

**West Malling**                      **567156 157148**      **17 October 2006**      **TM/06/01683/FL**  
West Malling And  
Leybourne

Proposal:                      Conversion of 2 agricultural buildings to create an additional 10 liveries plus hydrotherapy spa area + 2 associated stables (part retrospective)  
Location:                      Tower Farm 231 Offham Road West Malling Kent ME19 6RF  
Applicant:                      Mr + Mrs McEntee

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**1. Description:**

- 1.1 The application relates to the conversion of 2 farm buildings to livery use and for a hydrotherapy spa for a maximum of 2 recuperating horses associated with Mereworth Equine hospital.
- 1.2 One of the farm buildings (Block 1) already has 4 liveries permitted in September 2004 as a small scale diversification scheme. At that time, there were 5 other loose boxes in block 2, then said to be used for private purposes for the applicant.
- 1.3 Two loose boxes for liveries have been constructed in Block 1 without planning permission. It is also proposed to install another 3 liveries in that Block.
- 1.4 The result of this development would involve an increase in loose boxes from 9 to 14 and commercial liveries would rise from 4 to 14. Although 4 of the loose boxes are intended to be retained for private use, the applicants want flexibility to have all 14 loose boxes as commercial liveries at some point in the future.
- 1.5 The second strand of this development is the installation of a hydrotherapy spa with 2 associated stables for recuperating horses. This installation is proposed within Block 1.
- 1.6 A supporting statement has been submitted making the following points:
  - *Mrs McEntee will run the recuperation centre in conjunction with the local veterinary service. The vet is anticipated to call at the site 2-3 times per week.*
  - *Anticipated horse arrival and departure once per week in connection with the recuperation centre.*
  - *Approx 50 % of the hay cropped on the holding (i.e. 900 bales) will be sold to the livery owners, the other 900 will be sold to the agricultural market place.*
  - *Vehicle movement would be very similar to the permitted use of agricultural.*
  - *Access to the site is very good.*

- *The holding (27ac) is of limited size agriculturally so use by an equine business is likely to be more sustainable in the long term.*

## **2. The Site:**

- 2.1 The site is 27 acres (11 ha), primarily grassland used for grazing and for the cropping of hay.
- 2.2 The vehicular access is to Offham Road, part is also a PROW. It is single width with code controlled gates where the PROW splits off into a footway.
- 2.3 There are 2 large barns, a workshop and hay barns. A bungalow on the farm is subject to an agricultural occupancy condition.

## **3. Planning History:**

TM/85/11124/FUL grant with conditions 6 December 1985  
(TM/85/1381)  
Agricultural implement and store shed.

TM/86/11800/FUL grant with conditions 28 April 1986  
(TM/86/0425)  
Hay barn and lambing shed.

TM/87/10543/FUL grant with conditions 20 November 1987  
(TM/87/1533)  
Store building.

TM/87/11414/OUT Refuse 26 March 1987  
(TM/86/1748)  
Outline application for farmhouse.

TM/87/11682/FUL grant with conditions 25 June 1987  
(TM/87/0602)  
Temporary mobile home for agricultural occupant.

TM/89/11670/FUL grant with conditions 28 July 1989  
(TM/89/0328)  
Remove mobile home and erect bungalow (farmhouse).

TM/93/01621/AGPN planning permission 10 February 1993  
(TM/93/0044/AGF) required  
Notification of proposed erection of implement store under permitted development rights

TM/94/01633/AGPN planning application not 19 December 1994  
(TM/94/1476/AG) required  
Prior Agricultural Notification: implement shed

TM/04/02413/FL Grant With Conditions 20 September 2004

Alteration of farm entrance and change of use from stabling to livery for four loose boxes (retrospective)

TM/04/03519/RD Grant 12 November 2004

Details of manure storage submitted pursuant to condition 2 of consent ref: TM/04/02413/FL: Alteration of farm entrance and change of use from stabling to livery and 4 loose boxes (retrospective)

TM/05/01138/FL Refuse 15 July 2005

Single storey extension and addition of first floor to create 4 bedroom house together with new brick envelope

#### **4. Consultees:**

- 4.1 PC: Members once again urge that no decision should be made until the issue of agricultural occupancy has been resolved and they OBJECT to the current proposal. No credible evidence has been produced to demonstrate that there is any core farm business, so there is no question of “diversification”. TMBC’s own LDF states that diversification “should be needed to secure the viability of the farm” which presupposes the existence of the “farm”, which is not so in this case. The LDF also states that there ought to be a supporting Business Plan. Furthermore, there is a “strong presumption against development in the Green Belt” unless very special circumstances prevail, which have not been demonstrated in this instance. Members draw attention to Policy CP5 which urges the protection of Green Wedges; this proposal would entail the erosion of the Green Wedge between West Malling and Kings Hill. Members’ objections are also based on the issue of increased traffic on Offham Road.
- 4.2 KCC (Highways): final views awaited.
- 4.3 KCC( PROW): No objections although there should be no obstruction to the PROW and no damage to its surface.
- 4.4 TMBC Agricultural Consultant: No objections: The current owners have kept some cattle on a small scale but this did not prove successful, the limited acreage is used for making hay (using contractors – about 2000 bales a year) for equestrian

use, and for grazing horses. Currently there are 14 horses on the site as well as the applicants' own 4 horses. Mrs McEntee manages the liveries with the assistance of a full-time helper. There is an open mènage for exercising the horses, many of which are kept for eventing and dressage competition purposes. The current equestrian expansion proposals would enable up to 16 horses to be stabled at any one time making a logical use of existing otherwise under-used farm buildings, that originally served a larger and more intensively farmed agricultural unit. There is more than sufficient land available for grazing the number of horses to be kept. A limit on horse numbers could form part of the conditions attached to any approval. The site does not have immediate access to bridleways, and use of the local roads for riding out is not recommended, however the existing users potentially have a reasonably large riding out area on the farm land itself, as well as the use of the mènage. Otherwise owners use horse boxes/lorries to take their horses out to competitions or for hacking elsewhere. There is no lighting on the mènage and again that fact could be secured through the conditions attached to any approval, as could a prohibition on any jumps, shelters or other paraphernalia being left outside. An equestrian based re-use of these buildings should prove an appropriate means of recreational diversification of the rural economy, probably being more sustainable and commercially viable than more intensive alternative agricultural uses that may well also require significant additional capital investment in specialist buildings and/or equipment and livestock. P6/14 (5) is concerned with the potential problem of sub-division and economic non-sustainability, rather than necessarily raising any intrinsic objection to a wholesale diversification from an agricultural to an equestrian use. The latter use also demands a rural location, and in land use terms (provided it is appropriately arranged) can have similar characteristics to agricultural livestock management. As to the fragmentation and/or severance issue referred to in P6/14 (5), it may well be that a future sub-division of the holding is more likely to be occasioned by preventing the establishment of a commercial-scale equestrian use, than by allowing it. There is also the related issue of compliance with the agricultural occupancy condition on the bungalow, which as matters stand, seemingly is not being complied with at present. The adjoining dwelling enables a responsible equestrian worker to give close attention and security for the liveried horses. However that would require the condition to be broadened and re-worded.

- 4.5 DHH: main issues are odour and conditions are suggested to relate to the means of disposal of manure and bedding and to prevent any burning of stable waste on site to protect neighbouring residential amenities.
- 4.6 Private Reps (4/0R/0X/0S) + Art 8 site notice and PROW press and site notices: No responses received.

**5. Determining Issues:**

- 5.1 The site is in the rural area and within on the MGB. Relevant national policy is PPG2 (Green Belts) and PPS7 (Sustainable Development in Rural Areas). Part of the access is a PROW.
- 5.2 Relevant strategic policy is SS2 (Green Belts) and SS8 (Development in the Countryside). The TMBLP contains policy P6/13 which deal with equine developments and P6/14 which deals with proposals for the re-use of existing rural buildings for recreation or commercial uses.
- 5.3 In MGB terms, the re-use of existing buildings is appropriate in principle if there is not a materially greater impact than the existing use. In this case, it is considered that the general activity and comings and goings and use of the external areas for parking etc would not be materially worse than the existing or potential agricultural use and therefore no objections on these grounds are appropriate.
- 5.4 In terms of amenity issues raised in Policies P6/13 and P6/14, there will be the odours from the horse waste, comings and goings and general activity and the use of the access for traffic, particularly early morning or late evening use from any horses being taken off site for eventing or similar competitions. This would be an unacceptable arrangement if the stabling were to be operated independently of the commercial uses in this application. A suitable condition can be imposed to ensure that the bungalow is always occupied by the owners or others engaged in the business associated with the livery/recuperation facilities.
- 5.5 Policy P6/14 of the TMBLP and PPS7 support diversification of the rural economy as a whole. The advice of the Council's agricultural consultant is that this should not be regarded as unsatisfactory fragmentation or severance of an agricultural land holding to result in a non-viable agricultural unit. He considers that the proposal is a preferable alternative to intensive farming (that would require significant capital investment) for a holding of this size to be a viable farm (and intensive agriculture may, of course, also raise wider concerns in respect of environmental impacts/traffic).
- 5.6 Highways issues will be the subject of a supplementary report.
- 5.7 Members will note the views of the PC on the issue of the agricultural occupancy condition (AOC) of the bungalow on this site. The condition requires occupation of the dwelling to be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 290 of the Town and Country Planning Act 1971, or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person. The question has been raised as to whether the condition is being complied with. This is not directly related to the decision in this case and is currently under investigation. Should investigations reveal a fundamental breach of the condition the matter will be

pursued further. It is of course entirely possible to comply with this condition without owning any farmland.

- 5.8 Having carefully considered the issues raised, I recommend approval subject to conditions. Should it prove necessary, a further separate report will be made on the matter of the AOC.

**6. Recommendation:**

- 6.1 **Grant Planning Permission** as detailed by letters dated 16.05.2006; 18.07.2006; 31.07.2006; 11.10.2006; block plan date stamped 17.05.2006; site location plan date stamped 20.07.2006; report date stamped 12.10.2006; drawing 0616/01 date stamped 17.10.2006; drawing 0616/02 date stamped 12.10.2006 subject to the following conditions:

- 1 The number of livery horses accommodated on the land holding shall not exceed 14. (F009\*)

Reason: A more intensive use of the site could harm significantly the amenities of the locality and the free and safe flow of traffic on local highways.

- 2 The number of horses accommodated on the site in connection with the horse recuperation service shall not exceed 2. (F009\*)

Reason: A more intensive use of the site could harm significantly the amenities of the locality and the free and safe flow of traffic on local highways.

- 3 No development shall take place until details of the means of disposal of manure, bedding or any other waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the details so approved. (F007)

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

- 4 No manure, bedding or any other waste shall be burned on site.

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

- 5 The stables and equine facilities hereby permitted shall not be operated independently of Tower Farm House, Offham Road, West Malling.

Reason: The uses could have an adverse impact on the amenity of the dwelling house which would be unacceptable for a dwelling separate from the business.

- 6 No lights shall be installed to the mènage unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the local visual and residential amenities

**Informative:**

- 1 You are advised that planning permission TM/89/0328 requires that the occupation of the dwelling at Tower Farm shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 290 of the Town and Country Planning Act 1971, or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

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