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<b>Ightham</b> Ightham	<b>558834 155149</b>	<b>16.05.2006</b>	<b>TM/06/00593/FL</b>
Proposal:	Change of use of studio to office (retrospective)		
Location:	The Chase Sandy Lane Ivy Hatch Sevenoaks Kent TN15 0PB		
Applicant:	Mr And Mrs S Read		

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**1. Description:**

- 1.1 The proposal seeks retrospective planning permission to change the use of the existing studio to an office.
- 1.2 The studio was previously a keep fit/ dance studio. A condition of that planning permission (TM/89/0038) required it to be used for the private use of the applicant, and not for a commercial use, in order to safeguard the amenities and interests of occupants of other property in the residential area.
- 1.3 The applicant of this proposal is an author of business books and speaker at business conferences. He arranges meetings of senior directors, at which he speaks.
- 1.4 The applicant has stated in the application that he has four full time staff and suggests that he sees no prospect of this number increasing in the short term. He also employs people with specialist skills on a casual basis (approximately one person for one day per month). At the time of carrying out a visit of the site there were seven employees working in the building, at seven workstations. The applicant has advised that there were two new members of staff at this time, who were to replace staff who had given in their notice. These people have now left and the applicant has stated in a supporting statement that this set up is not proposed to be repeated. There was also a consultant who normally works from home, but had been 'called in to "synchronize" her computer with those in The Studio'. This employee no longer works for the applicant and the applicant has advised that her replacement is based in Devon.
- 1.5 At the site inspection it was apparent that the applicant had a separate office in another outbuilding to the north of the dwelling. This is used solely by the applicant.
- 1.6 The applicant has submitted a supporting statement with the application, setting out the circumstances behind locating the business in this building:
  - The applicant previously worked for a large international firm. He mainly worked at home in a home office.
  - When the company went through a reorganisation he was left without a job. Mr Read decided to carry on doing similar work, but on his own behalf in his home office.

- As he established his business he found that he needed to extend his home office arrangements by employing some office-based staff on a permanent basis, all requiring a workstation and therefore set up The Studio as an office.
- He employs (usually on a temporary basis) others to help on particular projects, who work at their home address.

## **2. The Site:**

- 2.1 The site is situated outside the village envelope of Ightham, within the MGB, SLA and an Area of Special Character.
- 2.2 The site is situated within a large plot. The studio lies approximately 15m to the south of the dwelling house. The garage building, in which the applicant's own individual office is situated, lies approximately 4m to the north of the dwellinghouse.
- 2.3 The business is accessed by the main access to the dwellinghouse. The staff park their vehicles on the driveway leading to the garage building. There are 3-4 spaces available for parking and turning in connection with the main dwellinghouse.

## **3. Planning History (most relevant):**

- 3.1 TM/84/0925                      Approved 24.09.1984  
Two storey pitched roof building to form a workshop and store.
- 3.2 TM/89/0038                      Approved 07.04.1989  
Erection of keep-fit/ dance studio – for private use only.
- 3.3 TM/90/1003                      Do not require permission 20.08.1990  
Section 53 Determination: Alterations to building and use as self-contained living accommodation forming annexe to main dwelling.

## **4. Consultees:**

- 4.1 PC: In light of information from nearby neighbours, who have written separately to TMBC, we have considered this application at a full Council meeting and now object to the proposal because the level of activity and the movement of vehicles and people is excessive in a residential area.
- 4.1.1 There is nothing in the additional information provided which persuades us to change our view and we continue to object to the proposed retrospective change of use. We share the views of nearby neighbours that the present level of activity and the vehicle movements it gives rise to, already have an impact on their enjoyment of their properties and are excessive in a rural residential area. We see no reason why the business could not be re-located in a suitable office in a non-residential commercial area.

4.2 DHH: Formal views awaited, but orally advised no objections on grounds of noise disturbance.

4.3 KCC (Highways): No objections.

4.4 Private Reps (including Art 8 Site Notice): 10/0S/0X/17R. Seventeen letters received, objecting on the following grounds:

- The activities at the site have reached a scale where they impinge on the freedom of neighbours, partly through the construction and use of an office car park alongside the wooded lane.
- Is there a shortage of office space in the area?
- The proposal does not benefit the local community in any way.
- The use of the building as an office could open it up to a range of uses in the future and set a precedent for similar changes into large offices within the neighbourhood.
- The reference to only four employees 'in the short term' is ominous. It is difficult to believe that the scale of the proposed office and staff is necessary for that purpose alone.
- If there are sound reasons for a change of use, the permission should be restricted in scale, duration, class of work and to the existing owner.
- The studio and the garage building were used for living accommodation when they were first granted planning permission.
- Several months ago, the applicant advised that he was going to cut down a tree on a blind bend in Sandy Lane and create a new access for his gardener. A car park was created and the employees and tradesmen visiting started parking in the wood car park, rather than the main driveway. This is a blind access. The applicant has agreed to move the employees cars back onto the main driveway, but this has moved the problem on to other neighbours.
- The area where trees were felled to create an access is protected by a Tree Preservation Order.
- The business could be sold off separately from the main house, which would provide additional complications or further problems may arise if the applicant were to sell the property in the future.
- The site is situated within and AONB and Ancient Woodland and therefore it is felt that it is not an appropriate location.

- The locality is very quiet and therefore the noise of employees sitting outside at lunchtime is heard from nearby dwellings.
- The site is accessed by narrow country lanes, which could not cope with commercial traffic.
- The proposal actually results in an increased need to travel due to the position of the site in a rural locality away from public transport. Regular employees need to commute to work daily and there are also part-time and occasional employees visiting the site as well as ancillary services.
- The site plan submitted is inaccurate. Cars are parked on the property border directly outside the lounge and bedroom of the neighbouring property to the north.
- Local employment can easily be continued in the nearby business park or a town or village.
- Employees sit in their cars at lunch time and run the engine, which causes noise nuisance.
- Approving such a proposal will create a precedent.
- The application suggests that the building was previously used for dancing lessons. The studio was built solely for the applicant's use to exercise/ keep fit. It was never used for commercial purposes.
- The applicant runs several businesses from the premises, of which writing books is a small part. The core business appears to be a recruitment services and business management consultancy.
- The application does not exclude the possibility of increasing the level of staff in the future.
- The applicant states that there is not a need for trade refuse arrangements. Two wheelie bins are used, which is double the amount of waste of anyone else in the area, most of which is business related.
- The applicant states that he moved into The Chase in 1988. He moved in, in 1998. There is concern with the level of incorrect information given in the application.
- There is concern that the application is retrospective.

**5. Determining Issues:**

- 5.1 The main determining issues associated with the application are whether the proposal is appropriate for the locality. Whilst the application is a retrospective application it must be considered against the same policies as a new proposal.
- 5.2 PPS7 (Sustainable Development in Rural Areas) supports the re-use of appropriately located and suitably constructed existing buildings in the countryside where it could meet sustainable development objectives. It states that proposals for the re-use of existing buildings that are adjacent or closely related to country towns and villages should be facilitated where they would improve the viability, accessibility or community value of existing services and facilities.
- 5.3 PPG4 (Industrial and Commercial Development and Small Firms) accepts that the characteristics of industry and commerce are continuously evolving and many businesses can be carried on in rural and residential areas without causing unacceptable disturbance through increased traffic, noise, pollution or other adverse effects. It also recognises that individual planning decisions will depend upon such factors as the scale of the development, the nature of the use of the site and its location.
- 5.4 Policy RS4 of the KSP states that small-scale development will normally be permitted in and adjoining the built up area of villages and small rural towns where it is appropriate to the scale of the settlement and without undue detriment to the amenity and character of the settlement or its setting. Any proposal should be justified by employment needs or where it essentially demands a rural settlement location.
- 5.5 Policy P6/14 of the TMBLP sets out the criteria for permitting the reuse of existing rural buildings for commercial use. It requires proposals to be acceptable in terms of residential and rural amenity, highway impacts and the use of land surrounding the buildings, and that the proposal can be accommodated without requiring the erection of ancillary buildings.
- 5.6 The change of use has not involved altering the external appearance of the buildings. Whilst it is not rural in nature, I am of the opinion that it is in keeping with the existing dwelling. It is of a permanent, sound and substantial construction. I do not consider that the proposal would have a detrimental impact on the SLA or Area of Special Character.
- 5.7 From the site inspection, it appeared that the staff use the main access to the dwelling and park their vehicles in the driveway. I could see no evidence of staff using the new access, which did not require a planning application. I note the concerns raised relating to the loss of trees in connection with the creation of the new access. However, it does not appear that the access is associated with this business use and therefore this is a separate issue that has been investigated.

- 5.8 I am of the opinion that the office use does not result in a significant level of noise. The buildings are set well back from the highway. Whilst the proposal has resulted in an increase in traffic movements, I am of the opinion that the noise generated by these traffic movements is not sufficient enough at this level to justify refusing the application. Similarly the actual increase in traffic generation is not significant and does not give rise to a detrimental impact on highway safety. Whilst I note the concerns that the impacts of such a use could change should the applicant decide to sell the property in the future, this could be controlled by the use of a condition restricting the use of the building to the applicant and/ or the company.
- 5.9 The site is accessed by narrow rural lanes. The site is situated some distance from the village of Ightham. Whilst the nature of the business is not one that requires a rural location, nor one that satisfies any community need, consideration also needs to be given as to whether the use results in unacceptable disturbance from increased traffic, noise or pollution harmful to residential amenity.
- 5.10 The fact that the business differs from the predominant use of the surrounding locality is not a sufficient reason, in itself, for refusing planning permission.
- 5.11 Issues relating to the amount of refuse generated and business rates are not material planning considerations.
- 5.12 On balance, I consider the proposal to be acceptable.

**6. Recommendation:**

**6.1 Grant Planning Permission**, subject to the following conditions:

- 1 The business shall not be carried on outside the hours of 8.30am to 6.00pm Mondays to Fridays with no working on Saturdays, Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

- 2 The parking area shown on the hereby approved plans shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 3 This consent shall enure only for the benefit of Mr Read and it shall not enure for the benefit of the land or any other persons for the time being having an interest therein.

Reason: In the interests of amenity.

- 4 The number of staff employed to work on the premises shall at no time exceed four.

Reason: In the interest of amenity.

Contact: Glenda Egerton