

Report of the Head of Planning

**PART 3**

Applications for which **REFUSAL** is recommended

<b>3.1 14/502473/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Retrospective application for a temporary dwelling and land to support an equestrian enterprise			
<b>ADDRESS</b> Hazelhope Barn Stalisfield Road Stalisfield Kent ME13 0HY			
<b>RECOMMENDATION REFUSE</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b>			
This proposal for the creation of a temporary residential use presents insufficient arguments to demonstrate why planning permission should be granted at this isolated location within the defined rural area and Kent Downs Area of Outstanding Natural Beauty where development is normally restricted. Furthermore, unconvincing evidence has been provided to demonstrate that the business involved is, or could be operated on a sound financially basis sufficient to demonstrate an essential need for full time residential accommodation here. As such, the proposal would result in unacceptable harm to the character of the countryside by introducing an unnecessary and unjustified residential use and associated domestic curtilage to this rural area in a manner harmful to its rural character and natural beauty. The proposal does not represent sustainable development and is therefore contrary to policies E1, E6 & E9 of the Swale Borough Local Plan 2008 and the guidance as set out within the National Planning Policy Framework (NPPF)			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Contrary to support from residents			
<b>WARD</b> East Downs Ward	<b>PARISH/TOWN COUNCIL</b> Stalisfield	<b>APPLICANT</b> Mr And Mrs Southern <b>AGENT</b> Bloomfields	
<b>DECISION DUE DATE</b> 19/09/14	<b>PUBLICITY EXPIRY DATE</b> 19/09/14	<b>OFFICER SITE VISIT DATE</b>	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
SW/14/0176	Retrospective Application for a permanent dwelling to support an equestrian enterprise	REFUSED	14/04/14

*Summarise Reasons: Creation of a permanent residential use which does not present sufficient arguments to demonstrate why it should be approved in this isolated sensitive location and would cause unacceptable harm to the character of the countryside.*

## **MAIN REPORT**

### **1.0 Description of Proposal**

- 1.01 This is a second application at this site for the use of the approved holiday let accommodation in the barn for full residential use. Previous application SW/14/0176 was “A retrospective application for a permanent dwelling to support an equestrian enterprise” submitted following an enforcement investigation in relation to permanent residential use of restricted occupancy holiday accommodation in the roofspace of the stable building hereafter referred to as the barn. The application seeks to regularise the applicants’ current occupation of the holiday accommodation in the barn, but only on a temporary basis.
- 1.02 There is no proposed change to the external or internal appearance of the barn. It is proposed that the accommodation inside remains with an open plan living area, utility room, 2 bedrooms, one with ensuite and bathroom. No additional landscaping is proposed.
- 1.03 The case presented by the applicants argues that this application is for a temporary dwelling and the applicants’ agent states “*we have, for the Council’s sake, changed the form of the dwelling to a temporary one to allow the Council to consider the proposal having further regard to the old PPS7 Annex A recommendations. We do however reserve the position that Annex A of PPS 7 should not be followed*” I will return to the ambiguity of this position below.
- 1.04 The application is supported by a lengthy justification for the temporary unrestricted residential use due to the high value of the horses, the welfare of the horses and the operational requirements of the enterprise, security issues, and a full time labour requirement stated to be 2.9 full time workers and expected to rise to 3.5 people.
- 1.05 The arguments are supported by numerous individuals who know the applicants and understand their particular circumstances and the high quality/value of the horses they train.
- 1.06 The applicants argue that the functional requirements of the business summarised above are the only factors to be taken into account in the assessment of the “essential need” for them to live on the site in line, they argue, with para 55 of the NPPF which 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;*

- 1.07 However, in applying for a temporary permission they comment that “*the forecasted accounts and shown capital, together with the applicants responsible and meticulous approach to breeding and costing show that the business has been seriously thought out and planned on a sound financial basis....the benefit of the temporary application is to demonstrate this point, with , if necessary, the subsequent submission of accounts.*”
- 1.08 In addition “Forecast Accounts for Hazelhope Barn” have been provided for 2014, 2015 and 2016.

## **2.0 Relevant Site History and Description**

- 2.01 Hazelhope Barn is located in an isolated rural location 3 miles south of Eastling, south of Stalisfield Green on the east side of Stalisfield Road.
- 2.02 It is located close to the permanent house known as Hazelhope. The property is surrounded by open countryside and is located within the Kent Downs Area of Outstanding Natural Beauty close to the top of the scarp slope of the downs.
- 2.03 A public footpath runs across the site.
- 2.04 The history of the site remains the same in that the applicants state that although they built the barn in question whilst they owned and lived in the adjacent house known as “Hazelhope”, they later sold “Hazelhope” separately from the barn and purchased a new property in nearby Charing. They confirm that prior to moving into the barn full time they stayed in the barn in October 2010. This coincided with the “failure” of the holiday let business. Since 2012 and 2013 they state they have continually stayed at Hazelhope Barn and remain living there to date.
- 2.05 The applicants originally owned the house Hazelhope from 2000 and in 2002 planning permission SW/02/0346 approved the change of use for the keeping of horses and the erection of a stable building (the barn in question) on adjoining land under their control. The original design of the barn was not in keeping with design advice and guidance regarding new buildings within the highly protected AONB and, in agreement, the barn was redesigned to be acceptable and permission was subsequently granted. Condition 2 of that permission restricts use of the stables to private use. No approval for a stud farm or for breeding horses has been granted despite many comments made within the submission referring to the breeding business now running at the site. This building as approved provided stables on the ground floor and an office in the roof space.
- 2.06 Application SW/02/0967 subsequently approved an all-weather riding arena which was built in 2002.

- 2.07 Application SW/05/0643 then approved the conversion of the upstairs office space to holiday let accommodation to provide “quality self-catering accommodation for tourists”. A condition attached to the permission stated that *“the accommodation hereby permitted shall be used solely for the purpose of holiday accommodation and shall not be let or occupied by any person or group of persons for a continuous period of more than 4 weeks in any calendar year”* *“in recognition of the terms of the application and in order to prevent permanent residential use of the building which lacks any private amenity space”*
- 2.08 In August 2010 planning permission SW/10/0726 approved a small storage barn close to the main barn. This has been built.
- 2.09 In October 2010 the site was divided and the main house Hazelhope was sold separately whilst the stable/holiday let barn/building, all weather riding arena and smaller storage barn along with 8 acres (half the land) was retained by the applicants.

### **3.0 CONSULTATIONS**

- 3.01 Stalisfield Parish Council has resolved to conditionally support the application, and stated that *“this application went some way to addressing concerns they expressed with regard to the previous application”*. The Parish Council comment that they consider *“there was sufficient justification to warrant a temporary change of use of the property to allow the owners to establish their business case as an equestrian centre needing accommodation. If after 3 years the owners can successfully demonstrate that the business can be profitable and sustainable, the Parish Council remains convinced that the conditions outlined below should be attached to the property to ensure that its future use remains as an equestrian enterprise.*
- 3.02 These conditions are *“That a Section 106 agreement be attached limiting the occupation of the dwelling to a person with day to day responsibility for the management or operation of the equestrian centre connected to the site.*
- 3.03 They further stipulate that *“The Parish Council would only support such a section 106 agreement subject to the following circumstances being met:*
- a) that the applicant has, or can, provide evidence to SBC that the current equestrian business has been profitable for at least one of the previous three years and has a clear prospect of remaining so .*
- b) that the applicant has, or can, provide evidence that an equestrian business can be supported on the 8 acres of land in the ownership of the applicant should they or future owners lose access to the adjoining land which they currently rent.*

*In addition, Stalisfield Parish Council feels that this site in an AONB and in a predominately agricultural setting has now been fully developed and the Parish Council would not support any further development in support of the business, or otherwise.”*

- 3.04 The Council's Rural Consultant refers to para 55 of the NPPF which states that "*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"*".
- 3.05 He comments that most decision makers and advisors accept that whilst Annex A of PPS7 (which has been formally cancelled) does not carry the same weight as previously it is still a useful tool in determining what amounts to "essential need", it being expressed in terms of both enterprise function and the existing (or prospective) financial soundness and sustainability of the enterprise concerned.
- 3.06 He considers that where a permanent dwelling is effectively reliant for its funding on outside capital or income, rather than being supportable from the proven profits of the business concerned, the danger is that neither the approved purpose of the dwelling, nor the occupancy condition on the dwelling (without which an isolated rural dwelling would not normally be permitted) would be sustainable.
- 3.07 He continues that he would agree that overall the horses involved here do generate a functional requirement, for the proper operation of the enterprise, for a responsible person to be resident on site at most times, day or night; and he acknowledges this requirement was originally met by the dwelling Hazelhope House, which the applicants owned up to 2010.
- 3.08 He concludes that nevertheless, the estimated future profits (as provided by the applicants) over the next three years, and which are calculated before any payment/ charge is deducted for labour, would not be sufficient properly to reward, or afford, the anticipated labour requirement of 2.9 to 3.5 full-time persons. Consequently he is not able to advise, as matters stand, that the enterprise has been demonstrated to be operating, or that it will be operating, on a sound and sustainable financial basis.
- 3.09 Following the submission of additional information from the applicants (including reference to a High Court ruling) he has commented that the applicants' agent has not challenged his observation that the applicants' own estimated future profits over the next three years would not be sufficient properly to reward, or afford, the anticipated labour requirement of 2.9 to 3.5 full-time persons.
- 3.10 He considers that it cannot represent an enterprise with sound and sustainable financial prospects. He also doubts that the judgement in the High Court Case to which the applicants' agent refers had set an immutable rule that financial viability cannot now be taken into account at all in temporary dwelling cases in determining the "essential need" to which the NPPF refers – particularly as the phrase used is "essential need", and not "essential functional need".
- 3.11 Finally he concludes that in any event, outside the confines of the NPPF, financial viability can still be an important "material consideration" to take into account in determining such applications. The judgement certainly does

not preclude potential economic viability as an additional material consideration.

#### **4.0 LOCAL REPRESENTATIONS**

4.01 In addition to the letters submitted with the application five comments were submitted with regard to this application. The comments are summarised below:

- Its imperative to have 24/7 supervision for the welfare of the horses and security
- This will reduce the amount of traffic running through the village
- Support the accommodation to be linked to the equestrian enterprise
- Support the application as it is being used for a high quality equestrian enterprise training and breeding dressage horses
- The dressage horse breeding business is an asset to the area
- The applicants presence at the property at all times of the day and night is essential to its success
- They are part of the community and engage fully in rural life
- The building is already there

#### **5.0 POLICY AND OTHER CONSIDERATIONS**

##### **5.01 National Planning Policy Framework (NPPF)**

5.02 A review of the consistency between the policies contained within the Swale Borough Local Plan 2008 and the NPPF has been carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012. All policies cited below are considered to accord with the NPPF for the purposes of determining this application and as such, these policies can still be afforded significant weight in the decision-making process.

5.03 Swale Borough Local Plan 2008 policies SH1 (Settlement Hierarchy), E1 (General Development Criteria), E6 (The Countryside) E9 (Quality and Character of the Boroughs Landscape), H2 (Housing) and RC3 (Rural Housing) are relevant to this application.

##### **5.04 NPPF**

5.05 Paragraphs 28 and 55 of the NPPF are particularly relevant to this application.

5.06 Paragraph 28 supports a prosperous rural economy and the diversification of agricultural and other land-based rural businesses, as well as rural tourism.

5.07 Paragraph 55 relating to delivering a wide choice of high quality homes states *“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.”*

5.08 Paragraph 115 of the NPPF states that *“great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.”*

## **6.0 APPRAISAL**

6.01 I consider the key issue in this case to be the principle of the conversion of this existing holiday let to a temporary unrestricted residential dwelling in terms of the local and national policy position and whether this would represent sustainable development; and if other factors indicate that any other decision should be reached.

### **6.02 National Policy**

6.03 The NPPF, whilst clearly promoting the need to provide a wide choice of quality homes, does not allow this at all costs. The golden thread running through the document is the presumption in favour of sustainable development. Paragraph 55 emphasises that in rural areas the need for housing still needs to be considered alongside the need for development to be sustainable and goes further stating *“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”*. It further states that isolated homes should be avoided unless there are special circumstances.

- 6.04 In this case, the proposed residential use would not be located within a village or in a cluster of other residential properties. It would be located on land adjacent to one isolated dwelling, Hazelhope. As such, it would be an isolated property generally in a remote area set apart from other housing and away from services and facilities. In addition, as the site is located along a narrow country lane without footpaths, this combined with the distance from services would result in the occupants likely having to rely on a car to access services.
- 6.05 However, the NPPF does suggest that isolated dwellings may be acceptable in special circumstances. One of the special circumstances listed is where there is *“the essential need for a rural worker to live permanently at or near their place of work in the countryside”*. I consider that to assess the “essential need” and until further advice is provided to contradict it, the accepted way remains to continue to refer to the principles set out in Annex A of PPS 7 and, that even though this has officially been cancelled it is a useful tool in determining what amounts to essential need.
- 6.06 **Essential Need**
- 6.07 This application refers to a temporary dwelling and the agent argues that the use of or reference to Annex A of PPS7 should be disregarded in its entirety and the only argument to be considered here is related to the exact wording of Para 55 of the NPPF as to whether the essential functional requirement of a worker to live at or near their place of work has been met.
- 6.08 He argues that whilst part of the NPPF Para 55 refers to a worker living “at or near” their place of work the case made by the applicants is that despite living only 3 miles and 10 minutes away from the site they still require a new dwelling on this site.
- 6.09 The business here now appears to be the training of high quality and high value (£500 to £30,000) dressage horses which they buy, train and sell on, keeping eight horses in the five stables of the barn (with additional other stables on the land) on 16 acres of land at the site (of which 8 acres they own). These occasionally produce foals, but some of the supporting letters talk of the site as a stud farm. This is not how the applicants describe the operation. It seems that initially the main use here is training of horses with the occasional foal. However information in the submission appears to show this is an expanding area of the business.
- 6.10 The applicants’ statement goes into great detail about the man hours involved in the management of the land and buildings, but my view remains that the mucking out of stables, having hooves picked, grooming of the horses, taking rugs on and off the horses, training of the dressage horses, catering for their special diets, poo picking, breaking of ice, and cleaning of the equipment which they focus on are all requirements that could be undertaken during the normal working day with the adequate number of staff employed and would not require permanent residence on the site.



- 6.11 Security considerations are not normally sufficient in their own right to justify a dwelling in the countryside. The consideration that the horses were only unable to be left unsupervised once the applicants had moved to Charing, but were left unsupervised overnight prior to this is somewhat confusing and not fully explained. Indeed the applicants have a property 3 miles (10 mins) away and, even bearing in mind the footpath across the site, I remain of the view that it is conceivable that with the correct security systems in place the site can be made secure without the need for a permanent residential dwelling.
- 6.12 I also consider that the close proximity of the permanently occupied property Hazelhope dwelling next door is likely to act as a deterrent in itself.
- 6.13 The possibility of the horses becoming ill is also cited in support of the application, but again I do consider the close proximity of the applicants to the site, and with modern technology, this can be adequately managed remotely.
- 6.14 The applicants argue that it is only these arguments, related to the “function” of the business that determine the “essential need” and that no other matters should be considered. However, it must be noted that the NPPF uses the phrases “essential need”, and not “essential functional need”.
- 6.15 I would argue that whilst there may be no legal requirement to establish the viability of the enterprise, an assessment of the economic viability of the proposed business is a crucial part of assessing the “essential need” of the business for a worker to establish the need for a new dwelling linked to that business.
- 6.16 In support of the applicants’ case they provide details of a High Court Case (Embleton PC V Northumberland CC) and highlight a part of the judgement in which they state the Judge did “*not accept that the NPPF requires that the proposal is economically viable*”.
- 6.17 Having considered this case, I note that this comment was in relation to submissions that as the enterprise was not economically viable there was no need for a rural worker to live at or near their place of work. Whilst I would argue that this is part of the judgement to be made as to whether there is an essential need for the applicants to live on site, as is being proposed here, the judge effectively held that the LPA had not been wrong in the way it assessed submitted financial data which it did take into account in reaching a decision.
- 6.18 The NPPF does not explicitly require that the proposal is economically viable, but simply requires a judgment of whether the proposed agricultural enterprise has an essential need for a worker to be there or near there. However in my estimation the essential need cannot be assessed in isolation as Para 55 is designed “to promote sustainable development in rural areas”. For a permanent new dwelling to be considered an exception to policy which restricts development in the countryside, a viable business, or likely to be viable business, needs to be in place to finance the jobs upon which the need for the dwelling has been based.

- 6.19 In any event, I consider that outside the confines of the NPPF, the financial viability of the proposed business can still be an important “material consideration” to take into account in determining this application. I do not believe the judgement referred to by the applicants precludes potential economically viability being an important material consideration.
- 6.20 I consider that the argument presented by the applicants that they do not consider the economic viability of the enterprise should play a part in the decision process largely contradicts the notion of applying for a temporary permission, which is a tried and tested procedure to establish a trial period in which a potentially profitable enterprise can be allowed time to show its profitability, with a review at the end of the period of keeping actual accounts.
- 6.21 I have carefully considered whether the accommodation is required on site for the proper functioning of this enterprise. Whilst to a certain degree the horses do generate a requirement for a worker to be on site I remain unconvinced by this submission taking all the factors into consideration.
- 6.22 **Viability of the Business**
- 6.23 Whilst the applicants do not want an assessment of the viability of the business they have provided confidential Forecast Accounts for 2014, 2015 and 2016. Here, even the applicants’ forecasts do not show the potential for a viable enterprise and the dwelling is effectively reliant for its funding on outside capital or income, rather than being supportable from the proven profits of the business concerned. The danger here is that neither the approved purpose of the dwelling, nor the occupancy condition on the dwelling (without which an isolated rural dwelling would not normally be permitted) would be sustainable.
- 6.24 I note in the additional later information submitted by the agent that they do not challenge the fact that the applicants’ own estimated future profits over the next three years would not be sufficient properly to reward, or afford, the anticipated labour requirement of 2.9 to 3.5 full-time people.
- 6.25 Taken altogether that cannot represent, in my view, an enterprise with sound and sustainable financial prospects and as such, I do not consider that it would be appropriate to permit a trial period to see the applicants’ forecasts of lack of viability substantiated.
- 6.26 **The Previous Position**
- 6.27 The applicants have explained that Hazelhope House had to be sold for personal financial reasons in 2010, as described in more detail in the submissions, one of which being the poor returns from the holiday let. The applicants later decided to move into the retained holiday accommodation having considered it difficult to properly manage the developing equestrian enterprise from the dwelling they bought in nearby Charing.
- 6.28 The history of this site has shown the gradual increase in the facilities for the enterprise which were approved based on its close proximity to the house Hazelhope, and the ease by which the applicants could supervise the stables

and horses from Hazelhope. However towards the end of 2010 a number of events coordinated, including the submission and approval for the storage barn in August 2010, just 2 months before the selling of Hazelhope.

6.29 The applicants sold off the main house Hazelhope that provided the already established accommodation sufficient for them to live on the site and supervise the stables. The “failure” of the holiday business within Hazelhope Barn coincided with this sale of Hazelhope and whilst the applicants bought a property in Charing, just under 3 miles away in 2010 they very quickly began to use the barn for full time residential purposes.

6.30 This application comes as a direct consequence of the sale of the main residence, Hazelhope and the direct action of the applicants could be viewed as a coordinated set of circumstances to gain residential use of the barn. Even if not intentional, the sale of the house Hazelhope is fatal to the case now made, as to approve residential use of the barn now can only, I would argue, bring the planning system in to disrepute. In this respect Annex A of PPS7 is clear. It states that *“In cases where the local planning authority is particularly concerned about possible abuse, it should investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings, (my emphasis) or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.”*

#### 6.31 **Other Matters**

6.32 I note the comments from the Parish Council supporting the three year temporary permission to enable the applicants to attempt to show the viability of the business and to use a Section 106 to tie the dwelling to the equestrian business. Despite this being what they are applying for the applicants’ agent has been very clear in rejecting use of using any economic viability assessment at the end of the three year period, and I conclude that irrespective of the outcome there would be no change in the argument made by the applicants or any significant change in the specific circumstances of this case. Furthermore, the applicants do not even predict a viable enterprise.

6.33 I also note the comments of support which on the whole refer to the dressage business and the “quality” of it. However, were the case to be accepted here there would be no guarantee that “dressage horse breeding” or “high quality equestrian training” would remain on the site.

6.34 I am also concerned that with the applicants residing on site this will continue the incremental development of the site. When planning permission was originally granted for the stable building and the ménage it was implicitly linked to the existing dwelling of Hazelhope. The creation of a separate unit has increased the impact of the site on the AONB. The creeping intensification of the use of this site is evident, the 4 mobile field shelters (2 double bay and 2 single bay), and the proposed increase in staff to 3.5 (from 1.7 in Feb 2014).

6.35 The submission further refers to an increase in stock, from 10 (an increase in 2 from Feb 2014) with an additional 3 foals next year onsite *“to look after and then*

*potentially sell on. Depending on the gender of the stock, some may then be kept to breed from” opens the possibility of the requirement for further stables, and a further increase in the number of staff to be required. The resultant increase in traffic to and from the site, for deliveries, services and staff is likely to be noticeable.*

- 6.36 Finally whilst the proposal would result in the reuse of an existing building, it would not result in an enhancement to the immediate setting. This proposal if allowed, and from which can be viewed now, would result in the full domestication of the site with the sort of facilities that are not normally necessary for a holiday let property such as washing lines, garden furniture etc and increased activity.
- 6.37 The separation of the site into two properties has already resulted in an expansion of development into the countryside which has had an impact on the protected AONB by way of hard surfacing and fencing and gating etc and its further erosion is of concern.
- 6.38 Having considered the arguments made in respect of an essential need for a temporary dwelling on the site I am not convinced that the case has been sufficiently made to justify making an exception to long established rural restraint policies for additional housing in the rural areas particularly given the highly sensitive nature of the site and its AONB status

7.0 **RECOMMENDATION** – REFUSE for the following reasons:

This proposal for temporary full time residential use of approved holiday accommodation presents insufficient arguments to demonstrate why planning permission should be granted at this isolated location within the defined rural area and Kent Downs Area of Outstanding Natural Beauty where development is normally restricted. Furthermore unconvincing evidence has been provided to demonstrate that the business involved is, or could be operated on a viable financial basis. As such, the proposal would result in unacceptable harm to the character of the countryside by introducing an unnecessary and unjustified residential use and associated domestic curtilage to this rural area in a manner harmful to its rural character and natural beauty. The proposal does not represent sustainable development and is therefore contrary to policies E1, E6 & E9 of the Swale Borough Local Plan 2008 and the guidance as set out within the National Planning Policy Framework.

**Council’s approach to this 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; having a duty planner 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 considered on its merits, with regard to previous appeal decisions and current policy and circumstances, and found to be unacceptable. The application was determined by the Council's Planning Committee where the applicants were given the opportunity to address the Committee

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.