

MC/17/0282

Date Received: 23 January, 2017

Location: High Birch, Upper Bush Road, Cuxton, Rochester ME2 1HQ

Proposal: Change of use of garage to a 1 bedroomed holiday let

Applicant: Mr P Gummer

Agent: Mr M Dadd D C Hudson and Partners LLP The Doctors House  
Royal British Legion Village Hall Road, Aylesford ME20 7QX

Ward Cuxton & Halling

Case Officer Paul Ives

Contact Number 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 12 April 2017.**

**Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawings 2032-01,2032-02 Rev A and 2032-03 received by this authority on 23 January 2017.

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

- 3 The proposed materials (with the exception of fenestration details) to be used on the building shall be in accordance with the details shown on the Planning Form (part 14) and following implementation, thereafter maintained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of the appearance of the site and visual amenity in the locality, in accordance with Policy BNE1, BNE12,BNE14, BNE17 of the Local Plan and Paragraph 56 of the NPPF.

- 4 Prior to work commencing on the refurbishment of the building for the use hereby approved, full details of the roof light window design (including frame) shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of the appearance of the site and visual amenity in the locality, in accordance with Policy BNE1, BNE12,BNE14, BNE17 of the Local Plan and Paragraph 56 of the NPPF.

- 5 Prior to the installation of any new windows and doors on site, full details of new window and door joinery to scales of 1:5 and 1:10 shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with any subsequent details approved and maintained thereafter.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of the appearance of the site and visual amenity in the locality, in accordance with Policy BNE1, BNE12,BNE14, BNE17 of the Local Plan and Paragraph 56 of the NPPF.

- 6 The accommodation herein permitted shall only be occupied as a holiday let and shall not be occupied for more than 28 consecutive days at any one time. A log book detailing the names and addresses of the guests staying at the holiday let and the dates of their arrival and departure shall be maintained for the duration of the use.

Reason: To accord with the terms of the submitted application and to maintain the character of the area in accordance with Policies BNE25, BNE30,BNE32, BNE33 and ED15 of the Medway Local Plan 2003.

- 7 The use shall not commence until the area shown on the submitted layout drawings 2032-03 received 23 January 2017 as vehicle parking space has been provided, surfaced, drained and marked out on site. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space and garaging.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

- 8 In the event that contamination is found at any time when carrying out the approved development an investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the remediation works are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 9 Prior to installation of the subterranean gas tank, full details of the design and siting of the works shall be submitted to and approved in writing by the local planning authority that includes the securing of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved in writing by the Authority.

Reason: To safeguard the archaeological interest in the site in accordance with Policy BNE21 of the Medway Local Plan 2003.

**For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.**

### **Proposal**

Change of use of a domestic garage into a 1 bedroom holiday let within the curtilage of a Grade II\* listed building. The proposal would involve mainly internal alterations to enable conversion of the building to a holiday let retaining the majority of the existing fabric of the building but linked to the main house with the garden remaining shared. It would be owned and managed by the applicants who occupy High Birch as their family home.

The building would be laid out with bedroom, bathroom and open plan kitchen/living/dining area. A modest gable ended porch is proposed to the eastern side of the building. Two roof light windows are proposed within timber frames to the western side serving the kitchen and bathroom areas.

The applicants aim to meet demand from tourists visiting the area by car, cycling or by walking as the site is close to a public footpath RS201 on a North Downs route.

### **Relevant Planning History**

MC/04/1419	Listed building consent for the installation of a first floor en-suite shower room (revised application) <b>Decision Approval with Conditions</b>
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**Decided** 11 August, 2004

MC/04/0150

Listed building consent for the installation of a first floor en-suite shower room

**Decision Approval with Conditions**

**Decided** 12 March, 2004

## **Representations**

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties.

**Three letters** have been received raising the following objections:

- The modern designed approach contravenes the objectives of the Upper Bush Conservation Area appraisal in a relatively unspoilt area of exceptional character;
- The conversion is within the grounds of a Grade II\* listed building and would not be in keeping with the existing medieval origin of properties within the Hamlet;
- the proposal would set a precedent for similar development;
- Increase in the footprint of the building in the countryside;
- No evidence has been provided that the development would contribute to the rural economy;
- Boundary treatment would self contain the property;
- Set a precedent for similar conversions
- fenestration not in keeping with the design of the building
- Increased traffic generation; and
- Access would be from a private road only.

**Cuxton Parish Council** raise no objection in principle but request that a condition be imposed to protect the maintenance of the private access road. They raise a concern that the building could in time form a new dwelling on a Green Belt in the countryside.

**The Dickens Country Protection Society** objects to the proposal on the grounds that the site is within a Conservation Area.

**Historic England** does not wish to comment on this application and are content with any decision made at a local level by the Specialist Conservation officer.

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 and are considered to conform.

## **Planning Appraisal**

Upper Bush itself is a relatively compact settlement covering an area of only approximately eleven acres and is typical of historic villages in this part of Kent where nucleated rather than dispersed settlements are the norm. While individual buildings are set in large gardens, the density of settlement is very low and houses tend to

cluster together towards the front of the plots that they occupy. The key buildings are Borrow Hill House and High Birch, both of which are medieval timber framed hall houses that have been restored. Borrow Hill House is relatively modest, with little in the way of ornamentation whilst High Birch is a much grander building of the Wealden type with decorated moulded doorways, 'Kentish' style tension bracing, coving and jetties. Both buildings are listed, Borrow Hill House at grade II and High Birch are grade II\*.

The application site falls within the residential curtilage of a High Birch and comprises a detached tandem 'two car space garage' of later addition to the main house. It is located towards the southern boundary of the site distinctly away from the dwelling but used as an outbuilding to the main house served by a single vehicular access. The access approach road is private and links to Upper Bush Road. For this reason, the application was delayed to enable notice to be served on affected parties.

### *Principle*

Paragraphs 18 and 19 of the NPPF seek to promote economic growth, whilst paragraph 28 is more specific in supporting economic growth in rural areas including sustainable rural tourism. Policy ED15 promotes self catering accommodation subject to no adverse impact on amenity or character of the area including landscape impact, highway and design considerations. It supports the provision of new self-catering tourist facilities, providing it can be demonstrated that:

- (i) The scale of development would not adversely affect local amenity, nature conservation interests or be an intrusive element in the surrounding landscape; and
- (ii) The local highway network is capable of supporting the scale of development proposed; and
- (iii) the facilities associated with the development are of a design and scale in keeping with the locality.

ED16 also promotes the provision of small scale tourist facilities to meet the need of walkers and cyclists including the provision of overnight accommodation.

No objection is raised in this context as the development would make good use of an existing building and provide a modest form of business to meet tourism objectives.

The site falls outside the confines of the urban area where protective countryside and landscape policies apply. Policy BNE25 seeks to ensure that development will only be permitted in the countryside if it maintains, and wherever possible enhances, the character, amenity and functioning of the countryside; it offers a realistic chance of access by a range of transport modes; it relates to the reuse or adaptation of an existing building; and would continue to be in keeping with its surroundings. Policy BNE27 permits development involving the re-use or adaption of existing buildings in the countryside where appropriate. The site is also located within the Metropolitan Green Belt (BNE30); an area of Outstanding Natural Beauty (BNE32) and a Special Landscape Area BNE33. The site also falls within Upper Bush Conservation Area (Policy BNE12) that triggers Policy BNE14 which relates to development impact within a Conservation Area. Policy BNE17 covers works to listed buildings. These policies seek to protect the countryside in terms of character and limit alterations to modest

changes where appropriate and in view of the listed building designation, manage any changes or alterations to buildings in terms of character, appearance and design. The Upper Bush Conservation Area appraisal is also a material consideration.

The existing garage building is of a permanent, robust construction which currently lends itself to potential storage for vehicles and garden equipment and/or as overspill space for use by the occupants of the main house for domestic purposes.

The character of the building would be retained with modest changes proposed where the building has no special features of architectural or historic merit. Fenestration detail could be controlled by planning condition where the building also has good plant screening from the nearest highway and footpath to the east. No objection is raised therefore to the external changes proposed.

The levels of activity generated would not be significantly more than the existing family use. Also, as the building would not be permanently occupied, there are likely to be times when it is empty. The use is very small scale and is not a use that would lead to a dispersal of activity likely to prejudice village vitality. As the use is not residential as a self contained dwelling the final criteria of Policy BNE27 does not apply.

The modest changes proposed together with the opportunity to upgrade the building in a positive way would have no adverse impact on the Conservation Area or surrounding countryside. No objection is raised under the terms of Policies BNE12, BNE14, BNE30, BNE32 and BNE33 of the Local Plan and Paragraph 109 of the NPPF.

The use of the site may be conditioned to ensure that the site is appropriately managed and remains ancillary to the main house. The condition can be used to ensure that the building is used for the purposes stated and for ease of monitoring.

### *Design*

As previously stated, the building is relatively small, well screened and not prominent from the highway. Only minor alterations are proposed which would not affect the character and appearance of the locality with a modest increase also to the existing parking area. The layout may be adapted for ease of access for all to the front of the building on the northern side in accordance with building regulation objectives and Policy BNE7 of the local Plan. Accordingly, no objection is raised in terms of design and appearance under Paragraphs 17, 56, 58, 128 and 132 of the NPPF and Policies BNE1, BNE7, BNE12, BNE14, BNE17, BNE25, BNE27, BNE30, BNE32, BNE33 and ED15 of the Local Plan.

### *Amenity*

The proposal raises no issues of overlooking and in effect would be managed by the main household. Apart from the application property, the nearest dwellings are to the east at a lower level and to the north and north east of the main home. There would be sufficient distance between properties to not cause harm from overlooking, loss of sunlight, daylight or outlook.

It is acknowledged that the proposal would generate some traffic and activity, but as

stated above, this is likely to be no more than that generated by the existing dwelling and as such is unlikely to be detrimental to residential amenity. Accordingly no objection is raised in terms of amenity under Policies BNE2, BNE27(iv) and ED15(i) of the Local Plan.

### *Highways*

There is no adopted vehicle parking standard for self-catering accommodation, although the Council's adopted Vehicle Parking standard for hotels requires the provision of one space per bedroom. The submitted drawings show one space to be provided alongside the existing building and no objection is raised to the scheme under Policy T13 of the Local Plan in terms of parking. In addition, there is sufficient space available on the site to accommodate cycle storage for the proposed use.

The holiday lets would utilise the existing vehicular access serving the main dwelling and the level of traffic generated would not be significantly more than that generated by the existing dwelling. No objection is, therefore raised in terms of traffic generation and access under Policies T1, T2, T4 and T13 of the Local Plan and Paragraphs 32 and 34 of the NPPF where cycle storage could be accommodated within the building or outside.

### Contamination

The use of the building as a garage could have resulted in contamination and accordingly, a watching brief condition is recommended. Subject to this condition, no objection is raised under Policy BNE23 of the Local Plan and Paragraph 121 of the NPPF.

### *Local Finance Considerations*

There are no local finance considerations.

### Archaeology

Excavation is required to allow for the installation of a supporting gas tank for use by occupation. There is archaeological potential on site and a condition is recommended to address this as part of the objectives of Policy BNE21 of the Local Plan.

Matters raised regarding maintenance of a private drive and covenants are civil issues.

### **Conclusions and Reasons for Approval**

The principle of the proposed use as holiday lets is acceptable both in term of re-use of a building in the countryside and in terms of promoting sustainable tourism. No objection is raised in terms of design and appearance and impact on the countryside, neighbour amenity, highways and parking. Accordingly, no objection is raised under Policy BNE1, BNE2, BNE21, BNE23, BNE25, BNE27, BNE30, BNE32, BNE33, ED15, ED16, T1, T2 and T13 of the Local Plan, and Paragraphs 17,18, 19,28, 32, 34, 56,58, 109, 121,128, and 132 of the NPPF, and the application is recommended for approval.

The application would normally be determined under Officer delegated powers but is being reported to Committee for a decision in view of the number of letters of representations received contrary to the Officer's Recommendation.

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### **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>