

Delegated Report

Removal of Condition Planning Application

Planning Application No: 20240579

Location: Rockley House, Wrotham Road Culverstone Gravesend

Description: Application for the removal of condition 10 attached to planning permission reference number 20230700 for conversion and change of use of existing detached garage building to a two bedroom dwelling with provision of two parking spaces; to allow the restoration of lawful permitted development rights.

Applicant: Mrs Ann Green

Site Visit Date: Previous application ref. 20230700

Submitted Documents/Plans

- Cover Letter;
- Application form;
- Drawing no. 7456-PD1-001 Rev. B – Site Location Plan; and
- Appeal decision.

Relevant Planning History

Reference	Description	Decision	Decision Date
20230700	Conversion and change of use of existing detached garage building to a two bedroom dwelling with provision of two parking spaces.	Permitted	21.02.2024

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 - Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

CS11 – Change of use of Redundant buildings in the Countryside

P3 – Vehicle Parking Standards

T1 – Impact of Development on Highway Network

T5 – Access to Identified Highway Network

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed and beautiful places
- Section 13 – Protecting Green Belt land
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Householder Extensions/Alterations Design Guide (2021); and
- Gravesham Landscape Character Assessment (2009).

Other Relevant Guidance

- Kent County Council Vehicle Crossing: - Guidance and Self-Assessment (2018)
- Driveway Dropped Kerb Guidance
- Front Driveway Guidance

Consultations, Publicity and Representations

Consultees

Meopham Parish Council

Subject to a Gravesham Borough Council review of condition 10, Meopham Parish Council see no reason to object to this application.

We therefore have no objection to this proposal.

Dickens Country Protection Society

The Society would wish to raise an objection on the grounds that the site is in an area within which Green Belt Policies apply. The building was erected in 2023 as a garage. The proposal amounts to creation of a new dwelling in the Green Belt. No very special circumstances have been put forward to warrant overriding Green Belt Policy.

Neighbouring properties

15 surrounding properties were consulted and a site notice displayed on site – overall consultation expiry

date was 30/07/2024 – no responses received.

Officer's Analysis

The application site consists of Rockley House and an existing garage and store for which planning permission has been granted for conversion to a 2 bedroom self contained dwelling. Its access would be via the same vehicular access for Rockley House which leads to/from Wrotham Road. Its curtilage includes the area immediately around the proposed dwelling for front and rear garden areas with two parking spaces in front of the dwelling off of the driveway. The permitted proposed block plan under ref. 20230700 is as follows:



Rockley House and the land around it is included in the Metropolitan Green Belt, near to, but outside the rural settlement boundary of Culverstone Green.

The current application seeks to remove condition 10 of the original permission (20230700) which stipulates;

10. Notwithstanding the provisions of Article 3, Part 1 Classes E and F of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended or any provision equivalent to those classes in any statutory instrument revoking and re-enacting that Order, with or without modification, no building or enclosure for a purpose incidental to the enjoyment of Rockley House nor any hard surface shall be constructed within the curtilage of Rockley House

Reason: *Given the site is located in the Green Belt in order that any further development at the site would be the subject of a planning application that the Local Planning Authority would wish to determine on its merits in regard to Policy CS19 of Gravesham Local Plan Core Strategy (2014).*

In the covering letter from the agent it is stated that the condition is 'unnecessary' and 'not justified' because:

- Assumed that condition 10 was imposed on the basis of speculation that the loss of the detached garage may result in a new garage building being erected as permitted development within the

curtilage of Rockley House;

- However, the applicant could erect a garage or any other outbuilding or install any hardstandings at the moment as permitted development provided that they comply with the criteria set out in Classes E and F of Schedule 2. To remove PD rights on this basis would be unreasonable and also unnecessary
- Class PD rights are not disapplied simply because land is within the Green Belt. It must follow, therefore, that the exercise of such rights are not to be judged as having a harmful effect on Green Belt openness. This point is made in the attached appeal decision which is consistent with a multitude of other similar decisions;
- Condition 10 does not accord with policy as set out in paragraph 56 of the Framework. It fails the tests of reasonableness and necessity and it should be removed.

Paragraph 56 of the NPPF (2023) states:

56. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification [23](#).

Condition 10 was attached due to a key part of the assessment of application ref. 20230700 being alternative provision and storage requirements if the garage/store is to be converted. The planning statement in application ref. 20230700 focused heavily on stating how well used the garage is, therefore more information was considered to be needed on what the occupiers of Rockley House would do if the garage/store was converted. For example, did they have plans to extend the hardstanding nearer the main dwelling or build additional buildings? From a check of the planning history it was confirmed that Rockley House does have permitted development rights in place which would entitle the applicant to carry out such development. There was therefore a concern in terms of additional built development at Rockley House if the existing garage was to be granted permission for conversion.

The agent was therefore asked for further information regarding alternative parking and storage for Rockley House. The agent advised that the applicant has existing parking and hardstanding to the front of Rockley House which will be used for their cars once the building is converted. It was stated that there was no additional built development that was proposed as a consequence of this application.

The proposed block plan showed the existing parking area to Rockley House to be retained:

there are open fields to the west of the site and open land opposite to the east. It was considered that condition 10 was needed to ensure that outbuildings and hardstandings could not be constructed without first requiring planning permission to avoid uncontrolled outbuildings and hardstanding that may not safeguard the Green Belt from encroachment.

The need for any further hardstandings or outbuildings for garaging would likely be a direct result of the existing garage and store which was said to be so heavily used being converted. Any new garaging or hardstanding would therefore be in addition to the increased development on the site already from the new self-contained dwelling in the existing garage. It is therefore considered quite necessary and reasonable to restrict development in that way for any additional outbuildings or hardstandings for parking. The condition is considered relevant to planning and the development permitted as it relates to the matter of parking provision for a dwelling which would have its existing garaging converted. It is considered the condition is enforceable as if additional hardstanding or outbuildings were erected, enforcement action could be taken. The wording of the condition is also considered precise i.e. no development constituting outbuildings or hardstanding can be carried out without first requiring planning permission. It enables the size and location of such outbuildings/hardstandings to be controlled and sensitively positioned to safeguard the green belt setting.

This example appeal decision has been reviewed and considered not directly relevant as the development at Rockley House was for a new dwelling which has greater potential to cumulatively impact on the green belt as opposed to an extension to the property.

Condition 10 is therefore considered to meet each of the 6 tests as set out in paragraph 56 of the NPPF (2023).

For the reasons given above, condition 10 is considered to be required and it is recommended that it should not be removed.

Conclusion and Recommendation

Condition 10 is considered necessary to ensure that outbuildings and hardstandings could not be constructed without first requiring planning permission to avoid uncontrolled outbuildings and hardstanding that may not safeguard the Green Belt from encroachment. It is considered that condition 10 meets the six tests for planning conditions stipulated by the NPPF (2023). This is due to the nature of the permitted scheme which allowed the conversion of the existing garage and storage building to a separate self-contained dwelling and the division of the residential curtilage in the Green Belt. Consequently, the planning condition was attached in order to ensure the development did not affect the openness of the Green Belt or cause encroachment into the countryside which is a prerequisite of the NPPF (2023) exception which supported the approval of the development.

Recommendation: Refusal

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	19th August 2024	Dated:	21 August 2024