

Delegated Report

Case Officer: Deinma Anga

Ref. No: MC/25/0595

Address: 53 Chattenden Lane, Chattenden, Rochester, Medway, ME3 8LE.

Proposal: Retrospective change of use of amenity land to residential garden land.

Publicity

Site notice	Y	Publicity Expiry Date	04/05/2025
Press notice	n/a		
Adj. neighbours	Y		

Relevant History

Ref No.	Description	Decision	Date
None.			

DESCRIPTION OF SITE

Located within the rural settlement boundary of Chattenden, Rochester, as highlighted in the Medway 2003 Local Plan.

Due to the rural character and boundary of Chattenden, its existing open spaces are of particular importance and are protected by Policy L3 of the current Local Plan.

Chattenden Lane is defined by sparsely built and predominantly semi-detached units, of similar proportions and character (Hip-end tiled roofscapes, mix of brick and tile hanging).

The existing dwelling at No. 53 is a 3-bed semi-detached two-storey unit, it's rear curtilage borders an open play area (Chattenden Green).

The existing dwelling relies on available on-street parking on the private driveway off Chattenden Lane (to meet its 2No parking requirements).

PROPOSAL

The application proposes the retrospective change of use of land from public open space (Chattenden Green) to residential garden area. An approx. 6m wide strip has been added to the rear curtilage and fenced off with a 1.8m high fence.

SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area	328m ²	418m ²	81m ²
Land use(s) including floor area(s)	F2(c) - 81m ²	C3 - 81m ²	81m ²
Max height	-	1.8m	+1.8m

PLANNING CONSTRAINTS

None.

LOCAL REPRESENTATIONS

	COMMENTS RECEIVED
Parish/Town Council	None.
Residential Objections Number received: 2	<ol style="list-style-type: none">Dickens Country Protection Society: Amenity should not be enclosed. It may attract Permitted development rights.Councillor Pearce objects for the following reasons:<ul style="list-style-type: none">Loss of publicly accessible open space/amenity land (Chattenden Green).

	<ul style="list-style-type: none"> Conflict with the National Planning Policy Framework 2024 and the Hoo and Chattenden Neighbourhood Plan.
Residential that does not object but does not support: 1	<ol style="list-style-type: none"> One letter has been received with no objection to the proposal
Residential Support Number received: 3	<ol style="list-style-type: none"> Neighbour at No.49 Chattenden Lane: The change of use of the land in question will not benefit myself or my family and fully support the application. No.4 Swinton Avenue, Chattenden: I do not feel that the removal of such a small strip of land is detrimental as there is still a large green area left. Because of this I would like to give my support to this application. (reference to anti-social behaviour around the adjacent garages). No.9 Tudor Grove, Chattenden: I often take my daughter to play on the grass area in question and haven't really noticed that it's got much smaller. The grass area is very well kept, unlike other Council maintained areas, and is looking smarter with the new fences. The residents appear to do a very good job with the upkeep.
Letters received which are not within the vicinity of the application site: 1	<ol style="list-style-type: none"> No.17 Woodside Green, Cliffe Woods: As a user of the land, it looks much nicer now and I have no objections to the planning application.
Letter received from management company to justify the use of the land as residential: 1	<ol style="list-style-type: none"> No.3 Woodpecker Close, Northstowe: written on behalf of Chattenden Residents Company Limited (CRCL), which is responsible for the management and maintenance of the CRCL owned open space within the Chattenden estate (ME3 8LE). CRCL is in full support of the proposed change of use from open space to residential. The fence line in question has been extended only to the boundary of the former hedge line. Historically, this area has not been accessible or used by residents or members of the public, and therefore its current change of use has little material impact to users of the area, nor does it alter public access in any meaningful way.

In summary of the neighbour responses above, it is considered that only three letters of support have been received from neighbours within the vicinity of the site.

One letter neither supports or objects, one letter is from a resident of Cliffe Woods and is not considered to be within the vicinity of the application site and one letter is from the residents company that manages the open space and the letter has been submitted to justify the use of the land as residential. These have not been counted as letters of support.

Overall, it is therefore considered that the application can be determined under delegated powers as only three letters of support, contrary to officers' recommendation, have been received.

CONSULTATION RESPONSES

None.

POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework Paragraphs (NPPF 2024): 104, 116, 131, 135
National Planning Practice Guidance (NPPG): [Open space, sports and recreation facilities, public rights of way and local green space](#)

Development Plan Policies: BNE1, BNE2, L3, T1, T13

Neighbourhood Plan Policies: [Hoo St Werburgh and Chattenden Neighbourhood Plan](#), HOO6.

Supplementary Planning Documents: None.

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan) and the Hoo St Werburgh and Chattenden Neighbourhood Plan (Neighbourhood 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 2024 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

APPRAISAL

Principle

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal constitutes the retrospective inclusion of an area of public open space (Chattenden Green) into the garden area, enclosed by fencing. The area of open space is approximately 0.15 hectares and is not identified on the Local Plan Proposals Map as a designated area of open space. However, the pre-ambles text to Policy L3 states:-

7.5.13 Only those areas of open space (including outdoor play facilities and amenity open space) exceeding 0.25 hectares are identified on the proposals map, but all open space is protected from development, whatever its size and whether the land is in public or private use.

Therefore, it is clear that Policy L3 of the Local Plan is relevant. Policy L3 states:-

POLICY L3: PROTECTION OF OPEN SPACE

Development which would involve the loss of existing formal open space, informal open space, allotments or amenity land will not be permitted unless:

- (i) sports and recreation facilities can best be implemented, or retained and enhanced through redevelopment of a small part of the site; or
- (ii) alternative open space provision can be made within the same catchment area and is acceptable in terms of amenity value; or
- (iii) in the case of outdoor sports and children's play space provision, there is an excess of such provision in the area (measured against the n.p.f.a. standard of 2.4 hectares per 1,000 population) and such open space neither contributes to, nor has the potential to contribute to, informal leisure, open space or local environmental amenity provision; or
- (iv) in the case of educational establishments, the development is required for educational purposes and adequate areas for outdoor sports can be retained or provided elsewhere within the vicinity; or
- (v) the site is allocated for other development in the local plan.

The Hoo St Werburgh and Chattenden Neighbourhood Plan adopted in September 2024, is the most recent development plan for the area.

Policy HOO8.10 states: *Development should have no significant adverse impact on, and take opportunities to enhance, the open and green character, amenity, safety, accessibility and community value of green spaces and green infrastructure.*

The Chattenden Green was initially a formal play space with a play area and hard surfaced court with basketball hoop and informal 5 a side goal. There was a tree line on its northern edge, which bordered and acted as a buffer between this play space and the adjacent residential dwellings.

The site transitioned into a more informal play space, evident from around 2020, with the existing playground facilities, eastern boundary wall, hard surfaced court and northern tree line removed. This resulted in its current grassland open character but critically remained open and accessible to the public.

The neighbour objection commentary received from the Dickens country protection society and the local Councillor alludes to the loss of public open space. The Councillor further reinforces the objection with reference to the NPPF and Policy HOO8 of the Hoo & Chattenden Neighbourhood Plan.

The key relevant considerations of Policy L3 are criteria (i) and (ii).

Criterion (i) requires areas of recreation facilities can best be implemented or retained and enhanced through redevelopment of a small part of the site. There is nothing in the application that identifies why the loss of part of the area of open space for the proposed change of use would result in the impact on the remaining area of recreation facilities being best implemented, retained or enhanced.

Criterion (ii) requires alternative open space provision can be made within the same catchment area and is acceptable in terms of amenity value. There are no proposals for the provision of alternative open space, rather the applicant has just stated that there are alternative spaces in the area. This does not fulfil the requirement of the Policy and is not supported by the Parish Council who outline that the existing open space should be retained.

Policy HOO8 of the Hoo & Chattenden Neighbourhood Plan deals with the issue of Landscape and Environment. Criterion 10 of the Policy states: -

Development should have no significant adverse impact on, and take opportunities to enhance, the open and green character, amenity, safety, accessibility and community value of green spaces and green infrastructure.

The loss of a 6m strip of the recreation/open space area without any mitigation or improvement to the remainder of the area would have a significant adverse impact on the community value of the green space and therefore would be contrary to Policy HOO8.

The additional planning statement (Received - 20 March 2025), offers little material justification for the change of use of the adjacent Chattenden Green in relation to the requirements of Policy L3. The map indicating areas of open space and play areas, reference's significant areas outside of the Chattenden rural boundary (See Local Plan Map 1) and does not address the concerns raised by the encroachment of the existing Chattenden Green within the rural boundary of Chattenden.

Therefore, the principle of the change of use of part of the recreation area to private residential garden is unacceptable.

CONCLUSIONS AND REASONS FOR RECOMMENDATION

The proposed change of use of part of Chattenden Green to private garden would result in a significant loss of existing open space, without sufficient mitigation or justification. As such, the proposal fails to comply with policy HOO8 of the Hoo St Werburgh & Chattenden Neighbourhood Plan, Policy L3 of the Medway Local Plan (2003) and paragraphs 104, 131, 135 of the National Planning Policy Framework (Dec 2024).