

<b>2.4 REFERENCE NO - 23/501777/FULL</b>		
<b>PROPOSAL</b> Erection of annexe ancillary to main dwelling, incorporating log store and garage.		
<b>SITE LOCATION</b> Crockham Farmhouse Crockham Lane Hernhill Faversham Kent ME13 9LB		
<b>RECOMMENDATION</b> Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions, with further delegation to the Head of Planning / Head of Legal Services (as appropriate) to negotiate the precise wording of conditions, including adding or amending such conditions and precise Heads of Terms as may be consequently necessary and appropriate.		
<b>APPLICATION TYPE</b> Householder		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council objection.		
<b>CASE OFFICER</b> Claire Attaway		
<b>WARD</b> Boughton And Courtenay	<b>PARISH/TOWN COUNCIL</b> Hernhill	<b>APPLICANT</b> Ms S Killick <b>AGENT</b> Miriam Layton Architectural Design
<b>DATE REGISTERED</b> 17/04/23	<b>TARGET DATE</b> 12.06.2023	<b>CASE OFFICER</b> Claire Attaway
<b>BACKGROUND PAPERS AND INFORMATION:</b> <a href="#">23/501777/FULL   Erection of annexe ancillary to main dwelling, incorporating log store and garage.   Crockham Farmhouse Crockham Lane Hernhill Faversham Kent ME13 9LB (midkent.gov.uk)</a>		

## 1. SITE LOCATION AND DESCRIPTION

- 1.1 Crockham Farmhouse is a detached dwelling situated on a generous plot along a designated rural lane to the east of the village of Hernhill. The site lies outside any Local Plan defined built-up area boundary and therefore in the countryside, and within a Local Plan designated Area of High Landscape Value (Swale Level).
- 1.2 The dwelling is located on a sharp bend on a narrow lane, opposite a former agricultural barn that has been converted into four dwellings. To the south of the dwelling lies Crockham Farm Cottage on the opposite side of lane and surrounding the site to the north and east are open fields.
- 1.3 The dwelling itself is well-screened from the road by a tall tree and some roadside hedging. There is a driveway along the southern side of the house that provides off-road parking spaces for at least two cars. There is an existing vehicular access to the grassed area to the north-western corner of the site (where the proposed annexe will be sited) that is used for informal parking.

## 2. PLANNING HISTORY

21/504835/FULL – Planning permission granted on 29.11.2021 for “*Erection of double garage with garden store above and erection of cart shed adequate for two vehicles, renewal of SW/05/1646.*” This permission is extant but has not been implemented.

15/504957/LAWPRO – Lawful Development Certificate granted on 21.08.2015 for “*part demolition of existing conservatory. Erection of porch. Re-roofing of existing conservatory.*”

SW/05/1646 – Planning permission granted on 11.08.2006 for “Erection of double garage with garden store above and erection of cartshed adequate for two vehicles.” This permission has lapsed.

SW/02/0435 – Planning permission granted on 05.06.2002 for “Erection of double garage.” This permission has lapsed.

SW/00/1034 – Planning permission granted on 08.12.2000 for “Infill extension and internal alterations.”

SW/97/0068 – Planning permission granted on 08.05.1997 for “Erection of double garage.” This permission has lapsed.

### 3. PROPOSED DEVELOPMENT

- 3.1 Planning permission is sought for the erection of a one and a half storey (with the first floor contained in the roof space) outbuilding to provide annexe accommodation, a home office, a log store, and a double garage. The proposed outbuilding will measure approximately 14.5m in length and 7.3m in width and be sited to the north west of the existing dwelling (the same position as the double garage permitted under 21/504835/FULL) with a turning area in front. The height of the proposed building at 6.2m will be the same as the approved double garage, but the footprint will be slightly less than the combined footprint of both approved buildings – the garage and cart shed (reduced from 108m<sup>2</sup> to 106m<sup>2</sup>).
- 3.2 The external walls will be clad in featheredge weatherboarding on top of a red brick plinth, with double glazed timber windows and glazed doors, and a traditional plain clay tiled roof (with solar panels).
- 3.3 The annexe accommodation will comprise of a bedroom/living/dining area with a shower room and hallway, and a home office and store within the roof space (with rear and side facing dormers). The garage will provide covered parking space measuring approx. 6.5m long x 6.5m wide.

### 4. CONSULTATION

- 4.1 Neighbouring occupiers adjoining the site were notified in writing and a site notice was displayed at the application site. Full details of representations are available online.
- 4.2 3 letters of representations were received in relation to the consultation, objecting to the application. Concerns/comments were raised in relation to the following matters:
  - This is a ‘creeping’ planning application that extends existing permission by stealth i.e., creates a new dwelling
  - Garage/store is a considerable distance from the main house which already has a garage and ample parking closer to the main house
  - There is already a shepherds hut on the site which is let out and already intrudes on the privacy of neighbours – this new building could be used to extend this holiday letting business
  - The proposed exit to this development is on a blind corner

- Groundworks around the main house have caused significant water to flow onto Crockham Lane causing flooding – further groundworks would only exacerbate the problem
- Harm visual amenity – outlook of the countryside setting would be largely occluded by the solid form of a long, larger building, albeit of a good design replacing the green softer landscape
- Overlook/loss of privacy for Black Barns properties
- Represents a residential overdevelopment on this corner of Crockham Lane
- It is not clear what is being proposed as there are no ground levels on the drawings, particularly finished ground levels, or a section showing the proposed building
- The retaining wall should be designed by a qualified engineer and may well require more space than that shown on the proposed plan requiring the footprint to move towards 4 Black Barns which would further reduce visual amenity
- The outdoor amenity space seems to comprise the area in front of the building – we are aware that the adjacent land marked blue is used by the owners but are not privy to their use/ownership?

4.3 **Hernhill Parish Council:** Two consultations have been carried out first on 19.04.2023 when the application was first submitted and second on 14.07.2023 with respect to additional details. They object to the application on the following grounds:

- represents overdevelopment beyond the approved scheme by creating a separate dwelling
- whilst it is the same footprint as the buildings already approved, the usage is different
- the parish council is not reassured by the inclusion of any condition stating that the separate unit of accommodation will be ancillary to the residential use of the main dwelling.

## 5. REPRESENTATIONS

5.1 None

## 6. DEVELOPMENT PLAN POLICIES

6.1 **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017** - policies:

**ST3** The Swale settlement strategy

**CP4** Requiring good design

**DM11** Extensions to and replacement of dwellings in the rural area

**DM14** General development criteria

**DM24** Conserving and enhancing valued landscapes

**DM26** Rural lanes

6.2 **Supplementary Planning Documents** – Parking Standards May 2020 and The Swale Landscape and Character Biodiversity Appraisal 2011.

## 7. ASSESSMENT

7.1 This application is reported to the Committee because Hernhill Parish Council has objected to the proposal. Considering these comments and the proposal that has been submitted, the committee is recommended to carefully consider the following points: -

- The principle of development
- Character and Appearance
- Living Conditions
- Transport and Highways

### **Principle**

7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.

7.3 The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

7.4 The site is situated within the designated countryside where Policy ST3 of the Local Plan states that the countryside should be protected for its own sake and that development should be restricted outside rural settlements in the interest of countryside conservation and sustainability.

7.5 In this case I give weight to two matters. Firstly, the proposal is located within the curtilage of an existing residential property, where outbuildings are, subject to other policy matters being addressed, often considered acceptable. Although Policy DM11 of the Local Plan is not directly relevant as the proposed development is not an extension to the existing dwelling, the general thrust of this policy is to ensure that development is well related in scale and design to its rural context, and this principle can also be applied to this case. Secondly, the approval of planning permission 21/504835/FULL for the erection of two outbuildings - a double garage with garden store above and a cart shed for two vehicles - indicates that the principle of development on this site is acceptable subject to the consideration of other material planning considerations, and represents a material fallback position.

### **Character and Appearance**

7.6 The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.

7.7 Policy CP4 of the Local Plan requires proposals to be of a high quality design that is appropriate to its surroundings. It goes on to say that development will reinforce local distinctiveness and be appropriate to the context in respect of materials, scale, height and massing. Policy DM24 of the Local Plan states that for locally defined Areas of High Landscape Value (Swale Level) planning permission will be granted subject to “*the conservation and enhancement of the landscape*” and “*avoidance, minimisation and*

*mitigation of adverse landscape impacts*” unless social and or economic benefits ... outweigh the harm. It goes to say that for all landscapes, the design of the development will be informed by the Swale Landscape and Character Biodiversity Appraisal SPD.

- 7.8 This particular landscape is identified within the Swale Landscape and Biodiversity Appraisal SPD as falling within the “Woodland Landscape Types” category and the Blean Woods West character area. It describes the landscape as gently to steeply sloping with ancient woodland; enclosed landscape; linear village, scattered isolated cottages and farms; and with a sense of remoteness and quiet rural lanes. The overall condition of the landscape is rated good, and landscape sensitivity is rated as moderate. The guidelines focus on conserving and reinforcing the woodland character. In relation to buildings it suggests appropriate materials for walls - weatherboarding, red or occasional yellow stock bricks or occasionally brick and flint, and for roofs - Kent peg tiles or occasionally slate.
- 7.9 The planning policies and local guidance relevant today are the same as they were in 2021 when the Council approved the proposals for two separate outbuildings upon this site. As such, there is now an extant permission to build two outbuildings that are separated by a large area of hard surfacing. Such considerations need to be carefully balanced against the benefits of the proposal and whether the current proposal would have a significantly greater impact on the surrounding countryside.
- 7.10 The proposed outbuilding with its timber clad walls, small timber windows and steep tiled roof is very much in-keeping with the traditional style of buildings which are found in the countryside in Swale. The adjacent converted barn is constructed of similar materials and the proposal would not be out of character with the area. In addition, as the outbuilding is a high standard of design and the area of hard surfacing is now much smaller, the impact on the countryside and designated landscape would be reduced in comparison to the approved scheme (21/504835/FULL).
- 7.11 It is recognised that due to the extant planning permission there is the possibility that if permission was granted for this current proposal, then the scheme now being proposed could be constructed in addition to the cart shed as approved under ref. 21/504835/FULL. This would have an additional impact which would introduce further built form into this rural area. On that basis, a condition is recommended which removes the ability for this permission to be implemented in addition to the planning permission previously granted.
- 7.12 The proposed building would be detached from the main house and visible from the road. It would remain subservient to the house in terms of scale and both the existing dwelling and proposed building would be accessed via the same vehicle entrance. In my opinion, the relationship with the main house is such that the development would not be viewed in isolation but as an ancillary detached building to the main house.
- 7.13 On that basis, the proposal will be less intrusive within the rural landscape than the approved scheme and is in accordance with Policies ST3, CP4, DM14 and DM24 of the Local Plan and The Swale Landscape Character and Biodiversity Appraisal SPD.

### **Living Conditions**

- 7.14 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.

- 7.15 The closest neighbouring property impacted by the proposal is No. 4 Black Barns where the principal (front) elevation of this barn conversion faces the grassed area where the new outbuilding will be sited. There will be a separation distance of approx. 13m between the proposed outbuilding and the barn conversion. The Council does not operate a policy of minimum window to window distances in relation to front windows. But in any case, given the separation distance, that the outbuilding is limited to 6.2m in height, only has windows at ground floor level on the elevation facing No.4 Black Barns and is located on the opposite side of the highway, it is not considered to create a loss of privacy or loss of light sufficient to cause significant harm to the amenity of the occupiers of the barn conversion.
- 7.16 The dormers on the rear and side facing roof slope will overlook open land surrounding the site and as such are considered to be suitably positioned to avoid any harmful overlooking to neighbouring properties. As such the proposal is considered to have an acceptable impact upon the living conditions of surrounding neighbouring properties and as such is in accordance with Policies DM14 and DM16 of the Local Plan.

### **Transport and Highways**

- 7.17 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

*“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”*

- 7.18 The NPPF also states that:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

- 7.19 Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.
- 7.20 The Council’s adopted Parking Standards SPD recommends at least three parking spaces (5.0m long x 2.5m wide) for a three or four bedroom dwelling situated in rural location. The recommended dimensions for a two car garage are 7.0m long x 6.0m wide. The three parking spaces shown in front of the annexe meet the minimum car parking space dimensions of the SPD, but the length of the garage is slightly under the recommended dimensions. However, the footnote to Table 7 of the SPD states that smaller garages can be justified where provided in addition to the overall parking provision. On that basis, the required parking standards have been achieved and as such, the proposal complies with Policy DM7 of the Local Plan and the Parking Standards SPD.
- 7.21 The site is situated on a country lane which is designated as a rural lane in the Local Plan, where policy DM26 seeks to safeguard against development that would either physically, or as a result of traffic levels, significantly harm the character of rural lanes. It is not considered that the use of the building as an annexe would generate a significant amount of traffic. The existing vehicular access will be used as the entrance to the parking area and garage – which is the same access as included within the previously approved scheme which currently remains extant under ref. 21/504835/FULL - therefore

the proposal is unlikely to result in significant harm to the rural character of the lane and is in accordance with Policy DM26 of the Local Plan.

### **Other matters**

- 7.22 The level of accommodation being proposed does not go beyond what can be considered as annexe accommodation. Nonetheless, the status of the building as ancillary accommodation should be protected, and Condition (4) has been recommended to ensure this is the case. The Parish Council does not believe this addresses their concern but if there is a material change of use in future to create a separate dwelling, then a separate grant of planning permission would be required, and the building may be at risk of enforcement action if such permission is not granted.
- 7.23 The neighbour objection refers to the stationing of a 'shepherds' hut on land outside of the application site. This matter is being dealt with by the Planning Enforcement team and has no bearing on the consideration of this planning application.
- 7.24 Local objectors raise concern about drainage and water run off particularly during winter months and the retaining wall needing to be designed by a qualified engineer. The site does not lie within a Flood Zone and in any case, for schemes of this scale matters such as drainage details would be controlled separately under Building Regulations. The retaining wall is of modest height and sited well within the site boundaries, and the details of this would be controlled via a condition.
- 7.25 The comments regarding land levels and the need for a section drawing are noted. It is recognised that a section drawing was provided in respect of the planning permission issued under ref. 21/504835/FULL. In this case, to ensure that the finished levels of the building are appropriate in this setting a condition has been recommended requiring appropriate details to be agreed. This is considered to adequately address this issue.

## **8. CONCLUSION**

- 8.1 On the basis of the above, the proposal is considered to be in compliance with Policies ST3, CP4, DM7, DM14, DM24 and DM26 of the Local Plan, and the Council's Parking Standards SPD and The Swale Landscape and Character Biodiversity Appraisal SPD.
- 8.2 It is recommended that planning permission be granted.

## **9. RECOMMENDATION**

GRANT Subject to the following conditions:

### **CONDITIONS**

- (1) The development to which this permission relates must be begun no 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 hereby approved shall be carried out in accordance with the following approved drawings:

Site Plan as Proposed 2223\_03 P02  
Floor Plans 2223\_03 P03

## Elevations 2223\_03 P04

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

- (3) 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.

- (4) The building including the annexe hereby permitted shall not be used or occupied at any time other than for purposes ancillary and/or incidental to the residential use of the dwelling known as “Crockham Farmhouse”.

Reason: As its use as a separate unit of accommodation would be contrary to the provisions of the development plan for the area.

- (5) This permission shall be an alternative to the permission granted on 29 November 2021 under reference 21/504835/FULL and shall not be in addition thereto, or in combination therewith.

Reason: The exercise of more than one permission would result in an over intensive use of the land.

- (6) No development shall be commenced until details in the form of cross-sectional drawings through the site showing proposed site levels and finished floor levels 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 order to secure a satisfactory form of development having regard to the nature of the site.

- (7) No development beyond the construction of foundations shall take place until full details and section drawings, including details of the external material finish, of the retaining wall 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: To ensure a satisfactory appearance to the development.

### **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.

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.



Ordnance Survey - data derived from OS Premium

23/501777/FULL - Crockham Farmhouse Crockham Lane Hernhill  
Scale: 1:1000  
Printed on: 31/8/2023 at 9:57 AM by SaraP

**ASTUN**  
TECHNOLOGY  
© Astun Technology Ltd