

Officer Report

Application No.	Y19/1342/FH
Site Address	3 The Firs West Hythe Road West Hythe Hythe Kent CT21 4NS
Officer Name	Robert Allan
Proposal	Change of use from holiday let to residential annex.

Recommendation

Report Number	RD-421579
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	14 May 2020

Report

Date application valid:

Applicable 8/13/16 week target date: 27.11.19

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA) ? Y

If Yes, revised 8/13/16 week target date:

Is the application being determined after 26 weeks without a PPA or a PEA? N

SITE VISIT

The site and proposals were assessed from the street and the key features noted within the report below.

SITE

The application site is located within the wider open countryside of west Hythe, accessed from and to the north west of West Hythe Road. The residential development comprises a variety of house types arranged in a ribbon-style development along the road, with the pattern of development relatively loose and haphazard at the south west end of the road, becoming more regular and tighter at the north eastern end toward the bridge over the Royal Military Canal, a Scheduled Monument. The area is rural in character and outside of the defined settlement boundary but within the defined Special Landscape Area. The Kent Downs AONB begins beyond the canal to the north and the west.

The application site has a small area within flood zone 2 of the Environment Agency flood risk maps, with zone 3 surrounding it. The District SFRA identifies the application site to be at no identified risk should flooding occur, based upon 2115 sea levels and accounting for climate change.

The application building was formerly a detached garage located within the curtilage of No. 3 The Firs to the rear of the garden that was converted to a self-contained holiday let. It is accessed via a narrow track/driveway. It is a fairly modern single storey building with a pitched gable roof.

RELEVANT HISTORY

Y14/0039/SH - Change of use and conversion of existing garage to a self-contained holiday unit, together with external alterations and construction of a driveway/road with new vehicular access. Approved with conditions 25.09.14.

PROPOSAL

The proposal is for a change of use from holiday let to residential annex. Permission was granted for the current use and secured by s.106.

CONSULTATION RESPONSES

Consultation responses are available in full on the planning file. The main points raised are summarised below.

Hythe Town Council – support subject to EA comments

Environment Agency – no objection

REPRESENTATIONS

No representations received.

PUBLICITY

Neighbours notified by letter. Expiry date 19.12.19

RELEVANT POLICIES

Local Plan Review Saved Policies: SD1, BE1, HO1, HO13, CO1, CO4, CO19, TR5, TR11, TR12, U1

Core Strategy Local Plan: DSD, SS1, SS3, CSD3, CSD7

Places and Policies Local Plan Submission Draft: HB1, HB3, HB9, E4

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review

(2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

Core Strategy Review Submission Draft 2019:

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

NPPF: 11, 83, 157, 158

NPPG

APPRAISAL

As the property and its curtilage is existing, the main principle for consideration is the loss of the tourist accommodation and the principle of a residential annex at this location.

Principle

Annexes to accommodate those people with special housing requirements due to a need for supervision and care, including elderly relatives or disabled persons, especially in the countryside, should be attached wherever possible. Proposals for attached annexes will be judged against the relevant criteria in emerging policy HB8. Adopted policy HO13 has similar criteria, but as the emerging policy has been through examination with no changes proposed, it is considered that this carries the significant weight. Where attached, the annexe should have internal access to the existing dwelling and should be physically capable of being incorporated into the main dwelling when the need for the annexe ceases. Clearly, this is not the case here.

The policy identifies a list of criteria for detached annexes;

1. It has been demonstrated why the annexe cannot be attached; the application is retrospective and would utilise an existing structure, which given the countryside location, is preferable to adding further built form to the main dwelling, whilst maintaining the application structure as well.
2. The existing residential property enjoys a lawful residential use; yes, the property is in lawful residential use.
3. The proposed annexe would not materially harm any neighbouring uses; yes, although this is considered fully in the section below.
4. The scale and appearance of the proposed annexe is sympathetic and modest in proportion to the main dwelling and site; yes, the structure has been granted consent in the past when this factor was considered, but this is considered fully in the section below.
5. The proposed annexe should have a clear dependency in terms of siting and function with the main dwelling; this is less clear as although the structure is behind the main dwelling, it has access via the drive alongside the parent dwelling and has an associated garden area and parking area.
6. The proposed annexe is designed sensitively to complement the existing dwelling and is clearly ancillary in scale and visually subordinate to it in design and massing; yes, although this is considered more fully in the section below.

7. The proposed annexe respects the dwelling's character and does not result in unacceptable harm to heritage assets (whether designated or not) or their setting; the structure's impact upon the Royal Military Canal and the location with an area of archaeological potential have previously been assessed and found acceptable. As there are no physical changes to the structure, there are considered to be no additional impacts arising. This is considered more fully below.

8. Where the proposed annexe is outside the settlement boundary, it does not have an adverse impact on the quality and character of the landscape or its rural setting; the structure has previously been granted consent where this aspect was considered acceptable. This is considered more fully in the relevant section below.

9. Supporting evidence has been submitted to justify the need for the annexe accommodation. The applicant has not supplied detailed information identifying that the intended occupant is in need of care, has health complaints or requires supervision/support on a day-to-day basis, but instead has identified that the family relative is of an age where support is necessary.

In conclusion, it is considered that the broad principle for a detached annexe is acceptable, although the remaining elements of the policy will be explored fully below.

Holiday accommodation

In relation to the loss of the holiday accommodation, emerging policy E3 identifies that new tourism uses should ideally be in or on the edge of centres in the settlement hierarchy, which this site is not, although subject to visual impact and also viability (business-wise) considerations, it could be considered acceptable. Emerging policy E4 seeks to protect such uses, unless they are poorly located in relation to the areas of main tourist activity and uses in the immediate vicinity are predominantly unrelated to tourism. Marketing for a period of 12 months is normally expected.

In this case, it is accepted that the site is one that may not now have gained consent, as it is not in or on an edge of a centre and is in an area where the surrounding uses are not related to tourism. The marketing has not been carried out, but it is considered that as the unit is within a residential curtilage, it would not be practicable or desirable to sell it as a separate business unit, and also in the current environment, where estate agents have been unable to trade, this would have not been possible.

Design and visual appearance

The structure is single storey and located to the rear of the existing dwelling. The smaller size and position result in a subservient relationship to the main structure. It has a pitched roof form that accords with surrounding development. In wider views, it is hard to see the structure, due to its location back in the site with the diminutive nature of the building meaning that it has little detrimental or indeed obvious impact upon the visual character of the countryside designations. There are no additional physical works proposed as part of this scheme and the situation will therefore remain 'as is'. In this respect, it is considered that there would be no additional detrimental impact upon the character of the property, the street scene or the countryside.

Amenities of neighbouring occupiers

The relationship to neighbouring properties will remain the same. The comings and goings associated with a holiday let are likely to have been seasonal, peaking in summer months. Those associated with an annexe should be less intense at any given moment, with movements spread across the year. It is considered that there would be a negligible difference between the current situation and the proposed. No additional physical works are proposed and as it is located well away from the nearest neighbours, it would give rise to no overshadowing, overbearing or overlooking impact.

Amenities of future occupiers

In respect of space standards, the unit would provide 57.81 square metres, internally, where adopted standards require 37 square metres for a single storey, one bedroom, and one-bed space unit, with a shower. A garden is immediately adjacent to the unit, which is greater in size than the minimum standards and the use would meet the standards for HB3.

Parking and highways

Although this proposal is for additional living accommodation, the use as an annexe means that, in real terms, there would be little additional extra demand for car parking over and above the use as a holiday let, with existing parking space utilised. Consequently it is considered that there would be no detrimental impact resulting from obstruction of the highway or access ways.

Flooding

A small part of the property is within flood zones 2 of the Environment Agency's flood risk maps but is identified as being at no risk during a flood event, according to the Council's SFRA. As the proposal is a change of use, there is no requirement to do a Sequential or Exception test. A brief flood risk assessment accompanies the proposal and the Environment Agency have assessed this and find the situation acceptable, as the property would be unaffected by flooding in the event of a breach of the defences that protect the area, even when accounting for climate change. The only caveat is that the property must remain ancillary to the primary residence.

Environmental Impact Assessment

In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Local finance considerations

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. This application is exempt as it falls beneath the threshold.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

PUBLIC SECTOR EQUALITY DUTY

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

RECOMMENDATION

In light of the above, it is considered the proposal is a sustainable development that complies with development plan policy and the NPPF and is therefore recommended for approval subject to conditions.

Case Officer:

Report and draft decision notice completed and passed to senior officer.

Name: Robert Allan Position: Principal Planning Officer Date: 14.05.2020

Report and draft decision notice agreed and passed to admin to issue decision.

Name: D Campbell Position: DM Team Leader Date: 15.05.20

Recommended Conditions (3)

1

The development must be begun within three years of the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, THO 03, THO 04, THO 05 and THO 06.

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation

of the development.

3

The annex shown on the approved plans shall be used for purposes ancillary to the main dwelling, currently known as 3 The Firs, only and shall not be occupied as a separate unit of accommodation.

Reason:

The provision of an additional residential use in this location would be unsustainable.