



Delegated Report

Householder Planning Application

Planning Application No: 20250628

Location: Angel Oak 24A Willow Walk Meopham Gravesend

Description: Erection of an outbuilding for use as a granny annex.

Applicant: Mr Chris Eccles

Site Visit Date:

Submitted Documents/Plans

Application form
Arboricultural Survey and Constraints (ref. tr-1851-25, dated 27 May 2025)
Planning Statement
Drawing no. tr-1851-25 – Arboricultural survey and constraints
OS Plan
Existing Block Plan
Proposed Block Plan
Proposed Raft Foundation Plan
Proposed Ground Floor Plan
Proposed Elevations
Proposed Roof Plan
Proposed Section

Relevant Planning History

Reference	Description	Decision	Decision Date
20120117	Erection of two detached four bedroom dwellings with new position and layout of the garages to that previously permitted under planning permission reference number 20101042.	Permitted	19.06.2012
20080649	Demolition of existing bungalow and erection of two detached two storey four bedroom dwellings and a detached garage block at the front.	Permitted	23.10.2008
19880864	Outline application for erection of 2 no detached bungalows.	Permitted	28.10.1988
19880651	Erection of single storey rear extension to form kitchen and enlarged lounge/diner.	Permitted	02.09.1988
19760321	Erection of a detached garage at rear	Permitted	03.06.1976

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development

- CS02 – Scale and Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development and Design Principles

Gravesham Local Plan: First Review (1994)

- T1 – Impact of Development on Highway Network
- P3 – Vehicle Parking Standards

Paragraph 34 of the NPPF (2024) 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 (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG 2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 (amended June 2020)
- Technical Housing Standards – Nationally Described Space Standard (NDSS) (2015)
- SPG 4 – KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Consultees

Dickens Country Protection Society

The Society would normally oppose any attempts at establishing an annex which the applicant may attempt to dispose of separately to the main dwelling in the future. This building is being applied for as a granny annex which implies social need and mitigating circumstances. In the submitted documentation however, there appears to be no evidence of need. There is also a question regarding after use. If the building is to house elderly relatives, what happens when the building is no longer needed as a granny annexe. On balance at this stage the Society would register an objection.

Neighbouring properties

The application has been advertised by individual neighbour letters to 6 properties. The overall consultation period expired on 18 July 2025.

Two letters of representation have been received from neighbouring properties with the following comments:

- The area where the annexe is proposed to be built is high which could result in overlooking though there is no objection to the annexe.
- Ancillary residential accommodation makes efficient use of existing residential plots and supports flexible living arrangements.
- Sustainable response to housing and car pressures.
- Ancillary nature is key; intension should be to remain functionally and physically related to the main dwelling and should not be used as a separate, independent unit.
- Should remain subordinate to the main house and not risk future separation.

Local Ward Councillors were also consulted but no responses were received.

Officer's Analysis

Proposal

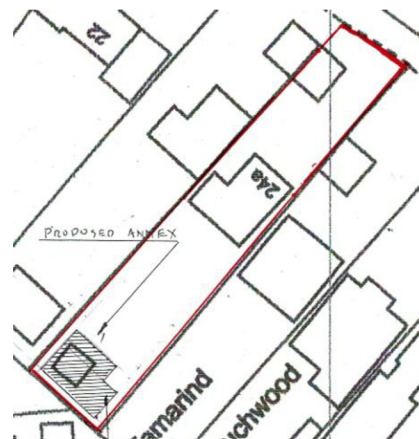
This application seeks permission for the erection of an outbuilding for use as a granny annexe.

The submitted Planning Statement sets out that the proposal is “intended as an annexe for an elderly parent who can no longer manage stairs and need ground floor accommodation but still wish to retain their own independence but within the security of the family.”

The existing outbuildings will be removed and a single storey ancillary building will be erected, measuring approximately 7m by 10.6m with an eaves height of 2.7m and a roof height of 4m. The floor area provided is 66.37m². The building would be set 1.5m from the rear boundary, 1.5m from the south-eastern flank boundary, and between 0.9 and 1.1m from the north-western flank boundary.

There would be an entrance serving the annexe, two bedrooms (one with an ensuite), a separate shower room, and an open plan kitchen and living/dining room. The annexe will have a small area of hardstanding to the front.

There would be a window on one flank serving the living/dining room and two windows on the other flank serving the shower room and ensuite. There would be no windows/doors on the rear elevation. On the front, there would be double doors serving the living/dining room, an entrance door to the porch, and two windows serving each bedroom. The walls of the building will be finished in cement board cladding, the roof will be slate, and the windows and doors will be UPVC.



Principle Issues

The site lies within the rural settlement boundary of Culverstone Green and has no particular site constraints or designations. As such, the main issues for consideration in the determination of this application are as follows:

- Design, character and appearance
- Residential amenity
- Parking and highways

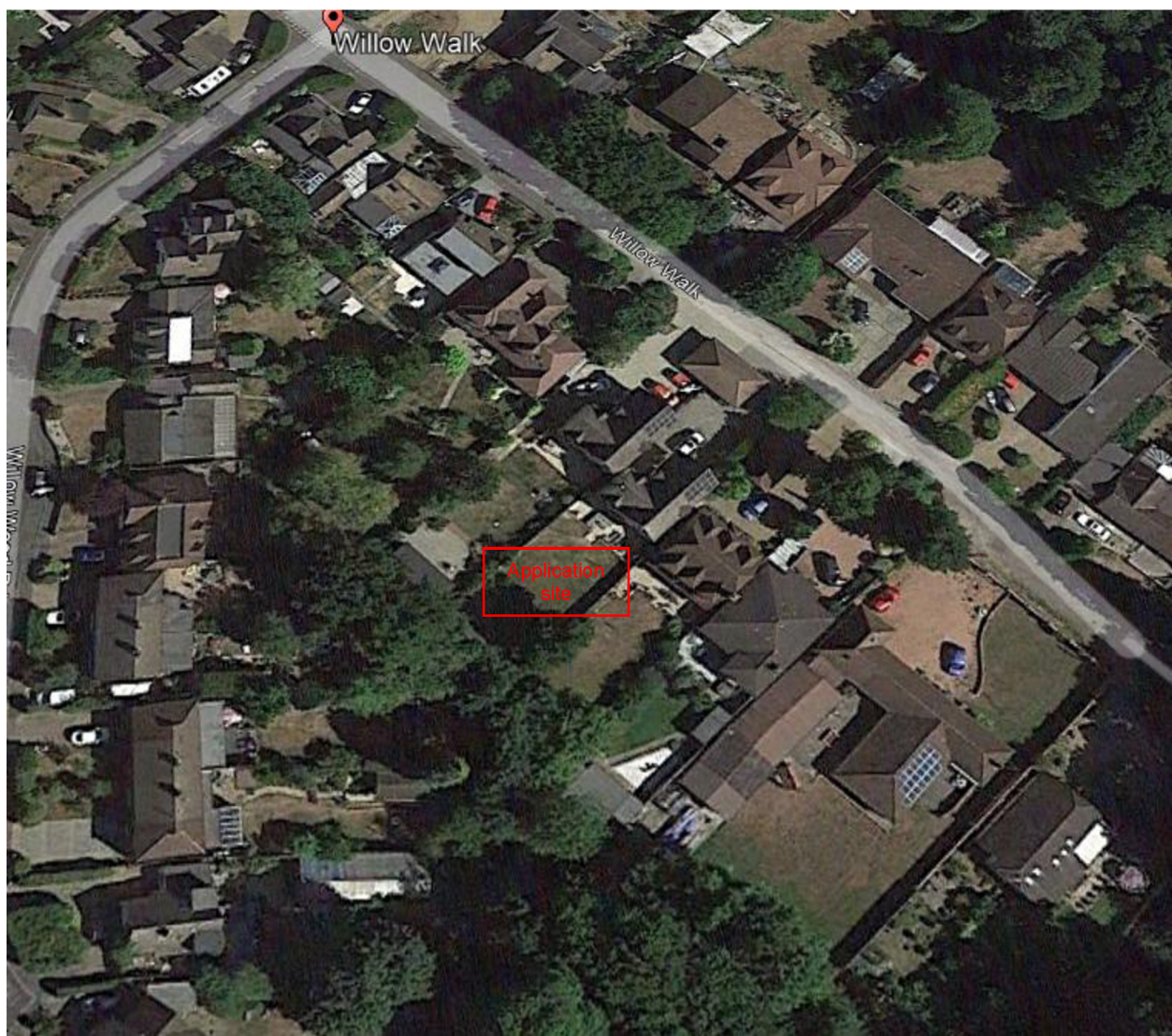
Design, Character and Appearance

Section 12 of the NPPF 2024 relates to achieving well-designed and beautiful places and sets out the Government's requirements in relation to design issues. Paragraph 131 emphasises the importance of achieving high quality, beautiful and sustainable buildings and places. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 of the NPPF 2024 also seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

The property lies within the rural settlement boundary of Culverstone Green and comprises a detached dwelling in a good size plot:

Google Earth Aerial View:



Existing rear garden:



The proposed annexe would be single storey, faced in cladding, located at the bottom of the rear garden and would not be visible from a public vantage point. Rear outbuildings at the bottom of the garden appear to be a common feature in the surrounding properties. The design and siting of the building will therefore have no adverse impact on the character and appearance of the street scene and surrounding area. On this basis, the proposal would be in accordance with Policy CS19 of the Core Strategy 2014 and paragraphs 131 and 135 of the NPPF 2024.

Residential Amenity

The NPPF 2024 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 135f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

Future Occupiers

In terms of additional living accommodation, the proposal will add a further two bedrooms to the application property, which according to the planning history, has four bedrooms.

The annexe will have two bedrooms and an internal floor area of approximately 61m² (excluding the porch), which would comply with the standard for a two bedroom, 3 person, one storey dwelling (NDSS 2015).

Garden space around the property will be affected, as the proposed building will extend across most of the width of the plot at the rear. However, the retained area of open garden would be in excess of 300m², which is well in excess of the minimum garden area that would be expected for a 4 bedroom property (100m²).

On this basis, there is therefore no conflict with Policy CS19 of the Core Strategy 2014, or the standards set out in the NDSS 2015 and SPG2 in respect of the accommodation standards and retained garden for future occupants of the dwelling.

However, there is a concern that the proposal has the potential not to be ancillary to the main dwelling on the site. The annexe could have its own independent access as it is separate to the main dwelling, and it would contain all the necessary accommodation to be able to be occupied as an independent dwelling. A subdivision of this plot would be likely to lead to additional parking requirements, hardstanding, boundary treatments, and other domestic paraphernalia that would all have a negative impact on the character and appearance of the area, as well as surrounding residential amenities. Such a proposal would not be acceptable.

However, planning permission is being sought for the ancillary use of the annexe. It is helpful to consider case law in terms of the assessment of whether the annexe is ancillary or a separate planning unit.

Case Law

The use of an outbuilding for ancillary residential accommodation in association with a main dwellinghouse does not require planning permission provided it complies with Sec. 55(2)(d) of the 1990 Act that provides that the use of buildings within the curtilage of a dwellinghouse for any purpose "incidental to the enjoyment" of that dwellinghouse is not development. The position with regard to residential use of a new outbuilding is different.

A number of cases, detailed below, have shown that for the purposes of Sec. 55(2)(d) "incidental to the enjoyment" may be interpreted generously. The creation of an annexe from an existing outbuilding would be unlikely to require permission provided the building was occupied by a family member. However, the situation is not as clear where the occupant is someone who is not a member of the family but has a strong functional connection with the main dwelling, for example, a housekeeper or handyman.

If the accommodation created constitutes a separate planning unit, this then is not an incidental use, as Sec. 55(3)(a) makes clear. Any separate residential occupation of a building or buildings formerly within an existing single residential planning unit is development by virtue of Sec. 55(3)(a) of the 1990 Act, as confirmed by *Wakelin v SoS* 1978, a case in which a large house with a lodge that had been converted into two flats used as guest suites was proposed to be converted into a separate dwelling and sold off. The court held that the house, lodge and grounds were one planning unit and that to sever the lodge would constitute a material change of use.

In essence, an annexe will become a separate single dwellinghouse where it is self-contained with all the necessary day-to-day living facilities and has resulted in the creation of a separate planning unit. *Uttlesford DC v SoS and White* 1992, in which a garage attached to a dwelling had been converted to a 'granny annexe', provides leading case law on the matter. In *Uttlesford* an Inspector had determined that where a domestic garage within a residential curtilage was used for living accommodation in connection with the dwelling, no material change of use occurred. The court agreed, ruling that the fact that the elderly occupier of the annexe had all the living facilities that enabled her to live independently from the rest of the family did not amount to the creation of a separate planning unit that required permission. The significance of this case is that the even though the accommodation in the garage was capable of independent use, the court judgment suggested that a quality of separateness was occupation by someone who was not connected with the family occupation of the whole planning unit.

Identifying a separate planning unit requires consideration of a range of factors and not simply the self-containment of the accommodation and is a matter of fact and degree. In her decision to grant permission for the conversion and extension of an outbuilding at a house in the Essex green belt to a residential annexe, notwithstanding the Council's concern that it would result in the creation of an independent residential unit, the Inspector in *Castle Point 27/11/2020 DCS No 400-028-727* relied on the *Uttlesford* judgment. The Council had reached its own view that the proposal was tantamount to a new dwelling with reference to *Gravesham BC v SSE* 1984 because the accommodation provided all the facilities for independent day-to-day living. The Inspector, however, followed the more recent and relevant case law in *Uttlesford*, stating that even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling and it was a matter of fact and degree whether a change of use had occurred.

In the case before her, the Inspector recorded that whilst the extension and conversion of the outbuilding would provide all the facilities for day-to-day living, it would function as an annexe, with the primary occupants also sharing living space, eating and socialising with the rest of their family in the main dwelling. There was a paved footpath between the annexe and the main house allowing easy access between the two. As such, she held that the garage conversion would remain part of the same planning unit as the main dwelling. Based upon the evidence before her the inspector was satisfied that the proposal related to an annexe. She allowed the appeal subject to a condition that it should not be severed from the main house by reason of being sold or let as a separate unit of accommodation.

In reaching her decision, the Inspector noted that reference had also been made to *Carter v South Bucks DC* 2011 but considered that case was different in that a garage had been converted into a three-bedroomed property with a substantial conservatory extension. It had its own garden, separated from the main dwelling by fencing, trees and shrubs, with no footpath linking the two buildings. Whilst family meals were taken together that was in the substantial garage conversion rather than in the host dwelling. As a matter of fact and degree in that case it was found that a new planning unit had been created.

In this case, whilst the proposed annexe would be capable of being occupied independently, the annexe would be located in the rear garden of the main house and would have no separate independent access; it could only be accessed through the rear garden of the main house. Whilst the size of the accommodation is fairly generous, it is modest in the context of the size of the main dwelling and not dissimilar to the size of other outbuildings in surrounding gardens. Furthermore, it has been made clear that the annexe is for the sole use of the family's elderly parents.

It is on this basis and in considering the above case law, as a matter of fact and degree, a new planning

unit would not be created at the application site, and the proposal would therefore comply with Policy CS19 of the Core Strategy 2014 and paragraph 135 of the NPPF 2024.

Nevertheless, given the concern relating to the potential for plot severance, it will be essential to impose a condition restricting the use of the annexe as ancillary and related to the main dwelling.

Neighbouring Properties

In terms of the impact on neighbouring amenities, the use of the annexe would not cause material harm to any adjoining properties in terms of loss of light, outlook, privacy or sense of enclosure. The annexe would be single storey and positioned at the bottom of the garden away from neighbouring dwellings and as such would be unlikely to cause any overlooking issues or loss of privacy or light. There are side windows proposed, though the Planning Statement clarifies that these will face onto existing 1.8m high boundary fences (plus the windows on one side would serve bathrooms).

Overall, the proposal would not harm the amenities of neighbouring properties, and as such, would comply with Policy CS19 of the Core Strategy 2014 and paragraph 135(f) of the NPPF 2024.

Parking and Highways

The parking standard for a dwelling with 4 or more bedrooms is a maximum of 3 spaces. This is a maximum standard, and there will be ample off-street parking provision retained on the plot at the front of the dwelling, which includes a garage. There have been no neighbour objections in relation to parking.

There would therefore be no adverse parking or highway issues resulting from the proposals, which would comply with Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014.

Any Other Material Planning Considerations

Trees and Biodiversity

The NPPF 2024 at paragraph 187 states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Policy CS12 of the Core Strategy 2014 reflects this stance and states that there will be no net loss of biodiversity in the Borough, and opportunities to enhance, restore, re-create and maintain habitats will be sought.

The proposal outbuilding will be within the root protection areas of trees on the rear boundary but will avoid those further down the garden. None of the trees are protected, as the below Uniform extract shows:



A tree survey has been submitted with the application, which recommends that the graded low-quality trees on the rear boundary (Leyland cypress, Elder and Ash) be removed or their long term future be considered. A condition can be added to retain any existing trees that are shown/recommended to be retained in accordance with the submitted plans. Bird and bat boxes are also proposed to be attached to the annexe, which would have to be provided as part of the approved plans condition.

As this is a householder application, it is exempt from Biodiversity Net Gain requirements, but the proposal has considered the natural environment and subject to conditions, it is considered to comply with paragraph 187 of the NPPF 2024 and CS12 of the Gravesham Core Strategy 2014.

Conclusion

The proposed erection of an outbuilding for use as a granny annexe is acceptable in terms of its design and impact on the application site and the character and appearance of the surrounding area, and with regards to residential amenity, highways and parking and biodiversity matters. The proposals would therefore comply with the requirements of Policies CS11, CS12 and CS19 of the Core Strategy 2014, saved Policies T1 and P3 of the Local Plan 1994, and paragraphs 115, 131, 135 and 187 of the NPPF 2024.

Recommendation

Permission subject to conditions.

(For detailed conditions and informatives, see draft Decision.)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	11 August 2025	Dated:	11th August 2025