

OFFICERS REPORT

Application No: Y16/0420/SH

Location: Sunnyside Old House Lane Brookland Romney Marsh Kent TN29 9RN

Proposal Certificate of lawful development (proposed) for erection of single storey stable building and two associated single storey buildings.

ASSESSMENT

Performance data:-

Date application valid: 19.04.2016

Applicable 8 week target date: 14.06.16

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

If Yes, revised 8/13/16 week target date: 24.06.16

Is the application being determined after 26 weeks without a PPA or a PEA? No

SITE VISIT

Carried out site visit on 12.05.2016

The site and proposals were assessed from the public highway and access was provided to the application site. The key features noted are set out in the report below:

SITE

The application site is located approximately 160 metres outside of the Brookland settlement boundary and fronts onto Old House Lane, which has a rural setting with detached dwellings set within large curtilages and interspersed with open agricultural fields. The main dwellinghouse is a two storey building with pitched roof, with a detached single storey annexe with pitched roof located forward of the main dwellinghouse's principal elevation.

HISTORY

The most relevant planning history for the site is:

Y14/0067/SH - Approved with conditions for the change of use and conversion of existing garage to annexe accommodation incorporating external alterations (removal of condition 3 of Y06/0249/SH).

Y06/0249/SH - Erection of first floor rear extension together with provision of detached five bay garages/stores following demolition of existing garage.

PROPOSAL

The application seeks the approval of a lawful development certificate for the erection of a single storey stable building and two associated single storey buildings in the curtilage of the

main dwelling-house. The proposed buildings would be located to the east of the main dwellinghouse and detached annexe.

CONSULTATION RESPONSES

Not required

REPRESENTATIONS

Brookland Parish Council support on condition that future permission does not allow (additional) residential use.

PUBLICITY

Not required

RELEVANT POLICIES

Not applicable

APPRAISAL

The planning history for the property has been checked and there are no conditions removing permitted development rights for outbuildings, or article 4 directions to the same effect.

Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) provides for the provision within the curtilage of the dwellinghouse of any building or enclosure required for a purpose incidental to the enjoyment of the dwellinghouse. It is considered that the proposed use of the buildings as stables and storage will be for the personal enjoyment of the occupants of the house and would be considered incidental to the residential use of the application site. It should be noted that the stables and store buildings currently on the site are temporary structures (the buildings are on skids) and are smaller in footprint to those proposed under this application.

The plans as originally submitted showed that the proposed store building (9m x 3.6m) closest to the site's boundary fronting the highway was located forward of a wall forming the principal elevation of the original dwellinghouse, and would therefore be exempted from permitted development rights as set out in Class E(c) below.

E.1 (c) any part of the building, enclosure, pool or container would be situated on land forward of
a wall forming the principal elevation of the original dwellinghouse.

In addition, the proposed stable as shown on the original plans was within 2 metres of the rear boundary of the residential curtilage, as indicated by the red-line of the submitted site location plan and with a ridge height of 2.85 metres, did not benefit from permitted development rights under Class E due to part (e)(ii) in relation to overall building height, as set out below:

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse

The amended plans submitted have reconfigured and repositioned the stables and store buildings so that no part of the buildings would extend beyond a wall forming the principal

elevation of the original dwellinghouse. The amended plans also reposition the proposed stables building to allow a 2 metre separation distance from the boundary of the residential curtilage. As a result, the building would be permitted development up to a maximum height of 4 metres in the case of a building with a dual-pitched roof. As the proposed stables have a maximum height of 2.85 metres with dual-pitched roof, the building is permitted development.

With regard to paragraphs E.2 and E.3, the application site is not wholly or partially located within one of the identified designations or on article 2(3) land.

As such, it is considered that a Certificate of Lawful Development can be issued, with the proposed stables building and feed stores being considered as lawful development by virtue of Class E permitted development rights.

RECOMMENDATION

In light of the above, it is considered that the proposal would fall within permitted development and a certificate can be issued.

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.

Case Officer: Alex Kalorkoti

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

Name: Alex Kalorkoti Position: Graduate Planning Officer Date: 10.06.16

Report and draft decision notice amended (if appropriate)

Name: Position: Date:

Senior Officer

Report not agreed. Details of further work required as follows:

Name: Position: Date:

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

Name: Robert Allan Position: Major Projects Team Leader (Interim) Date:
22/06/16