

Alleged Unauthorised Development

Shipbourne

05/00491/UNAUTU

561036 152211

Borough Green And
Long Mill

Location: Puttenden Manor Puttenden Road Shipbourne Tonbridge Kent
TN11 9QY

1. Purpose of Report:

1.1 To report an alleged breach of planning control relating to the commercial use of stables and a manege.

2. The Site:

2.1 The site is associated with a Grade II listed dwelling known as Puttenden Manor.

2.2 It comprises a stable block of 8 stables and 3 loose boxes with a manege. Vehicular access is to Puttenden Lane, close to its crossroads junction with Hampton Road.

2.3 The access also serves the host dwelling and the agricultural land of Puttenden Farm plus 3 other dwellings that are conversions of former farm buildings of Puttenden Farm.

3. Relevant History:

3.1 TM/81/182 Approved 02.06.1981
Change of use and conversion of barn to provide residential accommodation ancillary to Puttenden Manor.

3.2 TM/82/381 Approved 29.07.1982
Conversion of part of stable block to one dwelling.

3.3 TM/82/719 Approved 07.09.1982
Change of use and conversion of barn to dwelling without complying with condition (iii) (Sealed Cesspool) of application TM/81/182.

3.4 TM/83/1296 Approved 12.03.1984
Demolition of barns/outbuildings.

3.5 TM/85/489 Approved 08.07.1985
Details of conversion of part of stable block to dwelling submitted pursuant to outline permission TM/82/381.

3.6 TM/87/1151 Approved 28.08.1987
Use of residential accommodation as independent dwelling unit (removal of condition (ii) of permission TM/81/82 occupancy).

- 3.7 TM/87/1296 Approved 30.12.1987
Conversion of barn to dwelling.
- 3.8 TM/87/1297 Approved 07.01.1988
Conversion of barn to dwelling (Listed Building Application).
- 3.9 TM/88/504 Approved 25.04.1988
Erection of double garage and boundary walls.
- 3.10 TM/88/505 Approved 03.05.1988
Erection of double garage and boundary walls.
- 3.11 TM/88/1315 Approved 31.08.1988
Conversion of part of stable block to dwelling.
- 3.12 TM/88/1316 Approved 31.08.1988
Listed Building Application Conversion of part of stable block to dwelling including
removal of parts of stables and barn.
- 3.13 TM/88/1784 Approved 30.11.1988
Conversion of stables to garage.
- 3.14 TM/88/1785 Approved 30.11.1988
Listed Building Application: Conversion of stables to garages.
- 3.15 TM/92/311 Application Not Required 29.04.1992
Notification of proposed erection of agricultural barn under permitted development
rights.
- 3.16 TM/92/307 Approved 22.05.1992
Erection of stable and creation of manege.
- 3.17 TM/93/0085RM Approved 24.03.1993
Details of materials submitted pursuant to condition (ii) of permission TM/92/0307
(erection of stable and creation of manege).

4. Alleged Unauthorised Development:

- 4.1 The planning permission for the stables and manege in 1992 was on the basis of private use of the then owners of Puttenden Manor who had a daughter who was interested in eventing.
- 4.2 Puttenden Manor is now owned by different parties to those who obtained the 1992 planning permission.
- 4.3 In June 2005, the Council was notified that the new owners of the Manor were intending to work abroad for 2 years and wished to have the stabling facilities used in their absence as certain equipment would deteriorate if not used. It was explicitly stated that the use would be private and not commercial.

- 4.4 Subsequently, complaints have been received alleging that there has been a commercial use of the stables and manege since June 2005. This has been described as use by an event rider who has no connection with the owners of Puttenden Manor other than by renting the stabling premises. It is alleged she stables horses owned by third parties and rides them on behalf of the owners at a series of national events. The effects of this commercial use have been described as an increase in traffic including early morning starts and more heavy vehicles using Puttenden Road.
- 4.5 Investigations have taken place. Discussions with the agent for the owners and their farm manager confirms the following:
- The premises are rented out to a tenant eventer.
 - Of the 10 horse stables at the site, one belongs to the eventer, the others are owned by third parties. There are up to 12-14 horses at the site on average.
 - Care of the other 9 horses is carried out by the eventer and her assistants, not by the owners.
 - The tenant trains all the horses on behalf of the owners.
 - The tenant rides them at events on behalf of the owners.
 - The tenant also stables and trains “problem horses” and this may involve giving riding lessons to the owners. On average there are 4-5 of these per annum, each horse staying for a few weeks.
 - Owners will visit the site to look at their horses from time to time.
 - On non-competition days, 2 staff typically arrive between 0800 - 0930 and leave at 1800 - 1900hrs.
 - Off season, the horse lorry will leave the site between 0800 - 1700 on average twice a week to go to cross country or show jumping events.
 - The horse lorry will occasionally leave the site between 0800 to 1700 to visit the vet.
 - The horses are generally hacked on the local roads in rotation by the tenant and her groom.
 - On competition days, there can be early starts, staff arrive at 0500 hrs, horse trailers leave the site at 0600, usually returning at 2200hrs. Staff leave typically one hour later.

- Other traffic movements will be owners' lorries visiting the site up to twice a week to temporarily take their horses elsewhere; feed deliveries (twice a week in winter, once a week in summer); farrier, equine dentist, equine physio and vet.

5. Determining Issues:

- 5.1 The site is outside settlement confines. It lies in the MGB and AONB. The host dwelling and a number of outbuildings are listed grade II.
- 5.2 PPG2 (Green Belts) refers to re-use of rural buildings and requires no greater impact on the openness of the Green Belt and purposes for including land in it, compared to the previous use.
- 5.3 PPS7 (Sustainable Development in Rural Areas) notes that equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and help to diversify rural economies. In some parts of the country, horse training and breeding businesses play an important economic role. Local planning authorities should support equine enterprises that maintain environmental quality and countryside character and they should also facilitate the re-use of farm buildings for small-scale horse enterprises (up to 10 horses) that provide a useful form of farm diversification.
- 5.4 Policy SS8 of the adopted KMSP 2006 requires development in the countryside deriving from a re-use of a building to be acceptable on environmental, traffic and other planning grounds. Policy EP7 of the adopted KMSP 2006 refers to development of employment uses in the countryside but only where this accords with Policy SS8.
- 5.5 Policy P4/11 of the TMBLP requires development to not harm the particular character and quality of the local environment. Policy P6/13 requires equine development to have no adverse impact on residential amenity due to excessive noise, traffic generation or activity at unsocial hours. Policy P6/14 requires re-use of rural buildings to be acceptable in terms of residential and rural amenity and in terms of highway impacts.
- 5.6 It is clear that there is a breach of planning control at the site in that the premises are used commercially and are not used ancillary to the occupation of the initial host dwelling or indeed any other adjacent dwelling.
- 5.7 The commercial use has resulted in more activity and disturbance overall; more activity and disturbance at unneighbourly hours; additional traffic using the access; more frequent use of the access by large vehicles; traffic at unneighbourly hours.
- 5.8 Clearly, in assessing whether it is expedient to take enforcement action, it is necessary to look at the original planning permission to assess the degree of change that results from the commercial use that currently takes place.

- 5.9 The 1992 permission was granted on the basis of the stables having up to 10 horses and being used by an eventer. Hence there would have been traffic visits by farriers, vets, equine dentists etc in the same manner as is now the case.
- 5.10 However, the 1992 planning permission was granted on the basis that the eventer would have been a resident of the host dwelling and all of the horses used would be owned by her or by her immediate family. The use was private and hence the riding lessons and the schooling of “problem horses”, for example, would have been prevented from taking place by conditions imposed on that planning permission.
- 5.11 The commercial use that operates therefore introduces a significantly different character to the use of the stables and manege.
- 5.12 This includes the following:
- Vehicular comings and goings associated with the training of problem horses, namely, the arrival and departure of horse lorries and the arrival and departure of the owners needing riding lessons.
 - Additional noise and disturbance from riding lessons associated with the training of problem horses.
 - Vehicular comings and goings and additional noise and disturbance associated with owners visiting the site to look at their horses.
 - Vehicular traffic of tenant.
 - Vehicular traffic and additional noise and disturbance associated with owners’ horse lorries visiting the site up to twice a week to temporarily take their horses elsewhere.
- 5.13 In summary, comings and goings and overall activity have increased, with consequent noise and disturbance from car doors slamming, car radios, conversations between tenant and owner and raised voices during riding lessons etc. Vehicular traffic levels have increased overall. The type of traffic has changed with proportionally more horse lorries visiting the site. The use of the existing access has increased which is not considered suitable for commercial use from a highway safety point of view due to its relatively poor sight lines and the proximity with the Hamptons Road crossroads and the multi-purpose use, shared with 4 residential dwellings.
- 5.14 The breach of planning control has impacted on highway safety due to the existing access arrangements and has increased noise and disturbance to local residents due to the extra activity and the extra traffic using the shared access. It is therefore expedient to take action to protect the amenity of residential properties in the vicinity and in the interests of highway safety.

6. Recommendation:

An Enforcement Notice **be issued** as set out below and copies **be served** on all interested parties.

The Notice to take effect not less than 28 days from the date of service, subject to:

- The concurrence of the Chief Solicitor, he being authorised to amend the wording of the Enforcement Notice as may be necessary.
- In the event of an appeal against the Notice the Secretary of State and the appellant to be advised that the Local Planning Authority is not prepared to grant planning permission for the development the subject of the Enforcement Notice.

Breach Of Planning Control Alleged

Change of use from mixed residential and agricultural use to a mixed residential, agricultural and commercial use.

Reasons For Issuing The Notice

It would appear to this Authority that the above breach of planning control has occurred within the last ten years. The commercial use that operates therefore introduces a significantly different character to the use of the stables and manege. There are consequent impacts on highway safety due to the existing access arrangements and increased noise and disturbance to local residents due to the extra activity and the extra traffic using the shared access. The development is thereby contrary to Policies SS8 and EP7 of the adopted Kent and Medway Structure Plan 2006 and Policies P4/11, P6/13 and P6/4 of the Tonbridge and Malling Borough Local Plan 1998.

Requirement

To cease the commercial use of the stables and manege and to revert the stable and manege use back to being incidental and ancillary to the residential or agricultural use of Puttenden Manor.

Period For Compliance

Three calendar months from the date the Notice becomes effective.

6.2 Further Proceedings

In the event of the Enforcement Notice not being complied with and subject to satisfactory evidence, the Chief Solicitor **be authorised** to commence any proceedings which may be necessary under Section 179 of the Town and Country Planning Act 1990 (as amended) to secure compliance with the Enforcement Notice.

Contact: Marion Geary