

Application No: 21/2542/FH

Location of Site: Brookside, Church Lane, New Romney, TN28 8ES.

Development: Change of use from garage to a single holiday accommodation

Applicant: Mr S. Grimmer

Agent: DB Architecture, 1 Pottingfield Road, Rye, TN31 7BL.

Officer Contact: Ross McCardle

SUMMARY

This application seeks planning permission for change of use of a detached garage building to a small, one-bed holiday let. The proposed use would not give rise to any unacceptable issues of residential amenity, unacceptable impact on the highway and the holiday let would provide a unit of tourist accommodation in a sustainable location as supported by the Council's adopted policies. The application is therefore recommended for approval subject to receipt of an amended drawing showing an additional parking space to the front of the bungalow.

RECOMMENDATION:

That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1. INTRODUCTION

1.1. The application is reported to Committee due to an objection from New Romney Town Council.

2. SITE AND SURROUNDINGS

2.1. The application site comprises a detached garage set to the rear of Brookside, a detached bungalow situated within the defined settlement boundary of New Romney. The dwelling is set back from the road with parking to the side and rear. The New Romney Main Sewer sits to the west of the property on the far side of a public alleyway and open fields lie across the road to the south. The wider area is characterised by detached bungalows and terraced houses.

2.2. The garage subject to this application is a simple rectangular building set in the NW corner of the rear garden. It features rendered walls and a corrugated pitched roof. The garage doors have been removed at some stage and replaced with a personnel door. The building is largely surrounded by concrete hardstanding.

2.3. The site lies within the defined settlement boundary and within flood zone 2 (which follows the course of the Main Sewer).

2.4. A site location plan is attached to this report as **Appendix 1**.



Photo 1: Site frontage



Photo 2: Existing garage



Photo 3: Alleyway to side

3. PROPOSAL

- 3.1 Full planning permission is sought for conversion and change of use of the existing garage to a holiday let. The building would not be extended by the proposals.
- 3.2 The existing garage building would be retained, the corrugated asbestos roof replaced with fibre cement tiles, and personnel doors and windows inserted in the front and side elevations. A fence would be erected to separate the building from the garden to Brookside. Parking would be provided on the existing driveway area. Internally the building would provide an open-plan bedroom/kitchen/diner with a separate shower room.
- 3.3 A car charger would be installed on the driveway and a small private rear garden formed for the holiday let.



Fig.1: Existing site layout

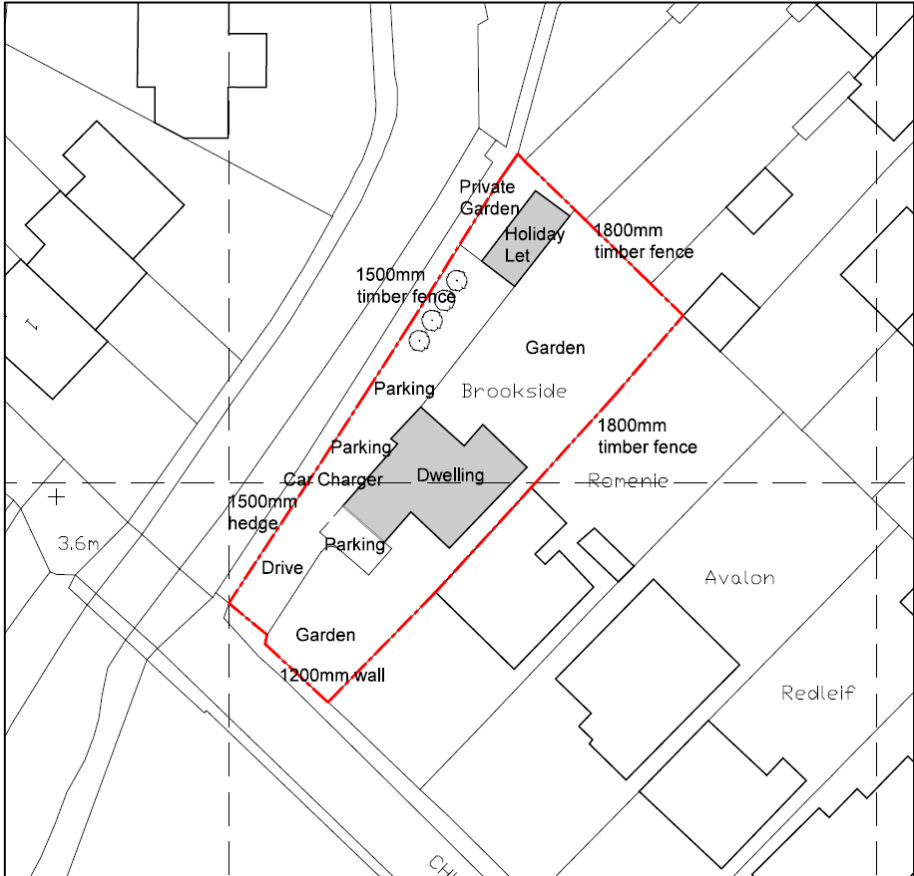


Fig.2: Proposed site layout

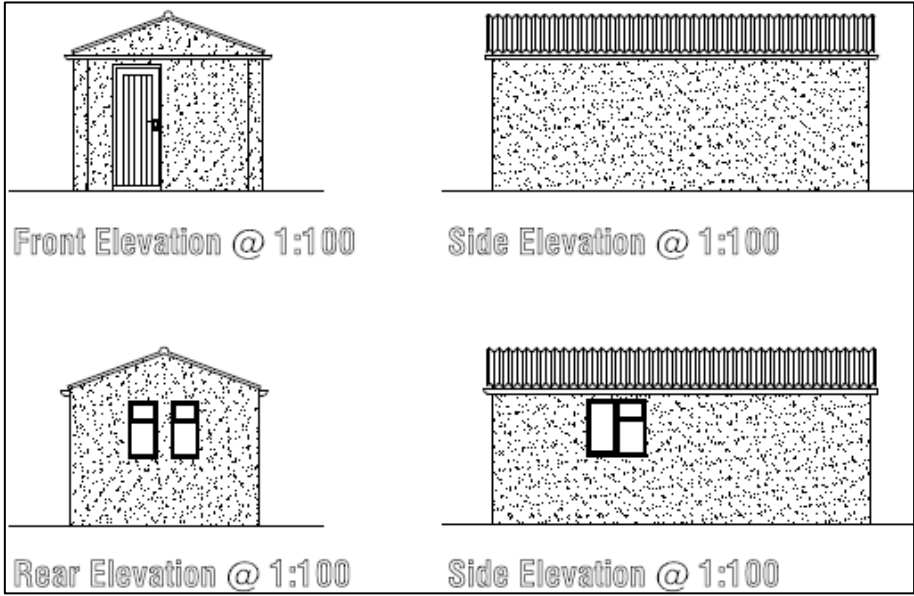


Fig.3: Existing elevations

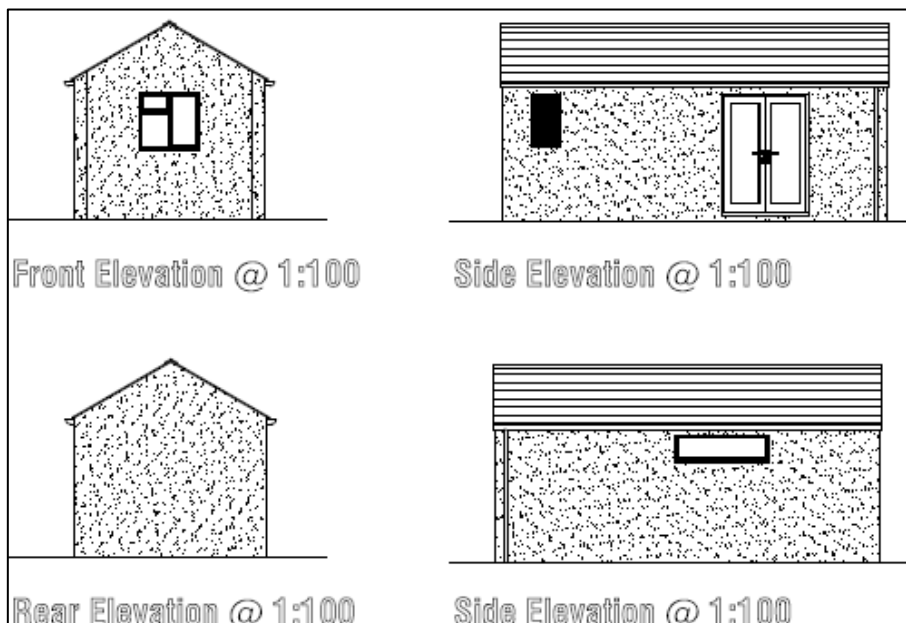


Fig.4: proposed elevations

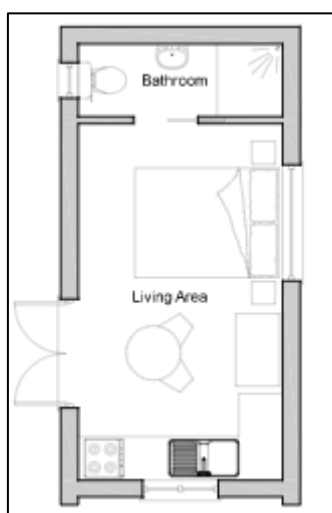


Fig.5: Proposed floor plan

4. RELEVANT PLANNING HISTORY

4.1 There is no planning history for the site.

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Hythe Town Council: object due to “concerns regarding change of use over partial part of the plot” and comment that “Folkestone and Hythe District Council currently have no policy on sustainable holiday accommodation.”

KCC Highways and Transportation: no comments other than to note the scheme falls below their protocol response threshold.

Environment Agency: no objection, and support the flood resistance measures set out within the submitted Flood Risk Assessment.

Southern Water: a formal application is required to connect the building to the sewer network.

Environmental Protection Officer: no comments.

Local Residents Comments

- 5.2 13 neighbours directly consulted.
- 5.3 1 letter received in response, raising issues not related to the current proposals and highlighting that a public alleyway runs adjacent to the site.
- 5.4 Responses are available in full on the planning file on the Council's website:

<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6. RELEVANT PLANNING POLICY

- 6.1 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Review 2022.
- 6.2 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

HB1 (general criteria)
HB3 (space standards)
HB10 (development of residential gardens)
E3 (tourism)
E4 (hotels and guest houses)
T2 (parking standards)
T5 (cycle parking)

E3 states that *“planning permission will be granted in or on the edge of centres in the settlement hierarchy for proposals to provide new tourism development including hotels, guest houses, bed and breakfast, self-catering accommodation and new visitor attractions”* subject to consideration of design, highway safety and amenity, and residential amenity, amongst others.

E4 aims to protect the current supply of hotels and guest houses and requires evidence to be provided to justify any loss thereof.

Core Strategy (2022)

SS1 (space strategy)
SS2 (housing and economy growth)
CSD3 (rural and tourism development)

CSD3 states that *“tourist, recreation and rural economic uses will be appropriately protected and new development allowed within defined settlements in the settlement hierarchy.”*

- 6.3 The following are also material considerations to the determination of this application.

Government Advice

National Planning Policy Framework (NPPF) 2021

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Para. 11 - Presumption in favour of sustainable development.

Para. 47 - Applications for planning permission be determined in accordance with the development plan.

Para. 81 – Supports economic development in the interest of economic growth and prosperity.

7. APPRAISAL

7.1 In light of the above the main issues for consideration are:

- a) Principle of development and sustainability
- b) Design/layout/visual amenity
- c) Residential amenity
- d) Flooding / drainage
- e) Highway safety and parking

a) Principle of development and sustainability

7.2 As set out above: policies CSD3 and E3 explicitly support the provision of new tourist accommodation within the defined settlement boundaries. The application site lies in a sustainable urban location within the defined settlement boundary of New Romney, and close to local shops, services, and public transport facilities. The principle of the proposed development is therefore acceptable.

b) Design, layout, visual amenity

7.3 The proposed building would not be significantly different from the existing garage, with only minor external changes (replacement roof and insertion of windows and doors) proposed – the building would remain of the same scale and footprint. The proposed structure would be of an acceptable design. Due to its position it would not be prominent in any public views and the visual amenity would therefore not be unacceptably affected or significantly different from the current situation.

c) Residential amenity

7.4 The proposed holiday let would not give rise to any additional overlooking, loss of privacy, overshadowing, or other residential amenity impacts for neighbouring residents. Use of the building as a holiday let would give rise to additional activity and vehicle movements, but this would not be at such a significant level to generate

unacceptable disturbance within the context of the wider residential area and would not amount to a reason for refusal.

- 7.5 The proposed development would constitute provision of a new self-contained dwelling, but one which is restricted to holiday use only by the occupancy condition set out below.
- 7.6 The proposed unit is small, but minimum internal space standards can be relaxed when a property is in holiday use rather than a residential dwelling. The unit would be capable of providing a small unit of holiday accommodation to suit the needs of prospective occupants for short periods.

d) Flooding/drainage

- 7.7 While the site lies within flood zone 2 it is noted that neither the EA nor Southern Water object.
- 7.8 The NPPF sets out that the Sequential Test does not apply to this proposal (as it amounts to a change of use rather than fresh development), but the Exceptions Test does apply. The Exceptions Test is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily while allowing development to go ahead; it has two parts:
- a) *It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risks; and*
 - b) *A site-specific FRA must demonstrate that the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.*
- 7.9 In the case of the current proposal, it is considered that part a) – the wider sustainability benefits – is addressed through the inclusion of the site within the defined built up area boundary; the settlement hierarchy (core strategy policy SS3) identifying the wider area for residential development and policy CSD8 identifying the wider area as a priority centre for development to support New Romney as a primary local centre and Dymchurch as a key tourist location. The provision of a unit of tourist accommodation here would modestly contribute to economic development in New Romney, and to the broader aim of sustainable development within the district.
- 7.10 In regards part b it is noted that the submitted FRA includes flood mitigation measures which have been agreed by the EA and are secured by the condition set out below. This will ensure that the development will be safe for its lifetime and not increase flood risk elsewhere. The proposal therefore meets the requirements of the Exceptions Test.
- 7.11 A formal application is required to connect the building to the sewer network, but this falls outside of the planning process and is not a material consideration at this stage.

e) Highway safety and parking

- 7.12 Parking is provided within the site via the existing dropped kerb with two spaces to the side of the property and one to the front. An amended drawing showing an additional parking space to the front (so that the holiday let and existing dwelling have independently accessible parking bays) has been requested. An electric vehicle

charging point is indicated on the submitted drawings and is secured by the condition below. The development would not give rise to any unacceptable highway safety or amenity concerns over and above the existing residential use of the site through the increase in comings and goings.

Environmental Impact Assessment

7.13 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

7.14 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. There is no CIL requirement for this development.

7.15 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. The CIL levy in the application area is charged at £58.86 per square metre for new residential floor space.

Human Rights

7.16 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

7.17 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.

Working with the applicant

7.18 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

8. CONCLUSION

8.1 This application seeks planning permission for change of use of a detached garage building to a small, one-bed holiday let. The proposed use would not give rise to any unacceptable issues of residential amenity, and the holiday let would provide a unit of tourist accommodation in a sustainable location as supported by the Council's adopted policies. The application is therefore recommended for approval subject to receipt of an amended drawing showing an additional parking space to the front of the bungalow..

9. BACKGROUND DOCUMENTS

9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

10. RECOMMENDATIONS

That planning permission be granted subject to the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall take place other than in accordance with drawings 21.18.02 rev A and 21.18.03.

Reason: For the avoidance of doubt.

3. Prior to the first use of the holiday let hereby permitted, a minimum of one electric vehicle charging point shall be provided and thereafter retained for residents of and visitors to the property.

Reason: In the interest of sustainable development and reducing carbon emissions.

4. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0800 – 1800 hours

Saturdays 0800 – 1300 hours

unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

5. The flood resilience measures set out within the submitted Flood Risk Assessment shall be implemented prior to first occupation of the holiday let hereby permitted.

Reason: To reduce the risks associated with flooding.

6. The parking area shown on the submitted plan shall be provided and made available prior to the first occupation of the holiday let hereby permitted, shall be kept available for such use at all times, and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Reason: In the interests of highway safety and convenience.

7. The holiday let hereby permitted shall not be occupied by any persons for more than four weeks in any three-month period.

Reason: As the property is not suitable for permanent residential use due to its small internal floorspace and external private amenity area.

Appendix 1 – Site Location Plan