

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TM/03/01594/FL Application Withdrawn 14 July 2003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

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- 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

SUPPLEMENTARY REPORTS**AREA 2 PLANNING COMMITTEE****DATED 24 February 2010**

Platt **TM/09/00136/FL**
Borough Green And
Long Mill

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 at Napps Farm Long Mill Lane Platt Sevenoaks Kent TN15 8QG for Mrs Sally Rutherford

PC: Platt Parish Council raised no objection to the revised application for the above location. It appeared that the original intended use of the building was not for stables and we were presented with a fait accompli. The Parish Council had, it seems, wrongly assumed that there would be conditions attached if planning permission was granted.

We are very surprised to read in the committee report that the only condition relates to external lighting. In view of the concerns raised by local residents regarding the possible use of this building and the fact that a condition is often attached to planning permissions specifying usage, we would urge the committee to consider adding a condition that specifies that the building is ancillary to the use of the residents of Napps Farm but not for residential purposes. This would eliminate any protracted enforcement proceedings in the future thus saving time and money for the Borough Council.

This would also seem to a very sensible approach to this application in view of the fact that the applicant is a partner of a member of the Area 2 Planning Committee.

Private Reps: Two further representations have been received from local residents. It is understood that these emails have been sent to Members of the Area 2 Planning Committee. They question some of the commentary in the Determining Issues section of the main report regarding the merits of this application. They raise matters concerning the principle of the development and the size of the building (particularly when comparing it to the former stable building that this building replaced) suggesting the enlargement of the building envelope has been under estimated. They also reiterate the point that they consider this retrospective development to be setting a precedent for similar developments in the future and claim that the main report fails to convey the strength of objections that have been received to this application. It had been expected that the letters of objection. It had been expected to be attached to my main report.

DPTL: I note the PC's comments regarding the fact that the intended use of the building has changed since this application was received in February 2009. I would refer Members to paragraphs 1.2 and 6.2 of my main report which relate to this matter.

Regarding the issue of conditions, Members will be aware that when considering whether to attach conditions to planning permissions, regard must be had to the tests

prescribed in Government advice. Each case and its background will need to be treated on its merits.

The plan of the application site attached at the end of my main report is inaccurate, as it shows a larger site area than is shown on the site location plan submitted as part of this application. An amended plan is, therefore, attached within this supplementary report. For the avoidance of doubt the site location plan submitted with the application is accurate and drawn to the scale specified on that plan.

Regarding the comments made by the neighbours, I would respond as follows:

Members are advised that the local residents object strongly to this development for the reasons set out above and in my main report. The individual letters of objection to a planning application, as Members are aware, do not get attached to the committee report, but are available for viewing by any person from the date that they are received and on the website (all but the most recent with regard this case, including one received earlier today) are available to view.

As I indicated in the main report the building is located within the accepted residential curtilage of the dwelling at Napps Farm. The curtilage of the property has been the subject of discussion whilst a previous planning application for a replacement dwelling within this site was being considered (TM/04/00895/FL). The erection of buildings within the residential curtilage of dwellings within rural, Green Belt areas has long been established as being broadly acceptable under Green Belt Policy for the reasons discussed in my main report.

I have referred in paragraph 6.6 of my main report to the building having a “similar” footprint to that of the stable building that previously stood within the site. As indicated the footprint of the building is 3 m longer and 1.5 m wider than the former stable building. The footprint of the building the subject of this application is, therefore approximately 35 sq metres (or 67%) larger than that of the former stable building. My comment in my report that it is similar was in the context of the building being 3m longer than the former stable that was 11.4 metres in length and 1.5 metres wider than it, which was 4.6m wide. Therefore, I do not consider that the building the subject of this application would cover a significantly larger area of application site than the former stable building. I accept that the term “not significantly larger” could be substituted for the word “similar” when referring to the size of the footprint of the building compared to that of the former stable building.

My main report acknowledges that the building the subject of this application is larger in terms of size, mass and bulk than the former stable building. However I accept that the difference in the bulk and mass of the building compared to that of the former stable building is not just derived from the increase in height, but also from the enlarged length and width as well. The height of the building is 4.6m to ridge level, which (according to our records of this property) is the same height as the bungalow within this site. Notwithstanding this, I do not consider that this building dominates the site or the principal dwelling within it. The height of the building is not unusually high for domestic outbuildings located within rural or Green Belt locations.

The acceptability (or otherwise) of this scheme does not, in my opinion, depend solely upon comparing the size of the building the subject of this application to the size of the former stable building, but upon consideration of all the relevant issues as has been set out in my main report and in this supplementary report.

I would re-iterate that if this application is granted planning permission, I can see no precedent that would arise for future planning applications in this area. As I have stated in my main report, any future planning application for development will need to be assessed on its individual merits against the relevant planning policies and other material considerations.

RECOMMENDATION REMAINS UNCHANGED
