

2.7 REFERENCE NO - 16/507130/FULL			
APPLICATION PROPOSAL			
Detailed application for the use of the existing lawful structure which is laid out as two apartments, for the use as two holiday let units at the Annexe at Sharsted Lodge			
ADDRESS Sharsted Lodge Sharsted Road Doddington Kent ME9 0JS			
RECOMMENDATION Grant, subject to completion of a Unilateral Undertaking by the applicant to restrict occupation of the building to holiday accommodation only, and subject to the conditions below.			
SUMMARY OF REASONS FOR RECOMMENDATION			
The application is in accordance with the NPPF and adopted and emerging local development plan policies.			
REASON FOR REFERRAL TO COMMITTEE			
The recommendation is contrary to the views of the Parish Council.			
WARD East Downs	PARISH/TOWN COUNCIL Doddington	APPLICANT Mr A Connor AGENT DHA Planning	
DECISION DUE DATE 30/11/16	PUBLICITY EXPIRY DATE 18/11/16		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/504653	Demolition of existing single storey rear extension. Erection of a single storey rear extension with a basement. Formation of new basement area under existing structure. New boiler flue and oil tank storage with screening. Retrospective application for existing wrought iron gates to entrance bellmouth.	Pending consideration	
16/504654	Listed Building Consent for demolition of existing single storey rear extension. Erection of a single storey rear extension with a basement . Formation of new basement area under existing structure. New boiler flue and oil tank storage with screening. Retrospective application for existing wrought iron gates to entrance bellmouth.	Pending consideration	
16/500336	Enforcement notices served against conversion and extension of the garage outbuilding to create 2 self contained flats, installation of entrance gates, the construction of internal fencing and sheds, construction of a timber and plastic extension to Sharsted Lodge, and installation of a metal flue to Sharsted Lodge. (3 enforcement notices cover the above works in total)	The enforcement notices were served on 24 May 2016 and currently the subject of appeals.	
SW/08/0826	Garage outbuilding	Approved	18/08/09

This revised scheme was for a smaller garage building, located closer to the main house, but at enough distance so as not to harm its setting. The building fronted an existing access within the site, and was considered to be of appropriate design, form and siting.

SW/08/0418	Garage outbuilding	Refused	19/06/08
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This application proposed a large 5 bay garage structure with first floor accommodation, sited to the far south of the property. The size and scale of the building, impact / distance from Sharsted Lodge, and extent of works required for the driveway were considered to be unacceptable.

1.0 DESCRIPTION OF SITE

- 1.01 Sharsted Lodge is a grade II listed building set within large grounds. It was formerly part of the wider Sharsted Court estate, but was separated from it when the M2 motorway was built. The site and surrounding area are covered by a Woodland Tree Preservation Order.
- 1.02 The site falls within the countryside and is around 1.4km from Lynsted village to the north and 1.5km to Newnham to the south. It is not part of a designated landscape, although Sharsted Road is designated as a rural lane.
- 1.03 The building subject to this application is sited around 35 metres to the south of Sharsted Lodge. This building lies around 30 metres from the southern boundary of the site, with the M2 motorway immediately beyond.
- 1.04 The building in question is currently the subject of the above enforcement notices concerning its use for two self-contained flats and unauthorised extensions.

2.0 PROPOSAL

- 2.01 This application seeks to use the building to the south of Sharsted Lodge as two holiday let units, each consisting of a 1 bed self-contained property.

3.0 PLANNING CONSTRAINTS

- 3.01 Sharsted Lodge is Grade II listed
The site and surrounding area are covered by Tree Preservation Order No. 50-1
The Kent Downs AONB lies immediately to the south of the M2 motorway

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

- 4.01 Paragraphs 14 and 15 set out the presumption in favour of sustainable development, whereby proposals for development which accord with the development plan should be approved without delay.
- 4.02 Paragraph 17 sets out a list of core planning principles. This includes support for sustainable economic development, recognition of the intrinsic character and beauty of the countryside, and conservation of heritage assets.
- 4.03 Paragraph 28 supports the rural economy, and the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings

and well-designed new buildings, and through sustainable rural tourism which respect the character of the countryside.

- 4.04 Paragraphs 30-41 promote sustainable transport and set out that developments should be located where there are choices in transport modes, although this recognises that account needs to be taken of other policies, particularly in rural areas.
- 4.05 Paragraph 55 restricts housing development in isolated countryside locations unless there are special circumstances. This can include the re-use of redundant or disused buildings.
- 4.06 Paragraphs 126-141 seek to protect heritage assets and their settings.

The adopted Swale Borough Local Plan

- 4.07 Saved policy SP3 seeks to improve the local economy including support for tourism proposals, particularly those that increase the quality and supply of visitor accommodation.
- 4.08 Saved policy E6 protects the countryside and limits development to specified exceptions, including the re-use of an existing rural building.
- 4.09 Saved policy B5 states that the Council will permit proposals for new serviced and self-catering tourist accommodation in accordance with the local plan.
- 4.10 Saved policy RC1 gives support to proposals that help diversify the rural economy, provided the proposal is appropriate in scale, retains rural character, would not significantly increase traffic, makes use firstly of existing buildings, and does not detract from the appearance / interest of such buildings.
- 4.11 Other relevant saved policies include SP1 (sustainable development), FAV1 (development in the Faversham and Rest of Swale Planning Area), SH1 (Settlement Hierarchy), E1 (general development criteria), E10 (trees), E14 (development involving listed buildings) and RC7 (rural lanes)

The emerging Swale Borough Local Plan

- 4.12 Policy ST3 sets a settlement hierarchy for the borough. It states that at locations in the countryside development will not be permitted unless supported by national policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting and beauty of the countryside.
- 4.13 Policy DM3 supports the sustainable growth of the rural economy. It requires larger scales of development to be provided at rural service centres, supports the re-use of existing buildings, and the expansion of tourist and visitor facilities in appropriate locations.
- 4.14 Other relevant policies include ST1 (sustainable development), DM14 (general development criteria), DM16 (alterations and extensions), DM26 (rural lanes), DM29 (woodlands, trees and hedges), and DM32 (development involving listed buildings).

5.0 LOCAL REPRESENTATIONS

- 5.01 **Neighbour comments** – none received

6.0 CONSULTATIONS

- 6.01 Doddington Parish Council - objects to the planning application on the following grounds;
- The proposed use will have a detrimental effect on the heritage asset Sharsted Lodge.
 - It does not represent a diversification of an existing rural business rather the introduction of a completely new business use to the curtilage of this listed cottage located in a rural setting
 - It is not a sustainable development in its location due to the lack of local facilities and effect on the landscape and environment
 - The location is affected by noise and air pollution from the nearby M2
- 6.02 Kent Highways and Transportation comment that *“this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.”*
- 6.03 The Council's Economy and Community Services Manager comments that *“There is limited tourism infrastructure of this type and quality for visitors to Swale. The location of the proposal is such that it will have appeal for those using the area for rural holidays or as a base for wider travelling in the county or near Europe.”*
- 6.04 The Council's Environmental Health Manager has raised no objection to the scheme and comments that *“if people are not residing in a property, and only there for a short time, we are not as concerned, whether it be for exposure no noise or associated air pollution. We have no information concerning air pollution levels on the M2, despite what the actual levels might be.”*

7.0 BACKGROUND

- 7.01 Members will note from the planning history above that permission was granted for a detached garage with accommodation on the first floor under SW/08/0826, to serve Sharsted Lodge. I understand that the structure was built as approved, but was then subsequently extended by adding two single storey flat roofed extensions at each end of the building, and that it was converted from a garage to two flats. In addition, boundary gates have been installed together with the erection of fencing and sheds within the grounds of Sharsted Lodge. A timber and plastic structure has been erected next to Sharsted Lodge, and a metal flue has been installed to this building as well.
- 7.02 Three enforcement notices have been served to deal with the above breaches. The owner has agreed to remove the structure next to Sharsted Lodge and the metal flue from the listed building, together with the fencing and sheds erected. However an appeal has been made against the requirements of the notice to remove the entrance gates, to demolish and remove the side extensions to the garage outbuilding, to remove the UPVC windows installed in the rear elevation of the garage outbuilding, and to cease use of the outbuilding for purposes other than that ancillary to the use of Sharsted Lodge.
- 7.03 An appeal Hearing is due to take place in the new year in respect of the above matters still under dispute between the Council and the appellant. However, since the Notices were served, the appellant has provided information on the construction of the side extensions to the garage outbuilding, and the Council's own aerial photographs

indicate that these extensions were built more than 4 years prior to the issue of the relevant enforcement notice. On this basis, officers have accepted that the operational development to erect the side extensions is immune from enforcement action, and this element of the enforcement notice is no longer being pursued. This then leaves the residential use of the building and the installation of UPVC windows as the outstanding matters to be considered at the Hearing, together with the boundary gates.

- 7.04 The applicant has submitted separate planning and listed building consent applications to extend Sharsted Lodge and these are currently under consideration. This includes a proposal to retain the front boundary gates and, if approved, this will resolve this element of the unauthorised development referred to in the enforcement notices.
- 7.05 The applicant has submitted the current application now on the basis that the use of the building as holiday accommodation may be considered to comply with policy . If planning permission is granted then the applicant is likely to withdraw the appeal against the enforcement notice and will cease use of the building as two residential flats. They will also replace the UPVC windows with timber.

8.0 APPRAISAL

Principle of Development

- 8.01 The site lies in an isolated location within the countryside where development plan policies generally seek to limit development in order to protect the appearance and functioning of the countryside and for reasons of sustainability. Saved policy RC1 of the adopted plan and policy DM3 of the emerging plan seek to promote development that can diversify / grow the rural economy, provided that such development is not harmful to the countryside and is appropriately located. The re-use of rural buildings and expansion of tourist facilities including visitor accommodation is also given support under these policies, as well as under saved policy B5 of the adopted plan.
- 8.02 The existing building was originally constructed as a garage (with permission) and then subsequently extended, and Members will note from above that these physical works are lawful (other than the UPVC windows). It is an existing building and the application does not seek to extend or alter this. The building is of modern construction and is sound and the proposed development could be accommodated without any material alteration to it. Vehicular access and parking already exist.
- 8.03 The use of the building as holiday accommodation would expand the provision of such facilities in the District, which is an aim of the above development plan policies. This is supported by the Council's Economy and Community Services Manager. The site is relatively isolated from any defined settlement and it is recognised that occupants of the cottage would most likely be reliant on cars. Policy DM3 of the emerging plan specifies that larger scale development of rural businesses should be located at rural local service centres and urban areas. However as the development would be a small scale holiday cottage enterprise, some flexibility can be used under the above stated policies. In my opinion, and despite the relatively isolated location of the site, the development would provide for the re-use of an existing building for economic / business purposes and provision of additional tourism facilities, and would not be in conflict with the above policies which recognise that such buildings may not be within existing defined towns and villages.
- 8.04 There is a clear local policy position that seeks to prevent permanent residential occupation of rural buildings unless evidence can demonstrate that they are not

suitable for employment / economic use. In this respect, the applicant has agreed to enter into a legal agreement to prevent use of the two units as sole or main dwellings, and to restrict use as holiday accommodation with a maximum length of stay by an individual or group to 28 days per calendar year.

Visual Impact

- 8.05 The visual impact of the development would be little changed from the existing visual impact of the building, the form and size of which would remain unchanged. The building is located some distance along a private drive to the south of Sharsted Lodge and is not visible from public locations. The applicant would agree to replace the UPVC windows on the rear of the building with timber framed windows, as part of the approved scheme.

Residential Amenity

- 8.06 Other than Sharsted Lodge, the development would be isolated from other dwellings and as such would not harm neighbouring amenities. It is sited some 35 metres from Sharsted Lodge and I consider this distance to be sufficient to avoid any unacceptable amenity impacts on this property.
- 8.07 Members will note that the Parish Council has objected due to noise and air quality issues arising from the motorway. The applicant has not provided any noise or air quality assessments with the application – nor have these been sought by the Council – and the site does not fall within an Air Quality Management Area. The Environmental Health Manager has advised that any noise or pollution issues arising from the motorway would not be a cause for concern in relation to the proposed use as holiday let accommodation – due to the nature of use as short-stay accommodation.

Highways

- 8.08 The holiday accommodation would be provided with parking facilities and access onto the local lane is acceptable. No objections have been raised by Kent Highways and Transportation.
- 8.09 Sharsted Road is a rural lane afforded protection under saved policy RC7 of the adopted plan and policy DM26 of the emerging plan. However the extent of traffic arising from 2 x 1 bed holiday cottages is considered to be low, and I do not consider that this would lead to any material damage to the lane.

Landscaping

- 8.10 The site is surrounded by trees which are protected by a Woodland Tree Preservation Order.

Impact on setting of a Heritage Asset

- 8.11 Sharsted Lodge is a Grade II Listed Building, and national and local development plan policies (saved policy E14 of the adopted plan and policy DM32 of the emerging plan) require development to preserve or enhance such assets and their settings. In this instance, the garage outbuilding is located 35 metres to the south of the listed building, with mature trees and landscaping between the buildings. The outbuilding, as approved in 2008, was also considered at this time to be acceptable in terms of its impact on the setting of Sharsted Lodge. Given that this application only seeks permission for the use of the building (other than the replacement of UPVC windows

on the ground floor), I do not consider that such use as holiday let accommodation would harm the setting of Sharsted Lodge, given the distance and landscaping between buildings.

9.0 CONCLUSION

9.01 The site would represent an appropriate use for an existing rural building, and would increase the stock of holiday accommodation in the Borough. Despite the relatively unsustainable location of the site, these factors are considered sufficient to provide policy support for the development under saved policies B5 and RC1 of the adopted plan and policy DM3 of the emerging plan.

9.02 The recommendation to approve is subject to completion and submission of a legal agreement to secure the use of the units as holiday accommodation only and for short-term occupation.

10.0 RECOMMENDATION – That planning permission is GRANTED Subject to the completion of a legal agreement as set out in the report, and subject to the following conditions

CONDITIONS

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) The existing UPVC windows serving the ground floor bathroom and kitchen shall be replaced with timber framed windows. Within three months from the date of this permission, detailed drawings at a suggested scale of 1:5 of the replacement windows together with sections through glazing bars, frames and mouldings shall be submitted to and approved by the Local Planning Authority. The windows shall be installed in accordance with the approved details within three months from the date of such approval in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to preserve the setting of the adjacent listed building.

(3) Upon completion, no further development, whether permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: To protect the rural character and to preserve the setting of the adjacent listed building.

(4) Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site.

Reason: To protect the rural character and to preserve the setting of the adjacent listed building.

- (5) The use of the building shall be restricted to occupation as holiday let accommodation, and shall not to be used as any person's sole or main residence. The accommodation shall not be occupied by the same individual or group of persons for a period of more than 28 days in any calendar year.

Reason: In order to prevent the permanent residential use of the buildings and having regard to the rural location of the site.

Council's Approach to the Application

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by

- Offering pre-application advice.
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

- 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.