



# Delegated Report

## Planning Application

**Application no:** 20211129

**Location:** Land Adjoining Orchard Cottage Round Street Cobham Gravesend DA13 9AY

**Description:** Retrospective application for a partial change of use to the paddock land to allow for the conversion of existing stable block into storage and study/home office, the installation of external cladding and erection of a detached outbuilding to be used as a family room to be used incidental to main dwelling, retention of fencing & gate to paddock.

**Applicant:** Austin Edwards

**Site Visit Date:** 13 October 2021; 06 January 2022

### Site and Surroundings

Orchard Cottage (formerly Imanwe) is a two-storey extended semi-detached dwelling within large grounds on the northeast side of Round Street Cobham in a rural location within an area of sporadic development.

The application site as originally submitted is shown in the red line boundary plan below and comprises a paddock area having an area of 0.13 ha (0.32 acres) adjoining the 'L' shaped dwelling curtilage and containing two buildings, the subject of this retrospective application, being a former stable building now in use as office and outbuilding and a further outbuilding in use as a home gym.



The paddock has a separate vehicle access in the southwest corner on to Round Street, beyond which the paddock is enclosed by timber fencing and 2m high metal gates (replacing a traditional low field gate) and there is hedging to the road frontage. Much of the paddock is grassed although there is a roughly surfaced

parking area.

The main dwelling is rendered painted white and with a clay tiled roof. Within the dwelling curtilage/garden there is a single concrete garage, a metal storage building (bike shed) and a timber shed, the latter which is located at the rear of the garden. The dwelling has a separate gated access to the side of the dwelling and a surfaced parking and turning area for 3-4 cars.

*Photographs below show the existing paddock area and gates - January 2022*



The garden area for the dwelling is separated from the paddock by a post and wire fence supplemented by hedging and trees. There is a timber gate that connects the paddock to the house garden.

Opposite the site is Blackhorse Cottage, which is a C15 timber-framed south end of hall house, with the remainder rebuilt C17 and it is a Grade II listed building. There is a public footpath, NS185, which runs along the southern edge of the paddock area. Round Street is an unclassified rural road, which is narrow and winding mostly single lane width with passing places. The site is within a Green Belt area, well outside of any rural settlement or village.

Although it is not shown within the submitted plans, the applicant also apparently owns a large field to the

rear of the existing garden and paddock that is laid to grass but contains no buildings. It is accessed from a field gate towards the end of the paddock area. Beyond this is Jeskyns Country Park.

## Planning History

### Planning Applications

| Ref No   | Description and Site                                                                                                                                        | Decision   | Date       |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|
| 19820045 | Erection of single storey and two storey rear extension to form kitchen dining room with bedroom at first floor level.                                      | Permission | 15.03.1982 |
| 19820292 | Erection of single storey and two storey rear extension to form kitchen dining room with bedroom at first floor level.                                      | Permission | 09.06.1982 |
| 19860649 | Erection of a single storey front extension to form a wc and porch                                                                                          | Permission | 04.11.1986 |
| 19900135 | Erection of part two storey and part single storey side extension to form nursery and study with bathroom and dressing room at first floor level.           | Refused    | 12.04.1990 |
| 19900534 | Erection of part two storey and part single storey side extension to form bedroom and nursery with ensuite bathroom and dressing room at first floor level. | Refused    | 15.10.1990 |
| 19900837 | Erection of part two and part single storey side extension to form bedroom and nursery/playroom with ensuite bathroom at first floor level.                 | Permission | 07.02.1991 |
| 19930144 | Change of use of land to grazing land for one horse and erection of stable block comprising loose box, tack room and hay store.                             | Permission | 15.02.1994 |
| 20180808 | Installation of a wooden building to create a granny annex.                                                                                                 | Refused    | 10.07.2019 |
| 20191144 | Change of use of land from paddock to residential and erection of a detached ancillary granny annexe.                                                       | Withdrawn  | 18.12.2019 |

## Proposal

The originally submitted application (September 2021) was described as being for retrospective application for conversion of existing stable block into storage and study/office and erection of a detached outbuilding to be used as a family room to be used ancillary to main dwelling.

This has been amended (March 2022) to retrospective application for a partial change of use to the paddock land to allow for the conversion of existing stable block into storage and study/home office, the installation of external cladding and erection of a detached outbuilding to be used as a family room to be used incidental to main dwelling, retention of fencing & gate to paddock.

### Plans and Documents, as revised

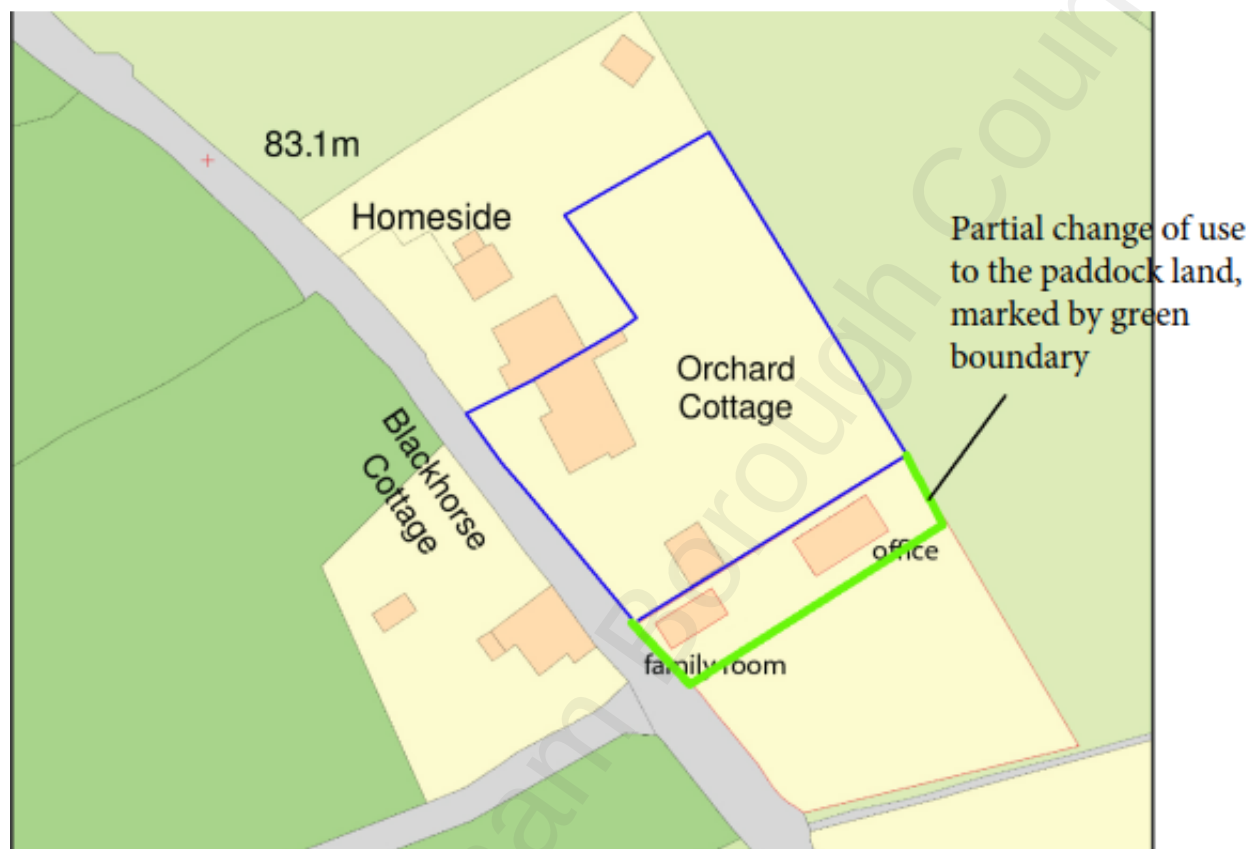
#### Application Form and Certificates

Drawing No PL 001 Rev 3: Existing and Proposed Elevations and Floor Plans, dated 14.03.2022

Unnumbered Block Plan Existing  
Unnumbered Block Plan Proposed Revision 2, received 11.03.2022  
Unnumbered Ordnance Survey Red Line Plan  
Unnumbered Site Plan as Proposed Revision 2, received 11.03.2022  
Unnumbered Tree Plan  
Applicants Photographs

### Details of the Development

The revised site plan below (received on 11 March 2022) shows the location of the former stable (annotated office) now in use as an office, store and domestic bar, games area and a further building annotated as family room which is already built and in use as a gym, games room, for the occupants of Orchard Cottage. The site area of the original application included the whole of the red line area, but this has since been revised so that the change of use of the paddock only relates to the area outlined in green.



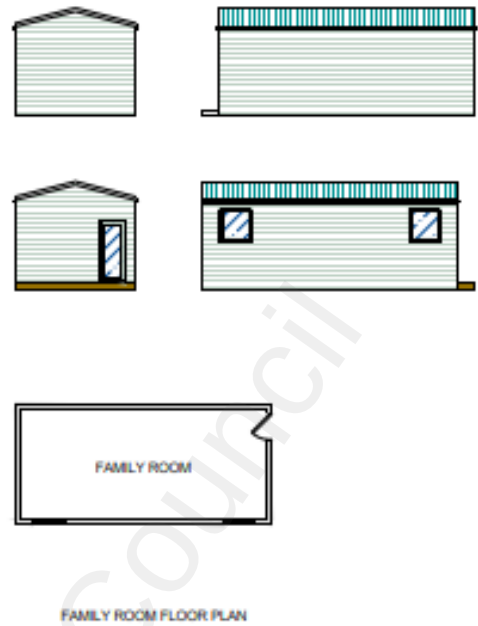
The plans and elevations of the two buildings, the subject of this application, are shown in the extract from the submitted plans below. The former stable building is 'L' shaped and comprises three separate areas with the largest being an office which contains a couple of desks and IT equipment but has no natural light, a central section that contains some storage cupboards, a seat and a wall mounted TV and is lit by a small window and a utility area which is used as a bar and games area and also has a small window. The whole building contains electric power and is alarmed but there is no wc or water connection. The former timber stable building has been clad externally in light green composite cladding with a metal roof covering a low pitch. The former stable-type entrance door has been retained but similarly clad. The building is 10.75m long by a width of 3.65m to a maximum of 5.1m, and 2.9m high. There is a small open lean to at the northern end to cover a ride on mower, that has now been included on the revised plans.

The family room is 7.9m long by 3.75m wide and with a low pitch roof to a height of 3.25m. It comprises a single room and is used currently as a gym/games room. It contains power but no wc/drainage/water connection. There are two small windows on one side of the building and a skylight within the roof. The roof is metal clad and the whole building is clad in light green composite cladding. There is an entrance door with a decked step entrance. The area around both buildings has been laid to artificial grass and there is a timber exercise frame (climbing/rings/punch bag) next to the side of the building.

## PROPOSED DRAWINGS



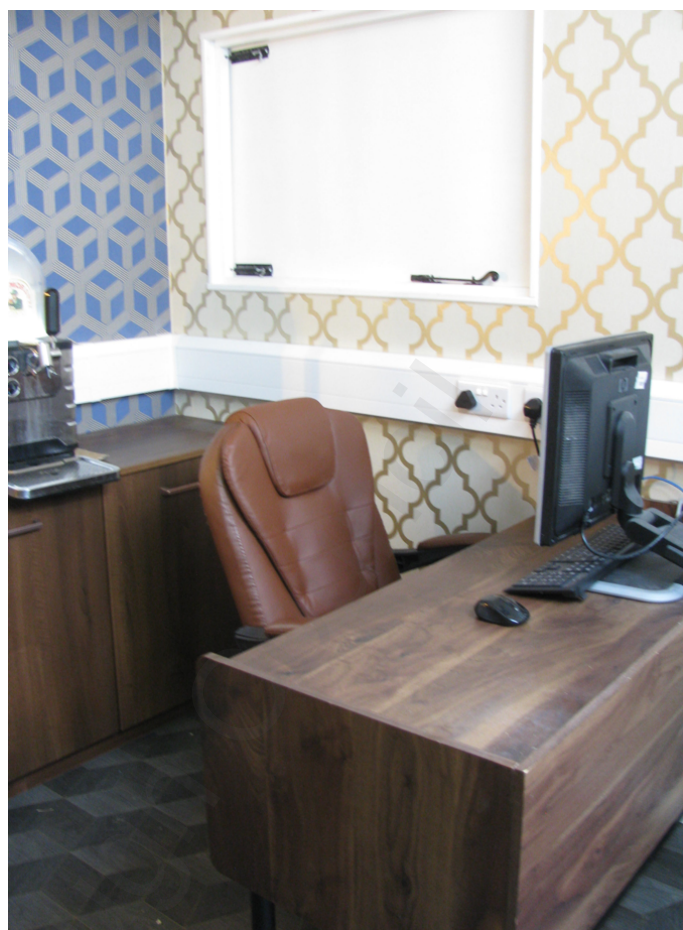
## PROPOSED DRAWINGS



Photographs below show the new outbuilding (family room) within the paddock - January 2022



Photographs below show the converted and altered stable within the paddock - January 2022



The applicant's agent advised in submitting the revised plans in March 2022 and in agreeing to the revised application description that the justification for the use of the buildings was as follows:

*"Due to the Government guidelines initiated by the Pandemic in March 2020, our Client started to put in place plans to work from home, creating a Home Office to be utilised by the whole family for multipurpose use: Home Office/Classroom, conducive to family life.*

*Our Client's current business model runs compatibly with Government direction to reduce the carbon footprint with regards to travel etc, and employs 3 members of staff, who all work remotely.*

*The Client's two children, age 10 and 7, once used limited bedroom space for their schoolwork, so the home office has afforded them a more conducive environment for that purpose. This also means the parents are more readily on hand for child supervision. It has proved extremely effective. The Home Office*

*was used extensively during Lockdown, when Schools were closed, thus proving both essential and invaluable. It provides future proof reassurance for the children that, in the probable event of a future Lockdown, they will continue their education in a classroom style environment.*

*Our Client has categorically stated that there is no alternative agenda for use, other than the sole purpose of a Home Office. There are no water pipes or any other living accommodation facilities relating to this Home Office.*

*The family room has afforded additional space for the family to pursue personal hobbies and to facilitate the space for home gym equipment.”*

## **Development Plan and other related Planning Policies and Guidance**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Courts have held that it is a matter of planning judgement as to whether a proposal is in accordance with the development plan when ‘read as a whole’ and conflict with a particular policy or policies may not pass that threshold.<sup>1</sup>

Where there are other material considerations, the development plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date.

The Development Plan for Gravesham currently comprises:

- *The Gravesham Local Plan Core Strategy and Policies Map (September 2014)*
- *Remaining Saved Policies in the Gravesham Local Plan First Review (November 1994), and*
- *The Kent Minerals and Waste Local Plan 2013 - 2030 (July 2016, revised 2020)*

There are a number of other planning policy documents which are of some relevance to the consideration of planning applications and are material considerations, including national planning advice and guidance in the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), and supplementary planning guidance and where they exist neighbourhood plans. There are currently no relevant neighbourhood plans. Previous decisions on planning applications and appeals relating to the site and relevant case law etc. are also capable of being material considerations.

### Local Planning Guidance

#### **Gravesham Local Plan Core Strategy, September 2014**

The Core Strategy sets out the Council's spatial vision and strategic objectives for the Borough to 2028 and the policies which will deliver them. It identifies the main areas where major change is likely to take place and allocates sites which are key to achieving the strategy.

The whole of the application site is shown as being within a **Green Belt area** (Policy CS02) outside of any rural settlement in the Gravesham Local Plan Policies Map.

The following development plan policies in the Gravesham Local Plan Core Strategy are relevant to the consideration of this application:

Core Strategy Policy CS01: Sustainable Development  
Core Strategy Policy CS02: Scale and Distribution of Development  
Core Strategy Policy CS11: Transport  
Core Strategy Policy CS12: Green Infrastructure  
Core Strategy Policy CS18: Climate Change  
Core Strategy Policy CS19: Development and Design Principles

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<sup>1</sup> See the Judgement in the Court of Appeal on R(on the application of William Corbett) and The Cornwall Council and others [2020] EWCA Civ 508 at <https://www.bailii.org/ew/cases/EWCA/Civ/2020/508.pdf>

### ***Gravesham Local Plan First Review 1994***

The Gravesham Local Plan First Review was originally adopted in November 1994.

A substantial number of policies of the Gravesham Local Plan First Review were saved by a Direction dated 25 September 2007 of the Secretary of State under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 as transitional arrangements pending adoption of the Core Strategy.

Saved policies contained in the Gravesham Local Plan First Review should still be accorded significant weight, albeit that the weight accorded should be greater where policies are consistent with the National Planning Policy Framework (NPPF, paragraph 219). Those Local Plan First Review policies that remain in force are listed in Appendix 1 of the Local Plan Core Strategy. The remaining saved policies will be replaced following the adoption of the Site Allocations and Development Management Policies Development Plan Document.

The following remaining saved policies are relevant to the consideration of this proposal:

Policy C13: Policy for Extensions to Dwellings in the Countryside  
Policy C18: Incorporation of Additional Land into Residential Gardens  
Policy TC2: Policy for Listed Buildings  
Policy T1: Impact of Development on the Highway Network  
Policy T4: Development outside the Built-Up Area  
Policy T5: New Accesses onto Highway Network  
Policy P3: Vehicle Parking Standards

### ***Review of Local Plan***

Paragraph 33 of the NPPF (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) general conform with the National Planning Policy Framework (2021), the Council will also seek to replace these.

### ***Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020***

The Council published in 2020 a Regulation 18 (stage 2) consultation on its proposed Development Management Policies Document, replacing the 2018 Stage 1 version, which will in due course form part of and update the Gravesham Local Plan. Under paragraph 48 of the NPPF 2021, policies in this document may be accorded weight in the decision-making process with this varying according to its stage of preparation; the extent to which there are unresolved objections; and the degree of consistency of policy with those in the Framework. As the Development Management Policies Document is at an early stage and the fact that the consultation has only recently concluded, the policies therein should at this stage be given very limited weight. It should be noted, in any event, that many of the relevant policies reflect those set out in the Framework and for the purposes of this pre-application these should be relied on instead.

The following draft policies from the Regulation 18 (Stage 2) Development Management Policies Document (2020) show the direction of travel the Council is going albeit the weight that these emerging policies may be accorded at this stage is very limited.

Proposed Policy GB 5: Extensions, Replacement Buildings and Ancillary Development in the Green Belt  
Proposed Policy GB 7: Re-use of Buildings in the Green Belt  
Proposed Policy INF 2: Transport Design Principles  
Proposed Policy INF 3: Understanding and Mitigating Transport Impacts  
Proposed Policy INF 5: Electric Vehicle Charging Points

Proposed Policy GI 5: Landscape Character  
Proposed Policy RES 2: Residential Space Standards  
Proposed Policy RES 3: Residential Annexes  
Proposed Policy AM 4: Sunlight and Daylight within New Development  
Proposed Policy HER 2: Listed Buildings

## National Planning Policy Guidance

### ***The National Planning Policy Framework (NPPF)***

The National Planning Policy Framework (NPPF) 2021 is a material consideration.

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11) which means approving development proposals that accord with the development plan without delay and where there are no relevant development plan policies or where the policies are out of date planning permission should be granted unless policies of the Framework provide a clear reason for refusing the development such as where land is designated as Green Belt or any adverse impacts would so significantly and demonstrably outweigh the benefits or specific policies in the NPPF taken as a whole.

The NPPF includes (in paragraph 8) three overarching objectives to achieving sustainable development:

- An economic objective
- A social objective, and
- An environmental objective

The following paragraphs are specifically highlighted as being of importance to the consideration of the development proposals, but it should not be taken that these are the only parts of the NPPF that need to be considered.

Section 2, Paragraphs 7 - 14: Achieving Sustainable Development

Section 4, Paragraphs 38 - 59: Decision Making

Section 5, Paragraphs 60 - 80: Delivering a sufficient supply of homes

Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport

Section 12, Paragraphs 126 - 136: Achieving well-designed places

Section 13, Paragraphs 137 - 151: Protecting Green Belt Land

Section 14, Paragraphs 152 - 173: Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15, Paragraphs 174 - 188: Conserving and Enhancing the Natural Environment

Section 16, Paragraphs 189 - 208: Conserving and Enhancing the Historic Environment

### ***The National Planning Practice Guidance (NPPG)***

Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/>) supports and clarifies areas in the NPPF.

It contains guidance on assessing housing need; design; public consultation; open space provision in new development; travel plans, transport assessments and statements in decision-taking; health and wellbeing; water supply, wastewater and water quality; light pollution; determining a planning application; the use of planning conditions and viability, amongst other things.

The NPPG gives guidance on what is a material planning consideration in determining a planning application indicating that the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

The NPPG includes more detailed advice on the use of planning conditions (replacing the cancelled Circular 11/95).

## Supplementary Planning Guidance and other Documents

The Council has adopted a number of Supplementary Planning Guidance documents, Development Briefs and Conservation Area Appraisals. These elaborate on saved policies in the Gravesham Local Plan First Review and policies in the Gravesham Local Plan Core Strategy and are material considerations in determining planning applications.

In addition, the Council has adopted a number of documents that have been produced by Kent County Council also as Supplementary Guidance.

The following documents are relevant to the consideration of this application:

- Kent Design Guide (SPG 5 published December 2005, adopted July 2006)
- Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006)
- Vehicle Accesses on Classified Highways (SPG6 November 1992)
- GBC Residential layout guidelines including Housing Standards Policy Statement October 2015, (SPG2) Adopted February 1996 - amended June 2020
- Technical Housing Standards: Nationally Described Space Standards
- Householder Extensions/Alterations Design Guide SPD, adopted 01 October 2021
- Gravesham Landscape Character Assessment, May 2009, (a technical document which underpins policy CS12 of the Gravesham Local Plan Core Strategy)

## **Consultations Publicity and Representations**

### ***Consultations - Internal***

#### GBC Regulatory Services - Environmental Protection Comments

### **Watching Brief**

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the Local Planning Authority (LPA) should be informed as soon as practical, and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out

### **Code of Practice on Construction and Demolition**

Please apply

### **Drainage/sewerage informative**

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

#### GBC Highways Development Management Officer - *Original Comments*

Whilst the application is straight forward, the issue is complicated as the main dwelling is not included within the application site.

It is noted that prior to the application the applicant appears to have installed gates and provided a parking area that could serve these two buildings. In highway terms the access gates are not deemed reasonable, but as there is no control, there is nothing that can be done.

In highway terms I have no objections to the proposal, providing the use is ancillary to the occupation of the main dwelling, which I believe should be included within the red line drawing.

If this were considered in isolation of the main dwelling, then there would be issues relating to providing adequate parking and a safe access to the office proposal.

## GBC Highways Development Management Officer - Revised Comments

I have no objections to the proposal subject to the use being ancillary to the occupation of the main dwelling and any vehicle movements associated with the office use are restricted to the main dwelling access and its parking area.

### Ward Councillors

No comments received

### **Consultations - External**

#### Cobham Parish Council - Comments on Original Application

No comments received

#### Cobham Parish Council - Comments on Revised Application

This is within the Green Belt and there are no significant reasons this should be ignored.

The original stable block should be only for equestrian use and not be used as an extension of the main dwelling. The additional building should also be removed.

The gates and fencing to the entrance are not in keeping with the surrounding street scene and are not an attractive feature. We would like to see this returned to the 5-bar gate that was in place before the 6-foot-high panels.

The application form, section 6, states the access from the public highway has not been altered. This is incorrect, prior to the changes shown in this retrospective application, the entrance to the paddock was a 5-bar gate running adjacent to the road. The entrance now has been moved back to allow for a vehicle to access the site without blocking the road. Although this is correct for access to a property, this is misleading on the application form and has been adjusted to allow regular vehicular access.

#### KCC Heritage and Conservation

The site lies within an area of multi-period archaeological potential. However, I consider it unlikely that the proposed works will have a significant archaeological impact and have no further comments to make in this case.

#### KCC Public Rights of Way & Access Service

I do not believe the development will materially affect the PRoW network. As such I do not have comments to make

#### Dickens Country Protection Society (DCPS)

DCPS object on grounds that the site is within an area within which Green Belt policies apply where new development would not be permitted.

No special justification to warrant overriding Green Belt policy has been put forward.

### **Publicity and Representations**

### Original Application

Neighbour notification was originally sent to 3 adjoining dwellings and a site notice and press notice as development affecting the setting of a listed building and affecting a public right of way and under Article 15.

In response to the original application **three representations** were received of which two were objections and one is in the form of comments, neither necessarily for or against.

### Objections

The objections can be summarised as follows:

- Numerous works have been carried out to the property over the past twelve months.
- The proposed development, by virtue of its scale, massing, form and location in the countryside, would introduce residential form to a rural site resulting in inappropriate development in the Green Belt and harm the character, appearance and openness of the Green Belt.
- In addition, a set of close boarded entrance gates with associated fencing has been installed at the entrance to the property.
- Enforcement action should be taken for these works at the earliest opportunity.
- There appears to be plenty of space in the original garden to erect buildings for this purpose without using a Green Belt area surrounded by land used as paddocks and open Park space.
- If allowed to proceed there should be appropriate fencing and gates to be in keeping with the surrounding open countryside, especially as there is a public footpath adjacent to the property.

### Representation

Summarised as follows:

- Notes that the development has been built without planning permission but considers the building is well hidden.
- Concerned that the application has implications for a public right of way, presumably FP 185, and seeks assurances that this is not closed or otherwise obstructed.

### Support

In addition, there were **ten** other responses received mostly non-local (walkers, cyclists, dog-walkers) received all supporting the application and commenting:

- There is no noise or disruptions
- There is no cause for concern or any issues
- Good to see people are trying to live/work as efficiently
- The building is single storey and uses a stable

### Revised Application

The revised application was similarly statutorily advertised but with discretionary publicity to 26 neighbouring properties and other interested parties including all previous respondents.

The closing date for the receipt of final representations was 6th May 2022

In response to the revised publicity there were **two representations** received, one in support and one expressing reservations (as previously received) in relation to potential impact on the public footpath.

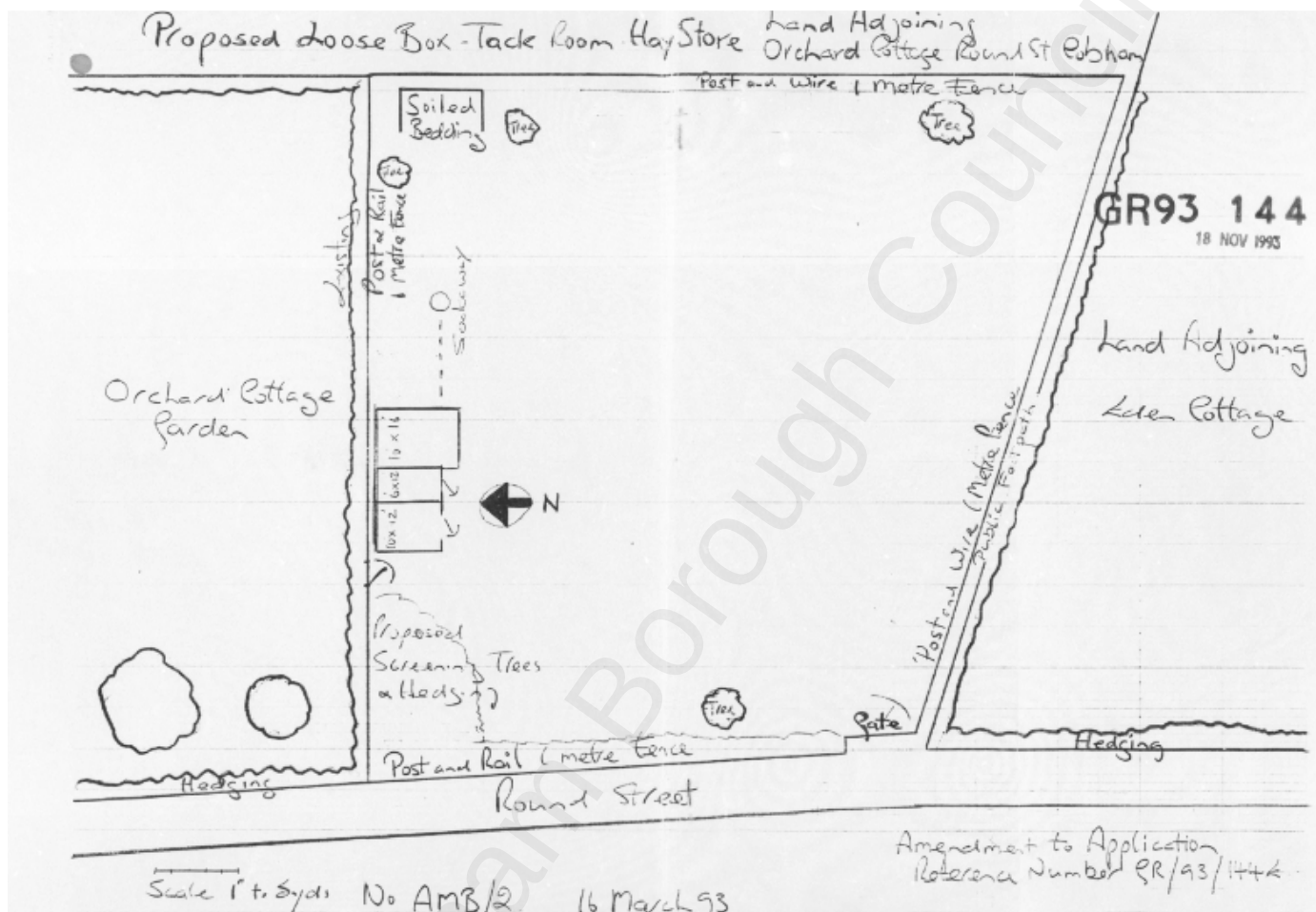
No further objections were received to the revised development

## Planning Analysis and Assessment

### Introduction

The existing stable building within this paddock area next to Orchard Cottage has been on this site since 1993/4 and the permission at the time for the change of use to grazing land and erection of a stable block showed an 'L' shaped building with loose box, tack room and hay store circa 28ft long by a maximum 17ft wide. The stable building was not built precisely in accordance with the location shown in the approved plan below.

The paddock already at that time had an access in the corner of the field with a gated entrance.



The permission at the time was subject to restrictive planning conditions including the submission of a landscaping scheme, and scheme for waste disposal and other conditions limiting its use to private stabling and grazing of one horse on the land, the stable block and land not to be used for commercial activities or livery, no vehicles be stationed on the land, no jumps and no external lighting, the external faces of the stable block to be stained in a dark colour etc., all intended to maintain openness of the Green Belt and prevent encroachment of the countryside.

The Google Earth image below shows an aerial view of the site in May 2018. The stable building was the same current L shape and appears to have had 3 roof lights within the rear roof slope.

Part of the paddock area was being used as a kitchen garden and from historic aerial images had been so since at least 2007, such that there has been some connection with the existing dwelling and its curtilage and some degree of semi-domestic use of the site.

Conversely it does not form part of the existing dwelling curtilage (domestic garden) as the boundary between the two areas is well defined by a post and wire fence and hedging with only a timber connecting gate.

*Google Earth aerial view of the paddock in May 2018*



*The stable building prior to its current alteration was as shown in the photograph below taken on 11.12.2019.*



*The entrance gate to the paddock from Round Street was altered after December 2019 as the photograph*

*below was taken on 11.12.2019.*



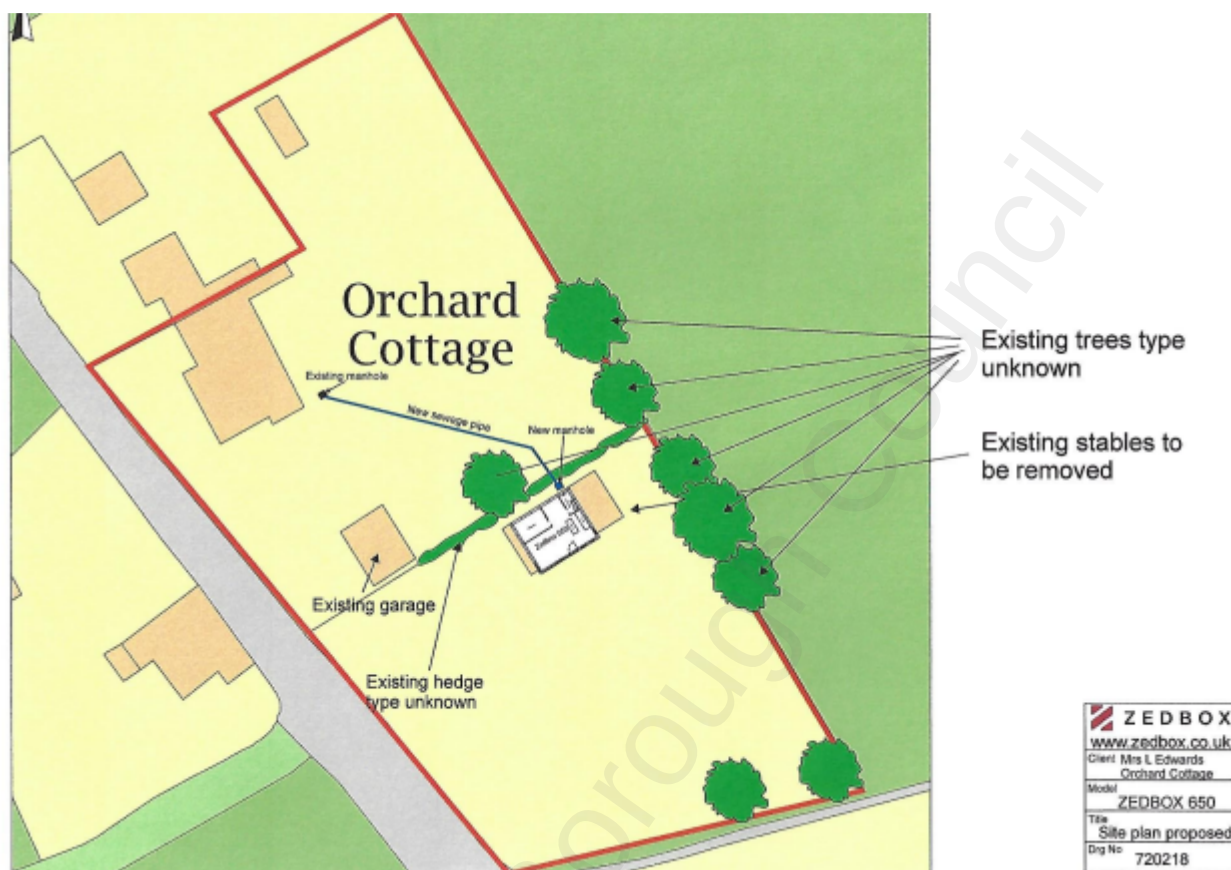
*The current access arrangement into the paddock is shown in the photograph below taken on 13.10.2021.*



In July 2019 a planning application (20180808) for installation of a wooden building (6.88m long by 5.8m wide and 2.75m high) to create a granny annex comprising kitchen/lounge, wet room and bedroom and involving the demolition of the stable building and building the annexe on the same site was refused on grounds that:

*The proposed development, by virtue of its scale, massing, form and location in the countryside, would introduce residential form to a rural site resulting in inappropriate development in the Green Belt and harm the character, appearance and openness of the Green Belt. The proposal would likely lead to a proliferation of domestic paraphernalia within the paddock and in the absence of any very special circumstances to clearly outweigh the harm to the Green Belt, the proposal is contrary to Policies CS02 and CS19 of the*

The siting of the proposed annex is shown in the extract below from the submitted plans.



Following that refusal, a further planning application was submitted (20191144) in November 2019 for change of use of land from paddock to residential and erection of a detached ancillary cedar clad granny annexe (8.0m wide by 3.75m to 4.75m deep and 3.55m high) and comprising lounge, kitchen, shower room and bedroom.



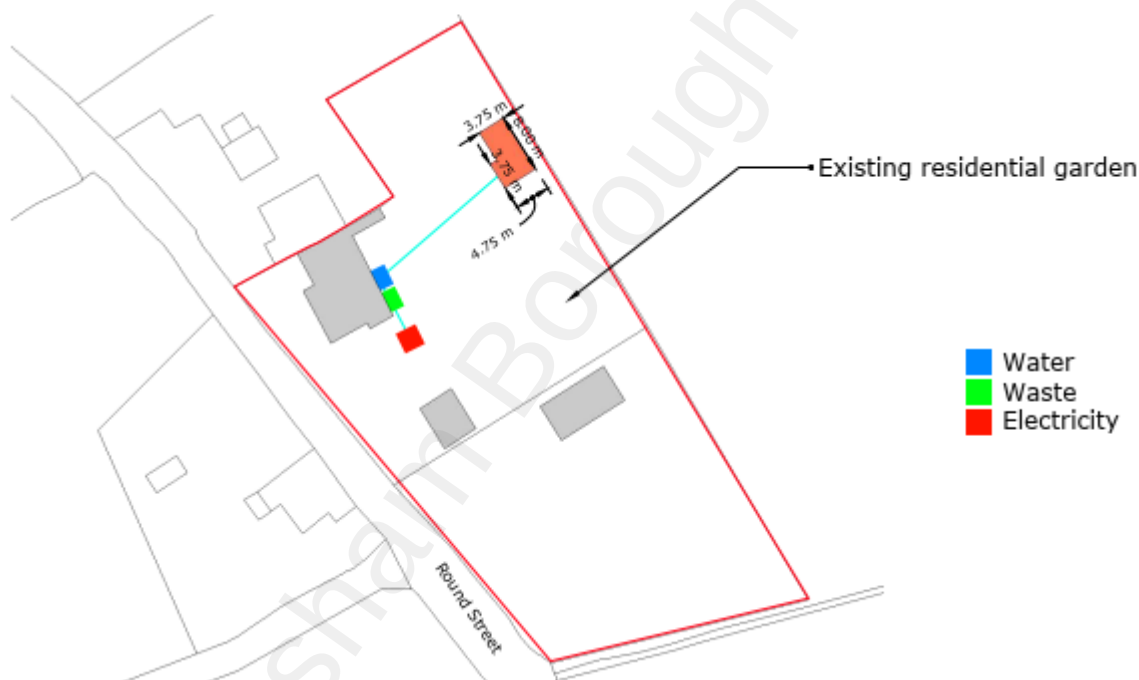
The applicant's agent was advised in December 2019 that there was no scope for any residential form of

development on the paddock area adjacent to Orchard Cottage with the case officer commenting that: *To summarise, the property is situated in the Green Belt and one of the key purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. The change of use of the paddock will significantly increase the size of the residential curtilage of the property, reducing the openness along Round Street. The character of the paddock will inevitably change and be subject to additional hardstanding and domestic paraphernalia associated with a residential property. This constitutes inappropriate development in the Green Belt.*

*That being said, it is considered that there may be scope to construct an annexe within the existing residential curtilage of Orchard Cottage, which is quite substantial in size. Your client may also wish to explore converting one of the existing outbuildings/garages on site. The annexe must be very modest in size and scale and will be subject to strict planning controls to ensure it does not become a separate self-contained property in the future. This would include the restriction of fencing, hard paving, and duplicate residential paraphernalia.*

*The Council acknowledges that the annexe is required for the personal needs of the applicant and an elderly relative, and the National Planning Policy Framework allows for the consideration of very special circumstances.*

The application was withdrawn on 18 December 2019 and the applicants subsequently had pre-application discussions on re-siting the proposed annex within the existing garden as shown below but no subsequent planning application was submitted.



### The Key Issues

The revised application is retrospective, the development having already been undertaken, and the description is for retention of development and the planning assessment needs to consider the impact of and the planning policy implications of a number of key elements of the development, namely:

- Partial change of use to the paddock land to an extension to the domestic garden (with the larger part remaining as a paddock area). The original application effectively meant the change of use of the whole of the paddock area even though it was not within the applicant's original description
- Retention of conversion of existing stable block into storage and study/home office
- Retention of the installation of external cladding on the stable block
- Retention of a detached outbuilding to be used as a family room to be used incidental to main dwelling and the appropriateness of the design
- Retention of fencing and gate to paddock as access to Round Street

The key issues, therefore, in the consideration of this planning application are:

- Appropriateness of the development in the Green Belt
  - Impact on Openness
  - Very Special Circumstances, if necessary
- Design, Layout and Impact on the Character of the Area
- Impact on the Landscape
- Impact on the setting of the adjacent listed building.
- The impact on the amenity of future residents of the development
- Impact on local residential amenity and existing residents
- Highways, Access and Parking
- Other Material Planning Considerations

#### Appropriateness of the Development in the Green Belt and Impact on Openness - Planning Policy Issues

Policy CS01 (Sustainable Development) of the Gravesham Local Plan Core Strategy (LPCS) indicates that when considering development proposals, the Borough Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and in the Core Strategy.

The application site is located in the Green Belt and as such Policy CS02 of the Gravesham Local Plan Core Strategy (September 2014) is relevant.

Policy CS02 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 policies in the Local Plan Core Strategy.

In respect of national planning policy relating to Green Belts, Paragraph 137 of the NPPF indicates 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; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 138 advises that Green Belt serves five purposes:

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

In addition to the above five nationally defined purposes of the Green Belt, Policy CS02 of the adopted Gravesham Local Plan Core Strategy states that the local purposes of the Green Belt will be maintained. Paragraph 4.2.7 of the document sets these purposes as being:

- to maintain the break in development between the eastern edge of Gravesend and the Medway Towns which is one of the few barriers preventing the further eastward sprawl of London and the merging of towns along the southern part of the Thames Estuary
- to assist in safeguarding the countryside by minimising the expansion of the Borough's rural settlements, and
- to assist in concentrating development on underused, derelict and previously developed land in the urban area of Gravesend and Northfleet.

Paragraph 147 of the NPPF sets out that 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF advises 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.

Any development in the Green Belt is inappropriate unless it falls within one of the exceptions set out in the closed lists contained in paragraphs 149 and 150 of the NPPF.

Paragraph 149 states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are: -

- a) buildings for agriculture and forestry
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it
- c) 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
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces
- e) limited infilling in villages
- f) limited affordable housing for local community needs under policies set out in the Local Plan (including policies for rural exception sites), and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within an area of the local planning authority

Paragraph 150 states that other forms of development are also not inappropriate in Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction
- b) engineering operations
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction, and
- e) the material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds), and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order

In summary the above national planning policy advice indicates that whilst the replacement of buildings is appropriate development in the Green Belt subject to certain criteria, new buildings are inappropriate development. Conversely the re-use of buildings and some changes of use of land can be appropriate provided that they preserve openness and do not conflict with the purposes of including land within the Green Belt. Emerging policy GB 7 (Re-use of Buildings in the Green Belt) of the Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020 also sets out the criteria whereby the re-use of buildings in the Green Belt will be allowed.

However, outbuildings or similar do not specifically fall within the closed lists in the national planning guidance and as such they are considered to be inappropriate development per se.

Saved Policy C13 (Extensions to Dwellings in the Countryside) of the Gravesham Local Plan First Review (November 1994) does set out that the Council will consider proposals for domestic garages and other outbuildings on their merits having regard to whether they are well designed, discreetly sited and subservient to the scale of the main dwelling on the plot. It is recognised that this saved policy applies to the countryside in general rather than specifically the Green Belt and it pre-dates current national planning policy in the NPPF although it still carries some weight.

Emerging Policy GB 5 (Extensions, Replacement Buildings and Ancillary Development in the Green Belt states - in relation to ancillary development) does provide some criteria to judge the appropriateness of proposals for ancillary domestic buildings including that:

- The proposal should be reasonably required to serve the needs of the dwelling

- There should be no other buildings on the site which could be re-used or adapted
- Their scale, form, mass and height should be subordinate to the main building
- Their size should be appropriate to their function, with any ancillary residential accommodation functionally subservient to the main dwelling
- They should be discreetly located and not visually intrusive, and
- They should not be replacements for an outbuilding which has been re-used for an alternative residential use

The emerging policy also indicates that ancillary domestic buildings will not be permitted outside the residential curtilage of the dwelling they are intended to serve, unless the land forms part of the same planning unit and there is no reasonable alternative location within the curtilage that would have a lesser impact on the Green Belt. The emerging policy would only be afforded very limited weight.

In many cases similar such outbuildings fall outside the scope of planning control being exempt under permitted development rights, although this is not the case here as the stable and outbuilding (family room) are outside of the defined adjoining dwelling curtilage.

There are some appeal decisions relating to garages and outbuildings in the Green Belt where such development has also been regarded as an extension to a dwelling as a matter of fact and degree in some circumstances. The basis for this was a court case of *Sevenoaks District Council v SSE and Dawe* (1997). There is some more recent local application, some of which have gone to appeal, where incidental buildings have been permitted, albeit within existing curtilages.

Saved Policy C18 of the *Gravesham Local Plan First Review* (November 1994) indicates that the incorporation of productive or potentially productive farmland and woodlands in the countryside into residential gardens will be resisted. The policy is based on the fact that, when repeated on a wider scale, the enlargement of residential gardens through the purchase of adjoining farmland or woodland would significantly reduce the amount of productive agricultural/forestry land in the Borough and would have a serious detrimental impact on the open, rural appearance of the countryside.

Nevertheless, such development is not ruled out and there are various cases where such development has been deemed to be appropriate in the countryside (e.g., Application reference 20160027 - *Mirrabooka Gravesend Road Shorne*)

In this case the land within which the former stable building is located along with the more recently built outbuilding, has been used as a paddock and a kitchen garden for the dwelling. Its relevance to agriculture use/productiveness due to the size of the land would in this case be somewhat limited.

It is noted that there is an objection from the Parish Council as the site is within the Green Belt and also from the Dickens Country Protection Society and there are some neighbour objections but also there is some neighbour support.

The development applied for in this case presents a difficult basis for assessment and judgment with effectively different tests applying in relation to national guidance. It is apparent that even before the current works and stable re-use there was at least some limited semi-residential use of the land with the kitchen garden and with a direct connection (gate) between the paddock and the adjoining dwelling curtilage. It would be very difficult to suggest that the re-use of the stable was inappropriate in this case. The building was of permanent and substantial construction. Conversely it could be reasonably argued that the new outbuilding could have been located within the existing dwelling curtilage where there is more than adequate space to do so.

Nevertheless, the reasoned judgment is that the more limited extension to the dwelling curtilage (as shown by the green line boundary in the revised site plan) would not be materially harmful to the Green Belt including openness or the purpose of including land within the Green Belt. This represents about 25% of the current paddock area and an area of 36m deep (from the frontage of the site to road up to the back of the paddock) and by 10m wide out from the current boundary of the dwelling curtilage.

There is no specific definition of "openness" in the NPPF, and the concept of what is considered as openness has only really emerged from case law (such as the case of *Timmins and Anor v Gedling Borough Council* [2014]). Effectively, 'openness' is epitomised by the absence of built development (i.e., land that is not built on) and it follows therefore that any new built development is likely to have an adverse impact on the openness of the Green Belt, but whether that impact is greater or lesser on sites where there

is already built development will be dependent on an assessment on a case-by-case basis. It is a different concept to “visual impact”.

It is assessed that this and the additional built development would have some impact albeit a moderate impact on openness.

The function of buildings (the converted stable and the new family room) are in this case for incidental use as opposed to ancillary residential accommodation. The family room is indicated as being a gymnasium and games room.

It is considered that this can be controlled through planning conditions and that other planning conditions can be imposed that regulate the use of the application site and how the buildings are to be used specifically excluding their use for any primary living accommodation.

Therefore, the balanced view is that the change of use of the stable building, the limited change of use of the land and the addition of the minor incidental building in this case is acceptable in planning policy terms and would not be inappropriate development in the Green Belt but subject to appropriate controls. It is not considered that very special circumstances would need to be demonstrated to outweigh any potential harm to the Green Belt.

### Design, Layout and Impact on the Character of the Area

Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) states that the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. The National Planning Policy Framework (NPPF) sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

It also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Emerging Policy GB 5 (Extensions, Replacement Buildings and Ancillary Development in the Green Belt) of the Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020 states in respect of ancillary development that they should be discreetly located and not visually intrusive and that proposals for new accesses, driveways, walls, gates, other hard landscaping or other engineering operations will only be allowed where they respect the character of the local built and natural environment and do not harm the openness of the Green Belt.

Both the converted stable building and the family room building are single storey with low pitched roofs and are of a reasonable design. They are both located next to the existing dwelling curtilage boundary and reasonably well screened from the public roadway by high hedging.

In terms of the external appearance of the built development including the alterations to the exterior of the former stable building both the buildings have composite (weather board like) walls and grey slate/tiled roofs. The exterior colour of the composite cladding (light green) could perhaps be somewhat more subdued or even a darker colour.

There are some consultee/neighbour comments suggesting that the gates and fencing to the entrance are not in keeping with the surrounding street scene. Whilst the metal type gates, and timber fencing are not particularly in keeping with the rural location this is somewhat offset by the improved entrance in terms of visibility and the ability of vehicles to clear the highway while the gates are open and there is an opportunity to provide some softening by additional landscaping.

On balance while there are some reservations about the external appearance of the development it is considered that there are insufficient grounds to reject the application and it is therefore considered that the development is in general conformity with local and national planning policy.

### Impact on the Landscape

The application site is within an area of attractive countryside outside of the rural settlement of Sole Street/Round Street.

Paragraph 174 of the NPPF indicates that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); while paragraph 176 advises that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

In this case the application site is not within an Area of Outstanding Natural Beauty (AONB) or other special landscape area.

The application site lies adjacent to the Meopham Downs landscape character area but just within the Istead Arable Farmlands landscape character area in the Gravesham Landscape Character Assessment May 2009 and where the key characteristics are:

- Gently undulating topography with open arable fields
- Fields divided by tracks, roads and occasional hedgerows
- Orchards to the east
- Minor native woodland clumps
- Few roads, which are open in character
- Clusters of properties and farmsteads
- Large pylons

The ecological integrity of the area is poor because of the dominance of arable land and limited amounts of hedgerow and woodland clumps. There are few heritage features visible within the landscape and the overall condition of the landscape is assessed as poor.

The sensitivity is described as moderate, and it is stated:

*Distinct landscape elements comprise isolated buildings and farmsteads that contribute towards local distinctiveness through their traditional style and use of materials. Enclosure provided by ditch lines and remaining hedgerows provides historic features. However, many features and elements of the landscape are indistinct and recent, and overall, there is a weak sense of place. The open character of the landscape and consequential high visibility across the character area provide a moderate level of sensitivity overall.*

Guidelines for the Istead Arable character area are to:

- Restore distinctive features and patterns of the landscape, whilst creating landscape elements that support the landscape character.
- Restore traditional field structure and enclosure with native hedgerows and boundary planting.
- Restore the landscape through the removal of detracting features, in particular seek opportunities to relocate electricity cables underground.
- Consider possible mitigation planting to limit visual impact of A2 and CTRL infrastructure.
- Create design standards in keeping with local character for new developments within the area.
- Create a positive edge to the urban area.
- Restore and create an access network linking urban areas with existing and proposed recreational opportunities including Jeskyns Farm and the wider landscape.

Whilst the additional outbuilding the subject of this application adds to the overall extent of built development on the site it is not considered that this is unduly visually prominent within the wider landscape and with the landscape enhancements that could be sought through planning conditions the impact would be neutral.

Overall, it is considered that there will be no conflict with Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014) or Section 15 of the NPPF in terms of impact on the landscape.

#### Impact on the setting of a Listed Building

The application site is located to the north of Sole Street Village, a typical countryside location, dominated by open arable agricultural land, with sporadic development. Round Street itself is a relatively narrow rural road where vehicles need to slow down considerably in order to pass each other safely. Opposite the application site, on the western side of Round Street is Blackhorse Cottage, a Grade II Listed Building.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) imposes a general duty on the Local Planning Authority with regards to listed buildings in exercise of its planning functions. It provides that, in considering whether to grant planning permission for development that affects a listed building or its setting, a Local Planning Authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Considerable importance and weight should be attached to these duties.

The above duties are endorsed by Section 16 of the NPPF and Policy CS 20 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy TC2 in the Gravesham Local Plan First Review (November 1994).

When considering the impact of a proposed development on the significance of a designated heritage asset, the NPPF requires Local Planning Authorities to give great weight to the asset's conservation. Paragraph 202 of the NPPF requires Local Planning Authorities to weigh the harm against the public benefits of the proposal, including securing the optimum viable use of the heritage asset where a development proposal will lead to less than substantial harm. The NPPF explains that significance, which derives not only from the asset's physical presence but also from its setting, can be harmed or lost through development within its setting. As heritage assets are irreplaceable, the Framework advises that any harm or loss should require clear and convincing justification.

The proposed additional outbuilding is located approximately 10m to the east of the listed building opposite the application site but is screened by a mature hedge adjacent to the road. There is a strong spacious feel to the setting of the listed building and surrounding street scene in general.

Given the relatively modest size of the outbuilding and its reasonable degree of separation from the listed building, it is considered that the development would not adversely impact on the setting of the adjacent listed building, Blackhorse Cottage.

In this regard, the development would not conflict with Policies CS20 of the Gravesham Local Plan Core Strategy (September 2014), Saved Policy TC2 in the Gravesham Local Plan First Review (November 1994) and Section 16 of the NPPF.

#### The impact on the amenity of future residents of the development

Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the (SPG2) adopted GBC Residential Layout Guidelines'.

The Supplementary Planning Guidance Note 2 Residential Layout Guidelines referred to above sets out the Council's standards in relation to private garden areas and internal space standards, amongst other things.

The development as applied for is for incidental use buildings. Although it can be argued that there are already a number of outbuildings within the existing dwelling curtilage and the dwelling curtilage is significantly already above required standards in terms of depth and area, what is proposed (and as negotiated) is a small addition to the curtilage and provision of additional outbuildings beneficial to the applicants.

#### Impact on local residential amenity and existing residents

In considering any proposals for development it is important to ensure that it does not cause demonstrable harm to the amenity of any existing residents or property such that it will materially harm their living conditions. It is also important to assess the quality of any residential environments that are proposed as part of the scheme. Policies seeking to protect amenity and ensure acceptable future living conditions are included in the Local Plan Core Strategy.

The NPPF (Paragraph 127) also assists and seeks to ensure developments will function well, do not undermine the quality of life and create attractive and comfortable places to live, work and visit and seeks to “secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

Safeguarding residential amenity, in terms of privacy, daylight and sunlight and ensuring that all development proposals are fit for purpose and adaptable to meet the need of users are important considerations referred to in Local Plan Core Strategy Policy CS19.

The Supplementary Planning Guidance Note 2 Residential Layout Guidelines also sets out requirements not to just protect future residents/occupants of new development but also those existing residents that might be affected by the development.

The nearest cottage opposite at Blackhorse Cottage is well screened by a high hedge to Round Street. Other nearby dwellings in Round Street are more distant.

It is therefore considered that the proposals are not materially harmful to local amenity and thus not in conflict with Policy CS19 (LPCS).

Planning conditions can be imposed to control the future use of the former stable building and the new outbuilding particularly ensuring that there is no residential accommodation use or business use of the family room or former stable.

#### Highways, Access and Parking

The proposed development needs to be considered against Gravesham Local Plan Core Strategy Policy CS11 which states that new development should mitigate their impact on the public highway and that transport assessments should be provided and implemented to ensure delivery of travel choice and sustainable opportunities for travel.

Furthermore, it states that sufficient car parking in new developments will be provided in accordance with adopted standards which will reflect the availability of alternative means of transport accessibility to services and facilities. This stance is reflected in the NPPF (section 9) which indicates that all development that generates significant amounts of movement should be supported by a Transport Statement or Transport Assessment and development should only be prevented or refused on transport grounds where there is an unacceptable impact on highway safety, or the residual cumulative impact of development is severe.

The GBC Highways Development Management Officer has no objections to this development subject to the use being ancillary to the occupation of the main dwelling and any vehicle movements associated with the office use are restricted to the main dwelling access and its parking area.

As indicated earlier the alterations to the field access have improved the vehicle entrance to the paddock in terms of visibility and the ability of vehicles to clear the highway while the gates are open.

The proposal is therefore in compliance with Core Strategy policy CS11 and saved policy T5.

#### Other Material Considerations

The development raises no issues in terms of archaeology or ecology/biodiversity, but a landscaping scheme is necessary to provide additional screening. The development has not resulted in the loss of any trees on the site.

#### **Conclusions and Balancing Exercise**

This application is a retrospective planning application for a partial change of use to the paddock land to allow for the conversion of existing stable block into storage and study/home office, the installation of external cladding and erection of a detached outbuilding to be used as a family room to be used incidental

to main dwelling, retention of fencing & gate to paddock.

The paddock and stables have been in use since 1993/4. Part of the paddock area was being used as a kitchen garden and from historic aerial images had been so since at least 2007, such that there has been some connection with the existing adjoining dwelling at Orchard Cottage Round Street and its curtilage and some degree of semi-domestic use of the site. Conversely it does not form part of the existing dwelling curtilage (domestic garden) as the boundary between the two areas is well defined by a post and wire fence and hedging with only a timber connecting gate.

The site is within the Green Belt, well outside of any rural settlement or village.

There have been previous applications for change of use and a granny annex in 2018 and 2019 that have refused/withdrawn.

Amendments have been made to the current submission since it was first submitted such that what is now proposed is only a partial change of use of the paddock.

The reasoned judgment is that the more limited extension to the dwelling curtilage (as shown by the green line boundary in the revised site plan) would not be materially harmful to the Green Belt including openness or the purpose of including land within the Green Belt. This represents about 25% of the current paddock area and an area of 36m deep (from the frontage of the site to road up to the back of the paddock) and by 10m wide out from the current boundary of the dwelling curtilage.

The re-use of the former stable building is supported by local and national policy. It is assessed that this and the additional built development would have some impact albeit a moderate impact on openness

The function of buildings (the converted stable and the new family room) are in this case for incidental use as opposed to ancillary residential accommodation. The family room is indicated as being a gymnasium and games room. It is considered that this can be controlled through planning conditions and that other planning conditions can be imposed that regulate the use of the application site and how the buildings are to be used specifically excluding their use for any primary living accommodation.

Therefore, the balanced view is that the change of use of the stable building, the limited change of use of the land and the addition of the minor incidental building in this case is acceptable in planning policy terms and would not be inappropriate development in the Green Belt but subject to appropriate controls. It is not considered that very special circumstances would need to be demonstrated to outweigh any potential harm to the Green Belt.

In terms of the external appearance of the built development including the alterations to the exterior of the former stable building both the buildings have composite (weather board like) walls and grey slate/tiled roofs. The exterior colour of the composite cladding (light green) could perhaps be somewhat more subdued. There are some consultee/neighbour comments suggesting that the gates and fencing to the entrance are not in keeping with the surrounding street scene. Whilst the metal type gates, and timber fencing are not particularly in keeping with the rural location this is somewhat offset by the improved entrance in terms of visibility and the ability of vehicles to clear the highway while the gates are open and there is an opportunity to provide some softening by landscaping

On balance while there are some reservations about the external appearance of the development it is considered that there are insufficient grounds to reject the application and it is therefore considered that the development is in general conformity with local and national planning policy.

Whilst the additional outbuilding the subject of this application adds to the overall extent of built development on the site it is not considered that this is unduly visually prominent within the wider landscape and with the landscape enhancements that could be sought through planning conditions the impact would be neutral. Overall, it is considered that there will be no conflict with Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014) or Section 15 of the NPPF in terms of impact on the landscape.

Given the relatively modest size of the new outbuilding and its reasonable degree of separation from the listed building, it is considered that the development would not adversely impact on the setting of the adjacent listed building, Blackhorse Cottage.

The development would not be harmful to local residential amenity subject to controlling planning conditions

There are no highway objections to the development subject to the use being ancillary to the occupation of the main dwelling and any vehicle movements associated with the office use are restricted to the main dwelling access and its parking area.

It is acknowledged that there are still some objections to the development including from the Parish Council but there are also a number of neighbour representations in support.

Overall, it is considered that the development is at the absolute limits of acceptability, but the balance is just tipped towards planning support.

It is therefore recommended that PLANNING PERMISSION be granted subject to conditions.

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## **Recommendation:**

### **PERMISSION subject to conditions, reasons and informatives**

#### **CONDITIONS AND REASONS**

1. The development hereby permitted shall accord with the following approved plans and particulars:

Application Form and Certificates

Drawing No PL 001 Rev 3: Existing and Proposed Elevations and Floor Plans, dated 14.03.2022

Unnumbered Block Plan Existing

Unnumbered Block Plan Proposed Revision 2, received 11.03.2022

Unnumbered Ordnance Survey Red Line Plan

Unnumbered Site Plan as Proposed Revision 2, received 11.03.2022

Unnumbered Tree Plan

Applicants Photographs

and with any drawing or detail approved pursuant to any condition contained hereafter and there shall be no deviation therefrom.

**Reason:** For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

2. The former stable building as hereby altered and converted shall be used for domestic storage and as study/home office incidental to the enjoyment of the existing adjoining dwelling house at Orchard Cottage, Round Street and for no other purpose. For the avoidance of doubt the building shall not at any time contain any primary living accommodation or be sold, parted, let or exchanged as a separate unit of living accommodation and no trade or business shall be carried on therefrom.

**Reason:** In order to restrict the use/occupancy of the converted stable building and to ensure that the development is in accordance with Policies CS02 and CS19 of the Gravesham Local Plan Core Strategy September 2014, saved policy C11 of the Gravesham Local Plan First Review 1994 and the National Planning Policy Framework (NPPF) 2021.

3. The outbuilding as hereby permitted and shown as a family room shall be used for a gymnasium and games room incidental to the enjoyment of the existing adjoining dwelling house at Orchard Cottage, Round Street and for no other purpose. For the avoidance of doubt the building shall not at any time contain any primary living accommodation or be sold, parted, let or exchanged as a separate unit of living accommodation and no trade or business shall be carried on therefrom.

**Reason:** In order to restrict the use/occupancy of the outbuilding and to ensure that the development is in accordance with Policies CS02 and CS19 of the Gravesham Local Plan Core Strategy September 2014, saved policy C11 of the Gravesham Local Plan First Review 1994 and the National Planning Policy Framework (NPPF) 2021.

4. The area shown edged by a green line on the Unnumbered Site Plan as Proposed Revision 2, received 11.03.2022 and being an area of approx. 36m deep (from the roadside edge frontage of the site to the back of the paddock) and by 10m wide out from the current boundary of the dwelling curtilage of Orchard Cottage, Round Street, is the only part of the paddock area that constitutes an extension to the residential garden of Orchard Cottage, Round Street; the remainder of the application site as delineated by the red line boundary shall remain as a paddock area for grazing purposes.

**Reason:** For clarification purposes only.

5. Notwithstanding the provisions of Article 3, Part 1, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any provision equivalent to that Class in any statutory instrument replacing, revoking or re-enacting that Order, with or without modification, no additional buildings or enclosures whether or not required for a purpose incidental to the enjoyment of the dwellinghouse at Orchard Cottage, Round Street, shall be erected, constructed or placed within the application site at any time.

**Reason:** In order to safeguard the openness of the Green Belt and the countryside character and visual amenity of the surrounding area and in line with Policies CS02, CS12, and CS19 of the Gravesham Local Plan Core Strategy September 2014, saved Policy C11 of the Gravesham Local Plan First Review 1994 and the National Planning Policy Framework (NPPF) 2021.

6. Notwithstanding the provisions of Article 3 of and Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any provision equivalent to that Class in any statutory instrument replacing, revoking or re-enacting that Order, with or without modification, no extension to or alteration to and no additional window, door or other form of opening other than as shown in the approved drawings shall be carried out to the converted stable building and the additional outbuilding (family room) as hereby permitted at any time.

**Reason:** In order to safeguard the openness of the Green Belt and the countryside character and visual amenity of the surrounding area and in line with Policies CS02, CS12, and CS19 of the Gravesham Local Plan Core Strategy September 2014, saved Policy C11 of the Gravesham Local Plan First Review 1994 and the National Planning Policy Framework (NPPF) 2021.

7. For the avoidance of doubt and notwithstanding the provisions of Article 3 of and Classes A and B of Part 14 of Schedule 2 to the Town and Country (General Permitted Development) (England) Order 2015, as amended, (or in any provision equivalent to those Classes in any Order replacing, revoking or re-enacting that Order with or without modification) no solar PV or solar thermal equipment shall be installed on the converted stable building, or the additional outbuilding (family room) as hereby permitted unless a specific grant of planning permission has been given by the Local Planning Authority.

**Reason:** In order to safeguard the openness of the Green Belt and the countryside character and visual amenity of the surrounding area and in line with Policies CS02, CS12, and CS19 of the Gravesham Local Plan Core Strategy September 2014, saved Policy C11 of the Gravesham Local Plan First Review 1994 and the National Planning Policy Framework (NPPF) 2021.

8. No external lighting shall be erected or placed on the converted stable building, or the additional outbuilding (family room) as hereby permitted unless a specific grant of planning permission has been given by the Local Planning Authority.

**Reason:** In order to safeguard the openness of the Green Belt and the countryside character and visual amenity of the surrounding area and in line with Policies CS02, CS12, and CS19 of the Gravesham Local Plan Core Strategy September 2014, saved Policy C11 of the Gravesham Local Plan First Review 1994 and the National Planning Policy Framework (NPPF) 2021.

9. For the avoidance of doubt and notwithstanding the provisions of Article 3 of and Part 1, Class A of

Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any provision equivalent to that Class in any statutory instrument replacing, revoking or re-enacting that Order, with or without modification, no additional hard surfaces or hardstandings whether incidental or otherwise shall be formed or constructed at any time within the application site, other than as currently provided at the access/entrance gate into the paddock. The surface treatment at the access/entrance gate into the paddock (currently Type 1) shall not be altered or re-surfaced other than with the written permission of the Local Planning Authority having first been obtained

**Reason:** In the interests of highway safety and local and visual amenity and pursuant to Policies CS02: Scale and Distribution of Development CS11: Transport, CS12: Green Infrastructure and CS19: Development and Design Principles, of the Gravesham Local Plan Core Strategy (September 2014) and saved policy T5: Access to the Identified Highway Network, of the Gravesham Local Plan First Review (November 1994).

10. Within six months of the date of this permission a soft landscaping including proposed new tree planting, hedging and other planted areas and details of types, species, numbers and sizes of plants shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details for the delineation of the extended garden curtilage area and the remaining paddock area and the softening and screening to the access/entrance into the paddock. The scheme shall include hedging to the boundaries of the site and shall include the use of indigenous species. The landscaping scheme shall be implemented within the first planting season following this permission and thereafter maintained for a period of 5 years.

**Reason:** In order to safeguard the openness of the Green Belt and the countryside character and visual amenity of the surrounding area and in line with Policies CS02, CS12, and CS19 of the Gravesham Local Plan Core Strategy September 2014, saved Policy C11 of the Gravesham Local Plan First Review 1994 and the National Planning Policy Framework (NPPF) 2021.

11. Notwithstanding the provisions of Part 2, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification), no gate, fence or other means of enclosure shall be erected or constructed on the site, other than a post and wire fence or other fence appropriate to the open rural setting to delineate the only part of the paddock area that constitutes an extension to the residential garden of Orchard Cottage, Round Street, details of which shall be first submitted to and approved in writing by the Local Planning Authority.

**Reason:** In order to safeguard the openness of the Green Belt and the countryside character and visual amenity of the surrounding area and in line with Policies CS02, CS12, and CS19 of the Gravesham Local Plan Core Strategy September 2014, saved Policy C11 of the Gravesham Local Plan First Review 1994 and the National Planning Policy Framework (NPPF) 2021.

## **INFORMATIVES:-**

### **1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-TAKING**

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

In this instance, necessary revisions were identified and made to the proposal, at which point it was able to be given permission.

### **2 DEVIATION FROM APPROVED PLANS**

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority as proceeding without the necessary permissions could nullify this permission.

### 3 BUILDING REGULATIONS CONSENT

The granting of planning permission is independent from the granting of Building Regulations consent (which may, or may not, be required). In the event of a change to the scheme granted planning permission being required to satisfy the Building Regulations, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

### 4 WORKS OF CONSTRUCTION

Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

- i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.
- ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.
- iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.
- iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

|                      |                                                                                     |                     |                           |
|----------------------|-------------------------------------------------------------------------------------|---------------------|---------------------------|
| <b>Case Officer:</b> | Mr Peter Price                                                                      | <b>Team Leader:</b> | Richard Hart              |
| <b>Signed:</b>       |  | <b>Signed:</b>      | <i>R Hart</i>             |
| <b>Dated:</b>        | 9 <sup>th</sup> May 2022                                                            | <b>Dated:</b>       | 12 <sup>th</sup> May 2022 |