

**COUNCILLORS' QUESTIONS AND OFFICERS' RESPONSE – PLANNING COMMITTEE 22 JULY 2021**

Item and application	Question	Response
<p><b>ITEM 3.2</b>  <b>21/502302/FULL</b>  <b>Former Stable Building Old House Farm, Hartlip</b></p>	<p><b>Cllr Richard Palmer</b></p> <p>Relevant case Law</p> <p>Appeal Ref: APP/V2255/W/17/3175169 Chesley Oast, Bull Lane, Newington ME9 7SJ</p> <p>Main issues under Para 3                      Second Bullet point – ‘whether permanent residential occupation of the units would result in a sustainable pattern of development having regard to national and development plan policy’;                      At para 9 it further states that ‘<a href="#">occupiers would be likely to rely to a large extent on use of the private car. However, national and development plan policy now allow the reuse of existing buildings in the countryside for residential purposes and the proposal falls within this category, particularly as the necessary conversion has already taken place. The proposal complies with paragraph 55 of the NPPF and Policy ST3 of the 2017 Local Plan and is therefore acceptable notwithstanding the unsustainable location</a>’.</p> <p>The above is clearly relevant to this current application. I can not understand how in the report that at para 10 Recommendation the reports states ‘<a href="#">formation of an unjustified new dwelling within the countryside...</a>’                      The dwelling is clearly built and present so I cannot understand why the reports states New Dwelling when it is obviously a dwelling house all be it with a condition re holiday lets. It’s the removal of that condition that is the subject of this application.</p>	<p>I would agree with the point being raised by the local councillor that the property would fall under the same use class as a dwellinghouse and contains all the facilities needed for day-to-day residential occupation. It is specifically the condition imposed under SW/05/0118 that restricts occupancy of the building to use as holiday accommodation rather than as a conventional dwelling. The use of similar restrictive conditions is used on all holiday stock in the Borough and regularly for similar properties elsewhere in the country.</p> <p>Whilst the reason for refusal set out in the main report is identical to the reason for refusal issued for the same proposal in April, I would recommend that Members consider the following amended wording for the refusal –</p> <p>(1) The application fails to demonstrate that there has been a reasonable effort to secure the use of the building as a holiday let, or that continued holiday let use is undesirable or unsuitable in this countryside location where residential development is strictly controlled, and as a result the development would be contrary to Policy DM3 and DM14 of the Local Plan "Bearing Fruits 2031".</p>

	<p>Dwelling House - <i>Gravesham Borough Council v Secretary of State for the Environment</i> (1982) P&amp;CR 142, McCulloch J in the High Court Note the following “The Secretary of State could find that a building built under a permission for a weekend and holiday chalet, but to be used only in summer, was a <b>dwelling house</b>. The distinctive characteristic of a dwelling house is its ability to afford to those who use it the facilities required for day-to-day private domestic existence. McCullough J rejected the suggestion that a building which had that <b>characteristic ceased to be a dwelling house</b> because it was occupied only for a part or parts of the year or at infrequent or irregular intervals or by a series of different persons”. There is no statutory definition of a dwelling home however I feel it is clear from the above case that the old Stables is clearly a dwelling house and this should be highlighted to the planning committee or redacted from the report.</p>	