

- a) **DOV/18/00820 – Change of use of former dairy building to stables, workshop and ancillary use; re-grading of farmyard; formation of hardstanding adjoining potato barn and installation of a culvert - Molland Farm, Molland Lane, Ash, Sandwich**

Reason for Report: Number of contrary responses.

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policy and Guidance**

Dover District Core Strategy 2010

- DM1 - Development within the built confines.
- DM4 – Re-use or conversions of rural buildings.
- DM15 - Protection of the countryside.
- DM16 - Protection of the landscape.
- CP1 – Settlement Hierarchy.

Dover District Local Plan (2002

- Saved Policy DD21 – Horse-related development.
- Saved Policy ER6 – Lighting in the countryside

National Planning Policy Framework (NPPF) 2018

- Paragraph 8 – the three objectives of sustainability.
- Paragraph 11 – presumption in favour of sustainable development.
- Paragraph 83 – prosperous rural economy.
- Paragraph 127 – achieving well-designed places.
- Paragraph 130 – permission should be refused for poor design.
- Paragraph 170 – decision should contribute to and enhance the natural and local environment where possible.
- Paragraph 180 – development is appropriate for its location.
- Paragraphs 193-196 – impact on historic assets.

DDC Landscape Character Assessment (2006)

Preston and Ash Horticultural Belt

d) **Relevant Planning History**

No relevant history.

e) **Consultee and Third Party Responses**

Ash Parish Council: No objection.

Environmental Health: No concerns raised.

East Kent PROW: Object as the increased use of the area of hardstanding would increase the number of vehicles crossing the footpath.

KCC Highways: The proposal would not result in increased vehicle movements providing the extended area of hardstanding is not used for external storage, and that further details are sought with regards to the workshop and equine use. These details were sought and no further concerns have been raised.

Third Party: 2 no. Support; 8 no. Objections

- Concerns raised that farmyard has been made much larger.
- Traffic concerns on to A257.
- Should use barn on other side of road only.
- Carpenter's workshop would result in noise.
- Intend to bring produce from other farms.
- The site is an eyesore.
- Increase in farm traffic.
- Impact on amenity of Molland House B&B.
- Dust from the turning area/extended hardstanding impacting Molland House.
- Looks like an industrial site in a village.

- Cleaned up an eyesore and returned site to usable farmyard.
- No increase in vehicle movements.
- It was never maintained in the past; now looks fit for purpose.
- Will help support a rural farm business.

f) **1. Site and the Proposal**

- 1.1 Molland Farm is a large agricultural holding which has been divided by the Ash Bypass (A257). As such, it has farm buildings on both the north and south side of the A257 with the majority of the actively farmed land to the north whilst the majority of the farm buildings are on the south/Ash side. The application site takes in the main farmyard on the south side of the road and is surrounded by approximately 6ha of unfarmed arable land (this surrounding land is not included within the application site). The yard is partially separated from the surrounding land by a culvert which connects two drainage ponds; both within the surrounding farmland but outside of the application site. There are currently 3no. buildings on this land; a potato storage barn which is still in use as such, an open shelter for the storage of potato bins and hay (again, this is still in use), and a lower building which is formed of 4no. open-fronted bays, an office and workshop area. This building was derelict and the north-eastern wall had collapsed and is referred to as the Old Dairy.
- 1.2 The application site is largely screened from views from the A257 by a line of mature vegetation and the rise in ground level from the Bypass up to the farmyard. Only glimpses of the roof line of the larger barns is possible. To the north-east, the site is enclosed from views by mature vegetation although it remains open to the unfarmed arable land surrounding the site. The principal views are from Molland Lane and the public footpath. Molland Lane is 150m away from the application site but there is little screening of any form. Molland House, a Grade II listed building, is located within 25m of the farmyard. Public Footpath EE119A runs alongside Molland House and crosses the application site between the potato store and the old dairy building and down the access road.
- 1.3 Work has already been undertaken on the land without the benefit of planning permission. To this point, the works have mainly been the removal of several tons of builders spoil which had been left on the site by the previous tenants,

raising the land level within the farmyard by several metres. This builders spoil had accumulated on the site over several years, limiting access to the farm buildings. Restoration works have been undertaken by the applicants to reduce the land levels within the last 9 months, which is part of the development being applied for. This has allowed for unfettered access to all three agricultural buildings on the site..

- 1.4 The application also seeks permission to retain an enlarged area of hardstanding to the rear (south-east) of the potato storage barn which also included the installation of a culvert. The works have been recently completed and do not impact upon the public footpath running through the site, nor does it disrupt the drainage ditch connecting the two drainage ponds on the surrounding land.
- 1.5 The Old Dairy is being used for the keeping of horses. At the time of the site visit, there were 9 young ponies using the Old Dairy for shelter whilst a section of the farmyard (about the same area as the Old Dairy) was enclosed with bales of hay as a wind break and enclose as the dairy is open to the front. The repair works to the dairy were already completed.
- 1.6 The change of use of the Old Dairy is to allow the applicants to let out this space to a local horse breeder to keep some of the horses or ponies at times when there are too many to keep on his own land. The applicants have stated that this type of diversification is necessary to help support the ongoing farm business. The 4no. bays of the Old Dairy would be the only part of the farmyard to change use to the keeping of horses; the workshop (not a carpenter's workshop as noted in some of the consultation responses) and office space would remain ancillary to the farm and the land surrounding the application site would be used to graze the horses. No horses would be kept anywhere else within the farmyard and would generally be grazed around the clock, weather and grazing fodder permitting.
- 1.7 Overall therefore, the application is seeking to regularise the works which have already been carried out on the land and the change of use of part of the Old Dairy building to allow the continued keeping of horses.

2. Main Issues

- Principle of Development
- Impact on the visual amenity, countryside and landscape
- Impact on residential amenity
- Impact on heritage
- Highways and footpaths

Assessment

Principle of Development

- 2.1 The application site is outside of the settlement confines of Ash. As such, regard must be had, in the first instance, to Policy DM1 of the DDC Core Strategy (2010) which seeks to restrict development beyond settlement confines unless it functionally requires such a location, or is ancillary to the lawful use of the land. In this instance, it can be considered that the keeping of horses functionally requires a rural location, and the works for the re-grading of the land and the extension to the area of hardstanding would be ancillary to the use of the land as part of an agricultural holding. The proposal

is considered to be compliant with Policy DM1 of the DDC Core Strategy (2010) but remains subject to other material considerations.

Impact on Landscape and Countryside

- 2.2 The application site is not within any designated landscape but was covered by the DDC Character Assessment (2006) and is within the Preston and Ash Horticultural Belt. Views of the site are very limited from the Ash Bypass, but there are views possible from both Molland Lane, and from the right of way which runs adjacent to the northern boundary of Molland House and then passes through the application site, over the extended area of hardstanding passing between the potato storage barn and the proposed stables.
- 2.3 The previous unauthorised land raising was of such a degree that it would have substantially impacted the character of both the countryside and landscape and would have been visible in views from Molland Lane and from the public footpath. The level of the farmyard has now been lowered by an average of 2m. It is considered therefore, that the re-grading and removal of the bulk of the unauthorised builders spoil has significantly improved the appearance of the site in views from both Molland Lane and from the footpath. It has also allowed for the farmyard to be brought back in to a practical, agricultural use.
- 2.4 The extension of the hardstanding (laid to gravel) behind the potato storage barn is to allow for the turning of lorries on the occasions when required. This area is visible from the public footpath which crosses it and 'bridges over' the drainage ditch connecting two drainage ponds together. A culvert has been installed which does not therefore, disrupt the drainage ditch. The land to the west of the ditch, forming part of the farmyard, was already laid to hardstanding and the east side has been re-grassed in preparation for the grazing of horses; it is unlikely that the small section of ditch covered over would have provided significant habitat for local wildlife. There is no development involved which prevents continued use of the public right of way.
- 2.5 Overall therefore, It is considered the operational development proposed has improved and enhanced the visual quality of the site and returned the form and appearance to something like it used to be. As such, would be unlikely to result in any harm to the character of the countryside or landscape and would be compliant with Paragraph 170 of the National Planning Policy Framework (2018) in this regard and with Policies DM15 and DM16 of the DDC Core Strategy (2010).
- 2.6 There are currently no plans to physically alter the building for the keeping of horses; stall doors and divisions may be added in time. Saved Policy DD21 of the Local Plan 2002 states that horse-related development will be granted provided:
 - 1) It provides for the safety and comfort of horses in terms of the size of accommodation and land for grazing and exercising;
 - 2) Ease of access to suitable riding country can be demonstrated;
 - 3) Buildings are of a high quality design and construction and together with the related equestrian activities, do not adversely affect the character or appearance of the countryside or areas of historic environment;
 - 4) Where possible, existing building should be converted;
 - 5) Amenities of nearby residents are not adversely affected.

- 2.7 During my site meeting with the applicants, and subsequently confirmed by an email from an agent acting on their behalf received 28 January 2019, the horse keeping use applies only to the Old Dairy, and only the open half of this building (the workshop and office space would remain ancillary to the agricultural use of the land). This is where any horses being grazed in the adjacent fields would be fed in lean grazing times and where they would be brought in during inclement weather.
- 2.8 Having looked at the space within the building, I consider there is sufficient space for the keeping of 4 horses, or up to 8 young ponies at any time; more than this would be contrary to British Horse Standards and to Point 1 of Policy DD21 outlined above. The number of horses can be secured by a planning condition.
- 2.9 Based on the British Horse Society's standards, the surrounding fields are sufficient to provide maintained grazing for up to 14 horses (or more ponies if young). As such, it is considered that the fields would be adequate to satisfy point 2 of Policy DD21.
- 2.10 As the stables would be formed within an existing building, point 3) is not relevant and the proposal would satisfy point 4). The keeping of the horses in the stables, and the grazing of the horses on the adjacent land are unlikely to result in any harm to existing residential amenities; this was formerly a dairy farm which would have created more noise and smell.
- 2.11 It has been confirmed that the horses would belong to someone other than the applicants, who would be renting the stable space which would diversify the applicants' income stream, ancillary to the principal use of the land for farming. The horses are not being ridden and the site would provide a stabling facility for horses or, as is the case at the moment, young ponies. This site otherwise remains a working farmyard, including the potato storage building. It is considered that the proposal would be compliant with Saved Policy DD21 of the DDC Local Plan (2002).
- 2.12 There is no new lighting proposed as part of this application. However, in the email received 28 January 2019, it was noted that there may be some new lighting installed to allow safe care of the horses and this would be only used when someone was on site. At this stage, given the lack of detailed information and as no any lighting has been included in the submitted drawings, it would be reasonable to apply a planning condition requiring further details. This would be to protect the character of the countryside, landscape and night sky and to accord with Paragraph 180 of the National Planning Policy Framework (2018) and Saved Policy ER6 of the DDC Local Plan (2002).
- 2.13 In summary, the re-grading of the land levels has resulted in a marked improvement to the visual quality of the site itself, and to the character of the countryside and landscape. The extension to the hardstanding would have a neutral visual impact on the character of the countryside and landscape given the limited increase in area, and would have been unlikely to have resulted in the loss of any wildlife habitat. Finally, the change of use of the Old Dairy to allow the keeping of horses does not involve any new operational development and would be unlikely to result in any impact on the character of the countryside or landscape. As such, the proposal would be compliant with

Paragraphs 170-175 and 180 of the National Planning Policy Framework (2018) and to Saved Policies DD21 and ER6 of the DDC Local Plan (2002).

Visual Amenity of the Streetscene

- 2.14 As noted above, there are public views of the application site from Molland Lane (150m away to the east) and from the public footpath crossing the site. No harm to the character and appearance of the countryside or landscape was identified above. For a site in the countryside, if no harm has been identified to either the countryside or landscape, it is unlikely there would be any harm to the visual amenity of the street scene. As such, the impact on views from the footpath would likely be negligible.
- 2.15 However, the application site is also visible from within the built up area within the settlement confines (Molland Lane). The settlement confines are located 160m from the application site and any views from the built up area are necessarily over a distance. The land in this area is relatively flat and as such, the unauthorised raising of land levels would have been significantly more visible. The re-grading of the land has likely enhanced the visual amenity of the site. The site is a working farmyard and now appears as such.
- 2.16 The Old Dairy opens into the farmyard and has the rear wall facing Molland Lane. The keeping of horses as such would have little to no impact on the visual amenity of the street scene.
- 2.17 Overall therefore, it is unlikely that the proposed works or change of use would have any impact on the visual amenity of the street scene. It is considered that the proposal would be compliant with Paragraphs 127 and 130 of the National Planning Policy Framework (2018) in this regard.

Impact on Heritage

- 2.18 Paragraph 189 of the NPPF states that “in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”.
- 2.19 Paragraph 195 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Where development would lead to serious harm then planning permission should be refused. Where there is less than substantial harm the consideration has to be given to the criteria set out in paragraphs 196 and 197 of the NPPF.
- 2.20 As noted above, the re-grading of the site has enhanced the visual quality of the application site. Given this, it can be considered that the proposal would in turn enhance the setting of the nearby Grade II listed Molland House. The use of the Old Dairy for the keeping of horses would be unlikely to have any negative impact on the setting of the historic dwelling as it faces away from Molland House, into the farmyard itself.

- 2.21 The enlargement of the hardstanding has brought the hardstanding somewhat closer to Molland House (about 3m closer at the maximum), has only increased the overall area of hardstanding modestly and has largely 'squared off' what was an oddly shaped and more informal area of hardstanding. It remains separated from the listed building by both existing and newly planted vegetation. The newly planted vegetation is not within the application site and cannot therefore be conditioned however, the area of hardstanding would be unlikely to result in any harm to the setting of the heritage asset as it is typical of a farmyard and would therefore be in keeping with its setting.
- 2.22 Overall therefore, the proposal would not be likely to result in material harm to the historic or architectural interest of the setting of the host listed building and would therefore be in line with Paragraphs 193-197 of the National Planning Policy Framework (2018).

Impact on Residential Amenity

- 2.23 The closest residential neighbour, Molland House, is located approximately 20m from the enlarged hardstanding, beyond the existing and newly planted vegetation. No noise concerns were raised by Environmental Health with regards to the turning of lorries on this land. It is unlikely that there would be a high number of vehicle movements onto the site given the potato barn is already in use as such and would not be expanded. Any future noise nuisance could be dealt with under Environmental Protection legislation.
- 2.24 No information has been provided with regard to the storage and disposal of manure and muck. However details of the waste management scheme can be secured through a planning condition. There would be no livery use of the site, nor any riding of the horses and this can be secured by planning condition. Given this, the use of the Old Dairy for the keeping of horses is not likely to result in any impact on amenity. The proposal would be unlikely to result in any harm to existing residential amenities and would therefore be compliant with this aspect of Paragraph 127 of the National Planning Policy Framework (2018).
- 2.25 The grazing of horses on agricultural land does not constitute a change of use and the grazing land is also outside of the red line of the application site.

Highways and Footpaths

- 2.26 KCC Highways requested that a condition securing against outdoor storage on the area of hardstanding be applied to any permission and that further details with regards to the horse use be obtained. Whilst outside storage on the enlarged section of the hardstanding can be restricted, it cannot be restricted on the existing section of the hardstanding which has been in place for a number of years. Whilst the intention of this condition would be to ensure against an over-intensification of the use, thereby requiring more vehicle movements into and out of the application site, this is not considered reasonable. There are no restrictions on the remainder of the farmyard and as such, whilst the hardstanding could be retained only for the turning of vehicles, this would not stop the potential for extensive external storage on the remainder of the application site. It is not considered reasonable to restrict the use of the area of hardstanding in this instance.

- 2.27 The information requested by KCC Highways was requested and submitted and it was clarified that the proposed use, whilst renting out stable space, would not be equivalent to a traditional livery use. As noted previously, a planning condition can be applied to prevent the use of the land for any additional commercial equine use. The horse use is low-key and does not involve commercial activity as such and would be unlikely to unduly add to traffic generation.
- 2.28 It has been noted that the barn provided on the north side of the bypass should be used and not those on the south as this barn was provided by the Highway Agency to overcome the need to cross over the bypass. It was not the intention for the barn on the north side to replace those on the south. It was intended to help reduce the need and frequency of the crossings. The application site has never ceased being part of Molland Farm or ceased being an integral part of the farm infrastructure.
- 2.29 The proposed development would not block or re-align the existing Footpath EE119A. East Kent Public Rights of Way have objected to the extension to the hardstanding on the grounds that increased vehicle traffic would cross Footpath EE119A. Whilst I understand this view, either a footpath was put through an existing farmyard, or farm buildings were permitted on either side of the footpath. I do not consider that this objection can be sustained given that the works to the hardstanding could be considered permitted development and vehicles already cross the footpath at several other points within the application site. The situation would not be materially worsened as a result of this proposal.

3. Conclusion

- 3.1 The proposal would provide an element of financial support to an existing agricultural business. In economic terms, the minor element of diversification would bring about a benefit. It is not considered that the proposed works or change of use would result in undue harm to the visual amenity of the street scene nor to the character of the countryside or the scenic beauty of the landscape and would be compliant with Paragraphs 127 and 170 of the National Planning Policy Framework (2018) and Policies DM15 and DM16 of the Core Strategy (2010).
- 3.2 It is not considered that the proposed development would result in any undue harm to the residential amenities of the adjacent dwellings and would comply with Paragraph 127 of the National Planning Policy Framework (2018).

g) Recommendation

- I Planning Permission BE GRANTED subject to the following conditions:
- 1) In accordance with approved plans;
 - 2) Details be submitted outlining a scheme for waste/muck management;
 - 3) The use of the former dairy building for the keeping of horses hereby permitted shall be strictly limited to use for the stabling of horses which are grazing the land within the application site [and the storage of associated equipment and feed] and shall at no time be used for any other purpose, including the keeping of horses at livery

(whether the care of such horses is provided by the owner of the horse or otherwise) or as a riding school.

Reason: In the interest of residential amenity and highway safety;

- 4) Details of any external lighting to be submitted;
 - 5) Landscaping details showing location of trees and other planting necessary for adequate screening.
- II No development, storage or vehicle parking to block the PROW during or after the development.
 - III Accommodation for horses to comply with BHS welfare standards.
 - IV 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