

DEVELOPMENT CONTROL BOARD

AGENDA

Thursday 19 May 2022

Update

To consider the Update to the agenda published on 18 May 2022.

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UPDATE
DEVELOPMENT CONTROL BOARD
19 May 2022

Item 6 **21 Longfield Avenue, Longfield, Kent, DA3 7LE** **20/00606/FUL**

Following publication of the report, the applicant submitted comments on its contents seeking to provide clarification in relation to the use of the building.

Firstly, the applicant has drawn attention to his personal circumstances. He has advised that the reason for the shortness of the intervening period between the planned use as a games room, gym, massage and wet room and the application for a residential annex is due to the end-of-life care plan his mother was placed on in December 2019. Owing to the fact that the applicant's parents were elderly and required support they moved into the building.

I note that, when a building notice was submitted to the Council's building control department, the application form submitted in February 2019 did make reference to the lawful development certificate application. A completion certificate for the building was issued in November 2019.

The applicant has also drawn attention to paragraph 6 of the Development Control Board report which reads:

"When the building was erected its initial use was intended to provide care for the applicant's elderly parents so that they could be close to the applicant and be supported by them"

The applicant wishes to note that the original intended use was as described in the lawful development certificate. Owing to the change in personal circumstances as outlined above the use of the building changed. A complaint was received by the planning enforcement department following its occupation as primary living accommodation and an application for planning permission was made within a month of the receipt of this complaint. The applicant has confirmed that the building remains in use as a residential annex containing primary living accommodation that is ancillary to the main dwelling and is occupied by a member of his family.

As set out in the report, whilst the building which is the subject of this application benefits from its own facilities, identifying a separate planning unit requires consideration of a range of factors and not simply the self-containment of the accommodation. Rather, it is a matter of fact and degree. In this case, the primary occupant of the annexe is a family member who can share living space with the rest of the family in the main dwelling. There is an easy route across the garden to the main dwelling providing easy access. The building does not have its own garden but shares the garden afforded to the main dwelling and access to the building can only be obtained through the garden. A condition is recommended to prevent the erection of fencing to subdivide the garden to provide a new planning unit and this could be the subject of a future enforcement investigation if required.

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