

- a) **DOV/18/00025 – Change of use from agriculture to private keeping of horses; erection of a detached stable block; formation of hardstanding for vehicle turning area and associated parking and new vehicle access and gates - Land between St Mary’s Grove and Chapel Road, St Mary’s Grove, Tilmanstone**

Reason for Report: Referred to Committee due to the level of public interest

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policy and Guidance**

Dover District Core Strategy 2010

- DM1 supports development within the built confines
- DM15 protects the character of the countryside
- DM16 protects the scenic beauty of the landscape
- DD21 saved policy which supports horse-related development

National Planning Policy Framework (NPPF)

- Paragraph 7 – the three roles of sustainable development
- Paragraph 17 – seek high quality design
- Paragraph 56 – good design as a key aspect of sustainable development
- Paragraph 75 – protect or enhance public rights of way
- Paragraph 109 – contribute to and enhance the natural environment

d) **Relevant Planning History**

No relevant planning history.

e) **Consultee and Third Party Responses**

Note: the representations and consultation responses were received prior to the amendments to the proposal which reduced the site area under consideration from 4.54 hectares to 1.3 hectares. Given this significant reduction in area and the largely neutral or positive responses from the statutory consultees, it was not considered necessary to re-consult following the amendments.

- Tilmanstone Parish Council

The Parish Council have not raised any objections to the proposal however wish to see sufficient security to the site to prevent misuse and hedging planted along the border of the land to reduce effects on adjoining properties.

- KCC Highways

The Highways Officer has noted that there would be sufficient visibility in the critical direction (eastwards) providing the roadside boundary planting/enclosures is kept below 1.0m in height. The visibility from the west is somewhat restricted however, given this is a narrow lane with a 30mph speed limit, vehicles exiting

the site could edge out until it is safe to proceed. There is already an informal field access in this location. No concerns have been raised.

- Tree Officer

The Tree Officer raised concerns to the originally submitted application which showed the proposed stables to be within the root protection areas of the protected tree line (TPO 1984, 1) and raised concerns regarding the bund of spoil on the land which is also within the root protection area (RPA). He requested that further information be submitted in the form of an Arboricultural Report, and Tree Protection Strategy.

Following this feedback, the position of the proposed stable block has been moved away from the RPA and agreement has been made that the bund will be removed. The requested reports were received and considered acceptable in view of the re-siting of the stables and removal of the bund.

No other concerns were raised.

- Environmental Health

No concerns were raised however requested conditions which would prevent the burning of any bedding or other waste on the land and the provision of the manure heap.

- KCC Public Rights of Way

KCC PROW raised no objections to the proposal but noted that the alignment of footpath EE404 must be kept open to the public.

- Southern Water

Do not raise any objection as there is no proposal to connect to the public foul sewer system. The site would employ a sustainable urban drainage system (SUDS) to deal with surface water which can be secured by condition.

- KCC Archaeology

No comments had been received at the time of the report. However, there have been archaeological finds in the field on the north side of St Mary's Grove from the application site and as such, an archaeological watching brief would be considered reasonable in this instance.

- Public Representations:

12 Objectors raised the following concerns:

- the proposal would result in the loss of agricultural land
- any lighting could be an issue for neighbouring residents and local wildlife
- the proposal would likely result in increased traffic in a narrow lane (St Mary's), and the lane is too narrow for 7.5 tonne horse boxes to turn into the site without disruption to the other road users
- there are a number of nearby residents who's gardens border the application site who are concerned about the potential for noise, smell, flies and, given

the level of flooding to the lane and low-lying land, could result in levels of pollution/contamination from urine/fecal run-off

- it would continue the pattern of an “unsightly equine suburbia” in what was once a “pleasant rural landscape”
- the site is a very large area for the private keeping of horses – what is the future of this site?
- The proposal would be deleterious to the enjoyment of the hamlet
- Highway safety concerns regarding the lack of sight lines possible for the proposed vehicle access – other applications for vehicle accesses have been refused in the past
- The laying of planings without a ground sheet could lead to land contamination
- Question whether a 7.5 tonne horse box could even turn into St Mary’s Grove
- there is no designated vehicle parking shown on the submitted plans
- the development would be ‘over-intensive’
- the development would bring no benefit to Tilmanstone
- the development would exceed the scale of the hamlet
- no details have been submitted regarding sustainable drainage
- no details regarding the storage of food have been provided – will a hay barn be the next step?
- would result in harm to the conservation area

8 Supporters raised the following points:

- the use of the land for horses is more pleasant to look at and would generate less traffic than housing or other possible developments – ‘better on the eye’
- area is surrounded by bridleways and is a perfect place for horses
- good to see an underused parcel of land being put to a good use
- will not create undue additional traffic
- the site will provide a safe and comfortable environment for horse welfare

f) 1. Site and the Proposal

1.1 The application site is an approximately 1.3 hectare (ha) area of land which forms part of a larger 4.54 ha agricultural site (mapping indicates it is ‘best and most versatile’ land). The site, which has not been farmed in a number of years, is located adjacent to Tilmanstone, in the open countryside. The total site (including the 1.3ha section subject of this application) is bounded to the north by St Mary’s Grove, to the south by a number of dwellings and open space which face onto Chapel Road, and to the east by Lower Road/Dover Road. The western boundary of the site is shared with a number of dwellings which face onto Upper Street and St Andrew’s Way and is largely open. The nearest dwellings are those in St Andrew’s Way, and Dene View and Upper Dane Cottage in Chapel Road.

1.2 The eastern boundary of the application site is enclosed by a long narrow stretch of woodland which is protected by a Tree Preservation Order (TPO 1984,1). The entire site of Danesfield House (beyond the treeline to the east) is an SSSI, and there is a public right of way running across the land; partially within the application site and largely across the larger parcel of land.

1.3 The application site forms a long, narrow, wedge-shaped piece of land which would measure approximately 280m in length (when measured from north to south) and approximately 58m at the widest point (when measured east to west). It is agricultural land but I understand that this land has not been actively farmed for a number of years. There is some fencing and gates and

an area of hardstanding associated with the proposed change of use already in situ as well as a bund alongside the eastern boundary with the TPO trees.

- 1.4 The proposal is for a change of use to allow the keeping of 7no. horses, for private use only, on the 1.3ha piece of land (outlined in red on drawing 138/E02 A); the area outlined in blue would remain in agricultural use which allows for horses to be grazed on the land. The proposal also includes the formation of a hardstanding, the erection of gates and fencing and the erection of a stable block to the northern end of the 1.3ha land. It would also include the erection of a fence with style/gate to the Dover Road/Lower Street boundary and any section of the overall site which is not secured for horses.
- 1.5 The vehicle access as proposal has been largely completed and planings for the hardstanding have been laid.
- 1.6 The stables, as proposed, would have stabling for 7no. horses, and a tack/feed room. The plan form would be 'L'-shaped and measure 23.1m in overall length, 9.8m in overall depth (the stables would be between 3.5m on the north-south ranger, and 3.8m in depth on the east-west range). The building would be of timber construction, clad in timber weatherboarding with a felt shingle roof, timber stable doors and bulkhead lighting. It would open onto the area of hardstanding towards the west and north. The lighting would be for use only for security and safety purposes when necessary.
- 1.7 The area of hardstanding would measure approximately 28m by 24m and would allow for the siting of the stable on the hardstand, and would allow sufficient space for the turning of a 7.5 tonne horse box lorry within the site. It would be surfaced with tarmac planings.
- 1.8 A three-sided manure heap would be provided to the east of the hardstanding, and north of the stables. It would measure 2.5m by 2.5m approximately. It has not been specified to have a concrete base.
- 1.9 The area north of the stables and manure heap and to the east of the stables, would be planted with hedging and bushes to reduce the overall visual impact of the proposal. No details as to species or final height/density of planting have been submitted.
- 1.10 Fencing would be erected to close off the yard (area of hardstanding), and to subdivide part of the land into 6no separate paddocks as well as providing for an area at the south-west end of the site which would be for open grazing. The remaining site outlined in blue on the submitted drawings would be enclosed where necessary at its boundaries to fully enclose the field to allow for grazing of horses. The fences would be of post, rail and wire construction integrating 5-bar gates (double gates at the vehicle access). Details have not been provided as to the exact locations where styles or gates would need to be placed to allow open access to the public footpath that runs through the blue land site.
- 1.11 There would be a 7.5 tonne horse box lorry kept on the site which would be used approximately once a month during the summer months. This would mean 2 movements of the horse box per month in the summer. There would remain sufficient space on the hardstanding for horse welfare and parking of family vehicles.
- 1.12 In general, the horses would be stabled each night and they would be fed in the stables, although there would be occasions in good weather when they

would remain in their paddocks or out grazing. They will be turned out daily into largely separate paddocks. The paddocks, along with the grazing area within the application site, and the grazing on the wider site, would allow adequate field rotation to avoid issues and should keep the land usable for exercising the horses for most of the year. There are a number of bridle paths in the local area which can be used to hack out.

- 1.13 The submitted information states that there is an arrangement in place with a local farmer to remove the manure heap from the application site weekly to use on their fields. All muck will be stored within the enclosure provided.
- 1.14 Two main amendments to the scheme have been negotiated to overcome Officer concerns. On the advice of the Tree Officer, the stable block is now to be located further from the protected trees and root protection areas. As originally submitted, the application was for the change of use of all 4.54ha of land. Given the proposal is for the keeping of 7 horses for personal/family use, this seemed excessive and through discussions it was determined that only part of this land needed to be changed for the keeping of horses and that what remained in agricultural use could be used for grazing providing the horses were not fed/kept on this land (land used for the purposes of grazing is defined as agriculture in the Act).

2. Main Issues

- Principle of Development
- Impact on the visual amenity, street scene, countryside and landscape
- Impact on residential amenity
- Impact on highways
- DD21 considerations
- Other matters

3. Assessment

Principle of Development

- 3.1 The application site is beyond any recognised built confines and is in the countryside. DM1 would require any development in the countryside to be ancillary to an existing lawful use of the land or the proposed development functionally requires such a location. The proposal is for horse-related development which does require a rural location. In this instance, it is considered that the proposal can be considered to functionally require the proposed location and as such, would be DM1 compliant subject to other material considerations set out below.

Impact on the Visual Amenity and Street Scene, Countryside and Landscape

- 3.2 The north boundary post, wire and rail fencing, double 5-bar gates and the stables would be visible in views from St Mary's Grove as well as some of the internal field divisions. The submitted plans show the planting of 'shrubs and bushes' between the proposed stable block and both St Mary's Grove and the

protected trees to the east. This would help mitigate the visual impact of the stables and would continue the green and somewhat enclosed, semi-rural character of St Mary's Grove. Some planting on the western boundary would also reduce the visual impact. A landscaping condition requiring details of species and timetable for the planting would be a reasonable condition to add to any permission to ensure both that the proposed hedging would be appropriate for screening, and would not result in any invasive planting which could harm the protected trees.

- 3.3 Apart from some of the fencing, very little of the proposed development would be visible from Chapel Road. There are some views across the garden of Upper Dane Cottage and through the public right of way across this garden. The majority of the development would be visible in views from the public footpath which crosses the site although the stable block would be around 200m away to the north reducing its visual impact.
- 3.4 The site is relatively visible from Dover Road/Lower Street. The land rises from Dover Road westwards with the main bulk of the proposed development at the highest points on the application site. Whilst a deep site, any horse-related paraphernalia would be visible and would result in added visual clutter to the otherwise open rural environment when viewed alongside the proposed fencing on both this boundary and the fencing enclosing the grazing paddock in the south-west corner. The field divisions would be necessary, in some form, if the principle of a private equine use is accepted and therefore, it would be considered reasonable to add a condition to any permission which would require all horse-related paraphernalia to be stored within the stable block when not in use to help mitigate against visual clutter.
- 3.5 The siting of the timber-clad stable block to the northern extremity of the application site, and the use of post, wire and rail fencing to divide the paddocks and secure the fields, would likely result in a development which is intrinsically rural in nature and would not introduce features which are incongruous or unsympathetic to the countryside. The proposal would not result in the loss of ecological habitats and the proposed planting scheme could be seen to enrich the local habitat. It has been shown that, at the time of the application, no other site was suitable for the needs of the applicant. Policy DM15 of the Core Strategy seeks to preserve the character of the open countryside and development which would result in harm would only be permitted where it is justified by the needs of agriculture, needed to sustain the rural economy or community, cannot be accommodated elsewhere, and it would not result in the loss of ecological habitats. As such, it is considered that the proposal would be unlikely to result in undue harm to the character of the countryside and would be DM15 compliant.
- 3.6 The surrounding landscape is typified by smaller divided fields and open farmland, copses and a more solid built form adjacent to the highway. The proposal would not result in the introduction of any feature which would be at odds with the area and landscape, and the stable block has been sited to best minimise the overall visibility within the landscape. The proposed planting of hedging and bushes to the north and east of the stable block would also help reduce the impact on the surrounding area. Policy DM16 of the Core Strategy permits development which would result in harm to the character of the landscape providing it can be sited to avoid or reduce the harm and /or incorporate design measures to mitigate the impacts on the landscape to an

acceptable level. As such, there would not likely be any undue harm caused to the scenic beauty of the landscape and would be DM16 compliant.

- 3.7 Concerns have been raised about the overall size of the proposed development. As previously noted, the comments received were based on the original submission which was deemed by the Planning Officer to be unduly large in its scale. Given the land would be for 7no horses for private use, and the area of land to be changed to private horse-related uses has been significantly reduced during the course of determination, it is considered that the overall scale of development would sit comfortably within its context which includes the adjoining hamlet of Tilmanstone.
- 3.8 Concerns have been raised by neighbours about the impact lighting could have on the site in terms of visual amenity, countryside and habitat. The only lighting proposed within the application would be bulkhead lighting under the canopy above the stables. Given the projecting roof above the lighting, there would be no impact on the night sky and it is unlikely to worsen light spill given the presence of a street light immediately opposite the application site on St Mary's Grove. A condition restricting any other lighting could be reasonably applied.
- 3.9 It is considered therefore that the proposed change of use and other horse-related development would not likely result in any undue harm to the visual amenity, street scene, countryside or landscape to a degree which would justify a refusal on these grounds.

Impact on Residential Amenity

- 3.10 The keeping of horses can lead to increases in noise and smell, concerns which have been raised a number of times during the consultation process. However, the proposed siting for the muck heap is well away from the nearest dwelling (60m to Danesfield House and 80m to Church House) and as such, should not result in undue harm.
- 3.11 The majority of the fields and paddocks are well away from any sensitive receptor and the Environmental Protection Officer raised no concerns as regards smell or noise. Any issues which may occur can be dealt with under noise or smell nuisance Environmental Protection legislation.
- 3.12 The use of the land for the private keeping of horses should not result in any undue additional noise in the area. A commercial use, such as a riding school or livery, could result in unacceptable levels of noise, as well as increased traffic pressure, parking pressure and smells and as such, should permission be granted, a condition restricting the use of the land to private keeping of horses only, with no commercial uses at any time would be appropriate and reasonable.
- 3.13 To avoid any over-intensive use of the land, even privately, the number of horses to be kept on the land at any one time could be restricted to the 7no. specified in the application documentation as belonging to the applicants and their family.
- 3.14 The stable block would be sited away from any residential boundary, and given the modest height, would not result in the loss of outlook, loss of light,

sense of enclosure or have an overbearing impact on any residential neighbour.

- 3.15 There is no building or other development which would result in a loss of privacy, overlooking or interlooking to any neighbouring dwelling or residential garden. However, horse-riding provides an elevated vantage point which could, albeit temporarily and to a minimal degree, increase the perception of overlooking and loss of privacy. The western boundary of the site is largely screened with existing mature vegetation. However, there are a number of gaps and openings within the vegetation and it is considered that, as part of the landscaping scheme recommended in 3.2, hedging be planted along all boundaries shared with residential properties within the application site to form an unbroken screen. This would largely mitigate against any potential undue harm which could result from the elevated vantage point afforded a horse rider. The hedging would need to be allowed to grow to 2.0m and kept at this height thereafter.
- 3.16 It is considered therefore that there would likely be no harm to residential amenity which could not be overcome through the imposition of a suitable condition.

Impact on Highways

- 3.17 As noted in the consultee comments, the Highways Officer did not raise any objections to the proposal for a vehicle access as proposed. It was noted that visibility to the east, in the critical direction, would be almost 43m providing that any vegetation along this boundary within the site line remained below 1.0m in height. This could be a condition of any permission. It was also acknowledged that there would be more limited visibility to the west. However, this road is very narrow and within a 30mph zone and as such, it was considered that for the low number of vehicle movements likely with the proposed use, a vehicle could safely 'edge' out until it is safe to proceed.
- 3.18 The submitted drawings show adequate space within the site on the area of hardstanding, for the turning of the horse box lorry. There would be adequate parking for family cars within the site.
- 3.19 It is considered therefore that there are no highway safety concerns which cannot be overcome through the imposition of planning conditions.

Impact on Heritage

- 3.20 Comments received have noted the potential impact the proposed development could have on the Tilmanstone Conservation Area. The boundary of the conservation area does not border the application site at any point and the majority of views from within the conservation area would be private views from the garden areas of the residents on Upper Road. There would be some limited public views of the fencing and the horses (the stables would be largely screened) from within the conservation area, notably across the garden area of Church House. It is not considered that there would be any harm caused to the character or appearance of the conservation area as the publicly visible part of the development would not be at odds with the rural nature of the surrounding area nor would post and beam fencing introduce an incongruous feature to the setting of the conservation area. However, any

impact would be largely mitigated through the condition for a native species hedgerow discussed in section 3.2 above.

Horse-Related Development

- 3.21 Saved policy DD21 sets out the criteria for horse-related development. It requires the development to: provide for the safety and comfort of horses in terms of the size of accommodation and land for grazing and exercising; provides ease of access to suitable riding country; buildings are of a high standard of construction and together with the related equestrian activities, do not adversely affect the character of the countryside or historic environment; amenities of nearby neighbours are not adversely affected; and new buildings should be sited to relate visually to existing buildings.
- 3.22 As noted in 3.20, 3.5-3.8 above, there would be no harm caused to the setting of the nearby conservation area, nor would there be any undue impact on the character of the countryside or of the scenic beauty of the surrounding landscape.
- 3.23 The siting of the stable block towards St Marys Lane would be more related to the prevailing street scene characteristics than a structure set back from the highway. As such, it is considered that the proposed siting for the stables would be adequately visually related to the existing built form of Tilmanstone.
- 3.24 As noted in 3.16, there would be no undue adverse effect resulting from the proposal on the amenity of any residential neighbour.
- 3.25 The application site is surrounded by a number of bridleways and whilst the application relates to the change of use of a 1.3ha section of the land, there is a total of 4.54 ha of land available for grazing of the horses.
- 3.26 The proposal therefore, would comply with the requirements of DD21 and in accordance with this policy and in the absence of other contradictory material considerations, should be permitted.

Other Matters

- 3.27 Some works have already been undertaken and a temporary stop notice served on the owners of the land. Whilst the gates, fences and hardstanding are considered acceptable, the spoil bund would need to be removed as it is within the root protection area of the TPO trees on the eastern boundary. This could be secured through a condition requiring the removal of the bund prior to the provision of the stables on site or the proposed use of the land commencing.
- 3.28 It has been noted that the owners of the land live at some remove from the application site which could present issues in terms of security or emergencies on the site. Their daughter lives somewhat closer and is looking to move much closer but does not yet live nearby. It is noted that a dwelling in this location would be unacceptable and contrary to policy.
- 3.29 It should be noted that horses can be grazed on agricultural land without resulting in a change of use of the land. As such, no specific mitigation would be required along neighbouring residential boundaries beyond the application site itself. Given this, and the proposed hedge/bush planting behind the stable

block within the application site, the impact on the adjoining SSSI at Danesfield Court would not be impacted and Natural England did not therefore require formal consultation.

- 3.30 The loss of 'best and most versatile' land is not considered detrimental in this instance. The proposed site was not large enough to require consultation with Natural England and given the proposed use, would be easily reversible to farmable land should a time come when the land was no longer required for equine uses.

4. **Conclusions**

- 4.1 It is considered that the proposed change of use and other horse-related development would not likely result in undue harm to the visual amenity or street scene of the area nor to the character of the countryside or the scenic beauty of the landscape.
- 4.2 It is considered that the proposed change of use and other horse-related development would not likely result in undue harm to the residential amenity of the adjacent dwellings.
- 4.3 It is considered that the proposed change of use and other horse-related development would not cause any highway safety concerns.
- 4.4 On balance, it is therefore concluded that planning permission should be granted with conditions.

g) **Recommendation**

- I Planning Permission BE GRANTED subject to the following conditions:

1) 3 year commencement; 2) Built in accordance with the approved drawings; 3) samples of finishes; 4) restriction on use to private/family, no commercial; 5) restriction on number of horses to be kept on the site at any one time; 6) submission of a landscaping scheme which list species, density and mature height of hedging/bushes to be planted around stable and to boundaries; 7) details of gates/styles which would impact the public right of way; 8) storage of horse-related paraphernalia within the stable block; 9) no burning of bedding or waste on site; 10) vegetation within the visibility splay shown on approved drawings shall be maintained at a height of no more than 1.0m; 11) the base of the muck heap shall be concrete; 12) details of on-site sustainable surface water drainage; 13) details of security and emergency arrangements; 14) bund shall be removed from site prior to erection of stables or use hereby permitted commences; 15) no lighting on stables/site other than as hereby permitted; 16) details of treatment of first 5m of vehicle access – to show a bonded material; 17) archaeological watching brief.

- II Powers 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

Andrew Wallace