
GSP PROJECT REF: [4022.PN](#)

PLANNING STATEMENT

Owlswood Cottage, Priestwood Road, Harvel, Meopham, DA13 0DA

**Lawful Development Certificate (Proposed) for
2 No. Detached Outbuildings**



JANUARY 2024

1.0 INTRODUCTION

- 1.1 This Statement is prepared in support of a resubmission made under Section 192 of the Town and Country Planning Act 1990 for a Certificate of Lawful proposed development in respect of the removal of partially demolished outbuildings and erection of 2 No. detached outbuildings.
- 1.2 The basis of this application is that it is permitted development under Part 1, Class E of Schedule II of the Town and Country Planning General Permitted Development Order 2015 (As Amended).
- 1.3 For the development under consideration, the following land title is relevant, an extract of the Land Registry map is also included below:
1. K756900 (described as 'Owlswood Cottage, Priestwood Road').



- 1.4 The following plans accompany this submission:

- 4022-01 Site Location Plan;
- 4022-02 Existing Block Plan;
- 4022-03 Existing Outbuilding Elevations;
- 4022-04 Proposed Block Plan;
- 4022-05 Proposed Summer house and outbuilding elevations.

2.0 SITE CONTEXT

- 2.1 The subject 0.33 hectare site is located to the eastern side of Priestwood Road, close to its junction with Chandler's Road to the south. On site is an existing detached chalet bungalow with front facing gable end and a flat roofed side extension attached to the north of the dwelling that in total occupies a footprint of about 87 sqm with a depth of about 8.5m and original maximum width of 10.9m. It is set back 12.5m from the highway with loose hardcore dominating the space between the front elevation and electronic gates.
- 2.2 Alongside, to the south of the dwelling, is a triple width timber garage with two double access doors to the front. There is a long back garden containing several dilapidated outbuildings, with many having been damaged in the strong winds from winter 2022. A large wooded area makes up the remainder of the land title to the rear. The Site is within a rural area but is one of a cluster of residential sites on the subject side of Priestwood Road.
- 2.3 The Site is beyond the southern boundary of an Area of Outstanding Natural Beauty, but it is within the Metropolitan Green Belt. The Site forms part of the Parish of Meopham. There are no known designated or non-designated heritage assets nearby. The Site is also within Flood Zone 1 which means it has a low probability of flooding from rivers and the sea. The nearest public right of way appears to be NS264 located some 100m away to the north.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The following records are understood to be relevant to the Site:

- [Erection of bungalow and garage](#)

Ref. No: 19580009 | Status: Application Refused

- [Construction of pitched roof over existing side extension with dormer window in proposed front roof slope; conversion of proposed roof space into a bedroom; erection of a conservatory at the rear and erection of a detached triple garage at the side.](#)

Ref. No: 20060049 | Status: Application Permitted. This proposed to erect a first floor above the existing single storey ground floor extension to the side. The consent also included a rear conservatory and the detached triple garage. The only element that appears to have been constructed is the triple garage (historic Google aerial photography also confirms the presence of the garage only after 2006).

- [Demolition of existing bungalow and erection of a 3-bed bungalow.](#)

Ref. No: 20220646 | Status: Application Refused on grounds relating to cumulative impact on the openness of the Green Belt, with disproportionate scale and perceived bulk, and poorly designed, imbalanced and lacking coherence resulting in an incongruous appearance highly visible from the street scene.

- [Demolition of existing bungalow and erection of a 3-bed bungalow.](#)

Ref. No: 2022/00055/REF | Status: Appeal Dismissed on grounds of being inappropriate development in the Green Belt, adverse impact on the character and appearance of the area, plus no very special circumstances to override the identified harm in respect of the Green Belt.

- [Application for a Lawful Development Certificate in respect of the proposed erection of a single storey side extension and 2no. detached outbuildings for use as a summer house and workshop/gym.](#)

Ref. No: 20230988 | Status: Certificate Refused on grounds that the side extension was said to have failed to comply with the parameters set out in Schedule 2, Part 1, Classes A.1(e) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), whilst the outbuildings were considered not to benefit from evidence confirming that they would be reasonably required for purposes incidental to the enjoyment of the main dwellinghouse

- [Application for a Lawful Development Certificate in respect of the proposed two storey rear extension with installation of a window on the south elevation.](#)

Ref. No: 20230989 | Status: Certificate Refused on grounds that the rear extension was considered not to have complied with Schedule 2, Part 1, Classes A.1(h) and A.1(i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

4.0 PROPOSED DEVELOPMENT

- 4.1 This resubmission clarifies that partially demolished outbuildings will be demolished in lieu of the two proposed outbuildings.
- 4.2 Those structures are shown on drawing 03 where it is confirmed that 3 No. outbuildings, a shed and a green house will all be completely removed. Collectively, these occupy a floor area of 72.6 sqm. The proposed two outbuildings will occupy a floor area of 79 sqm, an uplift of just 6.4 sqm.

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- 4.3 The only reason for the previous refusal in regards to the Class E was a lack of evidence to support their need for incidental purposes.
- 4.4 The previous case officer did not visit the Site and therefore had no appreciation for the derelict nature of what currently exists within the Site. Some of the existing structures are without walls or roofs, but none of the aforementioned structures are habitable or useable in their current condition. As such, incorrect assumptions were made about the resultant footprint and total number of outbuildings, including specifically whether some of the intended uses could be accommodated within the outbuildings that are now clearly marked as to be removed.
- 4.5 The resubmission also confirms that not only will the amount of floor area only increase by 6.4 sqm, but the resultant number of outbuildings will be 3, or 2 less than currently exist. The previous case officer erroneously assumed that five would remain. They also failed to acknowledge the first floor area of the dwelling in comparing only the total footprint of the outbuildings to the dwelling in order to further provide an unreasonable conclusion on the incidental nature of the two proposed outbuildings. There is also a clear mistake made in reference to the total footprint of the existing outbuildings being 170 sqm.
- 4.6 A more detailed assessment as to whether the two proposed outbuildings can reasonably be considered incidental is set out below, however, the applicant insists that the case officer visits the Site as part of their assessment of this resubmission so that they can ascertain the full and accurate facts of the case.

5.0 COMPLIANCE WITH PERMITTED DEVELOPMENT LEGISLATION – DETACHED OUTBUILDINGS

Permitted Development

- 5.1 The basis of this part of the application is that it is permitted development under Part 1, Class E of Schedule 2 of the Town and Country Planning General Permitted Development Order 2015 (As Amended).

Development Not Permitted

- 5.2 Paragraph E.1 sets out exceptions to when this permitted development right would not apply. The response to each part is set out below:
- 5.3 (a) Permission to use the dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule;

- (b) The total area of ground covered by extensions to the dwelling and the outbuildings will not exceed 50% of the total ground area of the curtilage (excluding the ground area of the original dwellinghouse);
- (c) The outbuildings will not be located forward of the principal elevation of the original dwellinghouse;
- (d) The outbuildings are to be single storey only;
- (e) The height of the outbuildings, which will not be within 2m of the boundary of the curtilage, will not exceed 4m to the top of the dual pitched roof;
- (f) The height of the eaves will not exceed 2.5m;
- (g) The site is not within the curtilage of a Listed Building;
- (h) The proposals do not involve the construction of a veranda, balcony or raised platform;
- (i) It does not involve the creation of a new dwelling or involve microwave antenna;
- (j) It does not involve the provision of a container.

Criteria in Class E2

- 5.4 The dwelling is not located within any of the areas where an exclusion applies.

Criteria in Class E3

- 5.5 The dwelling is not on Article 2 (3) land.

Criteria in Class E4

- 5.6 The summerhouse to enjoy views across the rest of the plot. It will be used for purposes incidental to the enjoyment of the dwelling house. It is not proposed to be used as separate self-contained accommodation nor for any form of primary living accommodation.
- 5.7 The outbuilding to the opposite side of the garden is to also be used for purposes incidental to the enjoyment of the dwelling house. The floor plans confirm its use to be that of a small workshop and storage area, plus gym and associated toilet/shower.

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- 5.8 As such, it is clear that this outbuilding will also not be used as separate self-contained accommodation nor contain any form of primary living accommodation.
- 5.9 By comparison to the previous application the following points are noted that evidently contributed to the previous case officer's views on whether what was proposed could reasonably be considered incidental:
- No site visit took place;
 - Incorrectly assumed other derelict structures could be occupied;
 - Incorrectly assumed that five outbuildings would remain in total;
 - Incorrectly calculated the total footprint of the 6 existing outbuildings as being 170 sqm, whereas the correct figure is 132 sqm as confirmed on drawing 03;
 - By focussing on footprint, the comparison failed to take account of the first floor of the dwelling, which is unreasonable;
 - This resulted in an incorrect assumption that the outbuildings would total 278 sqm versus a footprint of the existing dwelling at 89 sqm, equivalent to 3.12 times the footprint of the dwelling.
- 5.10 GBC needs to take account of the facts that form part of this resubmission:
- 5 No. semi-derelict structures will be removed;
 - 3 outbuildings would remain by comparison to the 5 at present;
 - The total floor area of the outbuildings would become 128 sqm;
 - The total floor area of the dwelling is 114.8 sqm;
 - In total the outbuildings would represent 1.11 times the floor area of the dwelling, significantly less than the factor of 3.12 stated in the previous delegated report relating to the same proposed outbuildings due to misunderstandings and incorrect calculations by the previous officer.
- 5.11 In support of the applicant's assertion that this level of additional accommodation is reasonable, the Householder Technical Guidance advises that "Buildings under Class E should be built for purposes incidental to the enjoyment of the house." Paragraph E.4 of Class E indicates that purposes incidental to the enjoyment of the house include the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the house." It adds "But the rules also allow ... **a large range of other buildings** on land surrounding a house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and garden decking as long as they can be properly be described as having a purpose incidental to the enjoyment of the house."
- 5.12 The room uses proposed include: a gym, a workshop, a store and a garden room, none of which already feature within the existing main dwelling
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(which, it is noticed, was not the case in the dismissed [Guildford Borough Council](#) appeal referenced in the previous delegated report).

- 5.13 Added to the above, the Householder Technical Guidance confirms that “a purpose incidental to a house would not cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom or kitchen. The proposal complies with this guidance.
- 5.14 Breaking down the extent of the proposed accommodation, the previous case officer took issue with a lack of demonstrated need for what was considered to be a “substantial level of storage space”, which in reality is shown to be just over 6 sqm, or just 5% of the total floor space of the main dwelling. Equally, the gym and its associated shower room amounts to just 19 sqm with the plans identifying space for just 4 pieces of gym equipment. Given that the property is occupied by a family of four it does not seem reasonable to conclude that this is excessive. The summer room is to have an open plan layout with a GIA of 42 sqm and will be used as a home office, a relaxation space for yoga or other hobbies. It is akin to a full-width and deep large conservatory that might typically serve a detached house such as the subject one, but the applicants wish to have a detached outbuilding in place instead that could be south-facing and centrally located within their deep rear garden as opposed to an attached rear conservatory.
- 5.15 All of the proposed uses of the two outbuildings are justified, and are perfectly reasonable for the use by the family occupying the property. This indeed was confirmed in *Emin* [*Emin v SSE* [1989] JPL 909] where the Court confirmed that regard should be had to the use to which it was proposed to put a building and consideration be given to the nature and scale of the use in the context of whether it would be a purpose incidental to the enjoyment of the dwelling house. Physical size in comparison to the dwelling house might be an important consideration but it was not by itself conclusive.
- 5.16 To further support this resubmission, two recent appeal decisions issued within the last 3 months have been included (APP/P1805/X/23/3314062 & APP/A5270/X/22/3304371). Paragraph 9 of the former confirms that appeal involved a single outbuilding of 190 sqm (i.e. almost double the size of the two proposed in this case), amounting to 1.1 times the floor area of the main dwelling, akin to the subject proposal. In the case of the latter, a 73.8 sqm (GEA) outbuilding was proposed, whilst an existing extension, garage and green house were to be retained, totalling 116.5 sqm (GEA), whilst the original house was 100 sqm GEA. Again, similar to the subject proposal, but outbuildings and additions amounted to 1.16 times the floor area of the original dwelling.

6.0 CONCLUSIONS

- 6.1 For the above reasons, the Council is respectfully requested to issue a Certificate confirming that the two detached outbuildings can be constructed under permitted development rights.