant considers it difficult for the Parish Council to then claim that a backland development would set a precedent. GBC's concerns with the pre-application proposal included the impact of the development on the openness of the Green Belt at a time when they did not consider the land to already be in residential use. No issues were raised as to the principle of a backland development in this location.
- 2.5 Additionally, the applicant is unaware of the existence of any adopted policy that would prevent a backland development of this nature. GBC has already commented at the pre-application stage that the site is well screened from public areas, whilst the proposal does not propose any replacement built form of any greater height, together making it difficult for any concerns relating to the character and appearance of the area to be valid. Being lawful residential garden land not in a built up area, the site is, by definition, previously developed and the Framework makes it clear that effective and efficient use of previously developed land should be a priority when it comes to delivering development needs.

Out of character / amenity impact

- 2.6 This is covered in paragraphs 6.21 and 6.25 of the original statement. The Parish Council suggest there will be amenity harm to, in particular, the residents of Colesmead to the east, but don't say how or why. It appears that the Parish Council has failed to acknowledge the lawful use of the land.

Lack of planning permission for existing buildings

- 2.7 The framed structure was built in May 2018. It followed an application for a lawful development certificate for a hay barn of a similar size but in a different location (20050529). This was submitted on the basis that this was to be an incidental structure to be used in connection with the dwellinghouse at Starwood. GBC agreed and duly issued a certificate.
- 2.8 The Parish Council then refer to another matter: a sand menage used in connection with the paddock to the north. That is not within the application site but given the date that they refer to (2011), if permission should have been sought then it appears that the development is now immune from enforcement action.

Redundancy of existing buildings

- 2.9 The Parish Council require proof that existing buildings are redundant. Exceptions for new buildings in the Green Belt, as set out in paragraph 149 of the Framework, confirm that whether they are redundant or in continuing use is irrelevant.

Suitability of structure for conversion

- 2.10 The Parish Council is factually wrong in claiming the framed structure was built on non-residential land, given the previous householder LDC application (20050529) as well as the more recent LDC submission that formally certified the subject land as being in residential use (20210376). The proposed development is not for a change of use of land, but for operational development.

Other points about plans, layout and design

- 2.11 The applicant's plans of the wider area are taken from Ordnance Survey mapping, which the applicant is not responsible for. The Parish Council is invited to take this issue up with Ordnance Survey.
- 2.12 The retained double gates appear to help address the Parish Council's concerns in regards to access through to the paddock to the north.
- 2.13 The Parish Council do not explain the harm caused by having the principal elevation facing the north. It is hardly novel to have two rear gardens back on to each other. The garage height is a modest 3.8m, which is nothing out of the ordinary for an incidental outbuilding. The removal of two modest sized non-native trees is not considered a valid objection to the development.
- 2.14 Issues of drainage and sewerage are typically dealt with by condition.
- 2.15 The pre-application submission was made to GBC only. The purpose of such submissions is to engage with decision makers and seek informal advice as to how they may assess a proposal and how improvements could be made to the development. The Parish Council's views, as set out in their consultation response, are a negative and unbalanced account of the proposal, confirming that any pre-application engagement would not have been productive for either party.

Dickens' Country Protection Society

- 2.16 Similar to the Parish Council's response, the Dickens' Society do not appear to have properly acknowledged the quantum of existing built form within the site and the fact that as a result of the development there will be materially less and that the new structures and additions will be no greater in height than those that already exist. They also fail to acknowledge the lawful status of the land that could already include residential paraphernalia. Again, the applicant's case is that this is appropriate development in the Green Belt, meaning no 'very special circumstances' have been set out.

3.0 CONCLUSIONS

- 3.1 It is considered that the above responses should assist GBC in their assessment of the application and that the development should be supported.