

- a) **DOV/23/01174 - The stationing of 3 shipping containers and erection of associated structures including an external staircase and construction of a hard surface for use as stables, tack and storage (retrospective) - The 4 Acres, Elms Vale Road, Hougham**

Reason for report – Number of contrary views (12)

- b) **Summary of Recommendation**

Planning permission be refused.

- c) **Planning Policy and Guidance**

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

Dover District Local Plan 2002: DD21

Draft Dover District Local Plan: The Submission Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. Proposed policy PM1 and the need for high quality design is relevant. Policy NE2 seeks to conserve or enhance landscape character. Policy CC6 relates to development within an area at risk of flooding.

National Planning Policy Framework (NPPF) (2023): Paragraphs 8, 135, 180 and 182.

Kent Downs AONB Landscape Character Assessment Review 2020

Kent Downs AONB Management Plan 2021-2026 – Policies SD1, SD2 and LLC1 apply

- d) **Relevant Planning History**

DOV/01/00925 – Granted for change of use of land for horse grazing. Condition 2 of that permission states that no buildings, structures, jumps, hurdles or field shelters shall be placed or erected on the land.

DOV/02/00110 - Refused for erection of a field shelter. The appeal was dismissed on the grounds that the building would be harmful to the AONB.

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

Kent Downs AONB Unit - The proposal fails to conserve or enhance the natural beauty of the AONB.

Town Council - Neutral response.

Third party Representations:

Three responses to the public consultation of the application have been received raising objections against the poor visual quality and use of materials for the buildings/structures, the harm to the AONB and the landscape, the incremental changes to the use and appearance of the land, the planting of inappropriate and non-native trees and precedent.

Twelve responses in support of the application have been received. These support the visual enhancement of the site that has taken place, the need for the facility, the well-maintained and cared for horses and land, the community benefits and the screening of the site.

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

- 1.1 The application site comprises a rectangular area of land that extends from its southern boundary adjacent to Elms Vale Road up the slope of the hill to the north. The land has been subdivided into 4 paddock areas for horses through the erection of timber post and rail fencing.
- 1.2 At the southern end of the site there are additional subdivisions of the land, providing smaller areas. These areas include outside storage, a timber close boarded fence wrapping around a touring caravan, a horse box, solar panels, and the proposed three containers – the subject of this application.
- 1.3 The containers have been placed in a horse shoe shape with an additional timber roof cover and hardstanding in front. Some timber cladding has been placed around some of the sides of the containers. Other paraphernalia around the containers include a flag, a set of stairs leading to a platform and the roof of the containers, traffic cones and a short section of newly planted leylandii trees along the western boundary of the front the site. The stairs are shown on the submitted drawings.
- 1.4 The application site forms part of a wider open area of countryside to the west, east and north.
- 1.5 The site is in full view from Elms Vale Road.
- 1.6 The application site is within and forms part of the Kent Downs Area of Outstanding Natural Beauty (now called Kent Downs National Landscape). The importance of the landscape and its beauty along this section derives from its distinctive dry valley. Dry valleys of the Kent Downs, along with the escarpment of the North Downs, being the main target for the designation of the Kent Downs AONB. The pattern of ridges and dry valleys gives the landscape a rolling rhythmic feel. The application site extends from the lower section of the valley to the north where the land rises to its peak beyond the application site. Beyond the paddocks the land has a natural undeveloped unspoilt appearance character and quality, with a scattering of low level trees and shrubs, and a visually and physically tranquil and strong rural character.
- 1.7 Planning permission exists for the grazing of horses on the land, which is an agricultural use, but no planning permission exists for keeping hoses on the land nor the provision of buildings or structures to be sited on the land.
- 1.8 The current proposal is mostly retrospective and is described above.

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- Impact on landscape character and appearance of the countryside
- Impact upon residential amenity

Assessment

Principle of Development

- 2.2 The proposed development is within the countryside. Under Policy DM1, the proposal should functionally require such a (countryside) location, or it should be ancillary to existing development or uses.
- 2.3 The lawful use of the land is for the grazing of horses. Ordinarily, by definition (s336 of the Act), the grazing of horses is not the same in planning terms as the keeping of horses and therefore there should not be a need for a stable building for the horses (normally enables the keeping of horses) to be able to continue grazing the land.
- 2.4 In addition, the additional elements to the proposed stables, including the associated paraphernalia of open storage, stairs, flagpoles, sitting out platform, solar panels etc are not necessary or functionally related to stable buildings or the need to graze horses. Neither is the caravan and other paraphernalia located at the southern end of the site which are not the subject of the development applied for here.
- 2.5 In the absence of any information to support the proposal, and following on from what is visible on site, the proposed building would be in conflict with Policy DM1.

Impact on Landscape Character and Appearance of the Countryside

- 2.6 When planning permission was originally granted for the change of use, and condition 2 was imposed which stated that no buildings, structures, jumps, hurdles or field shelters shall be placed or erected on the land, the sensitivity of the site and surrounding land was a matter of concern, and the condition was deemed necessary. This sensitivity was re-enforced by the Appeal Inspector in 2002, when a modest scaled field shelter was dismissed as having an intrusive and harmful impact upon the AONB.
- 2.7 The Landscape Character Assessment identifies the pressure/sensitivity to change from equine development that can change/affect the landscape character of an area. This is considered a potential 'threat' to the landscape.
- 2.8 The application proposal and the current visual and alterations and additions to the physical condition of the land around it have a seriously adverse impact upon the Landscape. The clad containers and the staircase and associated paraphernalia are prominent and appear conspicuous, incongruous and intrusive. They represent obvious, alien features within the landscape, exacerbated by the chosen use of materials for the structures/containers.
- 2.9 The timber cladding fails to assimilate into the natural surroundings. The conifer planting is a non-native species, and its function encloses land – this appears unnatural, incongruous and runs against the natural open appearance and quality of the surrounding countryside.
- 2.10 The proposals, along with the unlawful caravan development, enclosures and subdivision of the land (which have not been applied for) have resulted in an intrusive and harmful sprawl of development along this part of the valley floor and fail to meet the key test of conserving and enhancing the National Landscape (AONB). As a result of the siting of the structures on the lower valley side, being remote from any other building, and in view of its unconventional form, poor design, appearance and use of materials it presents an unattractive, unsuitable form of development in the location which is given the highest level of protection by NPPF. The other elements that have been added to the containers – the open storage, solar panels, timber cladding, conifer hedge planting, flag pole and stairs with a platform exacerbate the serious harm to the Landscape.

- 2.11 As such, the proposal is poorly designed and conflicts with Policy DD21 of the Saved Policies of the Local Plan 2022, Policies DM15 and DM16 of the Core Strategy, Policy NE2 of the Draft Local Plan and Paragraphs 135, 180 and 182 of the NPPF. It also runs counter to the principles of the AONB Management Plan.

Impact on Residential Amenity

- 2.12 The proposed building is suitably separate from the nearest residential properties to avoid causing any harm.

3. Conclusion

- 3.1 The application submission suggests that the proposal is necessary for the keeping and well-being of the horses on the field. However, the conditional grant of planning permission and the appeal decision in 2002 give a clear indication around the sensitivity of the location of the site.
- 3.2 The proposed development, for the above reasons, fails to conserve or enhance the natural beauty and unspoilt quality of the National Landscape and the level of harm arising from the proposal and its associated paraphernalia outweighs a 'notional' need set out in the application submission. In addition, the presence of the other paraphernalia – the solar panels, the flag, the stairs to provide seating on the roof of the containers and how the land is subdivided and used for storage are all 'not necessary' to meet the 'notional' need for the horses.

g) Recommendation

I PERMISSION BE REFUSED for the following reasons:

- 1) Insufficient information has been submitted to demonstrate that the proposed development is necessary, functionally required on the land, or is ancillary to the existing lawful use of the land for horse grazing. The proposed development by reason of its location, design, appearance and use of materials is incongruous, alien and poorly related to the open and visual context of the land, unsympathetic with the surrounding open countryside and fails to conserve or enhance the natural beauty and quality of this nationally designated and protected landscape (AONB). As such, the proposed development is in conflict with Policy DD21 of the Local Plan, Policies DM1, DM15 and DM16 of the Dover District Core Strategy; Policies PM1 and NE2 of the Draft Local Plan; it is contrary to the aims and objectives of the Kent Downs AONB Management Plan 2021-2026 at paras SD1, SD2 and LLC1, and comprises an unsustainable form of development in conflict with Paragraph 8 and the aims and objectives of Paragraphs 135, 180 and 182 of the National Planning Policy Framework.

II Powers to be delegated to the Head of Planning and Development to settle any necessary reasons for refusal in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Vic Hester