

APPLICATION REFERRED FROM THE WEEKLY LIST**WEEKLY LIST NO. 1462 – 15 February 2019****18/01068/FUL****CLAVERHAM COTTAGE, PAGLESHAM ROAD,
PAGLESHAM****DEMOLITION OF AN EXISTING DILAPIDATED STABLE
BLOCK AND THE ERECTION OF AN ANCILLARY
BUILDING ON THE SAME SITE FOR USE IN ASSOCIATION
WITH CLAVERHAM COTTAGE, INCLUDING AN
EXTENSION OF THE EXISTING RESIDENTIAL GARDEN****1 DETAILS OF REFERRAL**

- 1.1 This item was referred from Weekly List No. 1462 requiring notification to the Assistant Director, Environmental Services by 1.00 pm on Wednesday, 20 February 2019 with any applications being referred to this meeting of the Committee.
- 1.2 Cllr G J Ioannou referred this item on the grounds of the impact of the out building on the Green Belt due to its appearance and siting. Given the small nature of the out building and the fact that it will replace an existing building there would be merit in this being further considered by the Development Committee.
- 1.3 The item that was referred is attached at appendix 1 as it appeared in the Weekly List.
- 1.4 A plan showing the application site is attached at appendix 2.

2 RECOMMENDATION

- 2.1 It is proposed that the Committee **RESOLVES**

To determine the application, having considered all the evidence.

If you would like this report in large print, Braille or another language please contact 01702 318111.

Application No:	18/01068/FUL	Zoning : Metropolitan Green Belt
Case Officer:	Mr Arwel Evans	
Parish:	Paglesham Parish Council	
Ward:	Roche North And Rural	
Location:	Claverham Cottage Paglesham Road Paglesham	
Proposal:	Demolition of existing dilapidated stable block and the erection of ancillary building on the same site for use in association with Claverham Cottage, including an extension of the existing residential garden.	

SITE AND PROPOSAL

The Site

1. The site constitutes a rectangular area of land approximately 33 metres in width by 28 metres in length along its East boundary and 32 metres in length along its west boundary. This area of land which in essence is that area of land subject of the change of use is located directly north of that area of land which is previously established as part of the domestic curtilage of the property which the submitted site location plan also outlines in red, although this land which accommodates the existing dwelling which fronts Paglesham Road is not subject of the application.
2. The planning application form indicates the site area as being approximately 0.1 hectares in site area although the site location plan indicates that its extent is approximately 910 square metres which is inclusive of that land occupied by the existing stable to be demolished. The site is enclosed by an established hedge boundary on its northern boundary whilst the southern and western boundaries remain enclosed by fencing but open in the sense that they are not marked by any hedge planting or tree line. The East boundary to the rear elevation of the stable block is screened by hedge planting providing a degree of enclosure and screening at this aspect.
3. The current stable block which occupies the north east aspect of the site is of a linear design and of a rudimentary construction clad with timber boarding, which the submitted plan (reference 0001 sheet No 1 Rev 1) indicates to be 26.895 metres in length and 3.690 metres in width at its southern gable elevation and 4.950 metres at its northern elevation. The same plan indicates that the building at its front elevation at its highest point is 2.650 metres in height and 2.200 metres at its lower rear eaves elevation which is set adjacent to the eastern boundary of the site.

The Proposal

4. This application is an identical proposal to a previous planning application Ref: 18/00335/FUL submitted which was refused by the local planning authority on the 19th July 2018.
5. The proposal is twofold in that it relates to the use of an area formerly used as a horse paddock adjoining the curtilage for use as additional domestic curtilage together with the demolition of a linear stable block within the same paddock to make way for a domestic building serving an incidental residential use cited on part of the footprint of the stable to be demolished.
6. The application details are set out by drawing referenced: Location Plan (Drawing Numbers 0003 Rev 1 Site Location Plan, 0004 Rev 1 Proposed Block Plan, 0001 Sheet 01 Rev 1 Existing Floor and Elevation Plan, 0002 Rev 01 Existing site Plan, 53-70431-SHEET 2 Rev B Proposed Floor and Elevation Plan, Cf-70431 Rev B Sectional Details including foundations details, 53-70431-SHEET 1 Rev B Section Technical Specifications.
7. It is noted that the application describes the current stable building as being dilapidated which it is not considered the case as although the building is acknowledged to be of a rudimentary construction incorporating a modern and light timber framing overlaid with timber boarding, the building is however sufficiently intact to render it recognisable as a rudimentary structure.
8. The submitted plans indicate that the incidental residential building will be located on part of the footprint occupied by the building to be demolished, being shorter in length at 13.2 metres and 4.80 metres in width as indicated by drawing reference 0004 Rev 1. The elevation plan indicates that the height of the structure at its ridge will be 4 metres above ground level being 6 metres in width in its entirety although a 1.2 metre section will incorporate a roof overhang (under which there will be a veranda) featuring a centrally located pitched roof entrance canopy which would contrast with the main roof line extending over the veranda. The design of the building is also inclusive of a log store shown to be located to the southerly elevation of the building extending a width of 4.5 metres and a height of being 2.3 metres high at its highest point.
9. With the exception of a small high level window to the southerly aspect of the rear elevation all windows are shown as located to the front elevation of the building which is indicated to be 2.5 metres high to its eaves and built off a concrete trench or raft foundation.

10 SITE HISTORY

Application No. 83/00288/FUL Erect four stables, tack room and fodder store.
(No recorded decision)

Application No. 89/00064/FUL First Floor Rear Extension 22/5/1989 permitted

Application No. 94/00082/FUL Single Storey Rear Extension - Permitted
18/4/1994

Application No. 18/00335/FUL: Demolition of existing dilapidated stable block and the erection of ancillary building on the same site for use in association with Claverham Cottage, including an extension of the existing residential garden. Permission refused 19th July 2018 for the following reasons;

1. The proposed building which it is intended to serve an incidental residential use on land which currently has no planning permission to be used as domestic curtilage will be significantly detached by a distance of approximately 32.5 metres from the nearest part of the dwelling house. It is considered as such that the building when erected given its degree of physical detachment from the dwelling house combined with its contrived domestic design, appearance and scale will amount to the unacceptable encroachment of domestic built form on the Metropolitan Green Belt to the detriment of its openness which fundamentally undermines one of the key purposes of Green Belt policy as cited by Paragraph 80 of the National Planning Policy Framework (NPPF) 2012.

It is considered that the proposed structure which will not be a replacement of a building serving the very same use as the approved use which is that of an established Equine use would constitute inappropriate development by definition of paragraph 89 of the National Planning Policy Framework which indicates that the construction of new buildings in the countryside as inappropriate. The proposed building given its purpose and use does not fall within the exceptions of Paragraph 89, whilst it is considered in this instance that the very special circumstances which would need to exist to outweigh the harm to the Green Belt by reason of inappropriateness do not exist. The development would thus conflict with paragraph 80, 87, 88 and 89 of The National Planning Policy Framework (NPPF) 2012 and policy GB1 of the Local Development Framework Core Strategy (adopted December 2011).

CONSIDERATIONS

11. The current use of the site is indicated by the submitted planning application form to be vacant which appears to be the case as far as the building is concerned. The last stated use of the land was equestrian which is consistent with the siting of the stables to be demolished which served the horse paddock. At the time of the site

visit undertaken in connection with the initial application it was noted that there is no current definitive boundary between the extent of the historic residential curtilage and the additional area to be incorporated as part of the residential planning unit as the plot forms one large flat rectangular plot.

12. The application in part should be made in respect of a use which has already commenced and which is technically unauthorised as it is considered that the residential occupation of the land as garden has already taken place. Technically the application therefore in part should be described as retrospective.
13. There are two principal issues to consider in this instance. The first is that of the acceptability of the use of the additional area of land as residential curtilage and the second the acceptability of a building within the location indicated to serve that incidental residential use and its impact upon the openness of the Metropolitan Green Belt.
14. Policy DM22 of the Local Development Framework Development Management Plan indicates that extensions to domestic gardens within the Green Belt will only be permitted providing that the proposals include appropriate boundary treatment and would ensure a defensible and robust Green Belt boundary. The policy also requires that the size of garden extensions remain proportionate with the size of the existing garden whilst proposals should not impact on the openness or undeveloped character of the Green Belt through the erection of fences, additional buildings and other built structures. There is also a requirement that proposals should not encroach on high quality agricultural land and other areas of open space whilst safeguarding any land considered to be of nature and conservation significance.
15. The area of former horse grazing paddock in terms of its appearance and character is indistinguishable from the historical curtilage. The local planning authority established at the time the first application was assessed that the principle of the change of use of the land to be used as additional residential curtilage was acceptable providing that control could be exercised with regards to the siting of domestic structures and paraphernalia on the land. It was concluded then that the use subject to planning controls, would not result in any net loss of open land such that the openness of the Green Belt would be fundamentally affected. The north boundary of the site is defined by a mature hedgerow forms a clearly distinguishable defensible and robust boundary.
16. The same policy indicates that in the event of planning permission being granted for extensions of residential curtilage in the Green Belt such permission would be conditioned withdrawing permitted development rights relating to the provision of buildings and other structures within the curtilage of the dwelling. This control would be exercised specifically taking into account the underlying objectives of

Green Belt Policy and the impacts of any further development falling under planning control upon the openness of the Green Belt.

17. The second issue is that of the acceptability of the siting of a building to serve an incidental residential use within this extended curtilage area which the plans indicate will partly occupy that area of land currently occupied by the stable building to be demolished. The key issue is that of the considered impacts of the building upon Green Belt openness.
18. The development has to be considered therefore against the principles set out by the National Planning Policy Framework in particular Chapter 13 (Protecting Green Belt Land). It is acknowledged that the Framework sets out the presumption in favour of sustainable development, however this consideration cannot be addressed in isolation to other relevant chapters of the NPPF particularly that which considers development within the Green Belt.
19. Chapter 13 of the NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
20. Paragraph 145 to the NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
 - a) Buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;

-
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
21. Taking into account the criteria set out by the NPPF as highlighted, it is clear that the proposed development by its very nature constitutes inappropriate development since it does not fall under any of the exceptions cited under points a) to g) of paragraph 145. Fundamentally this proposed building is not a replacement building as conceived within the meaning of point d) of paragraph 145 as the building will not serve the same use as the building which currently occupies the site which in planning terms constitutes an equine use. The purpose of the building subject of this application as implicit by the fact that there is a proposed change of use of land involved, is to serve an incidental residential use which as such does not render the proposal compliant with criteria d). Notwithstanding this point even if it were the case the proposal would still fail on the basis of criteria d) as it would be materially larger than the one it replaces.
22. The points raised by the applicants Planning Statement are noted which indicate that the proposed building is a significantly smaller structure than the existing stable. Although references to the stated measurements of the existing stable block as cited within the previous officer's report are made, it was not the case as the applicant queries that this influenced the decision made. The plan submitted in support of that application which is the same plan as was submitted in support of this current planning application (Plan reference Drawing 0001 Sheet 01 Rev No 1) is presented as scaled at 1: 100 at A3 and annotates the length of the building on the floor plan as being 26.895 metres which however when measured on that plan against the 1:100 scale does not match the annotated measurements. This accounts for the discrepancy which is referred to within the current supporting planning statement.
23. The reduction in the length of the building which is emphasised by this current planning application does not detract from the fact that the building now proposed (regardless of its use which differs from the

existing use of the land) is in terms of its width with the exception of the current bay at the north extremity of the existing building, is wider than the current building being 4.6 metres in width compared to the 3.690m width of the current building whilst the additional veranda area provides a further width of 1.2 metres. Despite being considerably shorter in its overall length, It is considered that the proposed building by reason of its design incorporating a gable elevation of greater width and height and a roof design which will provide two reciprocal pitches culminating in a ridge height of 4 metres (1.35m higher) will result in a physical presence which is greater in terms of its overall effect on openness when compared to the current stable building.

24. The applicants supporting statement acknowledges that the building will be higher than the existing building but states that the building now proposed will be 50% smaller in footprint than the stable building. The footprint of the stable building at the dimensions provided by the application is approximately 100 square metres whilst the footprint of the proposed building is shown to be approximately 79 square metres. Excluding the veranda which however forms part of the footprint the footprint area is still approximately 63.36 square metres which is in excess of the 50% reduction in footprint stated by the current planning support statement.
25. Fundamentally as was the case when the application was initially considered, the key issue is considered to be that of the height and width of the building which inevitably despite being considerably shorter does not adequately mitigate the considered detrimental impacts of the building on Green Belt openness.
26. The local planning authority does not take the view that the proposed building therefore will have less impact on the openness of the Green Belt than the existing building. The application seeks to set out that Local Development Framework Development Management Plan policy DM22 carries more weight than the provisions of the NPPF which however relates only to one aspect of the development which is that of the change of use and which would not relate to the proposed building.
27. Furthermore it is not considered as the application asserts that there were inconsistencies in the way paragraph 145 of the National Planning Policy Framework was interpreted or applied when the first application was submitted.
28. Although the points raised by the current planning application and the case supporting the application is understood including the scope to apply a condition removing permitted development rights for Class E development (relating to incidental garden buildings) as defined by the Town and Country Planning General Permitted Development Order (as amended 2015) for the whole residential planning unit thereby controlling future development within both the new curtilage and the

existing historic curtilage the latter of which could not be controlled by the local planning authority providing the development remained within the parameters of permitted development - this does not materially outweigh the consideration that the development as proposed is not considered policy compliant. In essence the consideration of the fall back position or the benefit of removing permitted development rights does not constitute in the opinion of development Management the very special circumstance which would need to prevail to justify the granting of planning permission for an aspect of a development which planning policy at national level as defined by the NPPF considers objectionable on Green Belt Grounds.

29. In whichever way the relevant paragraphs of the NPPF are interpreted and applied, whether considered as previously developed land - it is considered that the proposed building due to its width and height despite its reduced length will have a greater impact on the openness of the Green Belt than the existing development.
30. Furthermore, it is considered that the application of the previously developed land criteria as set out by the planning supporting statement is somewhat misplaced as the objective of this policy is to facilitate the re-use of previously developed land to provide a wider public benefit which meets with the strategic objectives of the council such as providing affordable housing.
31. In concluding, despite the points raised by the current planning support statement referring to the previous decision and the considerations which supported that decision, fundamentally this application is the same application as previously submitted which it was considered appropriately considered at that time applying the relevant policies.
32. Given this fact there are no circumstances which inform a different view being taken by the local planning authority regarding the same application this time around, the recommendation is not changed.

CONCLUSIONS:

It is considered that the principle of the change of use itself despite the additional area being significant is acceptable on the basis of the existence of a clearly established defensible and robust Green Belt boundary. The proposed building which will be detached from the dwelling it serves will constitute a building which is domestic in appearance and which will be 1.350 metres higher than the equine building currently occupying the land which was established under a separate and distinct policy which relates to equine uses.

There is no policy provision for such a building on land which does not by virtue of its historic and established use enjoy permitted development rights for the siting of a curtilage building.

It is considered that the building would therefore constitute inappropriate development by definition of paragraph 145 of the National Planning Policy Framework (July 2018) whilst there are no very special circumstances in this instance which clearly outweigh the harm to the Green Belt by reason of inappropriateness. The proposal as a whole therefore it is considered to conflict with the objectives of the National Planning Policy Framework (NPPF) (July 2018) and policy GB1 of the Local Development Framework Core Strategy (adopted December 2011).

Representations:

33 Paglesham Parish Council: No objection

REFUSE

- 1 The proposed building which it is intended to serve an incidental residential use on land which currently has no planning permission to be used as domestic curtilage, will be significantly detached by a distance of approximately 32.5 metres from the nearest part of the dwelling house. It is considered that the building when erected given its degree of physical detachment from the dwelling house combined with its contrived domestic design, appearance and scale in particular its width and height will amount to the unacceptable encroachment of domestic built form within the Metropolitan Green Belt to the detriment of its openness which fundamentally conflicts the underlying objectives of Chapter 13 of the National Planning Policy Framework which seek to maintain Green Belt openness.

It is considered that the proposed structure which will not be a replacement of a building serving the very same use as the approved use which is that of an established equine use would constitute inappropriate development by definition of paragraph 145 of the National Planning Policy Framework which indicates that the construction of new buildings in the countryside as inappropriate. The proposed building given its purpose and use does not fall within the exceptions of Paragraph 145 whilst it is considered in this instance that the very special circumstances which would need to exist to outweigh the harm to the Green Belt by reason of inappropriateness do not exist. The development would thus conflict with paragraph 143, 144 and 145 of The National Planning Policy Framework (NPPF) 2012 and policy GB1 of the Local Development Framework Core Strategy (adopted December 2011)

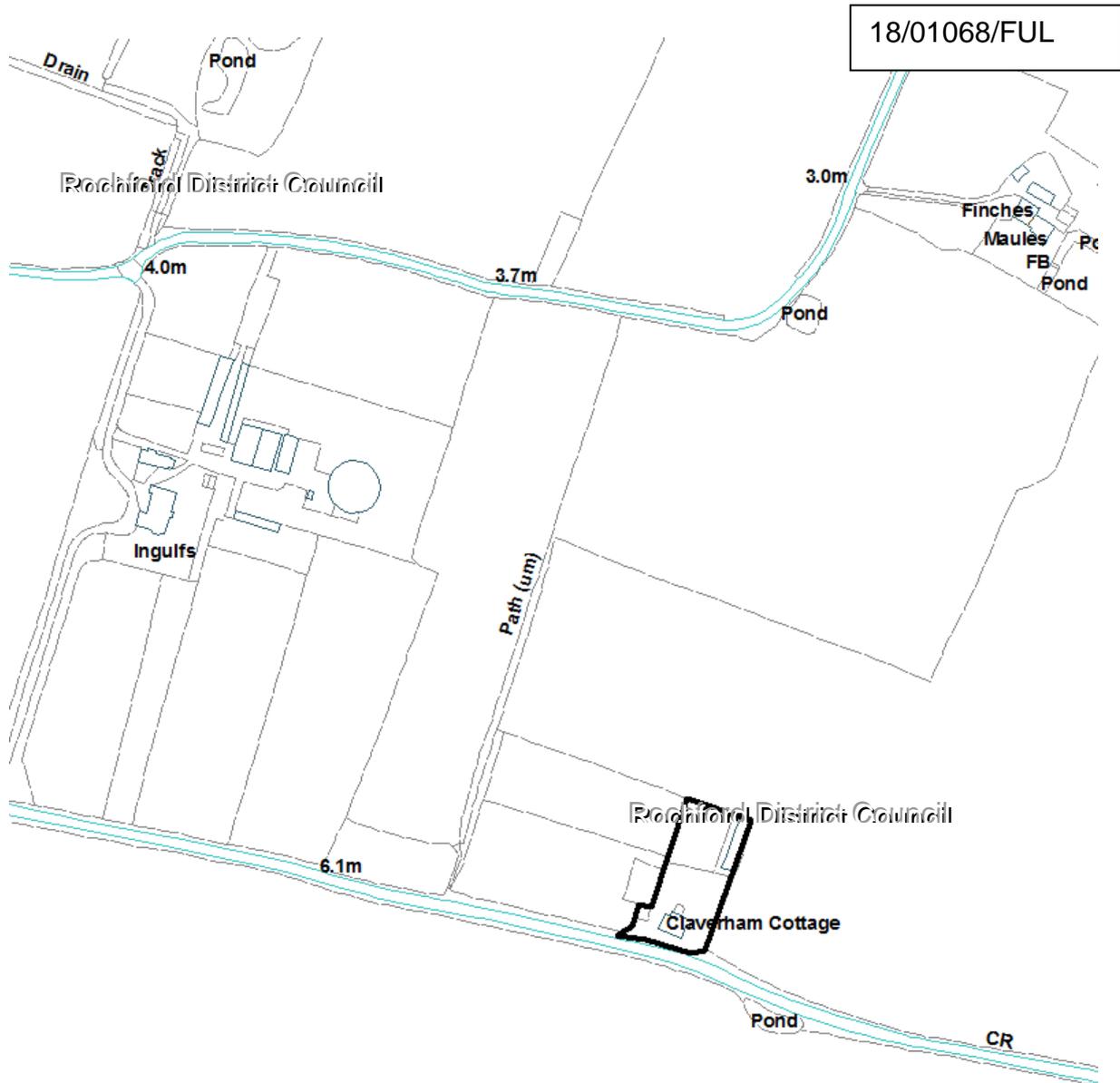
Relevant Development Plan Policies and Proposals:

Local Development Framework Core Strategy (December 2011) policy GB1
Green Belt Protection,

Local Development Framework Development Management Plan DM22
Extensions to Domestic Gardens in the Green Belt

National Planning Policy Framework paragraphs 14, 87 and 89.

The local Ward Member(s) for the above application is/are Cllr N L Cooper
Cllr G J Ioannou Cllr Mrs L Shaw



Rochford District Council



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138

