

2.5 REFERENCE NO - 19/501731/FULL			
APPLICATION PROPOSAL Alteration to domestic garage to provide annexe to main dwelling house.			
ADDRESS 1 Brenley Bridge Cottages Brenley Lane Boughton Under Blean Faversham Kent ME13 9LZ			
RECOMMENDATION - Approve			
SUMMARY OF REASONS FOR RECOMMENDATION Proposal is broadly in accordance with policy, particularly in light of a recent appeal decision in similar circumstances			
REASON FOR REFERRAL TO COMMITTEE Objection from Parish Council			
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Boughton Under Blean	APPLICANT C Riches Properties Limited AGENT Wyndham Jordan Architects	
DECISION DUE DATE 03/06/19	PUBLICITY EXPIRY DATE 01/05/19		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
At the current application site			
17/502723/FULL	Conversion of garage into two bedroom separate dwelling	Refused	17.07.2017
SW/11/1322	Removal of existing garage and replacement with four car garage	Approved	08.12.2011
Recent appeal decision relating to a similar development – see Appendix to this report			
18/505431/FULL (at Ashfield Court Farm, Newington)	Conversion of existing triple garage to annexe	Refused, but allowed at appeal	24.04.2019

1.0 DESCRIPTION OF SITE

- 1.01 The building in question is a large detached garage designed to accommodate four cars, which was granted permission under planning reference SW/11/1322. This in turn replaced a smaller, timber construction garage. The garage is situated within the curtilage of one of a pair of semi-detached former farm workers' cottages, in a fairly remote rural location, approximately a mile away from Brenley Corner. Both the cottage and the garage are served by the same access and area of block hardstanding.
- 1.02 In 2017, an application to convert the garage to a two bedroom self contained dwelling was refused under planning reference 17/502723/FULL.
- 1.03 The site is located outside any established built up area boundary, within the countryside.

2.0 PROPOSAL

- 2.01 The proposal is to convert the building into an annexe ancillary to the use of the house. The annexe would have two bedrooms upstairs and a living area and shower room/WC and a storage area downstairs. No kitchen is shown on the submitted drawings. Internal changes will be necessary, and the external changes amount to the removal of the two roller shutter garage doors (one at each end) and their replacement with glazed French doors, a new side door, and the insertion of four rooflights to light the roofspace bedroom accommodation.
- 2.02 The applicant has confirmed in writing that the proposed use would be ancillary to the main house.

3.0 PLANNING CONSTRAINTS

- 3.01 Outside established built-up area boundary.

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 National Planning Policy Framework 2018 (NPPF): Paragraphs 11 (promoting sustainable development), 79 (against isolated homes in the countryside)
- 4.02 Bearing Fruits 2031 – The Swale Borough Local Plan 2017 policies ST1 (sustainable development), ST3 (settlement strategy), DM14 (general development criteria)

5.0 LOCAL REPRESENTATIONS

- 5.01 The Faversham Society notes that if approved any decision should have a condition appended which restricts the use as an ancillary annexe only.
- 5.02 One objection has been received from the neighbouring property, on the grounds that the proposal represents over occupation of the site and that insufficient attention has been given to the disposal of foul water drainage from the site. The latter is a matter that would be dealt with under building regulations rather than a planning permission.

6.0 CONSULTATIONS

- 6.01 Boughton under Blean Parish Council raises objection to the proposal. Their concerns are given in full as follows:

‘The Parish Council recorded an objection to the application, noting that the proposed development site is outside the village envelope. The site is also noted as being within a remote area with clear views of adjacent open countryside and would, by virtue of its unsustainable position within a rural area outside of any built-up area boundary, cause demonstrable harm to the character and appearance of the countryside, contrary to Policy E6 of the Swale Borough Local Plan 2008; Policy ST3 of Bearing Fruits 2031: The Swale Borough Local Plan Main Modifications June 2016; and Paragraph 55 of the National Planning Policy Framework (NPPF).’

7.0 APPRAISAL

- 7.01 Annexe accommodation for relatives within gardens is becoming increasingly popular, and in an existing building this should not represent a material change of use, or be especially problematical. However, physical works to an outbuilding aimed at creating living accommodation as an annexe do require planning permission. In a rural area where new residential development is not sustainable there are often concerns about whether the intention is in fact to create a separate dwelling contrary to adopted Local Plan policy. This site lies within the countryside, and as can be clearly seen from the submitted drawings, the proposal is not a small building, providing a large room downstairs and two good-sized bedrooms upstairs, albeit with limited headroom. As such, I can appreciate concerns with this proposal, particularly noting that a proposal for a conversion of the building to a separate dwelling was refused under planning reference 17/502723/FULL less than two years ago.
- 7.02 However, the use as an annexe itself does not in itself represent a material change of use, and the application is essentially for the external alterations required. A recent appeal decision against the Council's refusal of application 18/505431/FULL at Ashfield Court Farm, Newington has shed clear light on the matter. This decision was reported to Members on last month's agenda, and was an application for the conversion and extension of an existing triple garage to a very large annexe, consisting of a living room, a dining room, a utility room, two bedrooms and two bathrooms. The application was refused for the following reason:

'The proposed annexe accommodation by virtue of its scale would not be subordinate to the dwelling at the site, and would amount to unnecessary development, harmful to the character and appearance of the area and those of the countryside. Furthermore, the scale, form and facilities provided are likely to give rise to the creation of a separate residential dwelling, capable of independent occupation from the main dwelling. It would be contrary to policies ST3, CP2, CP3 and DM14 of the adopted Swale Borough Local Plan (Bearing Fruits 2031: The Swale Borough Local Plan 2017) and government guidance in para 79 of the NPPF.'

- 7.03 That decision was appealed and the Inspector allowed the appeal and granted planning permission. He noted that the key question was how the annexe accommodation would be used, not its physical configuration; noting (in paragraph 5) that even if the annexe contained all the facilities for day-to-day living (such as kitchen facilities) its use as an annexe would not necessarily result in a material change of use. In his report, he concluded;

'I am satisfied that the proposal would not result in material harm to the character and appearance of the area and that it would be an annexe for a dependent elderly relative and not the creation of a new dwelling and I have determined the appeal on that basis. The proposal therefore is in accordance with the development plan and there are no material considerations that indicate a decision otherwise would be appropriate.'

The Decision is attached to this report as Appendix A to this report.

- 7.04 Whilst I would note that any planning application should be decided on its own merits, the appeal decision noted above has created a somewhat unfortunate precedent for this case, being for a building of similar size and in a similar countryside location. As such, it is difficult to form a reason for refusal when such a similar precedent exists.

7.05 Members will note that the Inspector refused even to impose a restrictive planning condition, to ensure that the annexe is indeed used as an ancillary annexe and not as a separate dwelling. I, however, see no need to be bound that that decision now and I think such a condition is reasonable and necessary as an alternative to his preferred approach.

7.06 Finally, I note the comments of the objector. Sewerage issues do not fall under planning consideration; the plot is of a decent size and the building already in existence, with no extensions to same being proposed. As such, and on balance, I believe the proposal to be acceptable.

8.0 CONCLUSION

8.01 On balance, I therefore recommend that the proposal be approved, subject to strict accordance with the conditions appended below.

9.0 RECOMMENDATION – GRANT 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) All new external joinery used in the development hereby permitted shall be of timber construction.

Reason: In the interests of visual amenity.

- (3) 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 1 Brenley Bridge 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 the 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 focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this case, 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.

