

<b>REFERENCE NO - 18/504716/FULL</b>		
<b>APPLICATION PROPOSAL</b> Retention of existing log cabin and its use as a annexe in connection with the residential use of dwelling permitted under planning permission ref: 15/502939/FULL		
<b>ADDRESS</b> Appsmoor Farm South Street Road Stockbury Sittingbourne Kent ME9 7QS		
<b>RECOMMENDATION</b> Approval		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposal complies with the policies of the development plan and there are no material reasons to consider a refusal of planning permission.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The recommendation is contrary to the views of Stockbury Parish Council.		
<b>WARD</b> North Downs	<b>PARISH/TOWN COUNCIL</b> Stockbury	<b>APPLICANT</b> Mr T Tobutt <b>AGENT</b> Woodstock Associates
<b>TARGET DECISION DATE</b> 05/11/18	<b>PUBLICITY EXPIRY DATE</b> 17/10/18	

**Relevant Planning History**

16/507644/FULL Variation of condition 8 of 15/502939/FULL (Replacement dwelling (approved under planning permission MA/14/0417) and proposed swimming pool) - to allow for a revised design of the garage Approved 29.06.2017

15/502939/FULL Replacement dwelling (approved under planning permission MA/14/0417) and proposed swimming pool Approved 19.06.2015

15/507808/SUB Submission of Details pursuant to Condition 2 - Materials, Condition 3 - Landscaping, Condition 5 - Hard Surfacing and Condition 7 - Foul Water Disposal of 15/502939/FULL Approved 19.05.2017

15/502896/FULL Proposed 1 year temporary permission for log cabin for residential use during construction of new dwelling (15/502939/FULL) (Retrospective) Approved 07.11.2016

14/0417 Erection of a replacement dwelling (Amended design following previous withdrawn application MA/13/0354) Approved 09.05.2014

13/0354 Removal of existing dwelling and existing agricultural barn and erection of a dwelling with basement (Amended design from previous approval MA/11/1908). Withdrawn Decision Date: 21.02.2014

12/0081 Demolition of existing three bedroomed detached house and derelict outbuildings and erection of replacement four bedroom dwelling with re-located driveway Approved 19.03.2012

11/1908 Removal of existing dwelling and existing agricultural barn; and erection of a single storey dwelling with basement Approved 01.02.2012

09/0848 Proposal for a replacement dwelling, the demolition and removal of existing farm building and a tidy up of the site Refused 11.09.2009

08/0064 Erection of a replacement dwelling with double garage – Refused 15.05.2008

06/0426 - An application for a certificate of lawfulness for an existing development being the occupation of a yacht and lorry body with peripheral ground as a single residential unit Approved 03.05.2006

05/0592 A certificate of lawfulness for an existing development being the occupation and use of the yacht and outbuilding as a dwelling including the peripheral ground as described in application MA/05/0592 as shown on the site location plan 23/3/05 and on the letter received on 14/3/05 and the letter received on 5/5/05 and the five items of evidence submitted on the 15/4/05 Refused 17.05.2005

### **Appeal History:**

09/0848 Proposal for a replacement dwelling, the demolition and removal of existing farm building and a tidy up of the site – Allowed on appeal 09.08.2010

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 Appsmoor Farm is situated to the northern side of South Street Road, just to the west of the junction with Chalky Road. The site is located within the open countryside and within the Kent Downs Area of Outstanding Natural Beauty (AONB). There is a vehicular access to the property at the south eastern corner of the site and this leads to the dwelling and associated detached garage located to the eastern side of the property. Along the eastern boundaries of the site there is also an outdoor swimming pool and to the west of this, behind the main dwelling, is the log cabin that is subject of this application. The eastern, southern and western boundaries of the site are characterised by established landscaping and the northern boundaries are defined by timber post and rail fencing with views across the open countryside beyond.
- 1.02 The surrounding area is characterised by sporadic residential development, the closest being Appsmoor House directly to the east.

### **2. PROPOSAL**

- 2.01 This application seeks full planning permission to retain the log cabin on the site that was originally used as a temporary residence during the construction phase of the now completed replacement dwelling. The cabin is located 10.7m to the rear of the dwelling and 1m from the north western boundary of the site. The structure itself has a maximum width of 12m; a maximum depth of 8.1m (reducing to 6m); and has a monopitched roof with a maximum height of 3.15m. The exterior walls are finished in shiplap timber with timber doors and windows.
- 2.02 The log cabin is described as an annexe connected with the main dwelling. The submitted floorplans indicate that the accommodation provides a lounge, 2 bedrooms and a bathroom. The log cabin is connected to the main dwelling by a footpath link.

### 3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017 SP17; DM1; DM30; DM32  
Supplementary Planning Documents Residential Extensions (2009)

### 4. LOCAL REPRESENTATIONS

#### Local Residents:

- 4.01 No representations received from local residents.

### 5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

#### Stockbury Parish Council

- 5.01 Stockbury Parish Council wish to raise strong objections to the proposals. Planning consent was granted on 7<sup>th</sup> November 2016 for the temporary log cabin with the following condition:

**Prior to the 31.10.2017 or 4 weeks following first occupation of the new dwelling approved under 15/502939/FULL (whichever is sooner) all materials used in the construction of the log cabin hereby permitted and associated decking shall be removed from the site; within 8 weeks from the removal of the log cabin and materials the land should be restored to form part of the garden area to the new dwelling in accordance with landscaping approved as part of the application (15/502896/full) to discharge condition 3 attached to the permission for the new house under 15/502939/FULL**

**Reason: Retention of the log cabin for residential use on a long term or permanent basis would be contrary to Government guidance in the National Planning Policy Framework (2012) and the Council's countryside protection policies in the Maidstone Borough-Wide Local Plan 2000 and in the interests of the character and visual amenities of the open countryside location.**

- 5.02 The Parish Council feels strongly that this condition should be adhered to for the reason stated by your planning officers. The applicant was required to remove the cabin by November 2017 and has clearly flouted planning law and we feel that enforcement action should be taken to ensure that it is removed from the site in line with the planning condition. Failure to do so may set a dangerous precedent within the parish. The Parish Council wishes to raise its strong objections to this application and would wish to see it refused by the Borough Council.

### 6. APPRAISAL

#### Main Issues

6.01 The key issues for consideration relate to:

- The principle of the retention of the log cabin as a permanent annexe together with the impact upon the visual amenities and character of the locality;
- The impact on the amenities of neighbouring residents.

**Principle of the Permanent Retention of the Log Cabin and Impact on Landscape Character**

6.02 Paragraph 170 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. Great weight should be given to conserving and enhancing landscape and scenic beauty in a designated AONB.

6.03 Policy SP17 of the Local Plan states that the countryside is defined as all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map. Development proposals in the countryside will not be permitted unless they accord with other policies in the Local Plan and they will not result in harm to the character and appearance of the area.

6.04 Accordingly, Policy DM32 notes that proposals to extend dwellings in the countryside will be permitted if they meet the following criteria:

- The proposal is well designed and is sympathetically related to the existing dwelling without overwhelming or destroying the original form of the existing dwelling;
- The proposal would result in a development which individually or cumulatively is visually acceptable in the countryside;
- The proposal would not create a separate dwelling or one of a scale or type of accommodation that is capable of being used as a separate dwelling; and
- Proposals for the construction of new or replacement outbuildings should be subservient in scale, location and design to the host dwelling and cumulatively with the existing dwelling remain visually acceptable in the countryside.

6.05 The log cabin was originally located on the site to provide temporary accommodation whilst the now completed dwelling was being constructed. This was approved (retrospectively) under reference 15/502896/FULL and included the following condition:

**Prior to the 31.10.2017 or 4 weeks following first occupation of the new dwelling approved under 15/502939/FULL (whichever is sooner) all materials used in the construction of the log cabin hereby permitted and associated decking shall be removed from the site; within 8 weeks from the removal of the log cabin and materials the land should be restored to form part of the garden area to the new dwelling in accordance with landscaping approved as part of the application (15/502896/full) to discharge condition 3 attached to the permission for the new house under 15/502939/FULL**

**Reason: Retention of the log cabin for residential use on a long term or permanent basis would be contrary to Government guidance in the**

**National Planning Policy Framework (2012) and the Council's countryside protection policies in the Maidstone Borough-Wide Local Plan 2000 and in the interests of the character and visual amenities of the open countryside location.**

- 6.06 Principally, the retention of the log cabin as a separate, independent unit of accommodation would be wholly contrary to the policies and guidelines relating to the countryside that were in place at the time the decision was issued and that stance has not changed in the currently adopted policies. The main dwelling has now been totally completed and although it is subject to a condition that withdraws permitted development rights, the reason for imposing this condition was specified as *'to safeguard the character and appearance of the development and the amenities of the prospective occupiers and adjoining properties'*. As such, the condition did not seek to prevent any further additions to this property, only to allow proposed changes to be assessed against policies.
- 6.07 It is therefore appropriate to apply the development policies relating to the countryside and AONB. Accordingly, Policy DM32 is supportive of extensions to dwellings in the countryside (including outbuildings) provided that they meet the specified criteria (as set out previously). This application seeks to use the log cabin as an annexe and not a separate unit of accommodation. Its appearance is subservient to the main dwelling and it has a direct link to the property. The log cabin cannot be accessed from the highway independently of the main house. In terms of visual impact, there are only glimpses of the log cabin from the views into the site from South Street and the eastern and western boundaries are screened by landscaping. There are wide ranging open fields to the south of the site that offer views towards Appsmoor Farm however, the main dwelling with its very modern design will be the dominant feature in those views with the subordinate log cabin in the foreground. Accordingly, it is my opinion that the visual impact of retaining the log cabin on a permanent basis will be very limited.
- 6.08 In balancing the above assessment against the concerns raised by the Parish Council I am of the opinion that the retention of the log cabin on a permanent basis as an annexe accords with the objectives of Local Plan policies for the countryside and AONB. I do however believe that it would be appropriate to include a condition that requires the log cabin to be used as an annexe only and that it cannot be used separately to the main dwelling.

**6.09 Impact on Neighbouring Amenities**

- 6.10 The log cabin is located some 18m from the boundary with Appsmoor House to the east and there is established landscaping between the properties. Appsmoor House itself is 30m away and in view of the proportions of the log cabin together with this separation distance, I am of the opinion that there are unlikely to be any negative impacts on the amenities of these householders. There are no other dwellings in close enough proximity to be affected by this proposal. In reaching these conclusions I am mindful that there have been no objections from any of the surrounding householders.

**6.11 Other Matters**

- 6.12 The Parish Council's comments raise concerns over the potential to set a dangerous precedent for the Parish if this application were to be approved and suggest that enforcement action is taken. The NPPF (paragraph 58) advises that effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

- 6.13 Further guidance on approaching breaches of planning control is set out within the NPPG wherein it is noted that a local planning authority can invite a retrospective planning application. Most importantly, it is noted that although a local planning authority may invite an application, it cannot be assumed that permission will be granted, and the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered in the normal way.
- 6.14 In this instance, it was not unreasonable to invite an application given that the building was already on the site by virtue of being granted a temporary planning permission, and was in use as an annexe and not as an independent self contained dwelling. Furthermore, each planning application is assessed on its individual merits and as such, a retrospective approval in this instance would not as such set a precedent elsewhere. This submission has been assessed against the same policies and guidelines as a proposed development and has not been subject to any exceptions.

## **7. CONCLUSION**

- 7.01 In balancing the key issues of this case against the relevant policies, together with the comments received from Stockbury Parish Council, there are no material planning reasons to consider a refusal of this case. This site has a lengthy planning history but ultimately, its present status as a detached dwelling is one which draws policy support for extensions and/or alterations (subject to specified criteria). The design and visual appearance of the log cabin itself does not detract from the appearance of Appsmoor Farm or the character of the surrounding area. It does not appear as a separate dwelling by virtue of its setting and direct link to the main house. Furthermore, it does not benefit from its own separate access. The imposition of an appropriately restrictive condition can also secure this position going forward. In addition, I have not identified any impacts upon the amenities of nearby householders.
- 7.02 In view of the above, it is my recommendation that this application be approved.

## **8. RECOMMENDATION**

GRANT planning permission subject to the following conditions:

- 1) The ancillary accommodation to the principal dwelling, known as Appsmoor Farm, South Street Road, Stockbury, Sittingbourne, Kent, ME9 7QS, hereby permitted, shall not be sub-divided, separated or altered in any way so as to create a separate self-contained unit;

Reason: Its use as a separate unit would be contrary to the provisions of the development plan for the area within which the site is located.

