

Shipbourne **561036 152211** **12 Sept 2007** **TM/07/01128/FL**
Borough Green And
Long Mill

Proposal: Change of use (retrospective) of land and buildings for the training of horses, and the construction of an alternative means of access from Puttenden Road and erection of 3 timber stables and feed store for keeping horses ancillary to the domestic use of Puttenden Manor.

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

Applicant: Mr And Mrs Bull

1. Description:

1.1 Members may recall that at the Area 2 Committee of 13 June 2007, the above application was deferred for officers to seek the following:

- Details of acoustic fencing
- Details of sand school lighting
- Cessation of use of existing timber stables
- Clarification of the precise number of horses to be kept at the site.

1.2 These details have been submitted and reconsultation has been carried out on the fencing and lighting.

1.3 In the meantime, the appeal that was lodged against the enforcement notice has been postponed, as it was due to be heard at a Public Inquiry on 18 September 2007. The Inspectorate intends to set a new date shortly.

1.4 The previous report is annexed. The extra details are as follows:

- The applicant agrees to relinquish the use of the existing timber stables for private stabling of horses and they will accept a condition that they only be used for domestic storage related to the use of Puttenden Manor as a dwelling.
- As a replacement, it is now also proposed that 3 domestic timber stables and a feed store will be constructed on the far side of and abutting the commercial brick built stables. This to be of timber construction with the roof shown to be Eternit profiled fibre cement sheets in blue/black colour (the agent has since indicated that reconstituted slate could be used as an alternative). The new stables will be built close to 3 trees and an arboricultural report has been submitted which concludes that a slab base set on pads will ensure that the

new timber stables can be built such that the impact on the root protection area is within acceptable limits in accordance with BS 5837:2005.

- An acoustic report has been submitted, together with details of an acoustic fencing 2m in height (but no details of the gate). This concludes that the proposals to erect acoustic fencing/gates opposite Longcroft and also along the edge of the sand school will satisfactorily ameliorate noise arising from turning of horse boxes and use of the sand school to below background noise levels for neighbouring residents.
- Lighting to the sand school is currently from floodlights on 2 tall columns. This is to be altered to low level lighting of 14 lamps each of 70 watts (subsequently clarified to be attached to the post and rail fence in situ and **not** on columns).
- In summer, the number of horses associated with the training stables is 16 (including foals) all at grass. In the winter, the number of horses associated with the training stables is 11 (8 stabled and 3 at grass).
- There are 5 grass liveryies unconnected with the training stables, this is agricultural grazing.
- Potentially there will be another 3 horses to be stabled and grazed domestically by the residents of Puttenden Manor.

2. The Site:

2.1 This was described in the previous committee report.

3. Planning History (selected):

3.1 This is as per the previous committee report.

4. Consultees (comments on additional information)

4.1 PC: proposed amendments make no material difference to previously stated objections: still contrary to Policy P3/5 as not national need for the development; 3 mature trees will be affected by the construction of the timber stables and the oak at least should be made subject to a TPO; the extension to the brick built stables should be in materials to match, brick and tiles; the existing timber stables should be removed as the previous permission to stop overdevelopment; use should be restricted to 10 horses, 15 is an over intensive use of the site with increased noise and traffic movements; the lighting proposed will cause light spillage and light pollution which is an offence by law; the acoustic fencing will not be effective but will be visually intrusive.

4.2 Private Reps: Continued objections from 5 residents as follows (summarised):

- Due to all the noise from Silverhill stables, there should not be another similar establishment in the area
- Lighting needs to shine downwards and not be on after 6pm
- Concern at potential damage to 3 trees
- Materials of new stables should be brick and slate, they are visible and in an AONB and next to a listed building
- The road surface should blend into the landscape and be screened by a hedge
- The original plans for the brick stables was a quadrangle and was carefully designed to match features and materials of the main listed house. The proposal to complete the quadrangle with timber sheds with corrugated roofs should not be allowed.
- Suggested condition 14 is contradictory as it states no training or livery of horses but this is exactly what is carried out at the site.
- Original planning permission stated no commercial use and a limit of 10 horses but this is commercial and there will be 15 horses
- This application should be refused and the appeal continued to be fought

4.3 DHH: Although I have little doubt that the noise attenuation measures proposed will achieve the desired effect, the report does not include any base data nor predicted attenuation for the fencing. It is in the interests of the applicant that lighting does not affect any nearby neighbours in order to comply with the Environmental Protection Act 1990.

5. Determining Issues:

5.1 Although certain matters were addressed in my previous report, the PC and some of the objectors have continued to refer to these same issues and for the sake of clarity I will repeat my advice that it is not the case that commercial uses as a matter of principle should not be allowed in the MGB or AONB. They need to be assessed on their individual merits with any mitigation proposed to be taken into account provided this can be satisfactorily conditioned.

5.2 The PC reiterates its comment that this proposal in the AONB is not in the national interest but that part of policy P3/5 only relates to **major** commercial development and not to a change of use of existing buildings of this nature and scale.

- 5.3 I accept that the 1992 planning permission did include a number of conditions, including one to preclude commercial use and a limitation on the overall number of horses. There was also a condition to cease the use of the timber stable block for equine use, it should be noted that the condition did not require **removal** of the timber stables.
- 5.4 Clearly, the applicants are within their rights to test the acceptability of varying the conditions with such applications being considered on their individual merits.
- 5.5 One of the objectors has misunderstood the purpose of suggested condition 14. It is not intended to prevent any horse training or livery. On the contrary, the intention is to allow these uses but restricted in character to that described in the application submission.
- 5.6 I am of the view that the acoustic fencing will achieve its desired objective although the design of the gates needs careful consideration with some form of rubberised plinth at the base. Fencing of this design and height is permitted development in this location and in any event, can be screened by landscaping.
- 5.7 In terms of the design and materials of the replacement domestic stables, it is certainly the case that a continuation of the use of brick and slates to match the existing stables would be ideal in this location but these are not typical materials for private stables which tend to be faced in timber. In the context of the mix of buildings in the farm (which includes a modern barn) Members may agree that the use of timber is acceptable provided the roof is tiled in reconstituted slate as opposed to the fibre cement sheeting.
- 5.8 In terms of the impact on trees, the timber stables will be a lightweight structure that can be supported on pads. I have no reason to doubt the conclusions of the submitted arboricultural report that the construction of the timber stables will comply with the relevant British Standard for tree root protection during construction.
- 5.9 Members will be aware that this use is one that has been refused planning permission and an enforcement notice has been served. It still clearly generates a lot of local opposition. However, I am persuaded that the measures included in this revised application can be subject to conditions (amended where necessary) and will be sufficient to satisfactorily mitigate against harm to the Green Belt and residential amenities such that, on balance, I support this application.

6. Recommendation:

- 6.1 **Grant Planning Permission** as detailed by : Certificate A dated 02.04.2007, Supporting Statement dated 22.03.2007, Location Plan dated 22.03.2007, Landscaping TR-502-07 dated 22.03.2007, Landscaping TR-502-07 dated 22.03.2007, Landscaping TR-502-07 dated 22.03.2007, Survey M326 1 dated 22.03.2007, Site Plan PM.01 dated 24.05.2007, Site Plan PM.03A dated

24.05.2007, Letter dated 24.05.2007, letter dated 27.07.07; arboricultural report dated 30.07.07; fencing details dated 30.07.07; acoustic report dated 30.07.07; lighting details dated 30.07.07; email dated 13.08.2007; email dated 9.08.07; email dated 30.08.07 subject to the following conditions:

- 1 The use of the brick built stables for the commercial training of horses shall be limited to one eventing trainer/rider and their use and occupation shall remain at all times within the control of the occupiers of Puttenden Manor.

Reason: In the interests of neighbouring residential amenities and highway safety.

- 2 Within 1 month of this planning permission, the equestrian use of the timber stables as shown on drawing PM.03A shall cease and thereafter they shall only be used for non-equestrian purposes ancillary and incidental to the residential enjoyment of Puttenden Manor.

Reason: In the interests of neighbouring residential amenities.

- 3 Within 1 month of this planning permission, full details of the design and construction of the proposed acoustic fence and gates and landscape screening thereof shall be submitted for the approval of the Local Planning Authority, and the work shall be carried out in strict accordance with the approved details within 3 months of the approval of those details and shall be so retained thereafter.

Reason: In the interests of neighbouring residential amenities.

- 4 Within 3 months of this planning permission, the existing lights and their supporting columns shall be removed from the site and the alternative external lighting shall be carried out in strict accordance with the approved details and shall be used only between the hours of 0800 to 1900.

Reason: In the interests of neighbouring residential amenities and the rural landscape.

- 5 Within 1 month of this planning permission, construction details of the alternative access at Puttenden Road (including gate set back, width and surfacing) shall be submitted for the approval of the Local Planning Authority, and the work shall be carried out in strict accordance with the approved details within 3 months of the approval of those details.

Reason: In the interests of highway safety and protection of trees.

- 6 The use of the existing access to Puttenden Road for any vehicular traffic associated with the commercial use of the stables hereby permitted shall cease upon completion of the alternative access or within 8 months of this decision, whichever is the earlier.

Reason: In the interests of neighbouring residential amenities.

- 7 Before the alternative access to Puttenden Road is first used, details of crown lifting or any other tree works to facilitate access by horse lorries shall be submitted for the approval of the Local Planning Authority, and the work shall be carried out in strict accordance with the approved details before the first use of the access.

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

- 8 The alternative access hereby approved shall not be used until the area of land within the vision splays shown on the approved plans has been reduced in level as necessary and cleared of any obstruction exceeding a height of 1.05 metres above the level of the nearest part of the carriageway. The vision splay so created shall be retained at all times thereafter.

Reason: In the interests of highway safety.

- 9 The turning area shall be constructed in strict accordance with the approved details so that it is available for use at the time of the first use of the new access hereby permitted. The approved turning area shall be retained and kept available for such use at all times thereafter.

Reason: In order that a vehicle may enter and leave the site in a forward direction to ensure the safe and free flow of traffic.

- 10 The approved scheme of hedgerow replacement and maintenance shall be implemented during the first planting season following this planning permission. 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.

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.

- 11 The number of horses stabled on the site in connection with the commercial training of horses hereby approved shall not exceed 8.

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.

- 12 The number of horses accommodated on Puttenden Manor Farm in connection with the commercial training of horses hereby approved shall not exceed 16.

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.

- 13 Within 1 month of this permission, details of storage and disposal of stable waste shall be submitted for the approval of the Local Planning Authority, and the work shall be carried out in strict accordance with those details within 1 month of approval.

Reason: In the interests of residential amenity.

- 14 There shall be no training, livery or riding lessons related to the commercial stables and the associated facilities other than as detailed in the supporting statement date stamped 22.03.07.

Reason: In the interests of neighbouring residential amenities and highway safety.

- 15 No development of the new stable block shall take place until details and samples of all materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details. (D001)

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

- 16 The construction of the new stable block shall be carried out in full accordance with the method statement in the approved arboricultural report date stamped 30.07.07.

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

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