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<b>Wateringbury</b> Wateringbury	<b>569476 153001</b>	<b>04.08.2005</b>	<b>TM/05/02434/FL</b>
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Proposal:	Change of use and retention of equestrian related ancillary timber building plus retention of two CCTV 3m high poles
Location:	Land Adjoining The Pavilion Known As Drayhorse Meadow Fields Lane Wateringbury Maidstone Kent ME18 5NQ
Applicant:	Mr And Mrs G Stevens

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## **1. Description:**

- 1.1 The application seeks planning permission to retain an unauthorised barn (3.8m x 4m) that has previously been the subject of an Enforcement Notice that has been upheld on appeal. This proposal differs insofar as it is now proposed to retain the barn in a re-sited position 5.6m further to the east of an existing stable block. This would have the advantage of setting the barn on lower ground so that its roof height would be 600mm lower than in its existing position. This means that the structure is no longer taller than the stable building – previously a principal concern. The elevational appearance of the structure is also to be improved through the hiding of unsympathetic metal roller shutter doors behind timber boarded doors and the use of new landscaping.
- 1.2 The application also seeks permission to retain 3 poles that have been mounted with CCTV cameras. Again, these structures were previously the subject of an Enforcement Notice that was upheld on appeal. The applicants propose that these poles be painted grey to lessen their visual impact.
- 1.3 Additionally, the applicants now seek permission to change the use of the site from simply the permitted stabling and keeping of horses to a mixed use, i.e. including an element of commercial storage through the storage of two carriages at the site which are used for business purposes – i.e. for hire for weddings and funerals etc.
- 1.4 The applicants have submitted a detailed planning statement in support of their case and this includes details of the applicants' business plan and their case of 'very special circumstances' to justify these proposals within the Green Belt. Members are invited to read this document.

## **2. The Site:**

- 2.1 The site is used as a base for the keeping and breeding of Shire Horses and the storage of carriages. It is located within the MGB, ALLI and outside the defined settlement confines of Wateringbury. It comprises a field located on the eastern edge of the village, adjacent to the recreation ground. To the north, east and south of the appeal site is open countryside which is predominantly open pasture with hedgerows. The land slopes in a southerly direction towards the River Medway and the Medway Valley Railway Line.

2.2 In the north west corner of the field is an existing timber clad 5 bay stable (20.5m long x 4m deep x 3.2m high). Access is provided via a single vehicle width access track, which also serves the recreation ground, including a pavilion building and a small parking area.

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

- 3.1 Enforcement Notice Appeal Dismissed 17.12.2003  
Requirement: Removal of timber barn extension and two No. 3m high CCTV poles.
- 3.2 TM/03/00561/FL Refused 28.04.2003 Appeal Dismissed 17.12.2003  
Construction of timber barn for storage also positioning of 2 CCTV poles (retrospective).
- 3.3 TM/01/00340/FL Approved 17.04.2001  
Block of 5 stables and haystore.
- 3.4 TM/00/02104/RD Approved 16.10.2000  
Details of staining to ship lap cladding (Golden Brown) pursuant to condition 3 of consent ref. TM/00/01092/FL (3 stables and haystore with hardstanding to front).
- 3.5 TM/00/02103/RD Approved 16.10.2000  
Details of disposal of manure, bedding and other waste by a muck heap removal contractor pursuant to condition 4 of TM/00/01092FL.
- 3.6 TM/00/01092/FL Approved 18.08.2000  
Erection of block of 3 stables and hay store with hardstanding to the front.

### **4. Consultees:**

- 4.1 PC: The PC strongly objects to this application. Local residents have been protesting about the inconsiderate use of the unmade track, partly owned by the PC, by heavy vehicles and cars speeding down the track. We would also bring to your attention that the applicants are still using a building which has not received consent and which the Enforcement Officer ordered to be dismantled. Now under the present application they wish to reinstate the building 5 to 6 metres to the right of the current stable block. The presence of the stable block, plus a possible re-sited outbuilding, lengthens an unsightly barrier further in this rural area towards the river aspect. The whole area is being subjected to a security zone, with CCTV still in situ that has not received planning consent. The PC also strongly objects to any further increase in business use.
- 4.2 KCC (Highways): No objection.
- 4.3 EA: No objection.
- 4.4 Private Reps: Art 8 Site Notice + 10/0X/0R/0S.

**5. Determining Issues:**

- 5.1 Although highway and residential amenity issues need to be considered in this case, given that these proposals in effect relate to the erection of a small barn for commercial storage purposes and the retention of CCTV poles, I consider that it is the policy issues that are of paramount importance in the determination of this application.
- 5.2 Firstly, it must be considered whether the proposed developments can be considered appropriate within rural countryside designated as Metropolitan Green Belt and, if not, whether there is a case of adequate 'very special circumstances' to justify the developments. Secondly, the potential harm to the appearance and character of the countryside, which has been designated as an ALLI, must be assessed.
- 5.3 The erection of a new building for commercial storage purposes and the erection of CCTV poles for security purposes both represent forms of 'inappropriate' development within the Green Belt. Moreover, they are also forms of development not cited within Policy RS5 of the KSP as being acceptable types of development within the open countryside. It is unsurprising therefore that similar proposals have previously been rejected by the Council and the Inspector who dealt with the appeal decisions for this site.
- 5.4 Notwithstanding the above, in terms of 'very special circumstances, I would acknowledge that the activities carried out at this site are quite unusual in that the applicants are stabling and seeking to breed a recognised rare breed of horse and also that this is actually a rural enterprise – as opposed to simply a conventional private stabling facility for individual leisure use. In this respect, some support for the proposals can be found in PPS7, which advises LPAs to support rural businesses/economic activities and specifically mentions equine related enterprises. This support is naturally tempered with the need to safeguard the integrity of the countryside. Significantly, neither the Inspector nor the Council were made aware of these facts concerning the background to the use when earlier consideration was given to the earlier proposals to retain the small barn and the CCTV proposals. (The barn was in fact considered merely on the basis of being just a hay store.) The detailed Government advice regarding such uses has also been updated in the meantime, through the issuing of PPS7.
- 5.5 The applicants have also now submitted clear evidence in the form of Police Records that demonstrate that the site has been the subject of repeated theft and break-ins. This is a material consideration that must be taken into account in the determination of the application.
- 5.6 The applicants have sought to improve the appearance of the barn since their previous proposals were rejected but, more significantly, they are now seeking to move the structure to lower ground and to physically separate it from the main stable block. Much of the harm that both this Council and the Inspector previously

found unacceptable with the barn structure stemmed from the fact that it was an unsympathetic adjunct to the existing stables being of an entirely different design and standing noticeably taller than the stable buildings it extended.

- 5.7 I believe that, when viewed as a separate entity, and with the proposed improvements to its external appearance, much of the harm identified before would be mitigated and the building would not appear as an unduly alien structure for this countryside location in its revised format. Indeed, as well as the improvements brought about simply by physically detaching this structure from the lower stable buildings and improving its appearance, the siting of the building on lower ground will reduce its scale and visual impact overall when viewed from many vantage points. Accordingly, I do not consider that the ALLI or the wider countryside would be unduly harmed by these current proposals.
- 5.8 With regard to highway issues, I am satisfied that this proposal poses no threat to public safety and KCC Highways concurs with this view. However, there is a need to ensure that adequate parking and turning facilities are provided at the site given the related commercial activities and I would therefore propose to attach a condition requiring details to be submitted. (There is an informal and unauthorised parking area at present but this needs rationalisation and improvement.)
- 5.9 I am also satisfied that the site is sufficiently distanced from the nearest dwellings to ensure that the amenities of nearby houses would not be harmed unacceptably by the proposals so long as conditions are attached relating to stable waste and the nature of the equestrian activities allowed at the site.
- 5.10 In the light of the changes in circumstances set out above, I am willing to support this application for the barn, the change of use to allow the commercial storage of the carriages and to retain the CCTV poles. I would advocate exercising control over parking and open storage and giving further consideration to the colour of the CCTV columns.

## **6. Recommendation:**

### **6.1 Grant Planning Permission** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (Z013)

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

- 2 Within one month of the date of this consent precise details of the proposed colour and texture of painting for the CCTV poles shall be submitted to the Local Planning Authority for approval, and the work shall be carried out in strict accordance with those details within one month of such approval. (D008)

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 3 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. 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.

- 4 The use of the barn hereby permitted shall be restricted solely to the storage of carriages, tack and similar equipment used ancillary to the keeping of horses at the site and the related commercial activities of carriage hire.

Reason: In the interests of safeguarding the amenities of the locality

- 5 No external lighting shall be installed on the site without the prior permission in writing of the Local Planning Authority.

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

- 6 All stable waste, manure and bedding shall be removed from the site by an appropriate contractor at least once a week and there shall be no burning of such waste at any time.

Reason: In the interests of amenity.

- 7 There shall be no independent commercial stabling or commercial riding school/livery use at the site.

Reason: Commercial use could harm significantly the amenities of the locality and the free and safe flow of traffic on local highways.

- 8 The commercial storage use hereby permitted shall be discontinued on or before 08.02.2009.

Reason: To enable the Local Planning Authority the opportunity to monitor the impacts of the commercial use of the site for a trial period.

- 9 Within one month of the date of this consent, full details of proposed parking and turning facilities to serve the site area shall be submitted to the Local Planning Authority for approval. The works shall be carried out in strict accordance with those details within two months of their formal approval, and shall thereafter be retained.

Reason: To ensure that the development is served by appropriate parking and turning facilities and to ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 10 No commercial vehicles, materials, plant or other equipment of any description shall be kept or stored in the open other than in areas and to such heights as may be approved in writing beforehand by the Local Planning Authority.

Reason: To avoid obstruction of vehicle parking/manoeuvring areas and to ensure the character and appearance of the development and the locality is not significantly harmed.

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