

Delegated Report

Householder Planning Application

Planning Application No: 20240992

Location: Wyebank, Bowesden Lane, Shorne, Gravesend

Description: Works to existing outbuilding and change of use to a residential annex.

Applicant: Mr and Mrs Goodwin

Submitted Documents/Plans

Application form

Design and Access Statement

Drawing no. PL/783/01 (Existing and Proposed Plans and Elevations, Block Plan)

Drawing no. PL/783/02 (Site Location Plan)

Relevant Planning History

Reference	Description	Decision	Decision Date
20121003	Erection of two storey side extension to form enlarged kitchen/dining room and boot room at ground floor level with two bedrooms, dressing room and two ensuite bathroom/wc's at first floor level and relocation of the front porch.	Permitted	13.02.2013
20111079	Installation of two dormer windows in front and two dormer windows in rear roof slope; conversion of roof slope into two bedrooms with ensuite bathroom/wc; conversion of attached garage into a utility room and games room; demolition of existing garage and erection of a detached open front fronted double garage with attached boiler room.	Permitted	08.02.2012
19550082	Extension to existing garage with new living accommodation	Permitted	11.05.1955

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
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- C13 – Extensions to Dwellings in the Countryside
- T1 – Impact of Development on the Highway Network
- T5 – Access to the Identified Highway Network
- P3 – Vehicle Parking Standards

Paragraph 33 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 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment
- Section 15 – Conserving and enhancing the built 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 (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

Dickens County Protection Society

The Society would wish to object to the application on the grounds that the conversion would amount to the creation of a new dwelling in the Green Belt contrary to policy. No very special circumstances have been put forward to warrant overriding Green Belt policy. It should also be noted that this is in the North Downs National Landscape Area.

Kent Downs National Landscape Team

The Kent Downs National Landscape Team has seen a recent uplift in the number of consultations on planning applications. In accordance with the agreed Kent Downs Planning Protocol, which sets out that the Kent Downs Landscape Team will only have a limited land use planning role and will prioritise its involvement in planning to planning policy matters, we will not normally provide bespoke comments on more minor applications such as this. This does not imply support for, or objection to, the proposal. If our input would be particularly valued in this instance, please get in touch and we endeavour to provide informal advice where our current planning capacity allows.

In determining the application, the local planning authority has a new statutory duty, as set out above, to seek to further the purpose of conserving and enhancing the natural beauty of the Kent Downs National Landscape. Further advice on the new duty is provided in Appendix 2 of this letter and in our Interim Advice

Note for Local Planning Authorities. The Kent Downs National Landscape Team recommends that to help fulfil the new statutory duty, the Local Planning Authority should ensure that the decision is consistent with relevant national and local planning policy and takes into account the aims, objectives and principles set out in the Kent Downs AONB Management Plan and its associated guidance documents. Further details of these are provided in Appendix 1.

Shorne Parish Council

The Parish Council has to OBJECT to this application for the following reasons:

- The proposal refers to an annex, however the proposal is actually for self-contained residential accommodation thus creating a new dwelling in the Green Belt, which would not normally be permitted. As well as Green Belt, the property lies within the North Kent Downs National Landscape Area (formerly AONB).
- Some justification is provided but this may not sufficiently meet the criteria of “very special circumstances” to justify overriding protective regulations rather than for example extending the existing dwelling.
- The building in question is not presently of a form of structure that would normally be regarded as suitable for residential conversion, considerable work will be required.
- Similar applications elsewhere in the Parish have been refused, for example ref. 20220130 and its previous applications.
- We consider that a full planning application is needed for a proposal of this nature.

Should GBC be minded to permit the application then strong conditions or narrative should be attached preventing extension, separate residential use at any time in the future or being used to operate a business/for other commercial activity. Any permission could be only temporary.

Neighbouring properties

The application has been advertised on site and by individual neighbour letters to 5 properties. The overall consultation period expired on 13 December 2024.

No letters of representation have been received from neighbouring properties.

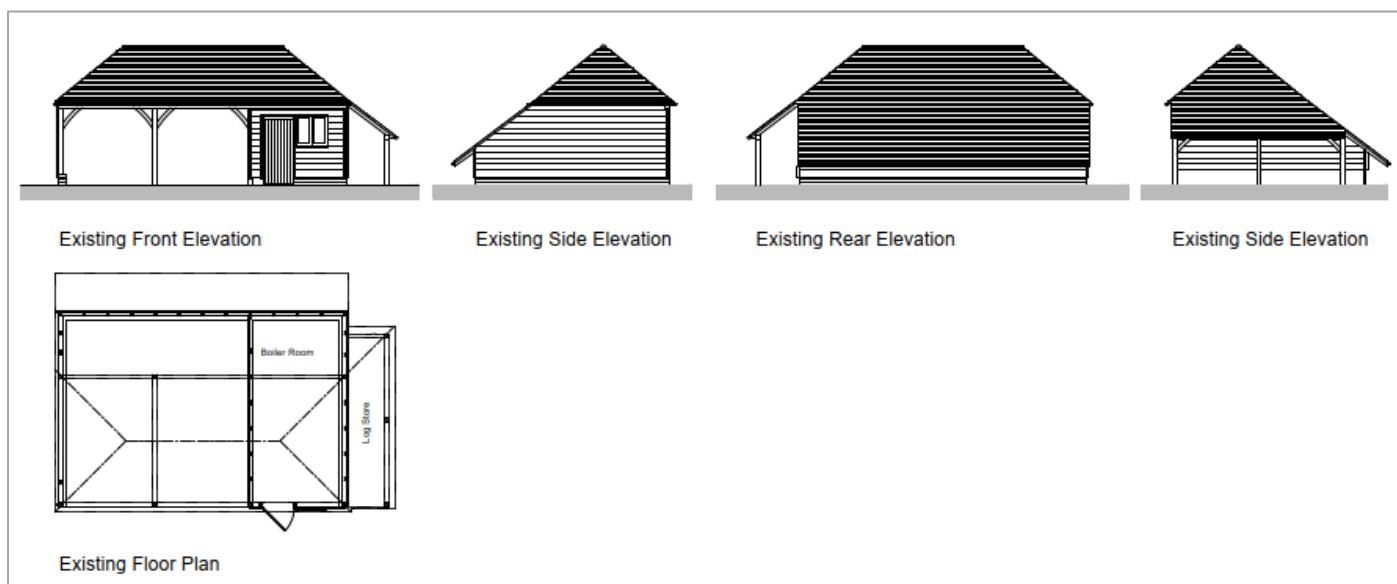
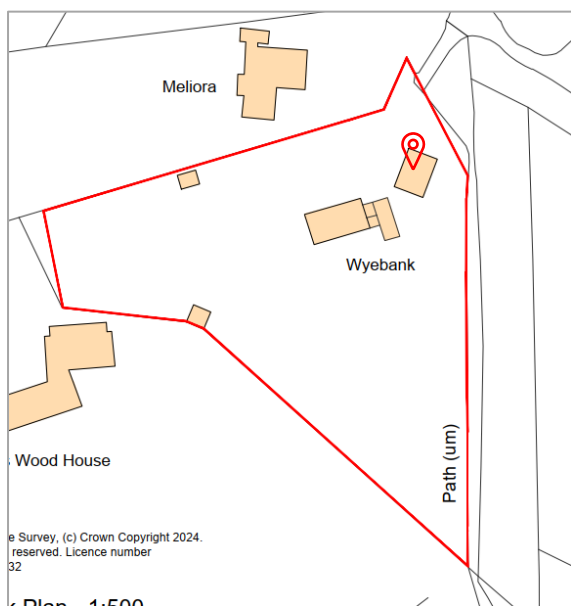
KCC's Biodiversity Officer and Local Ward Councillors were also consulted but no responses were received.

Officer's Analysis

Proposal

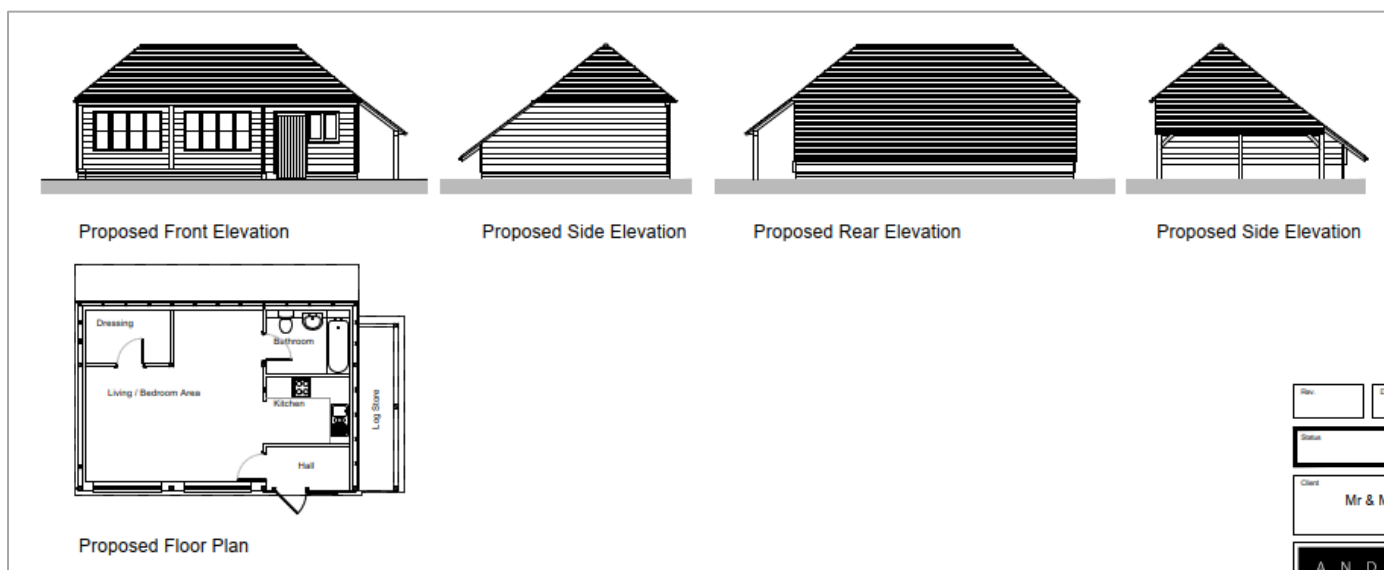
This application seeks permission for works to an existing outbuilding and change of use to a residential annex.

Towards the front of the site there is an existing single storey, timber framed car port/boiler room/log store outbuilding. The building is clad in black timber planks and has a barn hip and cat slide roof, tiled in red clay tiles:



It is proposed to convert this outbuilding to a residential annex for an elderly family member, who will be relocating to live with the applicant but with their own, independent living space. The car port element of the building will be enclosed with a new external wall, and two windows added. The materials are proposed to match those of the existing building; black timber planks and black timber framed double glazed units. No further external alterations are proposed.

Internally the building will be insulated and plaster boarded. The existing boiler room entrance door will be retained and repurposed as the main entrance. New openings will be created within the existing internal partition wall. The space will provide a living/sleeping area, bathroom, kitchen, dressing area and an enclosed hallway.



Principle Issues

The site lies outside the nearest settlement boundary of Shorne, and has a number of constraints, including being within the Green Belt, in the Kent Downs National Landscape, in a Biodiversity Opportunity Area, in the Shorne Woodland Landscape Character Area and in an Archaeological Notification Area. Considering these designations, the main issues for consideration in the determination of this application are as follows:

- Principle of development in the Green Belt
- Impact on Landscape Character
- Residential amenity
- Parking and highways

Principle of development in the Green Belt

Policy CS02 of the Core Strategy 2014 prioritises development in the urban area as a sustainable location for development. In the rural area it states that development will be supported within rural settlements that are inset from the Green Belt and defined on the Policies Map. Development outside those settlements (which is the case here), will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the Core Strategy 2014.

Green Belts are of great importance. The fundamental aim of Green Belt policy is to prevent urban sprawl by preserving the open and permanent characteristics of Green Belts (paragraph 142 of the NPPF 2024). Paragraph 153 of the NPPF 2024 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Local Planning Authorities should regard development as inappropriate in the Green Belt, unless certain exceptions apply (paragraph 154 of the NPPF 2024). In the case of this proposal, the following exceptions are applicable:

(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The existing outbuilding will be altered by enclosing the open part of the front elevation and adding window openings. The building will not be extended. The proposal would therefore not be deemed inappropriate under exception (c).

g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

As an existing residential property, this site is considered to comprise previously developed land. The existing outbuilding would be considered a 'domestic adjunct' considering its location and use in relation to the main dwelling; it is clearly within the residential curtilage of Wyebank and has a close visual relationship to it. The use of the outbuilding will be changed to an ancillary residential use linked to the main dwelling. Such a use would not cause substantial harm to the openness of the Green Belt.

However, a key planning concern with annexes is that there is the potential for them not to be ancillary to the main dwelling on the site, even when they are not within the Green Belt. In this particular case, the annex would have its own separate access as it is detached from the main dwelling. If it were to be subdivided away from the main dwelling, it could lead to additional parking requirements, hardstanding, boundary treatments, and other domestic paraphernalia that would all have a negative impact on the openness of the Green Belt. Such a proposal would not be acceptable.

Planning permission is being sought for the ancillary use of the annex. It is helpful to consider whether the annexe would be ancillary or a separate planning unit. Firstly, it has been made clear within the application that the annexe is for the sole use of the applicant's elderly relative. Whilst the proposed annexe would be detached from the main house, there is only one access into the site and dwelling, and this serves a parking area at the front of the house. It is on this basis, as a matter of fact and degree, it is considered that a new planning unit would not be created at the application site, and the use would be an ancillary residential one. However Inspectors have stated (APP/K2230/D/23/3324637) that an application should be taken at face value meaning that although an annex may have the potential to be a separate residence, if an annex is being applied, then that is what it should be occupied as. Any different use would require planning permission and be determined against relevant policies.

Nevertheless, given the concern relating to the potential for plot severance in this Green Belt location, it will be essential to impose a condition restricting the use of the annexe as ancillary and related to the main dwelling. On this basis, the proposal would therefore not be deemed inappropriate under exception (g).

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are: ... iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;...

The existing outbuilding will be re-used as ancillary residential accommodation related to the main dwelling on the site. The building appears in good condition, and requires no other works than what would be expected to enable it to be used in the manner proposed. The proposal would not affect openness as the works would all fall within the existing footprint of the building, and would not conflict with any of the five purposes of the Green Belt set out in paragraph 143 of the NPPF 2024:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

On the basis of the above considerations, and subject to the inclusion of a restricted use condition, the proposed development would not be inappropriate in the Green Belt and would comply with the requirements of Section 13 of the NPPF 2024 relating to the protection of Green Belt land and Policy CS02 of the Core Strategy 2024.

Landscape Impacts

Paragraph 187 of the NPPF 2024 aims for development to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. The site lies within the Kent Downs National Landscape (formerly AONB). Reflective of paragraph 189 of the NPPF 2024, Policy SD2 of the Kent Downs AONB Management Plan 2021-2026 recognises the need to conserve and enhance the local character, qualities, distinctiveness and natural resources of the National Landscape. Principle SD8 seeks to ensure that proposals do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB.

The application site is also located in the Shorne Woodland Landscape Character Area within the Gravesham Landscape Character Assessment (GLCA) 2009 and as such, Policy CS12 of the Core Strategy 2014 is also relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the GLCA will be taken into account in determining applications. The GLCA states that the character area is defined by undulating landform and extensive tree cover, which provides an enclosed character and subsequent low visibility within the area. The overall condition of the landscape is good and has moderate sensitivity. It is recommended that key landscape elements should be conserved and reinforced, including the wooded character of the area.

Wyebank is set back from the road within a treed setting. Visually, the proposal would result in a change to the front elevation of the existing outbuilding, and it is considered that this would not represent a significant change in the character and appearance of the site. On this basis, the proposal would not result in an adverse visual impact on landscape character and in a similar vein, the proposal would not be considered to be intrusive within its AONB setting.

Overall, it is considered that the proposal would conserve the rural landscape context of this site within the AONB and Shorne Woodlands Landscape Character Area. As such, the proposal would comply with the relevant requirements of Policies CS02 and CS12 of the Core Strategy 2014, and paragraphs 187 and 189 of the NPPF 2024.

Design

Section 12 of the NPPF 2024 relates to achieving well-designed 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.

Saved Policy C13 of the Local Plan 1994 relates to extensions to dwellings in the countryside, which whilst is not directly applicable to the proposed development, does give some guidance about outbuildings in this type of setting. Criteria (vii) states that proposals for domestic garages and for other outbuildings will be considered on their individual merits but will be required to be well designed, discreetly sited and subservient to the scale of the main dwelling on the plot. These requirements can all be applied to the outbuilding that is the subject of this application. The proposed use of black timber cladding and timber windows are good quality, traditional in appearance and appropriate for an outbuilding in the rural area and will also match those used in the existing outbuilding and main property. It will be important to condition matching materials to ensure a seamless blend with the existing materials in the building.

In design terms, the proposal is considered to be acceptable, and will comply with the requirements of saved Policy C13 of the Local Plan 1994, Policy CS19 of the Core Strategy 2014, and the relevant paragraphs in Section 12 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). Paragraph 198 of the NPPF 2024 seeks to ensure that new development takes into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. 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 and avoid adverse impacts from pollution.

Future Occupiers

In terms of additional living accommodation, the proposal will add a further one bedroom to the application property. Garden space around the property will not be affected, as the outbuilding will not be extended. 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.

If the proposed annexe were to be severed from the main dwelling, there would be amenity concerns. There could be issues over the size of the accommodation being inadequate and there could be privacy issues between the properties on the site and potentially inadequate amounts of amenity and parking space.

However, as discussed above, the proposed condition restricting the annexe as ancillary accommodation related to the existing main dwelling would help prevent any impacts on amenities. A condition restricting the physical subdivision of the plot with fencing etc. would also be appropriate.

Neighbouring Properties

The single storey outbuilding is existing and the nature of the proposed ancillary use of the outbuilding would not cause any sense of enclosure, loss of light, outlook or privacy to neighbouring properties, particularly given the distance it is from the nearest neighbour Meliora (approximately 28m away). The submitted plans show no encroachment onto neighbouring land. The proposal would comply with Policy CS19 of the Core Strategy 2014.

Parking and Highways

The existing garage space in the outbuilding would be lost as a result of this proposal and there would be an additional bedroom. The original planning permission (20111079) for the outbuilding contained a condition as follows:

The detached garage hereby permitted shall remain as an open fronted structure and be available for parking of two motor vehicles at all times.

Reason: To prevent the conversion of the garage into an inappropriate use.

It must be noted that the reason for the condition was not concerned with a lack of parking space and parking pressures.

The conversion of the garage will result in a loss of parking space for the property but it is clear that the existing outbuilding is not currently used for parking space. The parking standard for a dwelling with 4 or more bedrooms is a maximum of 3 spaces. This is a maximum standard, but there will be ample off-street parking provision retained on the plot well in excess of 3 spaces.

The access to the site will remain as existing.

However, as no parking spaces are allocated, the conversion would only be acceptable if it is ancillary to the occupation of the main dwelling. This would be ensured by the proposed restricted ancillary use condition discussed above.

It is on this basis that there would be no adverse parking or highway issues resulting from the proposals, which would comply with Saved Policies T1, T5 and P3 of the Local Plan 1994 and Policies CS11 and CS19 of the Core Strategy 2014.

Any Other Material Planning Considerations

Biodiversity

The NPPF 2024 in paragraph 187 states that planning decisions should contribute to and enhance the natural and local environment by protecting sites of biodiversity value. Policy CS12 of the Core Strategy 2014 reflects this stance and states that sites designated for their biodiversity value will be protected. There will be no net loss of biodiversity in the Borough, and opportunities to enhance, restore, re-create and maintain habitats will be sought, in particular within the Biodiversity Opportunity areas, where this site is located.

Considering these objectives, it would be important for the outbuilding to incorporate biodiversity features, such as bird boxes, and this could be conditioned. Any associated external lighting (and, therefore, any increase in light spill) should also be considered of the biodiversity designation.

Biodiversity Net Gain (BNG)

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

In this case, the proposed development is covered by an exemption as it is a householder application. BNG is therefore not required in this case.

Archaeology

The site lies within an area of archaeological potential. However, it is considered unlikely that the proposals would have a significant below-ground archaeological impact as the structure is already built. The proposal therefore complies with Policy CS20 of the Core Strategy 2014 and paragraph 210 of the NPPF 2024.

Conclusion

Subject to conditions, the proposal is considered to be appropriate development in the Green Belt, plus it is acceptable in terms of the design and impact of the annex on the application site itself and on the character and appearance of the surrounding rural landscape, and with regards to residential amenity and highway matters.

The proposals would therefore comply with the requirements of Policies CS02, CS11, CS12, CS19 and CS20 of the Core Strategy 2014, saved Policies C13, T1, T5 and P3 of the Local Plan 1994, and paragraphs 116, 131, 135, 142, 143, 153, 154, 187, 189 and 210 of the NPPF 2024.

Recommendation

The application is recommended for permission subject to conditions.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Mrs Faye Walsh
Signed:	<i>K. Parkin</i>	Signed:	<i>F Walsh</i>
Dated:	23 December 2024	Dated:	24 December 2024