
Appeal Decision

Site visit made on 8 July 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2024

Appeal Ref: APP/K2230/D/23/3333548

Lucas, Heron Hill Lane, Meopham, Gravesend, Kent DA13 0DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Joe Grixx against the decision of Gravesend Borough Council.
 - The application Ref is 20230755.
 - The development proposed is conversion of garage into a granny annexe.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of garage into a granny annexe at Lucas, Heron Hill Lane, Meopham, Gravesend DA13 0DU in accordance with the terms of the application, Ref 20230755, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: 230301-001/A Block Plan and Location Plan; 230301-002/A Existing Floor Plans and Elevations; 230301-003/A Proposed Floor Plans and Elevations.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding condition 2, no development above ground shall take place until details of vehicle parking spaces have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details before the development is first occupied. The vehicle parking spaces shall thereafter be retained for the parking of vehicles.
 - 5) Notwithstanding condition 2, no development above ground shall take place until details of hard and soft landscaping and external lighting have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details before the development is first occupied and the landscaping and lighting shall be retained in that form thereafter.
 - 6) The development hereby permitted shall be occupied only by persons related to a resident of the main dwellinghouse and solely in a manner in conjunction with the main dwellinghouse as a single planning unit. The development shall not be used, let or sold at any time as a self-contained, separate unit of living accommodation.

Preliminary Matters

2. The appellant has confirmed that, notwithstanding the planning application reference number given on the appeal form, the appeal relates to the application referred to in the banner heading above.
3. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. The National Planning Policy Framework (the Framework) was updated in December 2023, during this appeal. However, insofar as the contents are relevant to this appeal, the Framework has not changed. Therefore, I am satisfied no party would be disadvantaged by not having the opportunity to comment on the revised Framework.
5. I understand the Council is undertaking a partial review of its Local Plan Core Strategy and preparing a Development Management Policies Document. I am not aware of the exact stage these documents have reached, the extent of unresolved objections or whether their policies will be considered as consistent with the Framework. Consequently, in accordance with Framework paragraph 48, I give them limited weight.
6. I note that planning permission for the existing garage¹ is subject to a condition that removes permitted development rights under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Main Issues

7. The main issues are:
 - whether the proposed use would be for residential purposes integral to the residential use of the main dwellinghouse;
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the character and appearance of the surrounding rural landscape; and
 - the effect of the proposal on highway safety, with particular regard to parking.

Reasons

Whether integral to residential use of the main dwellinghouse

8. The courts have ruled in *Uttlesford DC v SSE & White [1992]* that the question of whether accommodation in an outbuilding that provides facilities for independent day-to-day living would become a separate planning unit from the main dwelling is a matter of fact and degree.

¹ Reference 20000763

9. The appellant states the proposed annexe would be occupied by their elderly relative. It would contain a living room, bedroom and bathroom which would provide reasonably sized accommodation for one person. The annexe would be relatively close to the main house, connected to it by a short path, and - on the evidence before me - it would share the main dwelling's garden and parking area without physical division. The annexe would also be subordinate in size and scale to the main house, notwithstanding its somewhat elevated position.
10. I am therefore persuaded that, as a matter of fact and degree, the annexe would be physically and functionally related to the main dwelling. I recognise there would be space to add a kitchen in the open plan living area. However, there is no compelling evidence to suggest this would occur or to lead me to question the appellant's statement about the intended occupier for the space.
11. Even if the accommodation could be used as a separate dwelling, and even if a separate access could be created, no such proposal is before me. Use of the annexe for residential purposes integral to the residential use of the main house and a restriction on plot severance could be secured by condition were the appeal to be allowed. If the annexe was not used as proposed, or if there was a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required. The building would be at risk of enforcement action if such a permission was not granted.
12. For the above reasons, I conclude the proposed use would be for residential purposes integral to the residential use of the main dwellinghouse. Accordingly, I find no conflict with Policy CS02 of the Gravesham Local Plan Core Strategy 2014 (GCS), which sets out the strategy for new housing in the Borough.

Whether inappropriate development

13. According to the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The five purposes of Green Belt are defined in paragraph 143.
14. Framework paragraph 155 states certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of these forms of development is d) the re-use of buildings provided that the buildings are of permanent and substantial construction.
15. GCS Policy CS02 supports development outside defined settlements where it is compatible with national policies for protecting Green Belt and policies in the development plan. I give this Policy full weight because it requires consideration of national Green Belt policy. Saved Policy C13 in the Gravesham Local Plan 2014 (GLP) requires extensions to dwellings in the Green Belt to meet criteria that are not fully consistent with the provisions in paragraphs 154 and 155 of the Framework. Accordingly, I give full weight to the Framework as a material consideration and limited weight to GLP Policy C13.
16. The parties agree the proposed annexe would re-use the existing building. There is no pertinent evidence to suggest it is not of permanent or substantial construction.
17. Openness can be perceived spatially and visually. The building would not change in size or extent, so the proposed development would have no effect on spatial openness. Given the proposed use would be integral to that of the main

dwellinghouse, any additional residential paraphernalia associated with the annexe would be limited, such that it would not materially harm visual openness. I therefore find the openness of the Green Belt would be preserved. For the same reasons, I find the proposal would not conflict with the Green Belt's purpose, at paragraph 143c) of the Framework, of safeguarding the countryside from encroachment. There is no suggestion the proposal would conflict with any of the other purposes listed in Framework paragraph 143.

18. I therefore conclude the proposal would satisfy the tests in Framework paragraph 155d) so would not be inappropriate development in the Green Belt. Accordingly, I find no conflict with GCS Policy CS02.

Character and appearance

19. The area surrounding the appeal site is rural and wooded. It falls within the Harvel Wooded Downs Landscape Character Area (LCA). Having regard to the Gravesham Landscape Character Assessment and Guidelines, the LCA is characterised by a haphazard mosaic of residential plots and small holdings set within woodland, with a comprehensive network of winding narrow lanes. Heron Hill Lane is one such lane.
20. For the reasons I have outlined above, the proposed development would have little material effect on the appearance of the site from Heron Hill Lane or the surrounding woodland. Appropriate materials, landscaping and external lighting could be secured by condition were the appeal to be allowed. Consequently, the characteristics of the LCA would be conserved, with potential for a modest visual enhancement from new landscaping around the annexe.
21. I therefore conclude the proposal would not have a harmful effect on the character and appearance of the surrounding rural landscape. Accordingly, I find no conflict with GCS Policies CS12 and CS19, which require development to conserve and enhance overall landscape character and integrate well with the surrounding local area. I also find no conflict with the Framework, where it seeks development that is sympathetic to local character, including the surrounding landscape setting.

Highway safety

22. GSC Policy CS11 requires parking in new development to be provided in accordance with adopted parking standards, which are included in the Kent Vehicle Parking Standards Supplementary Guidance July 2006 (KVPS). GLP saved Policy P3 is consistent with this. GSC Policy CS19 requires car parking to be well related to the development it serves. GLP saved Policy T1 seeks to ensure development is adequately served by the highway network.
23. The KVPS sets a maximum vehicle parking standard of three spaces per dwelling of four or more bedrooms. I have found the proposed use would be for residential purposes integral to the residential use of the main dwellinghouse. On the evidence before me, the KVPS does not require additional vehicle parking spaces in these circumstances. There is no compelling evidence to substantiate the suggestion that an additional visitor parking space would be necessary. I therefore find three parking spaces would suffice.
24. The plans show space for three vehicles to park on site. During my visit, I observed three vehicles parked using the existing vehicular access. I am therefore not persuaded on the evidence before me that an additional vehicular

access would be required. Further detail of parking layout in relation to the access and the accommodation they serve could be secured via condition were the appeal to be allowed.

25. For the above reasons, I conclude the proposal would not have a harmful effect on highway safety, with particular regard to parking. Accordingly, I find no conflict with GSC Policies CS11 and CS19, or GLP saved Policies T1 and P3. I also find no conflict with the Framework, which states development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

Conditions

26. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
27. The condition securing approval of details of vehicle parking is necessary in the interests of highway safety. However, given the access already exists, this condition does not need to secure details of visibility splays.
28. The conditions relating to materials, landscaping and external lighting are necessary to ensure the appearance of the development is satisfactory. Hard landscaping details could include materials to be used in driveways and parking areas, so a separate condition in that respect is not necessary. As no changes to boundary treatments are proposed, a condition in that regard is not necessary.
29. The condition restricting occupation of the granny annexe and future plot severance is necessary for the reasons given under the first main issue.

Conclusion

30. For the above reasons the proposal accords with the development plan, read as a whole. Material considerations, including the Framework, do not indicate that a decision should be taken otherwise than in accordance with it. I therefore conclude the appeal should be allowed.

C Carpenter

INSPECTOR