

a) **DOV/19/00969 – Extension to stable block and installation of six 3-metre lighting columns - 50 Mill Lane, Shepherdswell**

Reason for report: Number of contrary views (6).

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM15 - Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 - Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.
- Policy DD21 states that horse-related development will be granted provided:
  - it provides for the safety and comfort of horses in terms of the size of accommodation and land for grazing and exercising;
  - ease of access to suitable riding country can be demonstrated;
  - 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;
  - 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
  - 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.

## National Planning Policy Framework 2019 (NPPF)

- Paragraph 2 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These three overarching objectives are interdependent and need to be pursued in a mutually supportive way.
- Paragraph 11 states that where development accords with an up-to-date development plan it should be approved without delay; or where there are no relevant policies or the most important policies for the determination of the application are out of date, then also granting consent. Where there is a clear reason for refusing the proposed development due to conflict with an area/asset of particular importance (as identified in the framework); and/or where any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when taking the Framework as a whole, then planning permission should be refused.
- Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- Paragraph 47 ‘Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing’.
- Chapter nine of the NPPF seeks to promote sustainable transport.
- Chapter twelve seeks to achieve well-designed places, with the creation of high quality buildings and places being fundamental to what planning and development process should achieve.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside, protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.
- National Design Guide (2019)
- Kent Design Guide

### 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.

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. Granted.

e) **Consultee and Third-Party Responses**

DDC Environmental Health Manager – no observations.

KCC Archaeology – views not received.

Environment Agency – low environmental risk.

Shepherdsweil Parish Council – object to the planning application.

Public Representations:

23 letters of support received in relation to the planning application and making the following comments:

- Provide extra storage facilities.
- There is sufficient grazing area for the horses.
- The stables are screened by existing hedgerows and trees.
- The proposed lights are angled downwards and not cause light pollution.
- The lighting will make the riding area safer for the horses being worked around their owners work schedules.
- The lights for the sand school is a necessity for the horse owners.
- The business is very helpful to the local community as manure is given to the local farmer to be used for his crop.

5 letters of objection received raising the following matters:

- Lighting will be invasive and cause light pollution.
- Grazing land is inadequate for so many horses.
- The roads are busy and increasing steadily, not safe.
- Deposition of waste.
- More traffic into the village.

**1. The Site and the Proposal**

1.1 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. 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.

1.2 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. 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.

- 1.3 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.
- 1.4 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. 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.
- 1.5 The application seeks permission for the extension of the stable block (2 stables and a hay store) and installation of 6no. 3m lighting columns along the perimeter of the sand school.

## **2. Main Issues**

- 2.1 The main issues for consideration are:
  - The principle of the development
  - The impact on the character and appearance of the area
  - The impact on residential amenity
  - The impact on Highways

### **Assessment**

#### Principle of Development

- 2.2 The site lies outside the settlement confines and, for the purposes of planning, it is therefore considered to be within the countryside. According to Policy DM1, development will not be permitted on land outside the urban boundaries and rural settlement confines as shown on the proposals map unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses. Equine development within the rural areas is supported by Policy DD21 (saved policy) of the Dover Local Plan 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.
- 2.3 The principle of development has been established by the grant of previous permission (DOV/16/01479) for the 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.

#### Impact on the Character and Appearance of the Street Scene

- 2.4 Regard has been had to the policies DM15 and DM16 of the Core Strategy which 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.
- 2.5 The application site is surrounded by open countryside to the northeast and southeast. The current application is for the erection of two stables and a hay store and would extend the existing stable block by approximately 14.5m. It is also proposed to install 6no. 3m lighting columns along the perimeter of the sand school which would only operate between 4pm to 6pm from end of October to end of March. Having regard for the limited scale of the extension, it is not considered that it would cause harm to the character and appearance of the countryside. In respect of the impact from the installation of floodlights, they would be 3m high and would be concealed by virtue of the existing stable block and vegetative screening along the periphery of the site. Therefore, having regard for the lack of visibility from the wider countryside and the limited hours of operation (floodlighting), the proposal is considered acceptable in this instance. A suitably worded condition would be attached restricting the hours of use of the proposed floodlights.
- 2.6 Overall, the proposed development would not cause unacceptable harm to the character and appearance of the local and wider landscape. Therefore, the proposed development would be in accordance with policies DM15 and DM16 of the Core Strategy and paragraph 170 of the National Planning Policy Framework.

#### Impact on Residential Amenity

- 2.7 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.
- 2.8 In this instance, the proposed development would be located a good distance from the existing properties, being approximately 80metres from the nearest property in Hazling Dane, and 150metres from the nearest property on Mill Lane. Having regard for the significant separation distances, it is not considered that the proposed development would cause harm to the residential amenity of the neighbouring occupiers.
- 2.9 The third-party representations received raise concerns with regards to the proposed floodlights. Environmental Health was consulted on this application and raised no objections to the proposal. Nevertheless, given the concerns raised by the neighbouring occupiers, it was initially suggested to the applicant that the flood lights be removed. However, following this request, a case was made that the lighting for the manege was essential for the expansion of the stables and has been proposed with a view to reduce the need for horse and rider to be out on poorly lit country roads. Further to this, the applicant's agent has confirmed that the flood lights would only be used between the end of October and end of March for a maximum of 2 hrs between 4-6pm. In light of this, a suitably worded hours of use condition would be attached to the permission to ensure that the hours of operation are adhered to. Furthermore, another condition is recommended to be attached requiring submission of details of the light diagrams demonstrating the degree of light spillage prior to the installation of the lighting columns.

### Other Matters

- 2.10 Regard must also be had to the other criteria of Policy DD21 of the Core Strategy. The site area approximately measures 1.8 acres whilst it is understood that the applicant rents about 8.9 acres of land adjacent to the stables. The application proposes a stable block extension capable of accommodating 2 horses equalling 12 horses in total. The site would provide just below an acre per horse. Whilst it is not strictly in accordance with the British Horse Society Guidelines which requires a provision of 1 acre of land per horse, on balance it is not considered that the modest under-provision of grazing land would cause significant 'planning' harm. It is noted that the site has reasonable access to the bridleway network to the south of the site (point ii). Given the substantial distance from the residential properties, the amenities of neighbours would not be harmed (point v) as discussed within the section 'Impact on Residential Amenity' above. Points (iii) and (iv) have already been addressed under the section 'Impact on Visual Amenity'.

### Impact on Parking/Highways

- 2.11 Policy DM11 of the Core Strategy relates specifically to managing travel demand and generally seeks to resist development that would generate a need to travel outside of the settlement confines. In this instance, the existing stable block has 10 stables and the proposed extension would result in a further addition of two stables. The applicants currently have a large area adjacent to the access that is being utilised for car parking and can accommodate about 10-12 cars on site. Furthermore, an increase of two stables (two horses) would be unlikely to generate significant additional vehicle movements. The development is also adjacent to confines and is supported by the saved policy DD21. In conclusion, the proposed development would not cause harm to the highway safety and would comply with Policy DM11 of the Core Strategy.

### **3. Conclusion**

- 3.1 It is considered that this proposal complies with the local plan, Core Strategy and the objectives of the NPPF. There would be no significant impact upon the character and appearance of the locality, residential amenity, or the local highway network.

### **g) Recommendation**

- I PERMISSION BE GRANTED subject to conditions which include:
- (i) 3-year time limit (ii) Approved plans (iii) lighting details (iv) restricted hours of use of the approved lighting.
- II Powers to be delegated to the Head of Planning, 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

Benazir Kachchhi