

Ryarsh Downs **567452 159757** **25 October 2006** **TM/06/03491/FL**

Proposal: Change of use of existing stables to B1 (A) office use
Location: Ryarsh Equestrian Centre Birling Road Ryarsh West Malling
 Kent
Applicant: Portcullis Land And Property + Mr Brian Anderson

1. Description:

1.1 The proposal is to convert the existing quadrangle of stables into six office units for small businesses. There will be little structural work required for this scheme, as the buildings are structurally sound and no changes will be made to the exterior elevations of the building. The existing grassed area in the courtyard will be removed and surfaced over to provide a parking area for 18 cars including disabled parking. The area of hard standing to the west of the building will be retained and formalised to create an entrance and provide a further parking facility.

2. The Site:

2.1 Ryarsh Oast Stables lies between the villages of Ryarsh and Birling. Ryarsh Oast, Ryarsh Primary School and the village settlement beyond are situated to the western side of the site, with the remainder of the site surrounded by open countryside. The site is located within the Metropolitan Green Belt, an Area of Outstanding Natural Beauty and a Special Landscape Area.

2.2 Ryarsh Oast Stables comprises approximately 27 horse boxes and two or three smaller rooms used for storing feed and tack etc. The stables are set in a quadrangle around a fenced grassed area. The building is constructed of red brick and is single storey in height, with a clay tile pitched roof. Small windows with leaded detail face outwards whilst typical stable doors face into the courtyard. The access to the stable is in the north side of the building and into the courtyard area. The entrance projects northwards by approximately 5m from the building line of the rest of the stables, with solid timber gates under a pitched roof that is set higher than the continuous pitch height of the rest of the building.

2.3 The application site is set back from Birling Road behind open grazing paddocks, with access to the site from Birling Road via a sealed and gated access way. The access road to the site leads directly from Birling Road and provides access to the stables, Ryarsh Oast and associated land. The access road culminates in a large hard surfaced area to the immediate west of the stables, which provides an area of car parking.

2.4 Immediately to the east of the stables is a fenced sand school with two smaller corrugated metal clad buildings located further east of this. One of these buildings is used for extra stabling purposes and the other as storage including for hay and

feed. Surrounding the stables on the north and western sides are fenced paddocks for horse grazing. The applicant owns the land immediately adjoining the application site, located on the south side of Birling Road.

3. Planning History:

- 3.1 No relevant planning history. It is noted that the stables and use of the site for livery purposes were established under planning permission granted between 1989 and 1992.

4. Consultees:

- 4.1 PC - Ryarsh PC: Objection. Application for change of use is totally inappropriate in this location and should be totally rejected out of hand for the following reasons:

- The site lies outside the village envelope.
- The site is within a designated Area of Outstanding Natural Beauty, Special Landscape Area and the Metropolitan Green Belt.
- Central Government policy is to totally resist further encroachment into the Green Belt.
- The site is unsustainable with no amenities or facilities available for several miles.
- The site is not served by any regular bus services and hence prospective occupiers would be required to use motor cars putting yet a further burden on our presently overstretched local narrow road network. This means coming through the narrow village main street or other already overused country lanes from the east.
- The site entrance is onto Birling Road at a point which is the subject of long term concerns relating to the danger created by parked vehicles accessing the local Ryarsh Village School. We have in fact resurrected the issue in recent months with the new headmistress and Kent Highways are seeking to find ways to at least minimise these problems. Further traffic could only exacerbate these problems and create greatly increased danger to school children.
- We do not believe there is a demand for offices in this location taking account similar existing agricultural conversions in more accessible locations in the area standing vacant.
- This is clearly not an office location, these being more than locally provided for by sites in the area as established or developed under local planning policy.

- If permitted there is considerable fear that a precedent would be set for change of use of other areas of land within the same ownership, leading to insidious ongoing further development and in the worst scenario the eventual merging of the villages of Ryarsh and Birling – the latter lying immediately to the east of the subject site.
- We will shortly have some 94 houses plus 1000 sq m of commercial space being developed on then nearby former Ryarsh Brickworks. When this proposal was first mooted grave concerns were expressed at the ability of existing utilities to serve the site, particularly mains water, and we understand this is an issue requiring considerable work and cost to overcome. Gas and power are similarly under pressure and from personal experience, the availability of new phone lines is limited.

4.2 PC – Birling PC: Objection. Acknowledges the Applicant's contention that "the impact of the proposals on the character of the landscape will be minimal" but objects strongly to their proposals by reason of their anticipated adverse impact on the local highway network. Currently, traffic destined for and coming from Ryarsh Stables in their existing use is normally spread evenly throughout the day; is more frequent at weekends when local traffic is lighter; and horseboxes, whilst they are normally wider than cars, tend to be driven much more slowly than cars. By contrast, traffic destined for and coming from Ryarsh Stables if they are converted into offices will be concentrated into the AM and PM peak periods and will have a very serious impact on the local road network. In particular, at the AM peak period during school terms, most or all of this new traffic will not only compete with traffic destined for Ryarsh School and emanating from outside Ryarsh and Birling villages, it will exacerbate the daily chaos and dangers which already exist outside the school itself. It is also considered that the proposed urbanisation would compromise an important green gap between the two villages of Ryarsh and Birling. Concern over the date/accuracy of the site location plan with regard to the extent and location of adjoining properties and private garden areas.

4.3 KCC (Highways): No objection subject to conditions relating to parking space provision and provision of turning area. The submitted application shows proposals to convert the existing stables to an alternative use as offices, with the existing access being maintained to serve the site. Based on the floor area for office use the proposal could require up to 38 car parking spaces, plus room for deliveries. The proposed layout shows the forecourt yard converted to parking with 28 spaces, including two disabled spaces. The main part of the application site is located some distance from the public highway, where I acknowledge that additional space is available to provide further parking if necessary. Traffic generation is likely to be increased by the changes; however the type of vehicles visiting the site is also likely to change from existing heavier vehicles / LGVs to mainly cars.

4.4 DHH: No objection.

- 4.5 KCC PROW: Public Footpath MR126 which runs through the site and may be affected by the development has been drawn incorrectly on the application plan DHA/6024/01 and on the Land Registry Title Plan. I therefore enclose a copy of the Public Rights of Way network map showing the definitive line of this path for your information. I have also enclosed a copy of the 1992 Public Path Order Plan which shows the position of MR126 in greater detail. It should be noted that the Footpath has a recorded width of 2m. (Note: Plans since amended by the applicant, and circulated for information). It is important to advise the applicant that the granting of planning permission confers on the developer, no other permission or consent. This means that a Public Right of Way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width of the path. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.
- 4.6 Private reps: 8/OX/OR/OS + Art 8 (2 objections).
- 4.7 Objection received raising the following points: Having purchased property for the beauty and peace of the village, we are now horrified to learn that this application is being considered. Before purchasing our property we were told by the planning department that as this is an Area of Outstanding Natural Beauty any building changes are very strictly controlled. Hopefully this will include this request for change of use from aesthetic stables to business type buildings in a very beautiful area and residential area and it will therefore be refused. Change of use opens the door for all sorts of future applications to then be allowed. Offices / business premises would inevitably lead to an increase in traffic and so close to a village school. Hopefully our council will take the appropriate decision and refuse this. Keep our village a pleasant place to live in; approving this would be the beginning of the end for yet another lovely area in an already decimated Kent; AONB's are precious and few, therefore for wildlife conservation and local residents alike, such places need to be protected. Impact on the area is bound to come when Leybourne Grange is developed, flooding the area with substantially more traffic and pollution. Please try to retain the village atmosphere of Ryarsh and Brling, such villages are sadly becoming very rare in Kent these days. Concern over the date/accuracy of the site location plan with regard to the extent and location of adjoining properties and private garden areas, particularly Charlton House and its garden to the north and east of the application site.

5. Determining Issues:

- 5.1 The site is located within the Metropolitan Green Belt and an Area of Outstanding Natural Beauty. Within the Metropolitan Green Belt there is a presumption against inappropriate development and, in line with AONB policy, development should maintain or enhance the visual amenities and natural beauty of the area. It is, however, acknowledged in national policy that the conversion of rural buildings for

economic development is acceptable in principle, subject to meeting the requirements of other relevant planning legislation. This approach is carried forward in strategic and local plan policy. Therefore, the key issues relating to the proposal are whether the proposed change of use / rural building conversion is acceptable under the relevant tiers of planning policy, and whether the proposal will be detrimental to the amenities of the area having regard specifically to visual impact and traffic effects.

- 5.2 With regard to development within the Metropolitan Green Belt, PPG 2 sets out a general presumption against inappropriate development, which by definition is harmful to the Green Belt. PPG 2 also states that with suitable safeguards, the reuse of buildings should not prejudice the openness of Green Belts, since the buildings are already there. It goes on to state (paragraph 3.8) that the reuse of buildings is not inappropriate if:
- it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;
 - strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt;
 - the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and
 - the form, bulk and general design of the buildings are in keeping with their surroundings.
- 5.3 Furthermore, PPG 2 states that if a proposal for the re-use of a building in the Green Belt does not meet the criteria in paragraph 3.8 (see above), or there are other specific and convincing planning reasons for refusal, the local planning authority should not reject the proposal without considering whether, by imposing reasonable conditions, any objections could be overcome.
- 5.4 Policy SS2 of the KMSP 2006 also identifies a general presumption against inappropriate development in the Green Belt. Under policy P2/16 of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP) development (in the Green Belt)... will not be permitted unless acceptable under the terms of other policies of this plan, or otherwise exceptionally justified.
- 5.5 I consider that the proposal meets the policy requirements of PPG 2, specifically the criteria under paragraph 3.8 of that policy, and thus is not deemed to be inappropriate development in the Green Belt. The proposal does not involve any new external building works or changes to the site, other than increased sealing of some openings within the internal quadrangle and resurfacing of existing parking/access areas, and will therefore not have a materially greater impact on the openness of the Green Belt. The buildings are of permanent and substantial construction and in keeping with the rural character of the area due to the traditional rural design of the existing stable block which will remain unaltered on external elevations by the proposal.

- 5.6 PPS7: Sustainable Development in Rural Areas stipulates that the Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives, and that the re-use for economic development purposes will usually be preferable.
- 5.7 Policy SS8(ii) of the KMSP 2006 specifies that non-residential development in rural Kent other than at rural settlements should be the re-use, adaption or redevelopment of an existing rural building or institution, where the change is acceptable on environmental, traffic and other planning grounds.
- 5.8 Policy EP7 of the KMSP 2006 states that the provision for small scale business development (B1 – B8) and service industries should be made within, or adjoining, the built up area of Rural Service Centres or of larger villages that can provide a sustainable form of development. No provision for business development will be made elsewhere in rural Kent except where:
- it involves the re-use, adaption or redevelopment of an existing building, as covered by SS8(ii)... and good access can be provided to the primary road network and bus or rail services.
- 5.9 All development supported within the terms of policy EP7 should have no unacceptably adverse impact on the local transport network, the environment or the Green Belt and will be subject to the restriction of subsequent expansion if in conflict with the policies of this plan.
- 5.10 At local plan level, TMBLP 1998 policies support proposals for the reuse of existing rural buildings for commercial, industrial, recreation or tourist development. In particular, policy P6/14 states that subject to policy P2/16, development will be permitted where:
- The building is of a form, bulk and general design which is in keeping with its surroundings
 - The building is of permanent, substantial and sound construction and capable of conversion without major or complete reconstruction
 - Any alterations proposed as part of the conversion are in keeping with the rural character of the building in terms of detailed design and materials
 - The proposed use is acceptable in terms of residential and rural amenity, highway impacts and the use of land surrounding the buildings, and can be accommodated without requiring the erection of ancillary buildings. If appropriate, conditions will be imposed removing permitted development rights
 - The proposed use does not result in the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit
 - There is no adverse impact on the rural character or appearance of the area, both locally and in wider views, particularly within areas of identified landscape importance, and any landscaping scheme for the site is appropriate to a rural location.

- 5.11 The above policies clearly provide, in principle, for the conversion of rural buildings and business development in rural areas where no additional buildings are to be erected, and proposals do not result in adverse impacts on rural character and amenity. As discussed in paragraph 5.5 above, the proposal meets these requirements. With regard to restricting opportunities for future expansion, conditions limiting business use to particular use classes and restriction of any future development on the site can be imposed on any planning permission granted.
- 5.12 With regard to the site being located within an Area of Outstanding Natural Beauty and a Special Landscape Area, planning policy deems the primary consideration to be the protection, conservation and enhancement of landscape character and natural beauty. In addition, development should not be detrimental to the quiet enjoyment of the area (policies EN4 and EN5 of KMSP and P3/5 and P3/6 of the TMBLP). Policy EN4 also requires that due regard be given to the economic and social well-being of the area. Where necessary appropriate mitigation measures should be provided. As the proposal will not result in any noticeable material changes in built form or to the landscape, I do not consider the proposal to be detrimental to the landscape. However, I do consider it appropriate to require the submission of a landscape plan as part of any planning permission to ensure the long term protection of the visual amenity of the car parking area in particular. It is also noted that the site is located away from any adjoining residential dwellings, and with the proposed use of the site for offices being a rather passive land use I do not consider that the proposal will adversely affect the opportunity for quiet enjoyment of the area.
- 5.13 A number of the policies discussed above specify that development in the form of re-use of buildings and business development in rural areas / the Metropolitan Green Belt should not result in adverse highway impacts, nor any associated adverse effects on amenity. Consultations have also revealed concern about the traffic impacts of the proposal on the local road network. The applicant has outlined the existing traffic environment of the site, and provided details of the existing traffic generation and anticipated full traffic generation that could occur under the current permitted use of the site for stables/livery. Using TRICS data the traffic generation for the existing stable use of the site is calculated to be between 392 – 756 vehicle trips. Traffic generation of the proposed office use of the site is calculated to be between 487 – 731 trips; a similar number of vehicle trips to the existing. It is also noted that the types of vehicles visiting the site will change from a mixture of private motor cars and horse boxes, lorries and trailers to mainly private motor cars. The incidence of large lorries and trailers visiting the site will be reduced.
- 5.14 Parking is to be provided within the quadrangle of the building, with some parking to the existing hard surface area to the immediate west of the building. Based on a proposed office floor area of 696sqm, the full parking requirement for the site would be 38 parking spaces; the proposal includes a reduced parking provision of

28 spaces. Government guidance indicates that a developer should not be asked to supply more parking than is proposed unless there are clear reasons why the local parking situation dictates a higher level. I do not think that this applies here and in any event there is space for further parking should this prove necessary.

- 5.15 KCC Highways have assessed the traffic components of the proposal and raise no objection, noting the retention of the existing access point and the proposed parking provision. It is noted that the main part of the application site is located some distance from the public highway and that although there is potential for an increase in traffic generation the type of vehicles visiting the site is likely to change from existing heavier vehicles / LGVs to mainly cars. Two conditions relating to parking space provision and the provision of a turning area are recommended.
- 5.16 The core principle of land use planning policy is sustainable development. PPS7 specifies that a key principle of sustainable development in rural areas is accessibility. Most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling. Decisions on the location of other developments in rural areas should, where possible, give people the greatest opportunity to access them by public transport, walking and cycling, consistent with achieving the primary purpose of the development.
- 5.17 It is noted that the issue of sustainable transport within and around Ryarsh and Birling has been examined in detail through two previous planning applications: Ryarsh Brickworks (Ryarsh Park) and Leybourne Grange. Through these applications, it was found that safe cycle linkages to both West Malling and Leybourne Grange exist and are accessible within a 15 minute cycle. In addition, the nearby residential areas of Larkfield and Leybourne are readily accessible via cycle and pedestrian routes. Furthermore, as part of the Leybourne Grange development and notably with the Ryarsh Park call in decision, substantial payments are to be made towards improving local bus provision. This proposal, although located slightly further away from Ryarsh and Birling villages than the above sites, is located in the vicinity and will benefit from the same pedestrian, cycle and bus routes/improvements. In light of this, I consider that a range of sustainable transport options exist and that the application site and proposal is deemed to sufficiently meet the policy requirements. As in the Ryarsh Park case it has to be recognised that this site has been a traffic generator quite legitimately in the past and the current proposal must be judged in the context of the realistic appraisals of the historic use rights of the site.
- 5.18 Responses to consultations did raise concerns that the proposal would set a precedent for further development in the Metropolitan Green Belt and result in the merging of Birling and Ryarsh villages. As discussed above, I consider it appropriate to place conditions on any planning permission that would restrict use classes and any further development on the site. I also note that the proposal is for the re-use of existing building stock and therefore cannot consider that it alters

the existing relationship between Birling and Ryarsh villages. Furthermore, the granting of planning permission for this development does not preclude the remainder of the site from being used for rural land uses.

5.19 I consider that the proposal meets the relevant central government, strategic and local plan policy requirements. The proposal is not considered to result in any significant material changes to the Metropolitan Green Belt, Area of Outstanding Natural Beauty, Special Landscape Area and rural character of the area; or to result in any undue highways impacts or loss of amenity. Sustainability is a core principle underpinning land use planning and the proposal is deemed to meet the relevant objectives.

6. Recommendation:

6.1 **Grant Planning Permission** in accordance with the following submitted details: Location Plan H.MLAND REGISTRY K522787 dated 20.02.2007, Letter JAC/KL/6024 dated 25.10.2006, Floor Plans And Elevations DHA/6024/02 dated 25.10.2006, Letter dated 24.01.2007, Letter dated 10.01.2007, subject to compliance with the following conditions:

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

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

2. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, and suitably surfaced. Thereafter it shall be kept available for such use and no permanent development, whether or not 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.

3. No building shall be occupied until the area shown on the submitted plan as turning area has been provided and suitably surfaced. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and 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 turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

4. Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), the layout of the development shall not be varied by means of sub-division or amalgamation of any units, nor by the insertion of additional floors, without the prior permission in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess the impact of such variation on parking and vehicle circulation in the interests of safe and free flow of traffic.

5. No materials, plant or other equipment of any description shall be kept or stored in the open.

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.

6. 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. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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. The premises shall be used for offices (Class B1(a)) and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: To protect the character and amenity of the area and to prevent adverse effects on the public highway.

Informative:

1. The granting of this planning permission does not purport to give any other permission or consent with regard to the Public Rights of Way through the site. This means that a Public Right of Way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the

current width of the path. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.

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