

2.5 REFERENCE NO - 17/504283/FULL			
APPLICATION PROPOSAL Proposed change of use of quarantine room/office/reception/storage to dwelling for disabled person (retrospective).			
ADDRESS 2 South Leas Farm Cottages Lower Road Brambledown Minster-On-Sea ME12 3SW			
RECOMMENDATION Grant planning permission subject to conditions.			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed change of use is acceptable in principle and would provide a residential annexe for a mobility impaired person without further detriment to the character or visual amenities of the countryside or harm to the amenities of the occupiers of neighbouring residential properties.			
REASON FOR REFERRAL TO COMMITTEE Parish Council objection.			
WARD Sheppey Central	PARISH/TOWN Minster-On-Sea	COUNCIL	APPLICANT Mrs Rachel Burden AGENT
DECISION DUE DATE 20/04/18	PUBLICITY EXPIRY DATE 03/04/18		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/01/0908	Lawful development Certificate for use of the whole site adjacent to 2 South leas farm cottages as part of the curtilage.	Grant	05.02.2003
<i>Summarise Reasons</i> Permitted development under the GPDO			
SW/91/1083	Erection of three domestic kennels and buildings for the rearing of game birds and poultry.	Refused	28.10.1991
<i>Summarise Reasons</i> Detrimental impact on the visual amenities of the countryside and unacceptable harm to the amenities of the occupiers of neighbouring residential properties.			

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.01 The application site is located in the countryside, within an isolated enclave of houses and farm buildings some 400m to the south of Lower Road (B2231). It comprises a two storey timber clad semi-detached house set within a roughly rectangular garden plot measuring some 70m x 50m with an area of approximately 0.35ha. The site contains a number of blocks of disused kennels and cages associated with an unauthorised animal and bird sanctuary which has now ceased to operate. The building, the subject of this application, is located towards the south-eastern corner of the site. It was previously in use as a quarantine room and office and is currently occupied as a residential annexe.
- 1.02 The site is bounded to the north and south by two small parcels of agricultural land in the ownership of the applicant; to the east, by open fields in arable use; and, to the

west, by a semi-detached cottage (i.e. No.1 South Leas Farm Cottages) and beyond this, a large barn and detached house.

- 1.03 The site is accessed from Lower Road via an unmade farm track.

2.0 PROPOSAL

- 2.01 The applicant is seeking retrospective planning permission for the use of a quarantine room/ office/ reception/ storage building as a residential annexe for a disabled person.
- 2.02 The building is located at the south-eastern corner of the site. It has a footprint measuring 19.78m x 7.07m with brick and timber clad elevations surmounted by a flat asphalt roof with a height of 3m. The accommodation comprises a lounge, two bedrooms, kitchen, dining room, bathroom, store and utility room. The building is currently occupied by Mr Burden, the applicant's husband.
- 2.03 The applicant has indicated that Mr Burden suffers from several chronic health conditions that have severely hampered his mobility and that the main house with first floor bedrooms and ground floor bathroom, is inaccessible and unsuitable for his needs. Letters from Mr Burden's GP and physiotherapist have been submitted in support of the application.

3.0 PLANNING CONSTRAINTS

- 3.01 There are no planning constraints pertinent to the consideration of this application.

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

- 4.01 Chapter 2 – Achieving Sustainable Development
Chapter 12 – Achieving Well Designed places
Chapter 15 – Conserving and Enhancing the Natural Environment

Bearing fruits 2013: The Swale Borough Local Plan 2017

- 4.02 Policy ST1 – Delivering sustainable development
Policy ST3 – The Swale settlement strategy
Policy CP4 – Requiring good design
Policy CP7 – Conserving and enhancing the natural environment
Policy DM11 - Extensions to, and replacement of, dwellings in the rural area
Policy DM14 – General development criteria

5.0 LOCAL REPRESENTATIONS

- 5.01 No responses have been received.

6.0 CONSULTATIONS

- 6.01 Minster-on Sea parish Council has objected to the application on the grounds that insufficient information (i.e. incomplete application form and lack of elevations) has been submitted to allow it to make '*an accurate judgement of the proposals suitability for retention.*'

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 The submission documents include a location plan, block plan, existing and proposed floor plans and letters from Mr Burden's GP and physiotherapist.

8.0 APPRAISAL

- 8.01 The main considerations in the determination of this application are:-

Principle of Development

- 8.02 There are no policy objections in principle to the development of residential annexes within rural areas subject to the considerations outlined below.

Impact on the Character and Visual Amenity of the Countryside

- 8.03 Members are advised that in October 1991 a retrospective planning application (SW/91/1083) was refused for the retention of a number of kennels and buildings on the site for the rearing of game birds and poultry for the following reasons:-

- 1) *The development is contrary to policy RS6 of the Kent Structure plan, which states, among other things, that development will not normally be permitted in rural Kent unless it is demonstrated to be necessary to agriculture, forestry, the winning or import of minerals or other land use essentially demanding a rural location. The District Planning Authority does not consider that the development fulfils any of these requirements and is an incongruous development detrimental to the visual amenities of this open countryside location.*
- 2) *The proposal is an over-intensive development detrimental to the amenities of neighbouring residential properties.'*

- 8.04 An appeal against the Council's refusal of planning permission was dismissed in November 1992 and although subsequent enforcement action resulted in the cessation of the use, a number of structures, including the building currently under consideration still remain on site.

- 8.05 In February 2003 a Certificate of Lawfulness (SW/01/0908) was granted for the enlargement of the curtilage of No.2 South Leas Farm Cottages which resulted in the annexe building falling within the garden of the property rather than on the associated agricultural land.

- 8.06 Historically the Local Planning Authority had significant concerns regarding the visual impact of the building, the subject of this application. Notwithstanding this, given that:-

- it has been in situ for almost thirty years;
- it has now become an established feature in the landscape;
- it is not particularly prominent in long views across the fields from the east; and,
- it is viewed against the backdrop of the existing houses and farm buildings;

it is not considered that the character or visual amenities of the surrounding rural landscape is unduly comprised.

- 8.07 It is considered that the continued occupancy of the building as a residential annexe for use by a disabled person has no material detrimental impacts on the character of the area. However, it is recommended that conditions are imposed to allow the Local

Planning Authority to review the situation in future and to preclude the use of the building as a separate dwelling.

Residential Amenity

- 8.08 The residential annexe is located some 50m away from the nearest residential property at No.1 South Leas Farm Cottages and it is considered that the continued occupancy of the building as a residential annexe would have no detrimental impacts on the amenities of the occupiers.

Other Matters

- 8.09 The comments of Minster-on-Sea Parish Council have been noted. However, the application is valid and photographs showing the elevational appearance of the existing building will be presented to Members at the Committee meeting.

9.0 CONCLUSION

- 9.01 The proposed change of use is acceptable in principle and would provide a much needed residential annexe for a disabled person without further detriment to the character and visual amenity of the countryside or harm to the amenities of neighbouring occupiers. Therefore, it is recommended that planning permission is granted.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:-

- 1) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as No.2 South Leas Farm Cottages.

Reason: As its use as a separate unit of accommodation would be contrary to the provisions of the development plan for the area.

The Council's approach to this application:

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focussed 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.

