

2.7 REFERENCE NO - 20/503553/FULL		
APPLICATION PROPOSAL Replacement of existing mobile home with proposed detached bungalow (Resubmission of 18/506097/FULL).		
ADDRESS Bellever Marshlands Farm Lower Road Minster-on-sea Kent ME12 3RT		
RECOMMENDATION Grant subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal overcomes the previous reason for refusal under application 18/506097/FULL by reducing the scale of the replacement dwelling. It is well designed and will not cause any unacceptable impacts to residential amenities.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD Sheppey Central	PARISH/TOWN Minster-On-Sea	COUNCIL APPLICANT Mrs Margaret Farr AGENT Woodstock Associates
DECISION DUE DATE 05/10/20	PUBLICITY EXPIRY DATE 16/09/20	

Planning History

18/506097/FULL

Replacement of existing mobile home with proposed chalet bungalow and detached garage (Revision of 18/502835/FULL)

Refused Decision Date: 30.07.2019

18/502835/FULL

Replacement of existing mobile home with proposed chalet bungalow and detached garage.

Withdrawn Decision Date: 28.09.2018

17/506042/LDCEX

Lawful development Certificate (Existing) Siting and occupation of a mobile home for use as a domestic dwelling (Use Class C3) with storage shed and associated domestic curtilage.

Approved Decision Date: 17.01.2018

Appeal History:

19/500158/REF

Replacement of existing mobile home with proposed chalet bungalow and detached garage (Revision of 18/502835/FULL)

Dismissed Decision Date: 25.02.2020

1. DESCRIPTION OF SITE

- 1.1 Bellever is a single storey mobile home situated to the south of Marshlands Farm. Lawful residential use of the mobile home and its associated curtilage was established under 17/506042/LDCEX. The application site lies outside of any built up area boundary, and is therefore located in the countryside. The mobile home is situated to the south of the large industrial unit on the site and is accessed via an internal road that runs to the east

of the industrial unit. There are two residential properties on the site which are located to the north and east of the mobile home

2. PROPOSAL

2.1 This application seeks planning permission to replace the existing mobile home with a detached bungalow. The bungalow will have a footprint of approximately 10.2m x 14.3m and would have an eaves height of 2.6m and ridge height of 5.5m. The roof will have barn hips at either end, with small projecting gable features on the front and rear. The dwelling will have a lounge, kitchen, utility room, WC and two bedrooms (both with en-suites) on the ground floor. Two parking spaces will be provided to the front of the bungalow, and the existing access on the site will be used.

2.2 I note a similar application for a replacement dwelling and double garage was submitted at the site under application 18/506097/FULL. The application was refused for the reason set out below, and was also dismissed at appeal.

(1) The application site lies outside of any built up area boundary as defined by the adopted "Bearing Fruits 2031: The Swale Borough Local Plan 2017", and is therefore considered to lie within the open countryside where policies of rural restraint apply. The proposed development, by virtue of the increase in bulk and scale of the proposal over the existing mobile home would not represent a dwelling of similar size and proportion. Furthermore the scale of the proposed dwelling will be harmful to the character and appearance of the countryside. The development is therefore contrary to policies CP4, DM11 and DM14 of "Bearing Fruits 2031: The Swale Borough Local Plan 2017".

2.3 This application attempts to overcome this reason for refusal. The footprint of the dwelling has been reduced by roughly 22%, the ridge height has been reduced by 0.6m, and the double garage has been removed from the proposal.

3. PLANNING CONSTRAINTS

3.1 None

4. POLICY AND CONSIDERATIONS

4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

4.2 Development Plan: Policies ST3, CP4, DM11 and DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017

5. LOCAL REPRESENTATIONS

5.1 Four comments in support of the scheme have been received. Their contents are summarised below:

- Proposal will have no visual impact to the general public as the property is hidden behind the building already on site.
- The existing caravan on the site is tucked away so changing this to a bungalow will have no negative changes to the area, us or passers by.

6. CONSULTATIONS

6.1 Minster Parish Council – Object to the proposal, stating the following:

“The application site lies outside of any built-up area boundary, as defined by the adopted "Bearing Fruits 2031: The Swale Borough Local Plan 2017 and is therefore considered to lie within the open countryside where policies of rural restraint apply. Furthermore, if the proposal is allowed, it will open the floodgates for other Lawful Development Certificates to be used as a way of obtaining permanent residential development in the open countryside. It will also set a precedent for the proliferation of unsuitable buildings in an area where rural restraint should apply. Here, it was emphasised that any decision which resulted in there being no difference in planning terms between granting permanent residential status to a mobile home / caravan and a bungalow etc., would set a dangerous precedent irrespective of the building's construction or location.

Other reasons included:- The proposed development, by virtue of the increase in bulk and scale of the proposal over the existing mobile home would not represent a dwelling of similar size and proportion. Furthermore, the scale of the proposed dwelling would be harmful to the character and appearance of the countryside. The development is therefore contrary to policies CP4, DM11 and DM 14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017".

6.2 Environmental Health – *“I note that a previous application on this site included a noise survey to address the potential nuisance from the neighbouring industrial estate and concluded that no additional measures were required for this dwelling. I would recommend standard conditions relating to the provision of an electric vehicle charging point and construction hours.”*

6.3 KCC Highways – Requested details of cycle storage and electric vehicle charging point. Amended plans were provided showing these details, and Highways confirmed they were satisfied with the proposal, subject to conditions ensuring the parking, cycle storage and charging point are provided prior to the occupation of the dwelling.

6.4 Natural England – No comments.

7. BACKGROUND PAPERS AND PLANS

7.1 Plans and documents relating to application 20/503553/FULL.

8. APPRAISAL

Principle of Development

8.1 The application site is located within open countryside where in accordance with policy DM11, the Council will permit the replacement of an existing dwelling in the rural area only if the proposed new dwelling is of a similar size and proportion, an appropriate scale, mass and appearance in relation to the original dwelling and location. Whilst the site is currently occupied by a mobile home, residential use of this structure and its associated curtilage was established under 17/506042/LDC EX, and therefore it is appropriate to apply policy DM11 to this proposal.

8.2 In this case, a small single storey mobile home will be replaced with a bungalow. As such, I give weight to the fact that the existing mobile home is very small in size and a modest dwelling will be highly likely to be larger than the existing. When compared to

the refused scheme (ref. 18/506097/FULL), the floorspace provided in the bungalow has been reduced by approximately 22%, and the ridge height lowered by 0.6m. The double garage has also been removed from the proposal, which reduces the amount of built form on the site. I am also mindful of the planning application (ref. 14/504785/FULL) referenced in the Design and Access Statement that the agent has provided to demonstrate that there has been a similar sized and designed replacement dwelling allowed in a similar situation, i.e. where a mobile home is allowed to be replaced with a bricks and mortar dwelling.

- 8.3 Taking all of the above into account, whilst the footprint of the proposed building will be much larger than the existing footprint of the small mobile home, I am of the opinion that the replacement dwelling is of a modest scale when taking into consideration the surrounding built form. As such, I believe the application overcomes the previous reason for refusal and is acceptable in principle. I do however consider it appropriate to remove permitted development rights for extensions and outbuildings in order to control the amount of development at this site. I have also recommended a condition to prevent the roof space of the dwelling from being used as habitable accommodation. This will ensure that the dwelling remains of a modest scale internally in accordance with policy DM11.
- 8.4 I note the Parish Council's concern regarding the potential for this application to set a precedent. Each planning application is considered on its own merits, and in this case, the residential use of the site has already been established under application 17/506042/LDCEX.

Visual Impact

- 8.5 Due to the location of the dwelling to the rear of a large industrial unit, the development will not be visible from Lower Road. It will be visible from the countryside to the south of the site, however taking into account its limited scale, I do not consider the proposal will have unacceptable impacts upon the character and appearance of the countryside.
- 8.6 The bungalow is of an acceptable design in my view, similar to the existing dwellings to the north and west. I include conditions below to ensure suitable materials and hard and soft landscaping details are submitted to the Council.

Residential Amenity

- 8.7 With regards to residential amenity, due to the minimum separation distance of 30m between the new dwelling and the existing dwellings on site, I consider there would be no significant impacts to residential amenity. The floorspace provided within the bungalow is in line with the Nationally Described Space Standards and the amenity space to the rear of the property is of a good size. As such, I believe the proposal will provide a good level of amenity for future occupiers.
- 8.8 A noise assessment has been provided that demonstrates that the use of the industrial building to the north of the replacement dwelling does not have any unacceptable impacts to the residential use of this site. Environmental Health agrees with the conclusions of this assessment, and therefore I have no concerns from this regard.

Highways

8.9 Following amendments in line with comments from KCC Highways, I consider the scheme to be acceptable from a highways perspective. Two car parking spaces are proposed to the side of the proposed dwelling, as well as a electric vehicle charging point and cycle storage. The bungalow will have two bedrooms and in accordance with the recently adopted SBC Vehicle Parking Standards SPD, two spaces would be required for a two bedroom dwelling in this location. As such the proposed parking provision is adequate and I have no concerns in this regard. I include conditions below to ensure the parking, charging point and cycle storage are provided before the occupation of the dwelling and are retained.

9. CONCLUSION

9.1 As set out above, I believe the proposal overcomes the previous reason for refusal under application 18/506097/FULL, and represents a replacement dwelling of a modest scale. It is well designed and will not cause any unacceptable impacts to residential amenities. As such, I recommend planning permission be granted.

10. **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) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwelling shall not be occupied unless the notice for that dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

(3) The dwelling hereby approved shall be constructed and tested to achieve the following measure:

At least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended);

No development shall take place until details of the measures to be undertaken to secure compliance with this condition have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of promoting energy efficiency and sustainable development.

(4) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- (5) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (6) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (7) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (8) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 0730 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of local amenity.

- (9) The area shown on the submitted plan as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling hereby permitted.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

- (10) The area shown on the submitted plan as secure, covered cycle parking facilities shall be provided prior to the occupation of the dwelling hereby permitted and shall be retained permanently.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

- (11) The electric vehicle charging point shown on the submitted plan shall be provided prior to the occupation of the dwelling hereby permitted and shall be retained permanently.

Reason: To ensure the provision and retention of electric vehicle charging facilities in the interest of reducing greenhouse gas emissions.

- (12) 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: In the interests of the amenities of the area.

- (13) The roof space of the dwelling hereby approved shall at no time be used as, or converted into, an extension of the habitable accommodation of this property.

Reason: In the interests of retaining a modestly sized dwelling within the countryside.

- (14) The development hereby permitted shall be carried in accordance with the following approved plans and the materials listed on the application form: BA/18/107.01 Rev E, BA/18/107.02 Rev E and BA/18/107.04 Rev E.

Reason: For the avoidance of doubt and in the interests of proper planning.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 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.

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.

