
SUMMARY REPORT

Application Ref:	20220594
Site Address:	The Amazon and Tiger, Harvel Street, Meopham, Gravesend
Application Description:	Application to vary condition 4 of approval 20140008 to allow the bed and breakfast accommodation to be used not ancillary to the existing pub accommodation.
Applicant:	Mr Michael Whitehouse
Agent:	Nicholas Kingsley Smith, Kingsley Smith Solicitors LLP
Ward:	Meopham South & Vigo
Parish:	Meopham
Decision due date:	23 September 2022
Publicity expiry date:	30 September 2022
Decision Level:	Planning Committee – Wednesday 16 November 2022
Reason for referral:	Member call-in
Recommendation:	APPROVE subject to planning conditions

Summary of Reasons for Recommendations

The application site relates to a Public House that closed in April 2021 following the landlord's retirement. The site is located in the Green Belt and the Harvel Wooded Downs Landscape Character Area. The proposal relates to a two storey side extension to the pub that was granted as a Bed & Breakfast (B&B) ancillary to the use of the public house. As the Public House is currently closed, it is not possible to operate the B&B ancillary to the Public House. The applicants are therefore applying to vary condition 4 of 20140008 so the B&B use is not ancillary to the Public House.

The Public House is listed as an Asset of Community Value, which means that if the Public House is sold in future, community groups would be afforded the opportunity to purchase the Public House. Despite this the owner is free to sell to whomever they choose and at whatever price. Whilst there have been a number of objections to the closure of the Public House, this application solely relates to varying a condition for the permitted B&B use.

The variation of the condition will not result in any external alterations to the building and therefore will have no detrimental impact on the character and appearance of the street scene, surrounding landscape or openness of the Green Belt.

The variation of the condition will have no detrimental impact on neighbouring amenities or parking as the use will not change.

On this basis the recommendation is to approve the variation of condition 4 of 20140008 to read:

4. The extension hereby approved can be used for Bed and Breakfast purposes only and must not become a self contained unit within its own right, sold or rented as a separate hereditament whether or not permitted by the Town and Country Planning (General

Permitted Development) Order 1995, without the prior approval, in writing, of the Local Planning Authority.

Reason: To ensure that any future proposals for the use of the Bed and Breakfast may be the subject of a planning application which the Local Planning Authority would wish to determine on its own merits.

MAIN REPORT

1. Site Description and Surroundings

- 1.1. The application site relates to a Public House that closed in April 2021 following the landlord's retirement. The site is located in the Green Belt and the Harvel Wooded Downs Landscape Character Area. The proposal relates to a two storey side extension to the pub that was granted as a Bed & Breakfast (B&B) ancillary to the use of the public house. As the Public House is currently closed, it is not possible to operate the B&B ancillary to the Public House. The applicants are therefore applying to vary condition 4 of 20140008 so the B&B use is not ancillary to the Public House.
- 1.2. The variation of the condition will not result in any external alterations to the building and therefore will have no detrimental impact on the character and appearance of the street scene, surrounding landscape or Green Belt.
- 1.3. The variation of the condition will have no detrimental impact on neighbouring amenities as the use will not change.

2. Planning History

20220597	Application for a Lawful Development Certificate in respect of the continued use of the of the public house as residential.	Certificate Granted	23.09.2022
20140008	Erection of two storey side extension to provide bed and breakfast facilities.	Permitted	03.03.2015
20080347	Erection of first floor rear extension to form three bedrooms, ensuite shower room/wc and two ensuite wc's.	Permitted	18.09.2008
20030716	Erection of a conservatory on the southern side elevation.	Refuse	08.10.2003
19950738	Retention and continued use of land as an extension to existing car park.	Permitted	20.12.1996
19910407	Retention of aviary at the side.	Permitted	11.05.1992
19890944	Display of internally illuminated	Refuse	11.12.1989

	projecting box sign at first floor level.		
19890414	Erection of single storey rear extension to form a new cellar & utility room & conversion of existing cellar to enlarged bar area.	Permitted	25.07.1989
19880016	Erection of replacement cricket pavilion (revised scheme).	Permitted	19.04.1988
19860473	Erection of replacement cricket pavilion	Permitted	07.08.1986
19840755	Erection of extension at first floor level at side to form enlarged lounge dining room	Permitted	19.10.1984
19840532	Construction of dormer extension in the side roof slope of the rear extension	Permitted	20.07.1984
19800222	Outline application for the erection of 5 dwellings with garages fronting Harvel	Refuse	29.05.1980
19800121	Erection of building for an equipment and implement store and score box adjoining existing pavilion	Permitted	22.05.1980
19790997	Erection of single storey extension at the side to form new toilets and erection of extension at rear to form staircase	Permitted	31.12.1979
19780398	Erection of single storey extension at side to form enlarged bar facilities with toilets and store erection of two storey extension at rear to form bathroom and erection of single storey beer store at rear External alterations erection of two front porch	Refuse	22.06.1978
19780702	Erection of a single storey extension att side to form enlarged bar facilities with toilets erection of two storey extension at rear to form private entrance and a bathroom and erection of single storey extension for beer store at rear alterations to external elevation erection of 2 porches and formation of car park.	Permitted	07.09.1978

19580629	Erection of private garage to replace existing	Permitted	16.01.1959
19580051	Erection of dwellinghouse	Refuse	13.04.1958
19500050	Erection of pavilion	Permitted	05.05.1950

3. Proposal

- 3.1 This planning application seeks planning permission to vary condition 4 of approval 20140008 to allow the bed and breakfast accommodation to be used not ancillary to the existing pub accommodation.

Condition 4 of 20140008 currently states:

4. The extension hereby approved can be used for Bed and Breakfast purposes only, ancillary to the existing Public House, and must not become a self contained unit within its own right, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995, without the prior approval, in writing, of the Local Planning Authority.

Reason: To ensure that any future proposals for the use of the Bed and Breakfast may be the subject of a planning application which the Local Planning Authority would wish to determine on its own merits.

- 3.2 The applicants have requested condition 4 be changed to read:

The extension hereby approved can be used for Bed and Breakfast purposes only and must not become a self contained unit within its own right, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995, without the prior approval, in writing, of the Local Planning Authority.

Reason: To ensure that any future proposals for the use of the Bed and Breakfast may be the subject of a planning application which the Local Planning Authority would wish to determine on its own merits.

4. Planning Policy, Development Plan and other Material Considerations

Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises the adopted Gravesham Local Plan Core Strategy September 2014, saved policies from the adopted Gravesham Local Plan First Review 1994 and saved policies from the Kent Minerals and Waste Local Plans.

Saved policies contained in the Gravesham Local Plan First Review should still be accorded significant weight, albeit that the weight accorded should be greater where policies are consistent with the National Planning Policy Framework (NPPF, paragraph 47).

The policies relevant to the consideration of this application are set out below.

Gravesham Local Plan Core Strategy September 2014:

- CS02 – Scale and Distribution of Development
- CS07 – Economy, Employment and Skills
- CS12 – Green Infrastructure
- CS19 – Development and Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan First Review 1994:

- P3 – Vehicle Parking Standards
- TC3 – Development Affecting Conservation Areas

Other Relevant Guidance

National Planning Policy Guidance

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land

Supplementary Planning Guidance

The Council has adopted a number of Supplementary Planning Guidance documents, Development Briefs and Conservation Area Appraisals. These elaborate on saved policies in the Gravesham Local Plan First Review and policies in the Gravesham Local Plan Core Strategy and are material considerations in determining planning applications. The following documents are relevant to the consideration of this application:

- Gravesham Landscape Character Assessment (2009)
- Harvel Rural Conservation Area Appraisal (2017)

5. Consultations and Publicity Responses

Consultations

Meopham Parish Council

Following discussion by Meopham Parish Council's Planning Applications Committee; the Council wishes to provide the following response:

- The loss of the Amazon and Tiger as a public house will significantly adversely affect the viability of Harvel as a community centre, particularly if the residential accommodation is separated from the public house. Accordingly, MPC requires GBC to be very certain that the applicants' arguments are well founded before allowing these applications.

GBC Highways Officer

Without the pub trading it is impossible to determine the car parking required for its use. The best way forward is to require a parking plan for the B&B at the rate of one space per bedroom, plus one space for any residential element. Secure cycle spaces should ideally be one space per bedroom. That should protect the requirements for the B&B without conflicting with the current maximum vehicle parking standards for the public house should it ever reopen.

Neighbour Consultation

The application was advertised by site notice and individual letters to seven neighbouring properties. 85 letters of representation have been received (two from the same person). A summary of the 63 letters of objection is listed below:

- The pub should remain as a Public House
- The B&B was proposed to make the pub more economically viable but this proposal is purely for profit
- Will be detrimental to the village and AONB
- There is no need for a B&B without the pub
- The business should be sold to more suitable landlords
- It's a precursor to becoming a separate residential dwelling
- The landlady's brother has been living in it and runs a car/van storage and repair set up in the old car park
- Without a pub there should be no B&B
- Harvel is losing its community assets
- Public houses need to be protected and this does not protect the pub
- Contrary to the original permission
- The B&B is not advertised as such
- This is a cynical attempt to undermine the planning process and gain consent for something that would have been refused if it had been part of the original application
- The delays and timing of the application should mean that more time is given to make the decision
- There should be proof that the B&B has been let out as such
- The owners do not want to sell at a 'pub' price but want to maximise profit
- The B&B has not been available to let for over 18 months
- The landlord has deliberately run down the pub and has made the front appear residential in preparation for converting it

22 letters raising no objection as

- it is encouraging families to come to the area to enjoy holidays
- new people visit the area
- why shouldn't the owners be able to run a business and have an income despite the pub not being open?
- the B&B was run very well

- this already has approval, by retaining its use there are no material changes or adverse impacts
- we stayed in the B&B for a weekend when we went to Brands Hatch for the touring cars and it was lovely
- there is a lack of tourist accommodation in the area
- there is a licensed bar at the cricket pavilion so there is no loss of community asset

6. Planning Analysis and Service Manager (Planning) Comments

6.1 Design, Character and Appearance.

The application site lies within the Green Belt and the Harvel Wooded Downs Landscape Character Area.

The proposal is to alter condition 4 of planning application 20140008, so that the extension to the Public House can be used as Bed and Breakfast accommodation that is not tied to the activities of the Public House. The proposal will not result in any external alterations to the building and therefore there will be no detrimental impact on the character and appearance of the area or surrounding landscape character area.

The proposal will also have no detrimental impact on the openness on the Green Belt however, a number of representations have been received about the original application being granted under 'very special circumstances' therefore indicating that the application would be unacceptable unless such circumstances existed.

The original planning application reference 20140008 dealt with this matter. The Analysis section of the report stated that the B&B had a connecting door into the pub accommodation and no kitchen. Upon visiting the site the connecting door still exists however there is a small kitchen in the lounge area. It appears to have been there for some time and there was no planning condition to prevent a kitchen being installed (and nor would such a condition be enforceable). The introduction of a kitchen itself does not change the use of the property as a B&B.

In terms of the Green Belt the extension to house the B&B was considered modest in size and designed in a manner to complement the existing building. It was not considered an incongruous form of development.

Regarding 'very special circumstances' the following was stated:

In order to consider very special circumstances, further discussions have been held with the applicant including a site visit to discuss different options. The applicant has stated that he needs to diversify the use of the public house as it is at great risk of closing. There is currently one bed and breakfast room which has proved popular and as such it is felt this could improve the viability of the public house. Policy CS07 of the Gravesham Local Plan Core Strategy supports proposals that promote the appropriate expansion and diversification of the rural economy (pp.5.1.37). It also states that local planning authorities should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. Based on the NPPF every effort should be made to support the rural economy wherever possible. According the CAMRA, 31 pubs close every week across the country which is worse in rural locations. The applicant has stated that the public house is a valued community asset with many social groups meeting at the public house. During the annual Harvel 5 Mile Race the demand for accommodation is high with over 700 runners participating. The pub has also featured in Time Out magazine on numerous occasions as a destination for country walks near London. Providing more bed and breakfast facilities could

result in opportunities to generate tourism in the area. It is considered that the diversification of the public house with bed and breakfast facilities will comply with paragraph 28 of the NPPF which in turn provides very special circumstances which outweigh the harm to the greenbelt, as per paragraph 88 of the NPPF.

Policy CS07 is still applicable and supports proposals that promote the appropriate expansion and diversification of the rural economy. The B&B offer will remain and therefore still fulfils this policy. Para. 84 of the National Planning Policy Framework 2021 supports sustainable rural tourism and leisure developments which respect the character of the countryside. The B&B use, regardless of being ancillary to the pub or a B&B in its own right, still fulfils this statement. It is noted that part (d) of this paragraph supports the retention and development of community facilities. The pub is a community facility however, the application does not relate to the pub specifically. The B&B can be operated separately to the Public House and therefore it is not reasonable to refuse to vary the condition as this would allow the B&B to operate and create some economic activity.

The proposal therefore accords with policies CS02, CS12, CS19 and CS20 of the Gravesham Core Strategy 2014, policy TC3 of the Gravesham Local Plan 1994 and para. 130, Section 13 and 16 of the National Planning Policy Framework 2021.

6.2 Amenity

Future occupiers

As this is not a residential property but is a B&B there is no requirement to assess the amenities of future occupiers as would also be the case with a hotel.

Neighbouring properties

The proposal to vary the condition will not result in any additional volume to the property or its change of use. Therefore there will not be any detrimental impact on any neighbouring dwelling in terms of loss of outlook, privacy, sunlight or daylight.

The proposal therefore accords with policy CS19 of the Gravesham Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021 in terms of amenity.

6.3 Parking and Highways

Without the Public House and Bed and Breakfast trading it has not been possible to determine the car parking required for its use. A condition is therefore recommended that a parking plan be submitted, that sets out the parking for the Public House, B&B and residential accommodation. With the B&B parking shown at the rate of one space per bedroom, plus one space for any residential element. Secure cycle spaces should ideally be one space per bedroom. That should protect the requirements for the B&B without conflicting with the current maximum vehicle parking standards for the public house should it ever reopen. Subject to a condition, no objections are raised on highways grounds.

The proposal therefore accords with policy P3 of the Gravesham Local Plan 1994 and CS11 of the Gravesham Core Strategy 2014.

6.4 Other matters

Asset of Community Value

The Amazon and Tiger was designated an Asset of Community Value under the Assets of

Community Value (England) Regulations 2021 after a successful application by Meopham Parish Council on 13/05/2021. As an Asset of Community Value, should the current owners seek to dispose of the Public House, the opportunity will be marketed to local Community Groups who will have an opportunity to purchase the Public House, however, it remains for the owner to determine whether the Public House in such instances is sold to a Community Group or to another interested party.

Use of B&B

There have been a number of representations raising concerns that a relative of the owner is living in the B&B as a separate residential dwelling. Council officers visited the site and there was no evidence that this was the case. The owners had confirmed that they had stopped advertising the B&B due to issues they had when the pub was open but they are intending to start advertising it again. The beds were not made and there was a book for visitors explaining details of the B&B and providing visitor information for the local area. Should the current proposed variation to condition 4 be permitted, the extension to the Public House will only benefit from a C3 Bed and Breakfast use and not a C3 residential use.

Previous conditions

The original decision notice also contained conditions relating to the materials to be used on the extension and landscaping. Whilst a number of the conditions have not been discharged, this is not a material planning consideration for the determination of this application.

7. Conclusion

7.1 The proposal to vary condition 4 of 20140008 will not result in any detrimental impact to the character of the area, surrounding conservation area, landscape character or the openness of the Green Belt. The B&B fulfils the objectives of policy CS07 of the Gravesham Core Strategy 2014 and para. 84 of the National Planning Policy Framework 2021 which supports rural diversification. The recommendation is that the application be approved subject conditions.

Recommendation

APPROVE subject to planning conditions

1. The development hereby approved shall be carried out in accordance with the plans submitted under reference 20140008 and the following schedule of plans:

Application form
Site plan
Block plan
Drawing no. AT007 (proposed floor plan)

Reason: For the avoidance of doubt and in the interest of proper planning.

2. The extension hereby approved can be used for Bed and Breakfast purposes only and must not become a self contained unit within its own right, sold or rented as a separate hereditament whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995, without the prior approval, in writing, of the Local Planning Authority.

Reason: To ensure that any future proposals for the use of the Bed and Breakfast may be the subject of a planning application which the Local Planning Authority would wish to determine on its own merits.

3. Prior to the occupation of the B&B or within three months of the date of this decision (whichever is sooner) a parking plan for the B&B shall be submitted to and approved by the Local Planning Authority showing parking at the rate of one space per bedroom, plus one space for the residential element and secure cycle spaces of one space per bedroom. The parking and cycle spaces shall be retained in perpetuity.

Reason: To ensure the development provide sufficient parking for the approved use in accordance with policy CS11 of the Gravesham Core Strategy 2014.