

PLANNING COMMITTEE – 14 JANUARY 2016

PART 3

Report of the Head of Planning

PART 3

Applications for which **REFUSAL** is recommended

3.1 & 3.2 REFERENCE NO - 15/506813/FULL and 15/506814/LBC			
APPLICATION PROPOSAL Extension to modern annexe and listed building consent for same			
ADDRESS Nash's Farm House Luddenham Road Luddenham Kent ME13 0TQ			
RECOMMENDATION – REFUSAL OF BOTH APPLICATIONS			
SUMMARY OF REASONS FOR REFUSAL: The proposal does not accord with National or Local Planning Policy			
REASON FOR REFERRAL TO COMMITTEE: Member request			
WARD Teynham & Lynsted	PARISH/TOWN COUNCIL Luddenham	APPLICANT Mr And Mrs P Howard AGENT Lee Evans Planning	
DECISION DUE DATE 26/11/15	PUBLICITY EXPIRY DATE 19/11/15		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/87/960 & 961	PP and LBC for attached annexe	Approved	
SW/13/1278 & 9	Roof conversion	Approved	

THIS REPORT RELATES TO TWO SEPARATE APPLICATIONS BUT THEY ARE REPORTED TOGETHER AS THE SAME ISSUES ARISE. EACH APPLICATION SHOULD BE DETERMINED ON ITS OWN MERITS.

1.0 DESCRIPTION OF SITE

- 1.01 The main property here is a grade II listed building, much altered and extended. It is set within a traditional farmstead setting, albeit that the site is no longer used for farming, and the outbuildings are used for other purposes ancillary to the use of the main house. The property is situated in a very rural area, some distance outside any built-up area boundary.
- 1.02 Attached to the main house at one corner via a shared highly glazed shared hall is an annexe with a full height living room/kitchen, bathroom, study (originally shown in 1987 as “Bedroom 1”). In its roofspace the annexe has a single bedroom now described as “Bedroom 2”. This annexe was approved under planning permission SW87/960 & listed building consent SW/87/961 “to provide accommodation for the applicants parents, the first floor bedroom being designed for a care assistant. The annexe was built on the footprint of a former storage building and pursuant to its

intended function has a shared hallway which links the annexe to the main house and it is of just the sort of scale and simple form that the Council has traditionally approved for an elderly relative to share the house with their adult children with scope for appropriate care, partial independence and privacy; but without creating a separate dwellinghouse. As approved the annexe had no kitchen, just a linear sink and worktop for simple refreshments, and the planning permission contains a condition restricting use of the annexe to prevent it being used as a separate dwellinghouse or being sold off from the main house as is usual in such cases

- 1.03 In 2013, planning permission and listed building consent were granted for various works on the site, including converting the roofspace above the living room/kitchenette of the annex to an en-suite bedroom including insertion of conservation rooflights (but no external of the annexe) to meet urgent medical needs of a family member. This was approved, but this part of the proposal does not appear to have been implemented as explained below.

2.0 PROPOSAL

- 2.01 The proposal is to add a one and a half storey extension to the annexe, essentially extending it at its full height by 4.3m externally. The proposal would create a separate kitchen/dining room (5.4m x 4m) leaving the original living room/kitchenette as simply a living room (5.9m x 4.2m), with a new double bedroom and en-suite upstairs, served by conservation style rooflights. The number of dormer windows on the annexe would double from two to four, whilst the number of rooflights would increase from none to four. Save for the above-mentioned rooflights, the materials and design proposed match those of the existing annexe. As a result of the proposals the annexe would measure (externally at ground floor level) 16.5m long x 6.6m at its widest point, compared the main (historically extended) house which measures 22m long x 9.5m at its widest point.
- 2.02 The proposal is accompanied by a detailed Planning, Design and Access Statement, which explains that the annexe was originally built to house the applicants' elderly parents. Nearly thirty years later, the annexe now houses the applicants' daughter, son-in law and two children. The statement notes that they only use the main house for family events. The statement goes into great detail to explain that the annexe is now used as, and has since 1988 (since its construction) been used as, a separate self-contained dwelling with separate utility bills and telephone line, and hardly any contact between the occupants of the annexe and main house despite them being close relatives. The statement suggest that the annexe should now be considered to be lawfully "effectively" a separate dwelling rather than as an annexe, but no appropriate Lawful Development Certificate application has ever been submitted or considered to establish this contention, nor have the affidavits referred to been submitted with the application. The statement quotes Officer pre-application advice expressing concern about the potential for self-contained accommodation here as evidence that the annexe is already a separate dwelling.
- 2.03 The statement also explains that the urgent medical need behind the 2013 applications for internal alterations to the annexe have been overcome by a recent kidney transplant and that the extension plans now are to meet needs for more comfortable family living for the owners' daughter, and her husband and child who have occupied the annexe for the past nine years, but who are finding the current amount of space an unacceptable compromise.

- 2.04 The applicants suggest that they do not wish to establish a separate dwelling as it would devalue the main house, and that they would be willing to enter into a legal agreement not to sell the annexe separately from the main house to “ensure that family members remain on site to care for the older generation” as many major houses have an annexe to “facilitate the succession of the younger generation to the main property whilst allowing the older generation to remain on site and the possibility that they themselves may at some point in the future live in the annexe if it is enlarged”.
- 2.05 A separate Heritage Statement accompanied the application and explains the limited impact of the proposed works on the historic interest of the main house.

3.0 PLANNING CONSTRAINTS

Listed Buildings SBC Ref Number: 417/SW
 Description: G II NASHS FARM HOUSE, LUDDENHAM ROAD, LUDDENHAM, FAVERSHAM.

Outside built-up area boundary.

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF): Paragraphs 17 & 55
 Swale Borough Local Plan 2008: Saved policies E1, E6, E14, E19, E24 & RC4

- 4.02 Saved policy E6 of the Swale Borough Local Plan 2008 states that:

“The quality, character and amenity value of the wider countryside of the Borough, which is all the land falling outside the built-up area boundaries as defined on the Proposals Map Insets, will be protected and where possible enhanced. Development proposals will only be permitted when:

1. *it is demonstrated to be necessary for agriculture, sustainable forestry or the winning of minerals; or*
2. *it is the re-use or adaptation of an existing rural building, in accordance with Policy RC1 & Policy RC6; or*
3. *it provides a service that enables existing rural communities to meet their essential needs locally, in accordance with Policy RC2; or*
4. *it relates to the acceptable rebuilding, or modest extension, of a dwelling currently in residential use in accordance with Policy RC4; or*
5. *it relates to a site for affordable housing in accordance with Policy RC3; or*
6. *it relates to a site for gypsies or travelling showpersons in accordance with Policy H4; or*
7. *it relates to a change of use to garden land in accordance with Policy RC10; or*
8. *it provides for necessary community infrastructure; or*
9. *it is a site allocated in the Local Plan.”*

None of these scenarios apply to this case.

- 4.03 Also of relevance is the advice as set out nationally within the National Planning Policy Framework (NPPF). The NPPF at para 55 states that:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example,

where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.*

- 4.04 It is therefore key to consider whether the scheme meets the principles of sustainable development as described within the NPPF. This states at para 7:

“There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- ***an economic role*** – *contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- ***a social role*** – *supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*
- ***an environmental role*** – *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

- 4.05 The adoption of the NPPF has changed the policy situation to a certain extent, but not to the degree that individual residential dwellings within the countryside are now considered acceptable in principle. The NPPF seeks to emphasise sustainable development; seeks to protect the countryside for its own sake; and to prevent isolated new dwellings in the countryside. This location cannot be described as other than isolated.

- 4.06 Paragraph 55 of the NPPF sets out criteria relating to the creation of new dwellings in the countryside, of which this proposal meets none. It specifically advises against the creation of isolated new homes in the countryside unless (amongst other things) it would represent the optimal use of a heritage asset, or it would relate to the re-use a redundant or disused building leading to an enhancement to the immediate setting. I do not consider that these matters apply here. The NPPF also emphasises that decisions should be made in accordance with the development plan unless material

considerations indicate otherwise. Relevant policies of the development plan should therefore be given some weight in the process.

5.0 LOCAL REPRESENTATIONS

5.01 No local representations have been received.

6.0 CONSULTATIONS

6.01 No response has been received from Luddenham Parish Council.

6.02 The proposal has been referred to the Committee at the request of Cllr Bowles.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application papers and correspondence relating to planning references SW/87/960 & 961 and SW/13/1278 & 1279.

8.0 APPRAISAL

8.01 The main issue to consider in this case is that of the principle of such development given the rural location of the property where new self-contained accommodation is normally only approved if it is shown to demand a rural location. The impact on the special interest of the listed building is also important and the Council has a duty to have regard to this.

8.02 At present, due to the fact that the annexe only boasts a "living room/kitchenette" as the main living area, the annexe is to a certain extent still ancillary to the main house, without a full kitchen or dining room, or space for entertaining. The accommodation is highly appropriate as a semi-self-contained space where a relative can achieve some privacy but with family care or assistance nearby. Other future owners of the property could simply use the space as additional accommodation to the main house as originally intended. However, the current proposal, which would create a substantial new separate kitchen and dining room, along with what could quite comfortably be seen as three bedrooms will make it far more likely that the current annexe would be occupied in a manner totally independent of the main house; in effect a completely separate dwelling. The scale of the annexe will mean that its footprint (based on external ground floor measurements) will be over half of that of the main house and that it will be all that a fully self-contained dwelling would expect to be. I find it hard to see how a new owner could use this space as other than a separate dwelling

8.03 The site is some distance outside an urban area and therefore falls to be considered under rural restraint policies, and it needs to be considered whether or not this is a sustainable location for such development. In my view, the site lies in a fairly unsustainable location away from services without use of a car, which therefore renders it undesirable for residential use under the guidance of local and national policy. The creation of a self-contained dwelling is therefore undesirable and contrary to policies SP1, SP4, E1, E6 and H2 of the Swale Borough Local Plan 2008, and to paragraph 55 of the National Planning Policy Framework.

8.04 In terms of the listed building issues here, I note that the works only affect the modern annexe and has limited impact on the special interest of the listed building. However, with the accompanying application for planning permission being recommended for refusal, the works envisaged to extend the building would be unnecessary and therefore unjustifiably harmful to this building. These works would

only be approved if the proposal were to be approved if the extension should lead to the preservation of the building. I therefore consider that the listed building consent application is unjustified and unacceptable.

- 8.05 Given the very clear policy position, aimed at protecting the countryside and limiting new house creation to existing built-up areas, the proposals would represent harm to the countryside, in an unsustainable location, and should therefore be refused.

9.0 CONCLUSION

- 9.01 In view of the above, whilst I have can understand the applicant's situation I believe that it is within their own power to organise themselves to meet their needs according to the generous accommodation available throughout the property, but that as the proposal to extend the annexed from an appropriate scale to something that can only really be seen as a three bedroom house on a rural location so clearly does not accord with either national or local policy, I must recommend that the applications be refused.

10.0 Planning Permission – 15/506813/FULL

- 10.01 RECOMMENDATION – REFUSE** for the following reasons for refusal:

The proposed development would extend the current annexe accommodation to such an extent that it would result in the creation of a self-contained dwellinghouse, in an unsustainable position outside of any built up area boundaries and within the countryside. As such, the proposal does not represent sustainable development and is not in accordance with saved policy E6 of the Swale Borough Local Plan 2008, and paragraphs 7 and 55 of the National Planning Policy Framework (NPPF)..

Council's Approach to the application

The Council recognises the advice in paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) and seeks to work with applicants in a positive and proactive manner by offering a pre-application advice service; and seeking to find solutions to any obstacles to approval of applications having due regard to the responses to consultation, where it can reasonably be expected that amendments to an application will result in an approval without resulting in a significant change to the nature of the application and the application can then be amended and determined in accordance with statutory timescales.

In this case the application was determined by the Council's Planning Committee where the applicants were able to address the Committee and explain their proposals to the Committee..

Listed Building Consent – 15/506814

- 10.02 RECOMMENDATION – Refuse** subject to the following reasons for refusal:

As the principle of the creation of a self-contained dwellinghouse here is unacceptable in policy terms, the works as envisaged to this building within the historic curtilage of the listed building would be unnecessary and therefore the harm arising therefrom is unjustified. The proposal is therefore not in accordance with saved policy E14 of the Swale Borough Local Plan 2008

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.