

a) DOV/16/01479 – Change of use of land for the keeping of horses, erection of 10 no. stables, hay store and tack room, and construction of a manège - Land at Deerleap, 50 Mill Lane, Shepherdswell

Reason for report: Because of the number of objections (20) and because Councillor Walker has requested that the application be heard by Committee.

b) Summary of Recommendation

Planning Permission be approved.

c) Planning Policies and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Dover District Council Local Plan

Policy DD21 states that horse-related development will be granted provided:

- i. it provides for the safety and comfort of horses in terms of the size of accommodation and land for grazing and exercising;
- ii. ease of access to suitable riding country can be demonstrated;
- iii. buildings are of a high standard of design and construction and they, together with the related equestrian activities, do not adversely affect the character or appearance of the countryside or areas of historic environment;
- iv. where possible, existing buildings should be converted for such use in preference to the erection of new buildings but where new buildings are required these should be sited to relate visually to existing buildings; and
- v. the amenities of nearby residents are not adversely affected.

Conditions may be imposed requiring jumps to be removed when not in use and for buildings or structures to be removed when the use ceases. Conditions may also be imposed to limit the number of horses on the site

Dover District Council Core Strategy

Policy CP1 states that the location and scale of development in the District must comply with the Settlement Hierarchy. The Hierarchy should also be used by infrastructure providers to inform decisions about the provision of their services.

Policy CP6 seeks to ensure that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.

Policy DM1 states that development will not be permitted outside of the urban/village confines unless specifically justified by other development plan policies, or if its functionality requires such a location.

Policy DM11 states that planning applications that would increase travel demand should be accompanied with a suitable assessment of this increase. This again reiterates that development outside of the urban/rural confines will not be permitted unless justified by Development Plan policies.

Policy DM13: states that parking provision should be design led and based on the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for non-residential development, and for residential cycle provision, should be informed by Kent County Council Guidance SPG4, or any successor

Policy DM15 relates to the protection of the countryside and states that development that would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted if the development accords with the specified criteria:

- (i) in accordance with allocations made within Development Plan documents;
- (ii) justified by the needs of agriculture;
- (iii) justified by a need to sustain the rural economy or a rural community;
- (iv) it cannot be accommodated elsewhere;
- (v) It does not result in the loss of ecological habitats

Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on the character of the countryside.

Policy DM16 reaffirms the importance of landscape character and the protection of this to ensure its character and appearance is maintained and enhanced.

National Planning Policy Framework (NPPF) 2012

- Paragraph 7 sets out the three dimensions to sustainable development. These are set out as follows:
 - (i) an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - (ii) a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - (iii) an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- Paragraph 8 states that these roles 'should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly

and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.'

- Paragraph 14 states that there is a presumption in favour of sustainable development, and where the development plan is absent, silent or out of date this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole.'
- Paragraph 28 refers to the need to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
- Paragraph 109 relates to the need to protect the natural and local environment by protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services and minimising the impacts on biodiversity.

National Planning Policy Guidance (NPPG)

This provides guidance on matters relating to the main issues associated with development, and how decision making should take place.

Other Documents

The Kent Design Guide sets out design principles of development.

d) Relevant Planning History

DOV/97/00309 Erection of a Conservatory – retrospective – Granted.

DOV/16/01145 Erection of a two storey side extension and detached double garage - Granted.

There is no other planning history relevant to this planning application.

e) Consultee and Third Party Comments

Dover District Council Environmental Health Officer was consulted and raised no objection to the proposal subject to the imposition of a construction management plan condition.

Dover District Council Tree Officer was consulted and raised no objections to this proposal.

Dover District Council Ecologist was consulted and raised no objections to this proposal.

The Environment Agency was consulted and raised no objections to this proposal.

Kent County Highways were consulted but expressed the view that this application fell outside of their remit for comment, given its scale. The matter of highways impact is considered in full within the report.

Kent County Council Public Rights of Way Officer was consulted and raised no objection to this proposal.

Shepherdswell and Coldred Parish Council was consulted and initially raised concerns with regards to the proposal, but with the removal of the floodlighting from the scheme raise no objections.

Councillor Walker was consulted on the application and acknowledged the level of local concern, and requested that the application be heard at Planning Committee.

Councillor Ovenden was consulted and supports the application.

Representations

Neighbouring occupiers were notified of this application, and 20 letters of objection have been received. The concerns raised within these letters are summarised below:

- The increased traffic upon the highways;
- The horses could lean over the fence and intimidate walkers;
- Impact upon bats;
- The trees have already been removed;
- There would be visual harm to the countryside;
- It is an over-intensive form of development;
- Impact upon the existing water supply to nearby houses;
- Impact upon residential amenity;
- The impact of manure stored on site, and its management;
- The proliferation of equine uses;
- The impact upon the existing drains.

There is one letter of support. The reasons for support are summarised below:

- Great for a sense of community;
- No significant impact upon the highway network.

f) The Site and the Proposal

1. The site comprises a detached brick and tile two storey dwelling which is of mid Twentieth construction. The house sits well back from the road within a large plot and has a large terraced area to the rear. There is a large area of gravel hard standing in the northern corner of the plot that serves as a parking and turning area. The garden area is extensive although the rear portion of this has been subdivided and at present there is one horse grazing at the rear. Aside from a temporary fence, this area of land reads as being within the curtilage of Deerleap, which appears to have occurred over the passage of time.
2. The applicants also own a significant area of land to the rear and to the north of the site, which is shown as 'blue land' on the planning application.

3. The site lies at the extreme end of Shepherdsweil on the edge of the open countryside with the land sloping North West to South East and towards the rear of the site. There is an existing hedge that runs along the side and rear boundary of the application site, although this is thin in parts. It is noted that trees that were previously along this boundary have been cut down in the recent past.
4. The site lies within the open countryside, although not within any designated area. There are properties to the south-west of the application within Hazling Dane which were constructed in the mid Twentieth Century. These properties are separated from the application site by Coldred Road, which they back on to – with close boarded fencing along its southern side.
5. To the north and west of the site are larger, detached properties, namely 'Downside', 'Linden' and 'Roundhill' – all of which have sizeable set-backs from the highway.
6. To the north and east of the application are open fields, and the land falls gently to both the north and east from the application site.

Proposal

7. This is a full planning application seeking permission for the change of use of land for the keeping of horses together with the erection of a stable block, menage and associated landscaping along the boundaries. The proposal would be to enable the applicant to run the stabling as a business, as well as to keep their own horses on site. It is likely that the stabling would be for up to 8 customers to utilise with the applicant using two themselves.
8. It is likely that the running of these commercial stables would require additional staff on site, but that this would be limited to a part time member of staff in the first instance.
9. The area proposed for the menage within the site would be 40 metres by 20metres, and located at the eastern end of the application site. It is proposed that the stable block be erected along the northern and eastern boundary, to accommodate up to 10 horses at any one time.
10. The stables would have a length of 33.6metres along the eastern boundary, and 18metres along the northern boundary. They would have a height of 2.7metres from ground level and would be constructed of timber.
11. A new gate is proposed within the eastern boundary to allow access to grazing land beyond the application site.
12. Initially the application included the provision of floodlighting to the menage, but following concerns raised by the Council over the impact upon the countryside, this has been removed from the proposal. The only lighting now proposed is that required for the stabling.
13. Any fencing within the application site would be of post and rail construction.

Main Issues

14. The main issues in the determination of this planning application are:

- The principle of development;
- The impact upon the character and appearance of the locality;
- Economic benefits of the proposal;
- The impact upon highway safety; and
- The impact upon residential amenity.

Principle of Development

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
16. The NPPF states that any proposed development that accords with an up-to-date Local plan should be approved and that which conflicts should be refused unless material considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development and for decision taking his means approving development that accords with the development Plan.
17. The District Council policy DD21 allows for equine development within rural areas, subject to a number of criteria being met. These are:
 - i. it provides for the safety and comfort of horses in terms of the size of accommodation and land for grazing and exercising;
 - ii. ease of access to suitable riding country can be demonstrated;
 - iii. buildings are of a high standard of design and construction and they, together with the related equestrian activities, do not adversely affect the character or appearance of the countryside or areas of historic environment;
 - iv. where possible, existing buildings should be converted for such use in preference to the erection of new buildings but where new buildings are required these should be sited to relate visually to existing buildings; and
 - v. the amenities of nearby residents are not adversely affected.
18. Furthermore, policy DM1 of the Core Strategy allows for development outside of the village confines where its functionally requires such a location. This particular use clearly requires a rural location.
19. Given there is a policy that allows this in principle, and given that the National Planning Policy Framework (NPPF) is supportive of the rural economy, it is not considered that the principle of development is therefore unacceptable subject to these criteria being fully assessed, alongside all other material considerations.

Impact upon the Character and Appearance of the Locality

20. Policies DM15 and DM16 of the Core Strategy seeks to protect the character of the countryside, and states that development will only be permitted where there would be no harm to its character and that development should only take place where a rural location is justified.
21. Clearly in this instance, a rural location is justified as the functionally requires such a location, and as such the assessment should be made as to whether the development is well designed, and would not harm the character and appearance of the locality.

22. The site lies wholly within an existing curtilage of Deerleap, and whilst concern has been raised with regards to the removal of some trees along the boundary (which is regrettable but is due to the leaves being poisonous to the horses) it is considered that the site remains relatively well contained, and that the provision of a menage would not be highly visible from outside of the site, and certainly not from medium to long distance views.
23. Furthermore, it is considered that the stabling, as proposed would also have very little impact upon the character and appearance of the locality. These are buildings that one anticipates seeing within a rural context, and with a low ridgeline, and timber construction would not appear incongruous within the locality.
24. Additional planting should be provided along the boundaries, particularly where this has been removed to date, and I would therefore recommend that a landscaping condition be imposed that would ensure that the development be further softened from outside of the site.
25. Initially the application included floodlighting, and the Council were of the view that this would have been unacceptable, causing harm to the locality, but given that this is now removed from the proposal, no concern is raised (any lighting upon the stable, subject to details being submitted is considered acceptable).
26. The keeping of horses can result in additional subdivision of land by fencing or other means – such as tape and there can be associated problems with regards to visual amenity and the appearance of the countryside where horse related paraphernalia such as jumps can result in clutter. Accordingly it is considered that conditions restricting sub-division of the lands and controlling storage and keeping of any horse related items can reasonably be imposed
27. Given the above, I am satisfied that the proposal complies with criterion iii of Policy DD21, or Policies DM15 and DM16 of the Core Strategy.

Economic Benefits of the Proposal

28. The proposal would result in effectively a new business within a rural area, and this would bring about an element of economic benefit. It is not clear from the submission whether this proposal would meet growing demand, or replace existing uses elsewhere, but nevertheless, the construction of this development, together with the future use would provide onsite work for the owner and any subsequent staff.
29. The applicant has not indicated within the application forms how many members of staff would be brought about by this proposal, however further discussions have indicated that this would be likely to bring about at least one part time worker, alongside the site owner.
30. Concern has been raised that this would result in the proliferation of equine uses within the locality, but from my site visit this was certainly not apparent, and I would see no likely harm to this form of business locally should permission be granted.
31. I therefore consider that this element of the NPPF (paragraph 28) has been complied with.

Impact upon Highway Safety

32. Significant concerns have been raised by neighbouring occupants with regards to the impact on the existing road network should this use be permitted.
33. Core Strategy Policy DM11 of the Core Strategy relates specifically to the impact of development upon the highway network, and requests that where appropriate, information be submitted to demonstrate the development can be accommodated. In this instance, the development is of a scale that would not result in a significant uplift in vehicle movements. The provision of 10 stables would be unlikely to see all users to be in attendance at the same time, with their arrival/departure likely to be staggered over the course of a day. In addition, staff will be provided on site for owners (of the horses) to utilise should they not be able to visit on any given day – reducing likely vehicle trips.
34. The concerns of residents are understood – the roads in the vicinity are narrow, and passing at points difficult. However, this could assist with road safety, in controlling vehicle speeds on the lane. Inevitably there will be a small rise in vehicular movements, but there is no indication that this would be of a significant level that would give rise to any highway safety concerns.
35. The applicants currently have a large area adjacent to the access that can be utilised for car parking. It is stated on the application form that this could provide for a total of 10 parking spaces, which from the site visit would appear to be achievable, with suitable turning also able to be provided. This parking provision is considered acceptable.
36. It is therefore considered to be no significant impact upon highway safety, and as such the proposal is considered to comply with Policy DM11 of the Core Strategy.

Impact upon Residential Amenity

37. Criterion (v) of Policy DD21 requires that the impact upon residential amenity is considered when determining applications for equestrian use. Paragraph 17 of the NPPF also requires that all development take this into account.
38. In this instance, the proposed use would be located a good distance from existing properties, being approximately 80metres from the nearest property in Hazling Dane, and 150metres from the nearest property on Mill Lane.
39. This is not a use that would be likely to generate a significant level of noise and disturbance, aside from the additional vehicle movements. Whilst there was concern with regards to the lighting, as stated this has now been removed from the proposal. The Council's Environmental Health Officer was consulted on this application and raised no objections to the proposal on the impact to neighbouring occupiers. An hours of use condition has been suggested in order to ensure that the development does not adversely impact residential amenity in terms of the coming and going of customers at inappropriate times.
40. There would be no other impacts upon the existing residents, and whilst concern has been raised with regards to horses intimidating walkers, and the impact upon water supply, it is not considered that either of these matters would warrant a ground for refusal. I am therefore satisfied that criterion (v) has been complied with.

Ecology

41. From my site visit it is clear that the garden is well maintained, with horses already grazing within it. As such, there is little likelihood of any existing significant biodiversity within the application site, aside from within the hedgerow, which is to remain untouched.
42. It was noted however that there were holes/burrows to the east of the application site – and their use/occupants were undetermined. Should this proposal have including more significant building works, it would have been suggested that appropriate surveys be undertaken, in case these are badger setts. However, as these supposed setts would be untouched by the proposal, and the buildings nearby would be small scale, and their use is conducive to countryside habitat activity. As such there would be no impact upon it.
43. I am therefore satisfied that this proposal would have no adverse impact upon biodiversity within the locality.

Other Matters

44. Criteria (i) and (ii) of Policy DD21 requires that suitable grazing land be available and accessible from any development. Both of these criteria are met by virtue of the proposed gate onto large areas of grazing land immediately adjacent to the site. The land that is available outside of the application site is of a scale that would be able to accommodate this number of horses.
45. Concern has been raised with regards to the management of the site and how manure, effluent will be dealt with. The applicants have an arrangement with a neighbouring farm for the manure to modest scale nature of this proposed use, this is considered acceptable.
46. With regards to drainage within the site, I would recommend that a condition be imposed requesting details to be submitted to ensure that there is no contamination of the ground once the stabling is erected and in use.

Conclusion

47. It is considered that this proposal complies with the requirements of both the local plan, and Core Strategy, being one that supports the rural economy and requires a rural location. The proposal therefore also accords with the objectives of the NPPF. There would no significant impact upon the character and appearance of the locality, residential amenity, or highway network, and as such I recommend that Members give this application favourable consideration and grant planning permission subject to the following matters being dealt with by condition.

g) Recommendation

I PERMISSION BE GRANTED subject to the following conditions:

- 1) Time limit
- 2) Correct plans
- 3) Drainage
- 4) Landscaping details
- 5) Landscape implementation

- 6) Provision of parking and turning facilities.
- 7) Details of the storage of jumps, horsesboxes etc.
- 8) Details of lighting on stables.
- 9) No subdivision of land at any time
- 10) No chattels, buildings, hard surfaced areas

- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Chris Hawkins