

- a) **DOV/23/00123 – Erection of a replacement stable block to include four stables, store, weaning box and WC (existing block to be demolished) and change of use of land for the keeping of horses - Land at Popples Farm, Dover Road, Ringwould, Deal**

Reason for report – Number of contrary views

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM2, DM15, DM16

Local Plan (2002) Saved policies: DD21

Draft Dover District Local Plan (March 2023)

The Submission Draft Dover District Local Plan is a material planning consideration in the determination of applications. At submission stage the policies of the draft plan can be afforded some weight, depending on the nature of objections and consistency with the NPPF. The relevant policies are: PM1, NE2

Kent Downs Area of Outstanding Natural Beauty Management Plan 2021- 2026

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 130, 174, 176

National Design Guide & National Model Design Code (2021)

- d) **Relevant Planning History**

DOV/05/00749 – Change of use of land and buildings to commercial livery - Refused.

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

Representations can be found in the online planning file, a summary is provided:

Ringwould Parish Council – Object:

- Impact on highways. Access is via a public bridleway which joins to other footpaths and a bridleway – walking public and horse riders safety could be compromised.
- No application to use the field for equine use.
- Increase in size would make the stable visible from the AONB and have a visually detrimental effect to nearby properties.
- No indication of waste storage or removal.
- Overhanging hedges would be cut back but owned by Parish Council.
- Greenfield site and the current use is for agriculture with access for light agricultural machinery only.
- There is already a caravan which is parked on site which contravenes the use of the field.

DDC Environmental Health – No observations

Public Rights of Way – no objection but informatives required due to adjacent public bridleway ER18A.

Kent Downs AONB Unit – Does not raise an objection in principle to the proposed development. However, concern is raised over the materials. It is also recommended that landscape enhancement to the wider site are sought, perhaps in the form of supplementary boundary planting which would also provide biodiversity enhancements. In view of the sensitive location within the AONB, they would wish to see a condition attached to any permission controlling external lighting, to help maintain the dark night skies of the Kent Downs AONB in accordance with Principle SD8 of the Management Plan.

Archaeology – No comments

Tree Officer – No comments

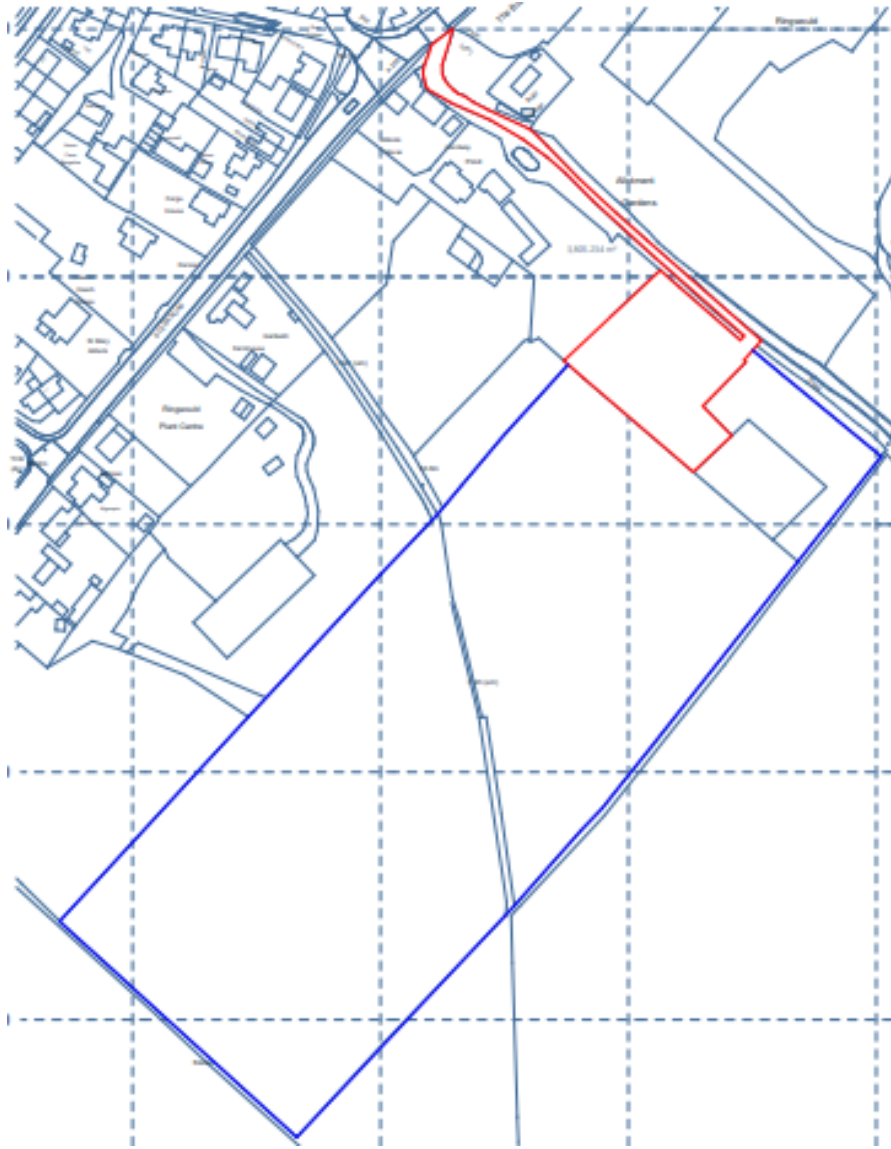
Kent Highways – It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

Third party Representations: 12 objections have been received and the material considerations are summarised:

- Much larger than the existing stables
- Impact on highways
- Impact on boundary foundations due to close proximity to neighbouring site
- Impact on AONB
- Impact on wildlife
- Impact on bridleway
- Windows to the rear of the block would cause overlooking.
- If approved the status of this part of Popples Farm would be changed from Agricultural (greenfield, undeveloped) to equine.
- Sets a precedent for future development of this type.
- No details provided for the septic tank or manure storage.
- Further consultations should take place.

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

1.1 The application site comprises a farm, known as Popples Farm, which lies outside the settlement boundary of Ringwoud. The site itself is flat but it is located at a higher level than Dover Road. The site is located within the Kent Downs Area of Outstanding Natural Beauty (AONB). At the point Dover Road reaches Popples Farm it is a track rather than a road which is two-way but is only wide enough for one vehicle at a time. There is no pavement on either side of the road. The road comprises of detached dwellings, both single and two-storeys.

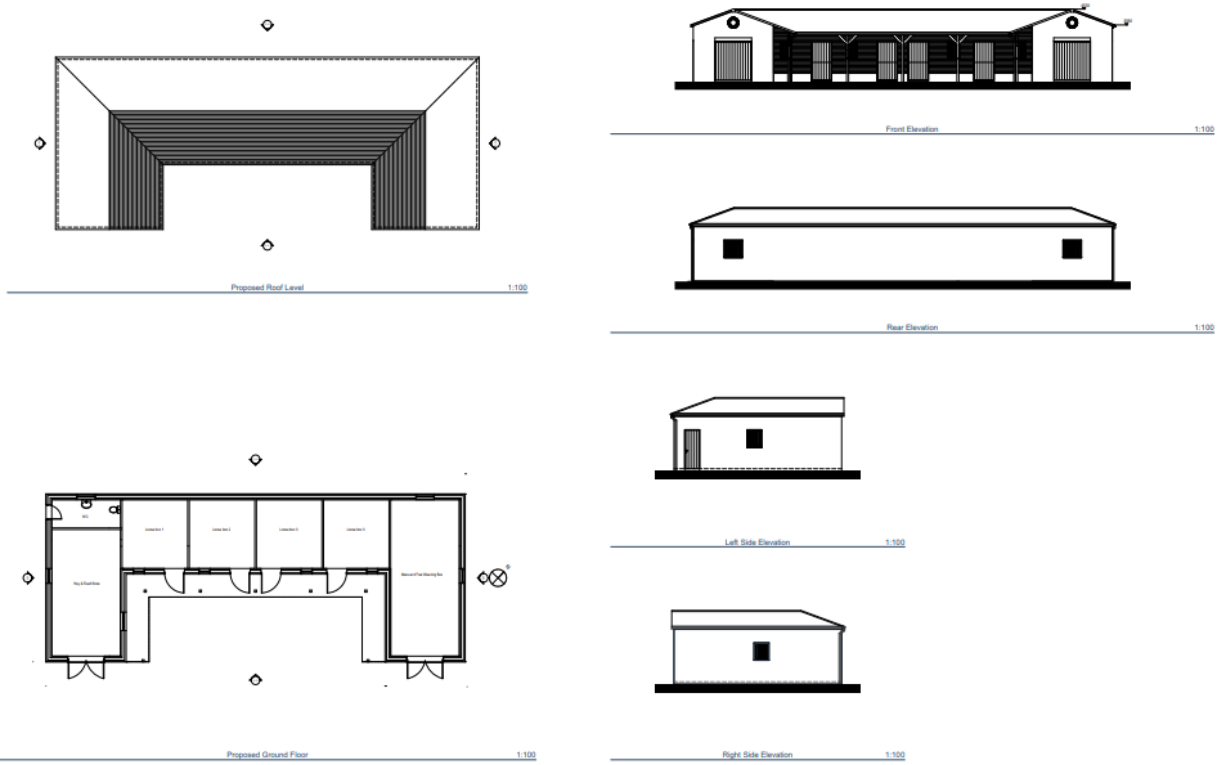


**Figure 1 – Site location plan**

- 1.2 The site is bounded by Landway to the northwest and open fields to the east and south.
- 1.3 The application is for the erection of a replacement stable block to include 4 stables, store, weaning box and WC (existing block demolished) and the change of use of land for the keeping of horses. The stable block would be located on the northwest side of the site along the boundary with Landway and would be in the same place as the existing block, albeit of a larger scale. The maximum depth of the stable block would be 10.4m, with a width of 26m, an eaves of 3.4m and a maximum roof height of 4.4m. The external materials will be a mixture of brick and timber cladding for the walls. Further to comments received from the AONB unit, regarding their concern on over the proposed roof materials, it was requested to the agent that the roof materials be amended to plain concrete clay tiles or crinkly tin in a dark colour. This was accepted by the agent and amended plans were received. Further to this, the AONB unit also requested landscape enhancements to the wider site area, such as supplementary boundary planting, which would also help provide biodiversity enhancements. This was also accepted by the agent.



**Figure 2 – Proposed site plan**



**Figure 3 – Proposed plans and elevations**

- 1.4 The existing stable block has 4 loose boxes, and the proposed stable also has 4 boxes. The additional accommodation is taken up with separate mare and a foal box and a slightly larger feed and tack store. The whole site (including blue land) extends to almost 4.5ha and therefore under the British Horse Society recommendations the site can comfortably accommodate 7-11 animals, although the proposed stable will accommodate far fewer than this. It is also confirmed that the stable would be for personal use only, and the British Horse Society recommendations in terms of horse welfare will be observed at all times.
- 1.5 The agent has submitted additional information in the form of a cover letter in response to some of the issues raised by neighbours. Within this cover letter it is confirmed that the details of the septic tank that will be used to collect foul sewage will be conditioned, as well as a detailed landscape design.
- 1.6 The cover letter also confirms that the caravan which is currently located on the site is to be stored here temporarily whilst the owners are out of the country, and it is planned to remove this caravan in the near future.

## **2. Main Issues**

2.1 The main issues for consideration are:

- Principle of the development
- Visual amenity and impact on AONB
- Impact on residential amenity
- Highways

### **Assessment**

#### **Principle of Development**

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.3 The building is not within settlement boundaries, however, its use would be in connection with the existing equine facilities site, as such justified by policy DM1. Accordingly, the development is acceptable in principle.
- 2.4 The site is situated outside of the settlement confines identified in Policy DM1 and is therefore considered to be in the countryside. Policies DM15 and DM16 of the Core Strategy also focus on the protection of the character or appearance of the countryside and lists the reasons for acceptable development in these areas. Further to this, the NPPF identifies that “decisions should contribute to and enhance the natural and local environment by... recognising the intrinsic character and beauty of the countryside” (paragraph 174). The site is also situated within the Kent Downs AONB and the NPPF (paragraph 176) states that “Great weight should be given to conserving an enhancing the landscape and scenic beauty in...Areas of Outstanding Natural beauty, which have the highest status of protection in relation to these issues”. Moreover, Section 85 of the Countryside and Rights of Way Act 2000 places a duty on Local Planning Authorities to ‘have regard’ for the ‘purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty’.
- 2.5 Due to the increase in scale of the stables it is considered that this would be visible from the wider countryside. However, it is important to note that there is an existing stable block

in this location. Due to the stables location, special attention must be paid to the design and appearance of the proposed stables. Further to the comments received by the AONB unit and the amended plans received the materials are now considered to be appropriate for the area and the landscape enhancements to the wider site would reduce in the visibility of the stables from the wider area. The materials are considered to be acceptable within the countryside and therefore the development, due to its design and appearance would preserve and conserve the landscape and scenic beauty of the AONB and countryside. Further to this, the scale of the stables is considered to be appropriate for the number of horses they would accommodate.

- 2.6 Saved Policy DD21 of the 2002 Local Plan concerns horse related development. The preamble sets out at paragraph 8.68, “wherever possible, privately owned horses should be kept close to the owner’s home – preferably in the garden or adjacent paddock – in order to provide maximum care and security for the animal without then need for frequent car journeys”. Furthermore, DD21 sets out 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 and 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.
- 2.7 Given the existing use of the land and the existing stables it is considered horsiculture is already present within the immediate surrounding area and that therefore the development does accord with saved Policy DD21 (for the reasons set out in this report).

#### Visual Amenity and Impact on AONB

- 2.8 The site is situated outside of the settlement confines identified in Policy DM1 and is therefore considered to be in the countryside. Policies DM15 & DM16 of the Core Strategy also focus on the protection of the character or appearance of the countryside and lists the reasons for acceptable development in these areas. Further to this, the NPPF identifies that “decisions should contribute to and enhance the natural and local environment by... recognising the intrinsic character and beauty of the countryside” (paragraph 174). The site is also situated within the Kent Downs AONB and the NPPF (paragraph 176) states that “Great weight should be given to conserving an enhancing the landscape and scenic beauty in...Areas of Outstanding Natural beauty, which have the highest status of protection in relation to these issues.” Moreover, Section 85 of the Countryside and Rights of Way Act 2000 places a duty on Local Planning Authorities to ‘have regard’ to the ‘purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty’.
- 2.9 The stables would be located to the northwest of the site and would be bounded by a dwelling to the northwest and open fields to the east and south. Due to the topography of the area, the site is at a slightly higher level than Dover Road. The boundary treatment consists of low-lying wired fencing and some areas of dense vegetation. The stables would be seen from the street but there are existing stables in situ. Although the proposed stables would be of a larger scale it would be constructed using materials similar to that of the existing. The AONB Unit confirmed that they had no objection to the principle of the

development but suggested the roof be of a different material so that it was more appropriate for its rural location. This was accepted and amended plans were received. Further to this, it was also requested to include landscape enhancements. This has also been accepted by the agent and amended plans received. The provision of landscape enhancements and change in materials would lead to a reduction in visibility of the stables from the wider landscape. It is also not uncommon for stables to be located in a rural area.

- 2.10 As such, it is considered that the development, due to its design and appearance would preserve and conserve the landscape and scenic beauty of the AONB and countryside, in accordance with Paragraphs 174 and 176 of the NPPF. For the same reasons, it is considered that the proposal would be unlikely to adversely affect the character or appearance of the countryside and wider landscape area, in accordance with Policies DM15 and DM16. In respect of the AONB Management Plan 2021 – 2026, section 3.1.4 states that “The cumulative impact of careful enhancements made through individual agri-environment schemes, conservation projects and carefully judged development can cumulatively conserve and enhance the landscape”. It is considered that for the reasons described above the stables would not have a detrimental impact to the AONB in which it is situated. The stables are not considered to detract from the character and appearance of the surrounding area and is therefore considered compliant with the aims and objectives of the NPPF.

#### Impact on Residential Amenity

- 2.11 The only residential property in close proximity to the host site is Landway, which is located to the northwest of the site. The proposed stables would run part-way along the boundary with this neighbour. Due to the topography of the land the proposed stables would be located at a lower level than Landway, whilst their scale and location would result in no significant increase in overshadowing.
- 2.12 One of the objections is about overlooking from the proposed windows in the rear elevation of the stables. One of these windows would serve a bathroom and would therefore likely be obscured, albeit it is not considered that it would be necessary to secure this by condition. The other window would serve a mare and foal weaning box. Due to the site being lower than the neighbouring garden it is considered that these windows (whether obscured or not) would not lead to an increase in overlooking to an undue degree.
- 2.13 The proposed replacement stables would be unlikely to impact on neighbouring amenities to an undue degree. Due to the siting and scale of the proposals, the stables would be unlikely to result in significant harm to residential amenities of other nearby properties and the development would accord with the aims of Paragraph 130 of the NPPF.

#### Highways

- 2.14 As the number of horses to be kept on site would not increase or change and that the site would remain in private use, KCC Highways have confirmed that the development proposal does not meet the criteria to warrant their involvement.
- 2.15 It has been raised in the objecting comments that there is a concern over the safety of users of the bridleway and adjacent Public Right of Way. In comments received by KCC Public Rights of Way it has been confirmed that they have no objection, although informatives have been recommended. Due to the existing stables on the site, it is considered that the proposed stables would not increase the risk to walkers or riders of this path.

### Other Matters

- 2.16 It is considered that it will be necessary to control any external lighting to ensure that the development does not harm the character of the area at night.
- 2.17 Collected manure and the sewerage from the site have the potential to cause pollution to the ground if they are not located and designed appropriately. To protect against such harm, conditions are recommended to require details of these elements.

### **3. Conclusion**

- 3.1 The proposed stables, due to their siting and scale, would be unlikely to negatively impact the wider landscape. Due to the size and nature of the site and the fact that there is an existing stable block the impact on the countryside and surrounding AONB is likely to be minimal and therefore the application is considered to be acceptable in this case. Furthermore, for the reasons outlined above, the stables are considered unlikely to result in undue harm to the residential amenities of surrounding occupants. Consequently, the proposals accord with the aims and objectives of the NPPF and policy DD21 of the saved policy from the 2002 Local Plan.

### **g) Recommendation**

I PLANNING PERMISSION BE GRANTED, subject to conditions:

1. Time Limit
2. Approved plans
3. External materials
4. Controlled external lighting
5. Personal use only (no livery)
6. Location of manure heap
7. Septic tank details
8. Landscaping details

II Powers to be delegated to the Head of Planning 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

Alice Pitts

*The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).*