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DESIGN AND ACCESS STATEMENT

FOR PROPOSED DEVELOPMENT
(REVISED SCHEME)

AT

RUTHERFORD STABLES
HERMATIGE ROAD
HIGHAM
KENT
ME3 7NE

FOR

MR. P RUTHERFORD

Project: Rutherford Stables, Hermitage Road, Higham Kent, ME3 7NE

Client: Mr. Paul Rutherford.

Document: Design and Access Statement

Ref: JLH/191

<u>Issue</u>	<u>Date</u>	<u>Status</u>
1	23 rd November 2022	Issue

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1.0 INTRODUCTION

1.1 This Design and Access Statement has been prepared to accompany a revised planning application for the conversion of the livery stable and tack rooms into 2 four bedroom dwellings with associated car parking and bin storage facilities.

1.2 The application should be read in conjunction with the submitted drawings from Haskins Designs Ltd and the following Supporting Statements from experienced specialist consultants.

1. Ecology Assessment by K.B Ecology Ltd.
2. Structural Assessment by Freeman Associates Ltd.
3. Daylight/Sunlight Assessment by Richard Staig.

2.0 THE SITE AND SURROUNDING AREA

- 2.1 The site consists of an existing agricultural building, used for stabling and ancillary storage and tack room.
The building comprises of a steel portal framed structure on a substantial concrete floor base with metal profile cladding to the walls and fibre cement sheeting to the roof.
The building also has a large mezzanine 1st floor section to provide more storage facilities.
The submitted Structural Survey Report by Freeman Associates provides full details of the structure and its excellent condition.
- 2.2 There are a number of existing window and door openings within the outer walls and full details of these are shown on the submitted drawings.
- 2.3 The building has direct access onto Hermitage Road to the North of the site, with good visibility in both directions.
- 2.4 The site has areas of concrete hardstand which are mainly located to the front and along the South side of the building.
- 2.5 The site is located within the Green Belt, but there are no listed buildings or any trees with specific Tree Preservation Orders. The site is also located within the Higham Arable Farm Landscape Character Area (LCA)2.
- 2.6 The following aerial views and photographs provide more details of the buildings and the surrounding area.

Aerial Views





Part West (front) and North Elevation



Part North Elevation



Part West (Front) and South Elevation.



South Elevation



Part East (Rear) Elevation.



Internal View



Internal View – mezzanine level.



Internal View

3.0



Front Forecourt Hardstand Area.



General View of Sand school

PLANNING ISSUES.

- 3.1 A list of recent planning applications is given in Appendix A of this document. Of particular interest is this planning application 20171104 for the conversion of the livery stable and tack rooms into one 4 bedroom dwelling and one 2 bedroom self-contained flat with two garages and change of use from paddock to residential, including demolition/removal of 3 no detached livery structures. This was refused permission on 22nd February 2018.
A subsequent Appeal was submitted but the Planning Inspectorate dismissed the Appeal 13th December 2018. A copy of the Decision Notice is given in Appendix B of this document.
- 3.2 In summary the Appeal Inspector concluded that the existing building is a “permanent structure” and is of “substantial construction”.
There are no proposals to increase the height or bulk of the building.
- 3.3 The proposals also include for the removal large areas of hardstand and to introduce new planting and soft landscaped features for the domestic gardens.
The areas for private garden spaces have been specifically limited to the application site area to avoid any undue spread of residential use into the adjoining green space.
- 3.4 A further application was submitted for the conversion of the Livery Stables and tack room into 2 x 4 bedroom residential dwellings with associated car parking and bin storage facilities. A copy of the decision notice is given in Appendix C of this document. The application was refused on 29th June 2022.
There were two reasons for refusal.
Reason 1 relates to the subjective view that the proposal would result in being harmful to the landscape character of the area when compared to the current equestrian use. In order to mitigate this, the domestic garden area to Unit 2 has been reduced by 30% and additional tree and hedge row planting has been introduced to provide an effective and natural buffer zone to reduce any undue impact to the surrounding area and limit the views from Hermitage Road.
Furthermore, the garden space to the front of the property (facing west) has been increased to reduce the hardstand areas along this section of the building.
- 3.5 Reason 2 relates to the lack of natural daylight and sunlight to some of the habitable spaces within the building.
In order to ensure that sufficient daylight is provided to these rooms, a detailed sunlight and daylight analysis has been carried out by specialist consultant Richard Staig. A copy of his report accompanies this application. In summary, some of the proposed roof lights have been enlarged, mainly to the North elevation of the building, but the report clearly shows that all of the primary rooms now have sufficient daylight and that they fully comply with the relevant policy requirements.

- 3.6 On this basis we are confident that the proposals will meet with the aims of the relevant policies of the NPPF and those contained within the Gravesham Borough Local Plan.
- 3.7 Careful consideration has been given to the Inspectors comments regarding the external appearance of the building and this issue will be dealt with in the next section of this document, with particular reference to the introduction of new doors and windows.

Gravesham Borough Council

4.0 THE PROPOSALS

4.1 The proposals seek consent to convert the existing livery stable and tack rooms into 2 four bedrooms residential dwellings with associated car parking and bin storage facilities.

4.2 Careful consideration has been given to the reasons for refusal of the previous Appeal Submission and the more recent planning application.

4.3 It is noted that the Inspector concluded that “the proposals would not constitute inappropriate development in the Green Belt”.

However, the main issue for consideration relates to the changes of the external appearance of the building and how that affects the intrinsic character and beauty of the surrounding area.

The criticism of the previous proposals related to the following issues:

- i. The changes of the external materials which were not in character with the rural Kent vernacular.
- ii. The excessive “introduction” of new windows and doors with particular focus of the Northern elevation which is not prominent from the public realm.
- iii. The excessive domestic garden space.
- iv. The irregular format of the interior layouts.

4.4 The current revised proposals have taken these issues into account and has responded as follows:

- i. It is proposed to retain all of the external cladding and roof coverings. The building envelope will be enhanced internally to provide suitable thermal insulation and techniques to fully comply with the latest Building Regulations Requirements.
- ii. Careful consideration has been given to reducing the introduction of windows and doors into the external envelope of the building. Importantly many of the new windows and doors will be located where openings currently exist. The size of the roof lights have been increased to accord with the recommendations of the submitted Daylight/Sunlight report.
There are no changes to the more visual Northern elevation but to provide sufficient natural daylight and sunlight to the domestic accommodation in this area, allowance has been made to provide for a number of roof lights within the existing flat roof. These will not be visible externally and will not affect the external appearance of the building.
- iii. The domestic garden spaces have been restricted to within the application site as denoted by the red line boundary. This is to avoid any undue expanse of the domestic activity into the Green Belt. A suitably worded planning condition could ensure that this activity is restricted to the areas shown on

the submitted plans and that the proposed strategic tree and hedgerow planting will be undertaken

- iv. Careful consideration has also been given to the internal layouts of the two new dwellings. The building is shown to be divided to ensure that there are no overlays between properties and that there is a practical vertical division.

All primary rooms have adequate outlook, aspect and natural sunlight and daylight. They also fully comply with the Nation Internal Space Standards.

4.5

On this basis we are confident that the issues that were raised by the Appeal Inspector have been dealt with by this revised scheme including the more recent planning refusal.

4.6

The proposals also incorporate two car parking spaces for each dwelling with ample space for provision of cycle storage. Each property will also be provided with electric charging points.

An area has been allocated for bin storage facilities which includes recycling of waste.

The scheme provides a sustainable use for the retention of the building and will contribute to the current Housing need within the Borough.

APPENDIX A – A LIST OF RECENT PLANNING HISTORY RELATING TO THIS SITE

Property History

Land Rear Of Hilary Cottage Hermitage Road Higham Rochester Kent

Planning Applications (15)

- Application for the variation of condition 4 of planning permission ref. no. GR/2005/483 relating to the installation of a mezzanine floor level to provide a rest room for overnight horse husbandry accommodation, to allow the continued use of the mezzanine rest room for no more than two consecutive nights up to a maximum of four nights a week.

Ref. No: 20071065 Status: Application Refused
- Installation of external fire escape staircase on the southern elevation of the stable block.

Ref. No: 20090839 Status: Application Permitted
- ****REVISED/AMENDED DESCRIPTION**** Application for variation of condition 4 attached to planning permission reference number 20050483 for installation of a room at mezzanine floor level to provide a rest room for overnight horse husbandry accommodation; to allow the rest room to be used for no more than two consecutive nights up to a maximum of four nights a week.

Ref. No: 20110935 Status: Permitted Subject to a Legal Agreement
- Application for variation of condition 1 attached to planning permission reference number 20010753 to allow the number of horses and foals kept on the land to be increased from 14 to 19.

Ref. No: 20130186 Status: Application Permitted
- Conversion of livery stable and tack rooms into one 4no. bedroom dwelling and one 2no. bedroom self-contained flat with two garages and change of use of land from paddock to residential, including demolition/removal of 3no. detached livery structures.

Ref. No: 20160888 Status: Application Refused
- Conversion of livery stable and tack rooms into one 4no. bedroom dwelling and one 2no. bedroom self-contained flat with two garages and change of use of land from paddock to residential, including demolition/removal of 3no. detached livery structures.

Ref. No: 20171104 Status: Application Refused
- Regulations 75 of the Conservation of Habitats and Species Regulations 2017 application.

Ref. No: 20180666 Status: Application Withdrawn

- Continued siting of a caravan for residential use.

Ref. No: 19960765 Status: Application Refused

- Variation of condition (ii) attached to planning permission reference number GR/96/844 to allow the number of horses and foals kept on the land to be increased from 9 to 14.

Ref. No: 20010753 Status: Application Permitted

- Continued use of agricultural land and building for stabling, grazing and exercising of horses with a manege area for the training of horses.

Ref. No: 19920093 Status: Application Permitted

- Erection of extension to the northern side of existing stable building to provide an additional 3 stables and hay store and erection of a secure field equipment store.

Ref. No: 20060480 Status: Application Permitted

- Installation of a room at mezzanine floor level to provide a rest room for overnight horse husbandry accommodation.

Ref. No: 20050483 Status: Application Permitted

- Demolition of existing field shelter and erection of single storey extension to form a tractor shed and two stables; installation of mezzanine floor to provide overnight horse husbandry accommodation and variation of condition (i) attached to planning permission reference number GR/1992/93 to increase the number of horses that are allowed to be kept from 6 to 12. Permitted
Installation of mezzanine floor to provide overnight horse husbandry accommodation Refused

Ref. No: 20040040 Status: Split Decision

- Retention of the extension comprising of 3 no. stables attached to the existing barn; removal of condition (ii) of planning permission ref. no. GR/86/113 relating to the existing use of the storage building as 4 no. stables to enable the use of the 7 no. stables for livery purposes and construction of a manege.

Ref. No: 19960844 Status: Application Permitted

- Application for the approval of the details of the storage and disposal of waste and the proposed site levels of the manege as required by condition (ix) & (xi) of planning permission reference number GR/96/844.

Ref. No: 19970498 Status: Application Withdrawn

Planning Appeals (3)

- Demolition of existing field shelter and erection of single storey extension to form a tractor shed and two stables; installation of mezzanine floor to provide overnight horse husbandry accommodation and variation of condition (i) attached to planning permission reference number GR/1992/93 to increase the number of horses that are allowed to be kept from 6 to 12.

Ref. No: 2004/00028/REF Status: Split Decision

- Continued siting of a caravan for residential use.

Ref. No: 1997/00028/REF Status: Appeal Dismissed

- Conversion of livery stable and tack rooms into one 4no. bedroom dwelling and one 2no. bedroom self-contained flat with two garages and change of use of land from paddock to residential, including demolition/removal of 3no. detached livery structures.

Ref. No: 2018/00040/REF Status: Appeal Dismissed



The Planning Inspectorate

Appeal Decision

Site visit made on 6 December 2018

by **David Troy BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 December 2018

Appeal Ref: APP/K2230/W/18/3208174

Rutherford Stables, Hermitage Road, Higham, Rochester, Kent ME3 7NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Rutherford against the decision of Gravesham Borough Council.
 - The application Ref 20171104, dated 10 October 2017, was refused by notice dated 22 February 2018.
 - The development proposed is conversion of livery stable and tack rooms into one 4no. bedroom dwelling and one 2no. bedroom self-contained flat with two garages and change of use of land from paddock to residential, including demolition/removal of 3no. detached livery structures.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. A draft Section 106 Unilateral Undertaking has been submitted by the appellant. It would secure a contribution towards mitigation measures on local Special Protection Areas (SPAs) and Ramsar sites in the area and I return to this matter later.

Main Issues

3. The main issues are:
 - (i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - (ii) the effect of the development on the character and appearance of the area having particular regard to its location in the Higham Arable Farm Landscape Character Area; and
 - (iii) Whether or not the proposed development would accord with the Framework and the policies in the development plan relating to the location of new development in the District, having particular regard to the accessibility of local services and facilities.

<https://www.gov.uk/planning-inspectorate>

Reasons

4. The appeal site comprises of a steel portal framed agricultural building used for stabling with ancillary services, tack rooms and mezzanine accommodation located in an open countryside location. The building is clad with metal profile sheeting to external walls over a concrete sub-structure floor with fibre cement sheets over the roof. The proposal would involve the conversion of the building into a dwelling and self-contained flat with associated parking and garden.

Whether inappropriate development in the Green Belt

5. Rutherford Stables is within the Green Belt and the National Planning Policy Framework July 2018 (the Framework) states at paragraph 143 that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances.
6. However, paragraph 146 of the Framework indicates that the re-use of a building can be considered as being not inappropriate development provided the building is a permanent structure and is of substantial construction and the openness of the Green Belt would be preserved and there would be no conflict with the purposes of including land in the Green Belt. Policy CS02 of the Gravesham Local Plan Core Strategy 2014 (CS) indicates that development within the Green Belt will be supported when it is compatible with national policies for protecting the Green Belt.
7. The existing steel portal framed building to be converted is of fairly recent construction. The Council contend that insufficient satisfactory evidence has been provided to confirm that the building is substantial and permanent or capable of conversion. However, the appellant submitted structural reports and the supporting construction statement¹ outline that the building is sufficiently robust and structurally adequate for the proposed conversion and is considered to be permanent and substantial. Aside from the new windows and doors, the main structure would largely remain intact. The replacement timber cladding to the external walls and replacement recycled plastic roof slates would use the existing structure. Therefore, in the absence of any convincing evidence to the contrary, based on the evidence and my observations on my site visit, I consider that the building is a permanent structure that is of substantial construction.
8. The proposed building would be of a similar height, scale and profile to the existing and would have a neutral impact on the openness of the Green Belt. The proposed demolition and removal of 3no. detached livery structures would result in a reduction in the amount of built development on the site and a modest positive impact on the openness.
9. Consequently, I have found that this development would involve the re-use of a building of a permanent and substantial construction. The proposed development would, overall, result in modest positive impact on the openness of the area and that there would be no conflict with the purposes of including the land within the Green Belt.

¹ Freeman Design and Surveying Consultancy Ltd - Intermediate Structural Planning Survey dated 12 January 2016, Addendum Report dated 12 December 2016 and Summary Construction Sequence and Procedures Schedule dated September 2017

10. Taking those factors into account, I conclude that the proposal would not constitute inappropriate development in the Green Belt and would be consistent with CS Policy CS02 and the aims of the Framework (paragraph 146). I find no direct conflict though with Saved Policy C11 of the Gravesham Local Plan First Review 1994 (LP) which relates primarily to conversion of farm buildings to other uses and makes no reference to the Green Belt.

Character and appearance of the area

11. The appeal site is set in attractive countryside, defined by gently undulating fields punctuated by hedgerows and tree boundaries. It is accessed via a long gravelled track from Hermitage Road and is set back approximately 270m from the public highway. The topography of the appeal site and the surrounding open fields slopes gently away from the public road and are separated by low timber post and rail and wire fencing, which adds to the open and rural character of the area.
12. A main objective of the Framework is to take into account the character of different areas, recognising the intrinsic character and beauty of the countryside. The appeal site is located within the Higham Arable Farm Landscape Character Area (LCA)² defined by a gently undulating topography with open arable farmland, hamlets and settlements and isolated farmlands and scattered properties with locally distinct styles and materials that contribute to the rural character of the area. Paragraph 170 of the Framework makes it clear that, among other things, valued landscapes should be protected and enhanced. Based on the evidence before me, the site lies in an area which has no national or local designation and as such does not fall within the scope of the valued landscapes under Paragraph 170 of the revised Framework.
13. The existing building is of an unexceptional, functional appearance. Although large, as a livery stable building it is by definition not out of place in a rural area. The building has been in existence since the late 1980's and is accepted by the local community. The building does not make a positive contribution to the character of the area but does not detract from it either, and there is consequently no imperative for its aesthetic improvement by conversion to residential use.
14. The proposal would involve the change of use of the livery stable building to a four bedroomed dwelling and two bedroomed self-contained flat. The submitted plans show the insertion of new window and door openings, the proposed residential curtilage extending to the north east of the building and the parking area directly in front of the building to the south west.
15. The proposal would noticeably change the character of the building from a livery stable structure to a residential building. The converted building, re-roofed and re-clad with entirely new materials, would bear no relationship to the existing building other than occupying the same footprint and being the same shape. The resulting building would not appear as traditional rural Kent vernacular, but as an unusual shaped residential conversion, albeit clad in quality materials with modern fenestrations. The proposed boundary treatment and the reduction in the hardstanding area around the building and site generally would not sufficiently mitigate this appearance.

² Gravesham Landscape Character Area (LCA) Assessment 2009

16. These shortcomings would be exacerbated by the proposal's position where it would be visible from a number of public vantage points along Hermitage Road across the open gently sloping countryside and the proposed residential curtilage and the new garden area to the north east of the building. This area is currently open grassland with post and rail fencing, but there are open views to and from the countryside to the north, south and east. Curtilage buildings could be controlled by condition, but a landscaped garden area with inevitable signs of domestic occupation such as patios, garden furniture, clothes drying and play equipment would introduce domestic formality into this countryside location that would detract from the visual quality and would significantly harm the rural character of the area.
17. I have considered the appellant's arguments that the design and layout are intended to reflect the key characteristics of traditional Kentish barns in the locality and has been redesigned following the Council's comments on the previously refused scheme on the site in April 2017³. Whilst the changes to the wall and roof coverings would bring some improvements to the building's appearance, these aspects do not overcome the adverse effects outlined above. I consider that the proposed development would be unrepresentative of the overall character of the other traditional timber clad buildings in the area and does not justify such an inappropriate residential development in this location. The proposal, with its extensive fenestrations to front, rear and side, would also introduce lighting into the area at night where at present there is none. This would add further to the incongruity of the use against the rural appearance of the surrounding fields and countryside.
18. Consequently, I conclude that the proposal would result in significant harm to the character and appearance of the area, including the LCA. The development conflicts with the overall aims of CS Policies CS12 and CS19 that seek, amongst other things, to ensure all proposals for new development are visually attractive and locally distinctive, conserve and enhance the local natural environment and landscape character, and integrate well with the surrounding local area. Similarly, it would not accord with the aims of the Framework that developments should seek to be sympathetic to the local character and landscaping setting (paragraph 127) and recognise the intrinsic character and beauty of the countryside (paragraph 170).

Location of development

19. The Council considers that the appeal site is in an unsustainable location and that the proposal would result in reliance on the private car as a mode of transport.
20. Paragraphs 78 and 79 of the Framework seek to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities and avoid new isolated homes in the countryside unless there are special circumstances, such as where the design is of exceptional quality and where the development would re-use a redundant or disused building and enhance its immediate setting, which do not apply in this case. Paragraph 38 of the Framework requires Local Planning Authorities to take a positive approach to decision taking to secure development that can improve the economic, social and environmental conditions of the area.

³ 20160888

21. Whilst the appeal site would be physically and visually divorced from the nearby village of Higham and no other development is located immediately around it, it would be located about 0.5km from the village. Higham has a reasonable range of facilities and services, including three general stores, public houses, church, primary school, doctor's surgery and pharmacy. The information provided by the appellant indicates that the village has bus services linking the village to the larger settlements of Strood, Rochester and Chatham although no information has been provided about the frequency of the services.
22. The facilities in the key local village centre of Higham would be accessed via the long gravelled track and Hermitage Road. From my observations on my site visit, Hermitage Road carried a steady flow of traffic and contained a short section of road with no footpath or lighting. The lack of footpath, absence of street lighting and traffic movements along Hermitage Road could dissuade some residents from making journeys on foot from the appeal site to use the local facilities in Higham, particularly during hours of darkness and poor weather conditions. Notwithstanding this, at my site visit I saw a number of people using the road for walking. Given the distance involved, I consider the future occupiers would reasonably be able to walk and cycle to the services and facilities in this village.
23. As such, although future residents would be likely to depend on the private car to reach the essential services and employment available in nearby larger settlements, some day to day trips could be undertaken by sustainable means. Consequently, I conclude in relation to the third main issue that the site would not be in the optimum location to maximise the use of walking, cycling or public transport to access services and facilities to meet daily needs. However, the Framework recognises that opportunities to maximise sustainable transport will vary from urban to rural areas and different policies and measures will be required in different communities.
24. The appeal site would not be remote from the services and facilities in the village of Higham and the future occupiers could support the local services and communities. The proposed development would therefore not, in my view, be in an isolated location in the context of paragraphs 78 and 79 of the Framework. There would at least be a choice to use accessible modes of transport to access local services and facilities and the additional residential uses in this location would not significantly undermine the aims of Saved Policy C11 of the LP to ensure that the conversion of farm buildings are in an appropriate location in relation to roads and services.

Other Matters

25. Refusal Reason 5 on the Council's Decision notice relates to failure to address the impact of the development on local SPAs and Ramsar sites through either submitting any ecological evidence to inform a habitat regulation assessment or a contribution towards strategic mitigation measures. I note the appellant had agreed in principle to pay a financial contribution and has submitted a draft Section 106 Unilateral Undertaking. However, in light of my findings on the main issues above, it is not considered necessary to look at this matter in detail, given that the proposal is unacceptable for other reasons.
26. I have considered the appellant's comments regarding their personal circumstances, the intended family use and long standing connections with the

area and the benefits arising from the proposed development. However, the courts have generally taken the view that planning is concerned with land use in the public interest. Although personal circumstances can sometimes justify a personal or temporary permission, that would not be appropriate here where a permanent structure is intended and as such are matters to which I can attach only limited weight in making this decision.

27. The main parties have presented a number of appeal decisions in support of their case. Whilst, I note some parallels between these other cases, each has different development and locational characteristics to the appeal scheme. In any event, each proposal falls to be assessed primarily on its own merits and I am unaware of the full circumstances associated with these other cases. I therefore accord them limited weight as precedents in this case.
28. The appellant considers that the proposal would provide a sustainable form of development that would provide benefits through meeting the needs of the appellant, contributing to the supply of housing in the area, providing jobs during the construction period and additional expenditure in the local economy. The Framework promotes sustainable development in rural areas, and the additional dwellings would make a positive, albeit modest contribution to the supply of housing and supporting the vitality of the village and the surrounding rural communities. In environmental terms, the appellant states that the proposed scheme's design, use of a previously developed site and the accessibility to services would amount to environmental benefits.
29. However, I have found above that taken overall the development would harm the objectives set out in the Framework and the great weight it places on conserving the landscape, intrinsic character and beauty of the countryside together with the area's character and appearance to which I attach significant weight. In addition, I found that the provision of the proposed development in this location would conflict with CS Policies CS12 and CS19 relating to design and character.
30. The harm set out above would conflict with the environmental objective of sustainable development and, in my view, would be sufficient to outweigh the scheme's benefits when assessed against the Framework when read as a whole. The proposal would not therefore amount to sustainable development in the terms of the Framework. The Framework is a material consideration. However, in the circumstances of this appeal, the other material considerations do not justify making a decision other than in accordance with the development plan.

Conclusion

31. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR



REFULZ

Application: 20220477

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF REFUSAL OF PERMISSION TO DEVELOP LAND

To: **Mr Paul Rutherford**
C/O Mr Jeff Haskins, Haskins Design Ltd
Civic Centre
St Mary's Road
Swanley, Kent
BR8 7BU
undefined

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **REFUSED TO PERMIT** development of land situate at:

Rutherford Stables
Hermitage Road
Higham
Rochester
Kent

and being **conversion of the Livery Stable and tack rooms into 2 x four bedroom residential dwellings with associated car parking and bin storage facilities.**

Your application dated 4th May 2022 is refused on the following grounds:-

1. The application site lies within the locally designated Higham Arable Farmlands Character Area, where local and national planning policy and guidance expect developments to conserve, restore and enhance the natural landscape. However, the proposed development would be harmful to the landscape character when compared to the existing equestrian use by reason of the domestication of the site that will result from the large amount of windows creating light pollution, excessively large residential garden, on site car parking areas, associated hard and soft landscaping, and other domestic paraphernalia. The development is therefore contrary to the requirements of Section 15 of the National Planning Policy Framework 2021 and Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014, and the Gravesham Landscape Character Assessment (2009).
2. Due to the internal layout of the rooms and the lack of windows servicing habitable spaces, the proposed development would contribute to a poor layout of the site and harms the living environments of future occupants of both unit 1 and 2. The proposal would therefore fail to provide a high standard of amenity for future users, which would conflict with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 130 of the National Planning Policy Framework 2021.

3. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

INFORMATIVES:-

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

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 manner. In this instance the application is not in accordance with the Development Plan for the area and cannot be supported and prior to this application being submitted the applicant failed to engage with the Local Planning Authority with a pre-application enquiry.

2 DRAWINGS AND DOCUMENTS

For the avoidance of doubt the decision to refuse this application was taken in relation to the following plans and documents:

- Application Form;
- Design and Access Statement, by Haskins Designs Ltd;
- Preliminary Ecological Appraisal (ref 2022/03/27) by K B Ecology, dated 18 April 2022;
- Intermediate Structural Planning Survey;
- Existing Site Plan and Location Plan, Drawing no. 191-EX-00;
- Proposed Site Plan, Drawing no. 191-PD-00;
- Existing Plans and Elevations, Drawing no. 191-EX-01;
- Proposed Plans and Elevations, Drawing no. 191-PD-01.

Dated: 29 June 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If this is a **householder application*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.

- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

***Householder applications**

These are:

- applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

- an application for change of use;
- an application to change the number of dwellings in a building.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.