

Planning Statement

Section 73 Application to Vary Condition 3 of Planning Permission 20200028

Site: 9 Grangeways Close, Northfleet, DA11 8NX

Original Permission: 20200028

Original Description: Retention of an outbuilding

Proposal: Variation of Condition 3 to allow the existing outbuilding to be used as ancillary family annexe accommodation



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1. Introduction

This Planning Statement has been prepared in support of an application under **Section 73 of the Town and Country Planning Act 1990** to vary **Condition 3** attached to planning permission reference **20200028** at **9 Grangeways Close, Northfleet, DA11 8NX**.

Planning permission was granted by Gravesham Borough Council on **26 February 2020** for the **retention of an outbuilding** at the application site. The original permission approved the outbuilding subject to conditions, including Condition 3, which restricts the use of the building to purposes incidental to the main dwelling and prevents it from containing primary living accommodation.

The applicant now seeks to vary Condition 3 to allow the existing outbuilding to be used as **ancillary family annexe accommodation** in connection with the main dwellinghouse.

The proposal does **not** seek to create a separate dwellinghouse. The annexe would remain functionally, physically and legally connected to the main dwelling at 9 Grangeways Close.

2. Site and Surroundings

The application site comprises an existing residential dwelling at **9 Grangeways Close, Northfleet, DA11 8NX**. The property is located within an established residential area, with surrounding properties forming part of the wider residential character of Grangeways Close.

The submitted location plan and block plans identify the site and show the existing outbuilding located within the residential curtilage of the property. The proposed block plan does not show any enlargement or relocation of the outbuilding. The application therefore relates to the use of an existing structure within the garden of the main dwelling.

3. Relevant Planning History

Planning permission reference **20200028** was granted by Gravesham Borough Council for the **retention of an outbuilding** at 9 Grangeways Close.

Condition 3 of that permission states:

“The outbuilding hereby permitted shown annotated on ‘Drawing no. 9GC/A3/01 - Proposed Floor Plan and Elevations’ shall be used only for residential purposes, incidental to the use of the main dwelling of 9 Grangeways Close and for no other purpose. For the avoidance of doubt the outbuilding 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.”

The reason for the condition was:

“To enable the Local Planning Authority to manage any subsequent alterations to or intensification of residential use on the site, in accordance with Local Plan: Core Strategy Policy CS01 and CS19.”

The current application directly responds to this condition by seeking a controlled variation which would allow the outbuilding to be used as ancillary family annexe accommodation while retaining appropriate safeguards to prevent its use as a separate independent dwelling.

4. Existing and Proposed Use

The outbuilding currently has consent for use incidental to the main dwelling. The existing floor plan shows the building laid out as a **gym/tools and games room**, with a WC.

The proposed floor plan shows the outbuilding arranged to provide modest ancillary accommodation, including:

- Bedroom;
- Shower room;
- Living area/kitchenette.

The submitted drawings indicate that the proposed bedroom would measure approximately **9 sqm**, with a shower room of approximately **2.6 sqm** and a living area/kitchenette.

The submitted elevations show the existing and proposed elevations as unchanged. There would therefore be no material change to the external appearance, scale, height, massing or footprint of the approved outbuilding.

5. Applicant's Personal Circumstances and Need for the Annexe



These family stays can range from a few weeks to a few months. The proposed annexe would allow visiting family members to stay in a more suitable and private space while still remaining part of the same household and family environment.

The accommodation would be especially beneficial because it would allow the applicant to receive support from her family while maintaining dignity, privacy and flexibility for both the applicant and visiting relatives.

The proposal is therefore for a compassionate and practical family arrangement. It is not intended as a commercial letting, independent residential unit or separate dwellinghouse.

6. Purpose of the Section 73 Application

The purpose of this application is to vary the wording of Condition 3 so that the approved outbuilding can be used as **ancillary family annexe accommodation** rather than being restricted only to incidental residential purposes.

The current wording of Condition 3 prevents the outbuilding from containing “primary living accommodation”. However, a family annexe will usually include some elements of primary living accommodation, such as sleeping and washing facilities. The presence of these facilities does not automatically mean that a separate dwelling is being created, provided that the use remains ancillary to the main house.

The applicant accepts that the Council will wish to retain control over the use of the outbuilding. For that reason, the applicant is not seeking an unrestricted residential use. Instead, the application seeks a revised condition which would allow ancillary annexe use while expressly preventing the outbuilding from being used, sold, let or occupied as a separate independent dwelling.

7. Proposed Replacement Condition

It is respectfully requested that Condition 3 be varied to read as follows:

The outbuilding hereby approved shall be used solely as ancillary residential accommodation in connection with the occupation of the main dwellinghouse known as 9 Grangeways Close, Northfleet, DA11 8NX, and shall not be occupied, sold, let, leased, transferred or otherwise used as a separate independent dwellinghouse, separate residential unit or separate planning unit.

This wording would allow the applicant to use the outbuilding as a family annexe while preserving the Council’s control over the site and preventing the creation of an independent dwelling.

8. Ancillary Nature of the Proposed Annexe

The proposed use would remain clearly ancillary to the main dwellinghouse for the following reasons:

1. The outbuilding is located within the residential curtilage of 9 Grangeways Close;
2. The annexe would be used by the applicant’s mother and close family members only;
3. The accommodation would be used in connection with the occupation of the main house;
4. There would be no separate planning unit;
5. There would be no separate sale, lease or letting of the outbuilding;
6. The outbuilding would not have a separate curtilage;
7. The use would remain domestic and family-related;
8. The applicant is willing to accept a planning condition securing the ancillary nature of the accommodation.

Although the proposed layout includes a bedroom, shower room and kitchenette, these facilities are necessary to make the annexe practically usable for family members staying for short to medium periods. The facilities do not alter the applicant's intention that the outbuilding remains part of the same residential household.

9. Design and Visual Impact

The proposal would have no adverse impact on the character or appearance of the host dwelling or the wider area.

The outbuilding already exists and was approved under planning permission **20200028**. This application does not seek to enlarge the building or materially alter its external appearance. The submitted elevations show the existing and proposed elevations as the same.

The proposal would therefore preserve the appearance of the site and would not result in any harmful visual impact. The outbuilding would remain subordinate to the main dwelling and would continue to read as a domestic structure within the rear garden.

10. Residential Amenity

The proposed variation would not result in unacceptable harm to neighbouring residential amenity.

The physical form of the outbuilding is already established and no enlargement is proposed. The proposed use would be low intensity and domestic in nature, limited to visiting family members connected to the main household.

The use of the building as ancillary annexe accommodation would not give rise to unacceptable noise, disturbance, overlooking, loss of privacy, overbearing impact or loss of light.

The proposal would remain compatible with the established residential character of the area.

11. Parking, Access and Highway Considerations

The proposal would not create a separate dwelling and would not give rise to a material increase in parking demand or traffic generation.

The annexe would be used by family members visiting the applicant and would remain connected to the main household. It would not be rented out or occupied independently.

Accordingly, the proposal would not result in any unacceptable impact on highway safety or local parking conditions.

12. Compliance with the Reason for the Original Condition

The reason for Condition 3 was to allow the Local Planning Authority to manage subsequent alterations or intensification of residential use at the site in accordance with Gravesham Local Plan Core Strategy Policies **CS01** and **CS19**.

This application allows the Council to undertake exactly that assessment. The proposed variation would continue to give the Council appropriate control by ensuring that the outbuilding remains ancillary to the main house and cannot become a separate independent dwelling.

The proposed condition would therefore meet the planning purpose of the original condition while allowing a reasonable and justified family annexe use.

13. Planning Balance

The proposal represents a modest and reasonable variation to an existing planning permission.

The main planning considerations are:

- The outbuilding has already been approved and retained on site;
- No external enlargement or material visual alteration is proposed;
- The proposed use would remain ancillary to the main dwelling;
- The annexe would be used for family accommodation only;
- The applicant is willing to accept a condition preventing separate occupation, sale or letting;
- There would be no unacceptable impact on neighbouring amenity;
- There would be no material highway or parking impact;
- The proposal responds to genuine family circumstances following bereavement.

The proposal would allow the applicant to accommodate her mother and other close family members in a practical and dignified way while maintaining the site as a single residential planning unit.

14. Conclusion

This Section 73 application seeks to vary Condition 3 attached to planning permission **20200028** to allow the existing outbuilding at **9 Grangeways Close, Northfleet, DA11 8NX** to be used as ancillary family annexe accommodation.

The proposal would not create a separate dwellinghouse. The annexe would remain tied to the main dwelling and would be used only by family members in connection with the occupation of the main house.

The proposed replacement condition would provide the Council with appropriate control and would prevent the outbuilding from being sold, let, leased or occupied as a separate independent residential unit.

Given that the outbuilding already exists, no external enlargement is proposed, and the use would remain ancillary and domestic in nature, the proposed variation is considered acceptable in planning terms.

For the reasons set out above, it is respectfully requested that Condition 3 be varied accordingly.