

PLANNING COMMITTEE – 23 JUNE 2022**PART 3**

Report of the Head of Planning

PART 3Applications for which **REFUSAL** is recommended

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| 3.1 REFERENCE NO - 22/501078/FULL | | | |
| APPLICATION PROPOSAL | | | |
| Retrospective application for a change of use of agricultural land to residential and erection of detached double garage. | | | |
| ADDRESS Cripps Farm Plough Road Minster-on-sea Sheerness Kent ME12 4JH | | | |
| RECOMMENDATION Refusal | | | |
| SUMMARY OF REASONS FOR REFUSAL | | | |
| 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 adopted Local Plan policy ST3 seeks to restrict development other than in certain specific exceptions which do not apply to this proposal. Moreover, the garage block due to its scale and prominent position beyond the discernible confines of the residential curtilage results in a contrived boundary line and overtly domestication of the site which brings about the introduction of urban features and subsequently a significant change in the character and appearance of the countryside. In addition, the proposal lacks an appropriate landscaping scheme or suitable justification for the loss of agricultural land. | | | |
| REASON FOR REFERRAL TO COMMITTEE | | | |
| Parish Council Support | | | |
| WARD Sheppey East | PARISH/TOWN COUNCIL Minster-On-Sea | APPLICANT Mr David Buckley AGENT Wyndham Jordan Architects | |
| DECISION DUE DATE 26/05/22 | | PUBLICITY EXPIRY DATE 12/05/22 | |
| RELEVANT PLANNING PERMISSION | | | |
| Application No. | Description | Recommendation | Decision Date |
| 19/500129/FULL | Demolition of existing outbuilding. Erection of two storey side extension, rear infill extension and two detached two storey triple garages | Refusal | 02.05.2019 |
| 19/502305/FULL | Demolition of existing outbuilding. Erection of two storey side extension, rear infill extension, loft conversion and detached triple garage to rear (Resubmission to | Approved (Planning Committee Overturn) | Decision Date: 06.09.2019 |

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|-----------------|--|----------------------------------|------------|
| | 19/500129/FULL) | | |
| 19/503511/FULL | Retrospective application for a new front wall with drive way access from main highway (Plough Road). | Deferred from planning committee | |
| 22/501076/LDCEX | Lawful Development Certificate (Existing) for a change of use of land and stationing a static caravan to be used as an annexe to a residential dwelling. | Pending decision | |
| 22/501079/FULL | Part retrospective application for the erection of an agricultural barn for storage of machinery, hay and livestock | Pending decision | |
| 22/501077/FULL | Retrospective application for a pond for use by wildfowl. | Approved | 13.05.2022 |

1. DESCRIPTION OF SITE

- 1.1 The application site consists of a dwelling within large grounds on the north side of Plough Road. The original dwelling on site was replaced following the grant of planning permission Ref: SW/98/0163. Following this, the new dwelling was substantially extended under Ref: 19/502305/FULL, resulting in the current property – a large two storey detached property with a high hipped roof profile to accommodate additional accommodation within the roofspace. The property is constructed from red brick, set back from the road by approximately 15 metres, with a large unfinished area of hardstanding to the front, void of any landscaping.
- 1.2 The garage subject to this application is located to the rear and has been substantially completed. Although the permission granted under 19/502305 included a garage, the garage as built has been erected in a different location and outside of the lawful residential curtilage of the property.
- 1.3 Immediately opposite the site to the south but not clearly visible due to the existing hedgerow along the northern side of Plough Road is Kingsborough Manor, a large residential housing estate (Ref: SW/95/0102).
- 1.4 To the east, the neighbouring property is a detached dwelling known as Appleyard Barn which lies approximately 25 metres to the east of the application property and further east is another detached residential property 'Jefferson Villa'.
- 1.5 Open agricultural land borders the site to the north and west. The land immediately to the north of the application site, and which wraps around the neighbouring properties to the east is all within the ownership of the applicant.
- 1.6 The site is located within the open countryside.

2. PROPOSAL

- 2.1 Retrospective planning permission is sought for the change of use of a small section of agricultural land to residential use, to accommodate a detached double garage.
- 2.2 The garage block is located to the rear of the dwelling at the far northeastern corner of the site which joins an agricultural field within the same ownership to the rear of the site.
- 2.3 As stated above, this application follows from a previous application Ref: 19/502305/FULL, whereby a triple garage of similar dimensions was approved in an area forward (south) of the current proposed location but within the existing residential curtilage. The previously approved garage was designed to replicate the appearance of the host dwelling with facing brick work finished with a barn hip roof. It measured 10 metres wide, 7.2 metres deep with an eaves height of 2.4 metres and 6 metres high to the ridge. The garage was set back into the site by 50 metres when measured from the front boundary.
- 2.4 This retrospective application seeks permission for the garage as built. It is sited behind the location of the previously approved garage and beyond the permitted residential curtilage of the site. This garage is of a similar design to the previous approval, albeit the scale is larger and the triple garages doors have been replaced with double doors. The garage measures 10.5 metres wide and 8.5 metres deep, with a height of 6.35metres to the ridge. Although there is no physical demarcation on site of the boundary between the residential land and agricultural land to the north, the garage as built and as shown on the submitted drawings, results in a rectangular shaped incursion into the agricultural land to the north, measuring 10m by 11.5m which is drawn around the perimeter of the garage block.

3. PLANNING CONSTRAINTS

- 3.1 Potential Archaeological Importance
- 3.2 Within the open countryside

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) 2021
- 4.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017

Policy ST1 Delivering sustainable development; Policy ST3 The Swale settlement strategy; Policy ST6 The Isle of Sheppey area strategy; Policy CT2 Promoting sustainable transport; Policy CP4 Requiring good design; DM13 Extending the garden of a dwelling in the rural area; Policy DM7 Vehicle parking; Policy DM14 General development criteria; DM28 Biodiversity and geological conservation

- 4.3 Swale Parking Standards SPD 2020

5. LOCAL REPRESENTATIONS

- 5.1 None received

6. CONSULTATIONS

- 6.1 Minster Parish Council – Support the application, the proposed siting will be adjoining a barn and forming a single group of buildings as such its position in supporting the proposal stands.

Officers response: the adjoining barn does not benefit from planning permission and is pending consideration under Ref: 22/501079/FULL

7. APPRAISAL

Principle of development and visual impact

- 7.1 The Government attaches great importance to the design of the built environment. The revised National Planning Policy Framework (2021) states that good design is a key aspect of sustainable development and advises that permission should be refused for development that fails to improve the character and quality of an area. Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes, and recognising the intrinsic character and beauty of the countryside, including the benefits of best and most versatile agricultural land.
- 7.2 The site is located within open countryside, outside of any defined built-up area boundaries. Policy ST3 of the Local Plan states that development in these locations will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.
- 7.3 Policy DM11 of the Local Plan allows for the extension / replacement of dwellings in the countryside. The Council has often applied elements of this policy in relation to outbuildings such as garages within the residential curtilage of such dwellings. However as the garage has been built outside of the residential curtilage, I do not consider that this policy can be used to support the proposal. Nor do I consider that the previous permission for a garage within the residential curtilage provides any support to allow this application as an alternative – given that the garage has been built on land outside of the residential curtilage. In my opinion, there is no policy support under DM11 for the erection of a garage outside of the permitted residential boundary of the property. There also appears to be absolutely no reason why it was not possible to erect the building within the large residential curtilage that this property enjoys.
- 7.4 The garage, as built, is on land that encroaches beyond the rear residential curtilages of all three dwellings – Cripps Farm, Appleyard Barn & Jefferson Villa into the rural landscape and proposes an unusual re-aligned residential boundary line that wraps around the garage as built. In my opinion this would harm the character of the rural landscape through the encroachment of development into the undeveloped countryside. Although a large detached garage has been permitted within the permitted residential curtilage of Cripps Farm, the location of a large detached garage as built on land beyond this curtilage encroaches into the countryside in a more harmful way, extending the built form further to

the north of the residential boundary and into the open countryside. In addition, the structure is larger than the permitted garage building.

- 7.5 Policy DM13 of the Local Plan does relate specifically to proposals to extend the garden of a dwelling in the rural area, and is relevant to this application. It states that this will only be permitted where (1) the proposal would not result in significant harm to the landscape, and (2) a scheme of landscaping is provided and implemented that will, as required, conserve, create or restore the character of the landscape concerned. The supporting text to the policy makes clear that in cases approved by the Council, a planning condition would normally be imposed to remove permitted development rights for garden buildings and other domestic works, to protect the landscape from further harm. On this basis, the application is not supported under this policy as it has been used to construct a large detached building and includes no landscaping proposals. Furthermore, the contrived nature of the extension into the land to the north does not assimilate the development in an acceptable way into the countryside. Finally, although not explicitly referred to in the policy, it appears to me that an extension of garden land into the countryside has greater merit when an existing garden is small or substandard in some way or form, which is not the case with this site where the property enjoys a large garden area.
- 7.6 In terms of landscape impact, the site is not within a designated landscape. The Swale Landscape Character and Biodiversity Appraisal SPD identifies the site within the Minster and Warden farmlands, characterised by rolling topography, high points within the Island, long views across the Island to the mainland and of the Thames Estuary and mixed land uses. The condition is described as poor, partially due to urban fringe activities and residential development, and sensitivity is moderate. The guidelines seek to restore and create new landscape features. In my opinion, although it would be on a modest scale, the encroachment of the garage as built into the agricultural land to the rear of the plot adds to the poor condition and brings no benefits to the landscape. It pushes built form beyond the permitted residential boundary of the application property and neighbouring dwellings into an open exposed field. As such I consider the scheme would be in conflict with policies DM13 and DM24 of the local plan.
- 7.7 The land is designated as Grade 2 agricultural land and as such represents Best and Most Versatile agricultural land. Policy DM 31 sets out that development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries. In this instance, there is no supporting information which justifies the relocation of the garage block onto good quality agricultural land when it is clear from the size of the permitted garden and from the previously permitted scheme that there is sufficient space for this to be located within the residential curtilage. However, I am also mindful that the area of land that would be removed from potential agricultural use is very small. On this basis and on balance, I do not consider that the loss of this small parcel of land could be held to be sufficiently harmful to justify refusal on this particular ground.

Impact upon residential amenity

- 7.8 Policy DM14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or

sunlight, in an unreasonable loss of privacy, in an unreasonable loss of outlook or in excessive noise or odour pollution.

- 7.9 In this regard, a garage in the established garden area was generally considered acceptable under the permission granted in 2019. On the basis that any increase in scale is relatively minor when considered against the bulk of development proposed, and that the new garage would be located approximately 32m from Appleyard Barn, I do not consider that there would be any material harm to neighbouring amenities arising from the garage.

Highways/Parking

- 7.10 Policy DM7 states that parking requirements in respect of any new proposed developments should be in accordance with Kent County Council vehicle parking standards
- 7.11 The size of the garage block is consistent with the Swale Borough Parking SPD 2020 and the proposal provides an acceptable parking facility for vehicles. I have no concerns in this regard.

8. CONCLUSION

- 8.1 For the reasons set out above, encroachment into the countryside would be directly contrary to policy ST3 which states, at point 5, that at locations outside the built-up boundaries shown on the Proposals Map development will not be permitted, unless able to demonstrate that it would contribute to protecting the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities which has not been satisfactorily demonstrated under this application. Furthermore the scheme does not comply with Policy DM13 as the extension of the garden has been carried out in a contrived way to facilitate the erection of a large building and contains no landscaping on measures that mitigate this impact.

9. RECOMMENDATION

That planning permission be REFUSED for the following reason:

- (1) The application site lies outside of any built-up area boundary and within the open countryside. The extension of the residential garden into the countryside and erection of a garage building of large scale and form beyond the confines of the existing residential curtilage results in an unacceptable form of encroachment into the open and undeveloped rural landscape, a contrived and unnatural boundary line between the residential curtilage of the property and the countryside, and overtly domestication and presence of built form on the land, with a subsequent harmful impact upon the character and appearance of the countryside. In addition, the proposal lacks any appropriate landscaping scheme or measures to assimilate the development into the landscape. For these reasons, the proposal fails to enhance the intrinsic value, landscape setting, tranquillity and beauty of the countryside contrary to policies ST3, DM13 and DM24 of Bearing Fruits 2031 – The Swale Borough Local Plan (2017).

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 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 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.

