
Platt Borough Green And Long Mill	562360 156090	10 February 2009	TM/09/00136/FL
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Proposal:	Retrospective application under Section 73A of the Town and Country Planning Act 1990 for the erection of an outbuilding for the private ancillary use by the occupiers of the single dwelling within the site at Napps Farm, Long Mill Lane
Location:	Napps Farm Long Mill Lane Platt Sevenoaks Kent TN15 8QG
Applicant:	Mrs Sally Rutherford

1. Description:

- 1.1 The application is retrospective as the building has already been erected within this site. The building measures 14.42 m x 6.1 m x 4.6 m high (to ridge level) and includes a red brick plinth upon which a timber frame stands that is clad with black stained weatherboarding. The roof is hipped at one end (facing the road) and is clad with reclaimed plain red/brown roof tiles. The windows and door are constructed from Oak.
- 1.2 Initially, the application was submitted on the basis that the building would be used for the private stabling of horses owned by the occupiers of the host dwelling. However, the applicant's plans have changed since the application was first submitted and it is now intended to use the building for purposes that are ancillary to the residential use of the site (as a games room and home office for example).

2. Reason for reporting to Committee:

- 2.1 The controversial nature of the application and because the applicant is the partner of an elected Member of Tonbridge and Malling Council.

3. The Site:

- 3.1 The site is located outside the settlement confines of Platt, within the Metropolitan Green Belt and open countryside. The site lies on the east side of Long Mill Lane and contains a bungalow, the building the subject of this application and two stable buildings.

4. Planning History:

TM/67/424	Refuse	18 October 1967
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Outline application for a dwelling.

TM/79/1152 Grant with conditions 15 November 1979

Extension to side front and rear to form 2 bedrooms, porch and utility room.

TM/99/00052/LDCP Certifies 14 June 1999

Lawful Development Certificate Proposed: siting of mobile home as ancillary accommodation

TM/99/02035/FL Section 73A Approved 22 May 2000

Application under s.73A: continued use as livery yard and provision of 48m x 18m sandschool

TM/03/01594/FL Application Withdrawn 14 July 2003

Replacement dwelling

TM/04/00895/FL Grant With Conditions 19 July 2004

Replacement dwelling (resubmission of application TM/03/01594/FL)

5. Consultees:

- 5.1 PC: Initial comments overtaken by the revised proposal and further comments received following the change to the description of the development: No objection.
- 5.2 DHH: No comments as to its use as an outbuilding as opposed to a stable as previously
- 5.3 Private reps (including responses to public notices): 7/0S/0X/8R. The eight letters that have been received, from 3 households, objecting to the development, do so for the following reasons:

Original submission (stable):

- The building is materially larger than the stable it replaced.
- The application, if passed, will set an undesirable precedent for others to follow suit.
- The building does not have the design of a stable building, but is more akin to an office or a dwelling.

- 5.3.1 The building has been erected without planning permission within the Green Belt and is contrary to Green Belt policy.

Comments received following the change to the description of the development:

- It is to be let out as a holiday cottage and was never intended to be used as a stable.
- The use of the building as a holiday let will increase traffic flow along the surrounding roads.
- The building is materially larger than the main dwelling within this site and towers over it.
- The building is noticeable from both Long Mill Lane and The Old Saw Mill

6. Determining Issues:

- 6.1 The main issues relating to this development relate to the principle and the impact of the building upon the character of the rural locality.
- 6.2 The stated use of the building has changed since the application was first submitted in February 2009. Originally, the application sought retrospective planning permission to use this building as a stable. Planning permission is now sought for the building and for its use ancillary to the primary residential use of the dwelling, including as a home office and/or a games room. It is on this latter basis that the merits of the development must now be assessed.
- 6.3 Current Government advice contained within PPG 2 (Green Belts) seeks to control development within the Green Belt. It states that there is a general presumption against inappropriate development which, by definition, is harmful to the Green Belt. PPG 2 also states that inappropriate development should not be allowed except in very special circumstances. Policy CP 3 of the TMBCS states that National Green Belt policy will be applied to developments within the Green Belt
- 6.4 The erection of a building within the Green Belt is inappropriate development unless it would fall within one of a number of categories of development listed in paragraph 3.4 of PPG 2. One of these categories allows for the extension of residential dwellings. Whilst this is not an extension *per se* to the residential dwelling within this site, detached ancillary residential outbuildings are commonly considered to be “domestic adjuncts” which have been found to be akin to an extension to a dwelling house for the purpose of applying Green Belt policy. The most common examples are the erection of garages, sheds, greenhouses and domestic workshops. The building would be located within the residential curtilage of this property. This type of built solution is not unusual in the Green Belt. I am, therefore, satisfied that the principle of erecting an outbuilding within the residential curtilage of this property is acceptable in broad policy terms and complies with the underlying aims of PPG 2 and adopted policy CP 3.

- 6.5 Policy CP 24 of the TMBCS requires all development to be well designed and of a high quality in terms of detailing and use of materials. Development must also, through scale, layout, siting, character and appearance be designed to respect the site and its surroundings.
- 6.6 The building itself has a similar footprint to one that previously stood in the same location within this site. The former building, believed to be a stable, was demolished in 2008. An aerial photograph of the site submitted by the applicant shows a stable building located in the approximate location of the current building. The photograph also shows a mobile home and another stable building located within this site, which have since been demolished/removed from site.
- 6.7 The building as erected stands 4.6m high which is taller (by approximately 1 metre) than the building that it replaced. It is also some 3m longer and 1.5m wider than the former stable building. There is some additional bulk in the current building and this is accounted for by the use of a more traditional and steeper roof pitch of 35°.
- 6.8 The building is a timber framed structure standing on a brick plinth and the walls are principally clad with weatherboarding stained black in colour. The roof is clad with reclaimed plain clay tiles. In terms of its form and design, its appearance suits the character of the rural locality. Whilst the building is larger than the stable building it replaced, I do not consider it to be out of keeping with this particular property or intrusive in the rural area.
- 6.9 Consideration must also be given to the fact that an outbuilding could be erected under permitted development rights within the lawful garden curtilage in this site without needing to be the subject of a planning application. Whilst the height limit for erecting such a building is 4m (0.6m lower than the building the subject of this application), such a building could have a footprint similar to (or potentially larger than) the building the subject of this application.
- 6.10 I also consider that the building in terms of its form, design and use of external materials does not detract from the character of the site or the wider rural locality. I therefore consider that this proposal complies with policy CP 24 of the TMBCS.
- 6.11 Some making representations fear that the building will be used as a separate residential dwelling/office or would be used for such purposes in the future. The application, as revised, seeks permission to use the building for purposes that are ancillary to the residential use of the property, which is acceptable in broad policy terms. It is an established principle in planning decision making that an element of business use can take place at a dwelling without a separate grant of planning permission being required.
- 6.12 The use of this building for purposes ancillary to the residential use would not cause any detriment to the amenity of nearby residential properties nor upon highway safety, in my opinion.

6.13 In light of the above, I recommend that planning permission be granted for this development.

7. Recommendation:

7.1 **Grant Planning permission** as detailed by: Design and Access Statement dated 11.12.2009, Elevations NAPPS/002 A dated 11.12.2009, Elevations NAPPS/003 A dated 11.12.2009, Floor Plan NAPPS/004 A dated 11.12.2009, Letter dated 26.03.2009, Photograph dated 11.12.2009, Location Plan NAPPS/001 C dated 11.12.2009, subject to the following conditions:

1. At no time shall any external lighting be installed on the building, the subject of this application, except with the prior written approval of the Local Planning Authority.

Reason: In the interests of the visual and rural amenities of the locality.

Contact: Matthew Broome