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<b>Wrotham</b> Wrotham	<b>561705 158601</b>	<b>12.04.2005</b>	<b>TM/04/04216/FL</b>
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Proposal:	Change of use of land from residential and agricultural to mixed residential, stabling and commercial livery use and formation of sand school, and erection of 5 no. stables, store and sand school and change of use of land to the south west of the access road from agriculture to use for the exercising of horses
Location:	Pond Cottage White Hill Wrotham Sevenoaks Kent TN15 7RE
Applicant:	Ms T Ellis

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### **1. Description:**

- 1.1 The proposal seeks planning permission for a change of use of the land from residential and agricultural to mixed residential, stabling, commercial livery use and formation of sand school, and for the erection of 5 no. stables, store and sand school and change of use of the land to the south west of the access road from agriculture to use it for the exercising of horses. The proposal is retrospective, with the exception of the sand school.
- 1.2 The applicant has confirmed that 5 stables are provided on a do-it-yourself livery basis. The applicant also provides riding lessons. These currently consist of a maximum of 4 x ½ hour sessions on a Saturday and Sunday.

### **2. The Site:**

- 2.1 The site is situated within the MGB, AONB and SLA. It is served off a private access track, which also serves a number of other residential properties.

### **3. Planning History:**

- 3.1 None relevant.

### **4. Consultees:**

- 4.1 PC: No objections.
- 4.2 KCC Highways: No objections.
- 4.3 DHH: The proposed disposal arrangements for the manure and other associated stable wastes are acceptable.
- 4.4 HMU: The granting of planning permission does not entitle the applicant to obstruct the PROW. It is therefore essential that no fences or obstructions are placed along the line of this path if its use is changed from agriculture to horse exercising.

4.5 CE (Drainage): No objections.

4.6 Ramblers Association: No views received.

4.7 Private Reps: 4/11R/0S/0X + Art 8 site and press notice. Eleven letters received objecting to the application on the following grounds:

- Property already has stables erected without planning permission and without consent from the owner of the access road;
- At present the only right of access is for private purposes to Pond Cottage. Access from the proposed stable area to the field across the access road is not permitted by the covenant;
- A tree has been removed to provide access to the yard;
- Vehicles arriving as a result of the proposed change to business use will not be allowed to use the access road by the owner, and therefore the vehicles will have to park on the side of the A227;
- Additional traffic would be detrimental and cause an additional risk to highway safety, including safety on the A227, a de-restricted road;
- There is no provision on the applicant's land for parking cars; The applicant does not show any provision for vehicles generated in connection with the riding school and does not include space for horseboxes, caravans or trailers owned by the applicant. Provision should also be included for the applicant's lodgers;
- At present the field to the west of the site is being used to accommodate overflow parking for cars, lorries and a caravan, as well as grazing for over 10 horses. If this land is being used as part of the business it should be included within the application;
- The proposed business will be using the field opposite as well as crossing the access road. There is a bridleway and footpath crossing this land that should be taken into consideration. It is unclear as to who's responsibility it would be if an accident occurred on this PROW;
- The proposed riding school will result in safety issues to the children;
- Present and future use will result in contamination. Dirty water from cleaning the stables drains into an adjacent pond and into the gardens of neighbouring properties. This can also result in ice along the access road in cold weather;

- All foul sewage flows into an existing septic tank, which will not be adequate to support a business use. Another way should be found for dealing with foul sewage;
- The applicant states that drainage will be provided by the existing ditch system. This should be investigated further as it is not believed that there is a ditch system;
- No toilet facilities have been provided for the business. Sanitary facilities are overstretched, as is water supply;
- It would not be suitable for external lighting to be put up in a rural area as it would cause light pollution to residents and the surrounding countryside;
- Proposed change to a business use is out of character with the area;
- Manure and wood chippings are currently burnt. They should be disposed off in an appropriate manner on a regular basis;
- No signs should be allowed to be erected;
- The land that has been built on is agricultural. This may have implications on the classification of surrounding properties;
- The proposed sandschool should not be enclosed.

## **5. Determining Issues:**

- 5.1 The main determining issues associated with this application relate to the impact that the proposal will have upon the character and appearance of the countryside, adjacent residential amenity and the highway network.
- 5.2 Open recreation uses are acceptable in the Green Belt, subject to the size and siting of buildings and other factors. PPS7 (Countryside) finds the use of the countryside for outdoor rural sport and recreation uses acceptable. Policy SR2 of the KSP states that for sports and recreation facilities in the countryside, any built development should be small in scale, ancillary to an outdoor recreation use and unobtrusively located.
- 5.3 Policy P6/13 of the TMBLP states that proposals for the use of land for the keeping of horses or the erection of stables will be permitted provided that there is no adverse impact on the character of the countryside either individually or cumulatively in terms of design and location of buildings and other structures, or inadequate or inappropriate landscaping or screening. The stables have been erected close to the existing stables, and therefore I am of the opinion that they

will not have a significantly detrimental impact upon the character of the countryside. The design is in-keeping with the existing stables and is rural in nature.

- 5.4 The proposed sandschool would be fenced with a post and rail fence. This is rural in nature, and given the nature of a sandschool, I am of the opinion that the proposal will not be detrimental to the surrounding countryside. I note that the proposal would involve removing a number of trees in order to facilitate the sand school. However, I am of the opinion that this will be satisfactory, provided that native replacement planting is provided around the sandschool.
- 5.5 Policy P6/13 of the TMBLP states that proposals for stables should not have any adverse impact upon the residential amenity due to smells, excessive noise, lighting, traffic generation or activity at unsocial hours.
- 5.6 The nearest residential property is approximately 80m from the stables and therefore I am satisfied that the proposal will not cause an adverse impact on residential amenity in terms of smells or excessive noise. A condition could be used to prevent any flood lighting from being provided, which would restrict activity from occurring at unsocial hours. Given that the residential properties are further along the access road than the site, I am of the opinion that the proposal will not result in a significantly detrimental impact upon residential amenity.
- 5.7 Policy P6/13 states that proposals should not result in any hazard to road safety. There is sufficient parking within the applicant's ownership. A private road accesses the site. With the horses being stabled on site, the sand school adjacent and with an additional exercising area on the adjacent side of the access road, I am of the opinion that the use of horseboxes to transport horses off the site is limited and unlikely to be significantly worse than that which would already occur with the private use. Any additional traffic is likely to be car borne customers attending the riding school.
- 5.8 The applicant has provided Land Registry extracts, which show that the applicant has a right of access over from the A227. From the information submitted I cannot find any evidence to suggest that this is restricted to a private use. Therefore, I have no reason to believe that the proposal is likely to result in the hazardous parking of vehicles on the A227. I am satisfied that this additional traffic is unlikely to result in significant hazards to the public highway.
- 5.9 However, given that the access road is privately owned, consideration does need to be given to the impact that this additional traffic would have upon the public highway should the owner of the private road deny the applicant access. I am of the opinion that should this occur, the proposal is likely to result in hazards to road safety along the A227, due to parking on the highway, where a 40mph speed limit exists.

- 5.10 The site is situated adjacent to a bridleway and the applicant owns a significant amount of land where horses are exercised. I am satisfied that the horses involved with the use will not result in a significantly detrimental impact on highway safety. A PROW runs across the land to the south west of the access road. However, the PROW runs close to the eastern boundary to the site, and therefore I am of the opinion that the proposal will not be significantly detrimental to the users of the PROW.
- 5.11 The applicant has shown where they propose to position a muck trailer and has confirmed that a licensed disposal contractor will collect the manure on a monthly basis. Concerns have been raised regarding the existing arrangements, however, I am satisfied that the proposed details are acceptable, and are situated a significant distance from neighbouring properties, and therefore I consider that this can be adequately controlled by a condition.
- 5.12 The site is situated where the impermeable and permeable rocks meet, and is therefore likely to be prone to flooding. As such additional drainage will be required to be installed to avoid the risk of flooding from the sandschool.
- 5.13 I note the concerns raised regarding potential signage. Under the Town and Country Planning (Control of Advertisements) Regulations 1992, the applicant would be unable to put up any signage adjacent to the A227 without the prior consent of the Local Planning Authority. I am of the opinion that any signage displayed within the land owned by the applicant under deemed consent would not be significantly detrimental to the surrounding locality.
- 5.14 I note the issues relating to insurance, however they are not material planning considerations. A requirement to provide toilet facilities is not a material planning consideration. Issues relating to the impact that the proposal would have upon the value of adjacent land are not material planning consideration.
- 5.15 In light of the above considerations, I am of the opinion that the proposal will not be detrimental to the rural or residential amenity of the surrounding locality, subject to conditions.

**6. Recommendation:**

- 6.1 In the event of such an Agreement being made, **Grant Planning Permission** subject to the following conditions:
- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 Within one month of the date of this decision a plan shall be submitted for approval to the Local Planning Authority showing the residential curtilage. This shall be implemented within one month of the date of approval of these details and shall be retained thereafter.

Reason: In the interests of amenity.

- 3 At no time shall any external lighting be installed on the site without the prior written approval of the Local Planning Authority.

Reason: In the interests of the visual amenity of the locality.

- 4 Within one month of the date of approval, the means of disposal of manure, bedding and other waste detailed within the hereby approved plans shall be implemented and thereafter retained in accordance with the details so approved.

Reason: To prevent nuisance to neighbours by virtue of smell, vermin and flies

- 5 No manure, bedding or other waste arising from the stables shall be burnt on site.

Reason: To protect the amenities of neighbouring properties.

- 6 Development shall not commence on the sandschool until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping detailing native replacement planting to be provided around the sand school. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following completion of the development sandschool. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. (L003)

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 7 Development shall not begin on the sand school, prior to a landscaping plan being submitted to and approved by the Local Planning Authority, showing native replacement planting to be provided around the sand school.

Reason: In the interests of amenity.

- 8 The area shown on the submitted layout as vehicle parking space should be provided, surfaced and drained within one month of the date of this decision. Thereafter it shall be kept available for such use and no permanent development, whether or no permitted by the Town and Country Planning (General Permitted

Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 9 Development shall not begin on the sand school until drainage works have been carried out in accordance with details to be submitted to and approved by the Local Planning Authority. (W001)

Reason: In the interests of pollution prevention.

Informative:

- 1 The granting of this permission does not purport to convey any legal right to block or impede any private right of way which may cross the application site without any consent which may be required from the beneficiaries of that right of way. (Q041)

Contact: Glenda Egerton