

- a) **DOV/23/00690 - Change of use of land for the keeping of horses and erection of stable building and installation of planted bund (Retrospective) - Land South Side of Ferne Lane, Ewell Minnis**

Reason for report – Number of contrary views (9)

- b) **Summary of Recommendation**

Planning permission be refused.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): DM1, DM15, DM16, DM17

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. Policies NE1 and NE2 seeks to conserve or enhance landscape character.

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**

There is no planning history relating to this site.

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

The planning proposal was amended through the submission of new/more accurate drawings reflecting the current position on site. Consequently, a further round of consultation has taken place. Some of the responses from the first consultation have been re-submitted and emphasised following the second consultation. In combination, these are:

Kent Downs AONB Unit: No objections are raised to the stable building. Objections are raised against the bund.

Parish Council: No objections are raised to the stable building. Objections are raised against the bund.

Environment Agency: No objections are raised. If permission is granted a condition with regard to the storage of manure is suggested.

Kent PROW Team: No objections are raised.

Kent Flood Authority Team: The development is considered low risk.

Third party Representations:

No further responses were received following the second consultation. For the first consultation, 2 objections were received raising the following concerns:

- The bund is not necessary for the use of land
- The fences, gates and on site storage of caravans are not necessary for the keeping of horses on the land
- The bund would set a precedent and, if repeated, would change the character of the AONB

9 support comments were received, as summarised below:

- The use of the land for grazing
- There are other stable buildings in the area
- There is a need for stable buildings
- The visual benefit of the planting/landscaping on the bund

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

1.1 The application site comprises a roughly rectangular area of land that extends from the back edge of Ferne Lane to Green Lane (to the south). The land is relatively flat, with a gentle fall in the topography of the land from north to south. The land is located in the countryside and away from the nearest rural settlement at Alkham, and is located on a plateau of mostly arable land within the Kent Downs National Landscape (formerly AONB)

1.2 Originally, the site had a hedgerow along its northern and eastern boundaries, but was otherwise 'open' and formed part of the existing open and arable landscape along the plateau.

1.3 In late 2022, changes were made to the land through the erection of timber fences and gates behind the altered access from Ferne Lane, which are not the subject of this application, the provision of an earth bund (that had some grass cover) some 2m-3m in height around the four boundaries of the site, the erection of a timber stable building, for two horses, with a fenced enclosure, and the stationing of 4No. tourers and 1No. static caravan on the land, along with the parking of 2 cars and 2 vans were observed.



Fig 1: Location Plan



Fig 2: Block Plan



Fig 3: Elevations and Floor Plan

- 1.4 At the time of the officer's site visit, the caravans were not in residential use, as such and appeared to be being used for storage of domestic items or retained what would have been within a functioning tourer, such as a kitchen area, cupboards etc. Some of the caravans did not appear fit for any purpose and appeared to be just stored on the land. The stable building had not been completed and appeared to be 'fire damaged'. A shed had been erected next to the stable building.
- 1.5 The proposal seeks to change the use of the land for the keeping of horses, to erect a stable building and to retain the landscape bund around the perimeter of the site. The application is retrospective, with only the stable building not quite completed. The stationing/storage of caravans and storage of vehicles and other operational works are subject to investigation.
- 1.6 To the west of the site is a PROW. It leads in a north-south direction and connects with the existing network of rights of way in the area. The bund is clearly visible from this PROW for its entire length.
- 1.7 The application site is within and forms part of the Kent Downs Area of Outstanding Natural Beauty (AONB) (now called Kent Downs National Landscape). The importance of the landscape and its beauty along this section derives from its distinctive dry valleys. 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.

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 change of use of the land from agriculture to the keeping of horses is acceptable in principle as it is a use that would demand a rural location subject to the consideration of other material planning considerations. In turn, the area of land is suitable for the keeping of the number of horses that would be housed in the proposed stabling. Under Policy DM1, the proposal should functionally require such a (countryside) location, or it should be ancillary to existing development or uses. The stable building is considered to be functionally required for the keeping of horses. However, it has not been demonstrated that the bund is either functionally required for the proposed use of the land or is ancillary to the existing agricultural (lawful) use. As such, the bund is contrary to Policy DM1 of the Core Strategy.

2.3 Policy DD21 of the Saved Local Plan recognises the need to provide shelter for horses against inclement weather and does not rule out locations within the National Landscape/AONB. The pre-ambule also identifies that advantage should be taken in siting buildings and facilities, of natural screening – such as hedgerows and landform. Also set out is that privately owned horses should be kept close to their owner's homes so that maximum care and security can be provided without frequent journeys. The stables provide safety and security for the horses kept on the land, which is in reasonable proximity to the landowner's home addresses.

Impact on Landscape Character and Appearance of the Countryside

2.4 The site lies on top of a plateau that is wholly consistent with the surrounding local landscape character, characterised by a series of valleys interspersed with flat plateau on higher ground. The bund introduces a substantial, alien, unnatural, artificial landscape feature, entirely at odds with the flat plateau nature of the site, altering the natural local landform. The length and height of the bund amounts to a sizeable, engineered intrusion that appears as a conspicuous arbitrary feature, which neither integrates with the existing hedgerow boundaries, nor assimilates with the flat local landscape.

2.5 The bund is clearly seen from public vantage points along the PROW located to the west of the site. The view of the bund is clear for a significant stretch of the PROW. It appears as an unnatural visually contrived addition to the land that changes its natural landform and appearance. The construction and provision of a bund, of a significant scale and proportion, is unjustified, in conflict with Policies DM15 and DM16 of the Core Strategy and Policy NE2 of the Draft Local Plan. The bund is a significant intrusive and harmful sprawl of

development along this part of the plateau and open landscape. It fails to meet the key test of conserving and enhancing the National Landscape (AONB). As a result, it presents as an unattractive, unsuitable form of development in the landscape which is given the highest level of protection by NPPF.

- 2.6 The Landscape Character Assessment identifies the pressure/sensitivity to change from equine development that can impact upon the landscape character of an area. This is considered a potential 'threat' to the landscape. It is considered, however that the stable building is not significant in scale, is reasonably well-designed and would ordinarily be screened from views from Ferne Lane by the hedgerow. It is on the far side of the field furthest from the PROW and as such it would not appear prominent.
- 2.7 Notwithstanding, the stable building projects into the open field and, in design and impact terms, it would be more suitably located if placed parallel with the northern boundary, behind the hedgerow, so as to reduce the projection of the built form into the open landscape. If the other aspects of the proposal were considered acceptable, officers would have sought to negotiate the re-positioning of the stable building so that its length ran within and alongside the hedgerow. As such, the stable building as currently proposed and erected fails to conserve or enhance the landscape and natural and scenic beauty of the Kent Downs National Landscape.
- 2.8 As such, the proposal is poorly designed and conflicts with 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

- 2.9 The proposal is suitably separate from the nearest residential properties to avoid causing any harm. Having said that, although there is no immediate harm to an individual residential amenity, the visual quality expected from this surrounding landscape has been harmed, interfered with and spoilt to an unacceptable degree.

3. Conclusion

- 3.1 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 other paraphernalia outweighs a 'notional' need to help protect or safeguard the keeping of horses on the land.
- 3.2 Not subject of this application are the stationing/storage of caravans and the parking/storage of cars and vehicles on the land – not ancillary to the lawful use of the land. Furthermore, it appears from using Google Imagery that the formation of or alteration to access from Ferne Lane along with the erection of gates and fences to form or supplement the access and the use of the site are recent additions to the site, which are the subject of enforcement investigations.

g) Recommendation

- I PERMISSION BE REFUSED for the following reasons:
- 1) The proposed development is not necessary or functionally required on the land, nor is it ancillary to the existing lawful agricultural use of the land. As such, the proposed bund by reason of its location, form, scale and appearance 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 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