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**Report of 13 June 2007**

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**Shipbourne**  
Borough Green And  
Long Mill

**561036 152211**

**2 April 2007**

**TM/07/01128/FL**

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 use of timber stables 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

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## **1. Description:**

1.1 Members may recall that at the Area 2 Committee of 13 September 2006, planning permission was refused and enforcement action was authorised with respect to a similar development on this site for the following reason:

*The commercial use that operates introduces a significantly different character to the use of the stables and manege with increased noise and disturbance to local residents due to the extra activity and the extra traffic including horseboxes or trailers using the shared access. The development is thereby contrary to Policies SS8 and EP7 of the Kent and Medway Structure Plan 2006 and Policies P4/11, P6/13 and P6/4 of the Tonbridge and Malling Borough Local Plan 1998.*

1.2 An appeal has been lodged against the enforcement notice and is due to be heard at a Public Inquiry on 18 September 2007.

1.3 This revised application is for

- The regularisation of the existing use of 8 brick built stables, sand school and yard as commercial training stables. This also involves an associated livery service.
- The retention of the 4 timber stables, for use by the occupants of Puttenden Manor, ancillary to the residential enjoyment of that dwelling. This element of the proposal therefore seeks to overturn condition (x) imposed on planning permission TM/92/00307/FL which required the cessation of use of that building for the stabling of horses. Originally this application included this stable block in the commercial element as 3 loose boxes and one store.
- A new access track from Puttenden Road, utilising an established farm gate. The originally submitted plans showed the new track to be 4.1m wide with 2 formal passing bays. This has been revised to a width of 3.7m, no formal passing places and a gate set back with the access widened at the junction.

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- In terms of the commercial element, 8 horses will be stabled. An additional maximum of 7 horses will be on open grazing in the surrounding fields.
- 1.4 This application relates to retention of a commercial use of the stables and manege that started in Summer 2005. The use is by an event rider who has no connection with the owners of Puttenden Manor other than by using the stabling premises, apparently paying rent for grazing of the fields. The eventer owns one horse herself, the others are owned by third parties and she rides them on behalf of the owners at a series of national events. She and her grooms look after the horses as a livery associated with this commercial operation.
- 1.5 The application is accompanied by a detailed plan of the proposed sightlines at the access onto Puttenden Road. This shows that the roadside hedge to the north of the gated access will need to be removed and replanted approx. 1.5m further back and that the roadside hedge to the south of the access will need to be removed and replanted approx. 5m further back.
- 1.6 The application includes new gates and fencing to a height of 2m along the northern boundary of the site, closest to neighbouring residential properties.
- 1.7 The submitted block plan shows a turning area, a horsebox space and an amendment to the existing ménage lighting- 2 existing high level lights to be replaced by low level lights, details to be agreed.
- 1.8 The agent has submitted a supporting statement summarised as follows:
- *Planning permission TM/92/0307, permitted the construction of a new brick built stable complex at Puttenden Manor Farm, to include 11 stables, and shavings, tack, wash and feed rooms, along with an outdoor riding arena or manege/sand school.*
  - *This planning permission did not restrict the hours of use, traffic movements or the size of vehicles to be used.*
  - *Since 2004 the premises the subject of this planning application, have been used by an individual trainer and her assistant to principally bring on and train horses belonging to other third parties who do not ride.*
  - *At a lower level, specialist training for problem horses has also been taking place - the horse is kept at the yard on a temporary basis to facilitate school training with or without its owner/rider present for individual sessions.*
  - *The total number of horses on the holding varies but on average is around 12-15. The horses stabled never go above 11 in number. Some of these are only stabled for part of the winter when the condition of the adjacent fields on which the horses are grazed does not support grazing horses.*

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- *The tenant's lorry is a HGV horse lorry which resides at the yard when not in use.*
  - *The 2 staff cars are parked on site.*
  - *Schooling of horses in the sand school takes place most of each day depending on weather conditions.*
  - *Apart from the tenant there is one groom working full time at the yard with several other temporary staff to cover during competition (event) days or days off etc.*
  - *The normal working hours are 8 am to 6 -7 pm (depending on season) although there are earlier starts and late returns during the eventing season.*
  - *Lorry/horsebox movements are determined largely by the Calendar for events March – October and the degree of success. With the more distant locations, the practice is to stay over for 1 or 2 night(s) at the event. The timing of the movements of the horsebox leaving varies but it is rarely before 6am and arrival back at the yard is rarely after 10pm. Staff cars arrive and leave about an hour before or after this time.*
  - *For external training (cross country, show jumping and dressage etc where other facilities are required) there would be 2-3 outings per week, normally within the working day.*
  - *There are occasional requirements for veterinary treatment when a horse can be taken to the veterinary surgery. Owners' lorries visit the yard to collect or drop off horses for training or going to or from off- season grazing; variable, but on average, no more than 2 per week.*
  - *Other visits include; Feed deliveries (once weekly or bi weekly as per season and more often in winter months); Farrier every 5-6 weeks; an equine Dentist every 6 months; an equine Physio once a month; the Vet, on average 4 visits per month plus emergencies; Owners of horses being ridden by the tenant; out of season 4-5 visits per horse by distant owners (during season most owners see their horses at events); Owners of horses in for specialist training; this can be up to 5-6 visits per month depending on problem.*
  - *Traffic movements for an average week in July, being one of the busiest weeks in the Eventing Calendar, have amounted to average of 10-14 vehicle movements from the site a day. This comprises arrivals and departures per day by staff, the horsebox, and sundry other movements, including a visit by the Farrier.*
  - *Traffic generated by lawful farm etc uses should be so distinguished.*

- *The alternative means of access will serve agricultural use and the training establishment with adequate visibility, to be type 1 compressed gravel and single track.*
- *The existing hedgerows are gappy comprised of hawthorn and quickthorn and will be replanted and supplemented with native whips and feathered tree stock. The existing trees are to be retained.*
- *Other means of attenuation will include a new gate and fence to screen activities and attenuate noise.*
- *The 2 existing floodlights are lawful through the passage of time although a revised lighting scheme to be subject to a condition is proposed.*
- *Most activity will be centered on the southern part of the premises.*
- *A precedent has been set at Silverhill Cottages, close to this site.*

1.9 Members are advised that the above supporting statement was submitted before the application was revised to exclude commercial use of the timber stable block.

## **2. The Site:**

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

2.2 It comprises a brick built stable block of 8 stables and a tack room/office and storage shed. This building is 70m south from the nearest neighbouring residential dwelling of Longacre House.

2.3 There is a timber stable block comprising of 4 timber loose boxes, one used as a storage area. This is 7m from Longacre House.

2.4 There is a manege and a horse walker approx. 55m and 70m from Longacre House respectively.

2.5 Existing vehicular access is to Puttenden Road, close to its crossroads junction with Hamptons Road. This passes by Longacre House, the Old Stables and the Coach House (all converted farm buildings) and the host dwelling of Puttenden Manor itself.

2.6 The land to the south is downward sloping grazing land. There is an existing double width gated access to Puttenden Road. Either side of this access is a row of mature Horse Chestnuts set approx. 4-6m from the edge of the carriageway. There is a hawthorn hedge edging the roadside verge, the verge to the north of the access point being more banked.

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**3. Planning History (selected):**

- 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/83/1296            Approved 12.03.1984  
Demolition of barns/outbuildings.
- 3.4 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.
- 3.5 TM/87/1151            Approved 28.08.1987  
Use of residential accommodation as independent dwelling unit (removal of occupancy condition (ii) of permission TM/81/182).
- 3.6 TM/87/1296            Approved 30.12.1987  
Conversion of barn to dwelling.
- 3.7 TM/87/1297            Approved 07.01.1988  
Conversion of barn to dwelling (Listed Building Application).
- 3.8 TM/88/1315            Approved 31.08.1988  
Conversion of part of stable block to dwelling.
- 3.9 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.
- 3.10 TM/88/1784            Approved 30.11.1988  
Conversion of stables to garage.
- 3.11 TM/88/1785            Approved 30.11.1988  
Listed Building Application: Conversion of stables to garages.
- 3.12 TM/92/307            Approved 22.05.1992  
Erection of stable and creation of manege.
- 3.13 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).

3.14 TM/06/02415/FL Refused and Enforcement action taken 19.09.06  
Change of use (part retrospective) of land and buildings as Equine Training establishment, and use of 4 no. timber loose boxes for the stabling of horses in association with the use of Puttenden Manor as a dwelling, with access from Puttenden Road

#### 4. Consultees:

4.1 KCC (Highways): The proposal is to use an existing field entrance to the site from Puttenden Lane to provide an alternative route for vehicles including horse trailers and delivery vehicles to gain access to the site. The proposal shown involves improvements that will realign the boundary line and entrance to improve visibility from the site. The boundary fence and hedging to be replaced by similar design / indigenous species. 2.4m x 120m visibility splays and access width of 4.1m would be acceptable, together with passing bays. It is normal to set gates back a suitable distance to allow the largest vehicles normally visiting the site to pull off clear of the public highway. In this instance, I would therefore require the gates to be set back 16m. The existing vehicle crossover will require improvements. All works to be to the Highway Managers specification and satisfaction. The remaining driveway will need to have a suitable hard surface up to the gates. Applicant to be advised to liaise with highway operations representative for details. I believe that the proposals will provide an improved access compared to the current arrangements for heavier vehicles visiting the site and therefore raise no objections subject to relevant conditions/informatives

4.2 KWT: No comment.

4.3 PC: Strongly objects to the application and any commercial use of the site for the following material grounds and reasons

- Planning permission was granted in 1992 for the erection of stables and the creation of a manege to replace the original stables that had been converted to residential use, solely and specifically for the private stabling of a maximum of eight horses by the owner of Puttenden Manor and not for commercial stabling. A previous application for permission for commercial use has been refused.
- Contrary to Policy 3/5.3 of TMBLP: within AONBs, commercial development will not be permitted unless there is a proven national interest or lack of alternative sites. There is no proven national interest and there are several alternative sites in the locality.
- Contrary to Policies P4/11 and P6/4 of the TMBLP : application is not only for retrospective use of land and buildings for training horses but it is also an *increased* use. Fifteen horses are now expected to be on site, in September 2006, stated that there was a maximum of eight horses. This new figure is a considerable *increase* and means that traffic, lessons, use of the sand school, associated services and visitors to the site will also *increase* considerably.

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- When planning permission was given for the brick stables, the timber stables were to be removed as more than ten horses was an over-intensive use of the site.
  - The two 'passing places' shown on the plans along the proposed new driveway give an indication of how much traffic is expected for this commercial enterprise. This driveway, with wide 'passing places' is to be cut through fields and its use of the driveway would not make a positive contribution to enhancement of the area.
  - Commercial use of the site would damage the character and amenity of the established residential use. Contrary to Policies P6/13/2 and 6/4 as some of the loose boxes are close to Longacre House harming its residential amenity. No guarantee that the boxes will not be used at unsocial hours.
  - Measures to reduce noise are cosmetic: a fence will not ameliorate noise to any extent.
  - The sand school with 15 horses on site could be in constant use.
  - The outdoor lighting causes unacceptable light pollution from several miles away and cause nuisance to close residential properties. They cannot be adjusted so as not to be of nuisance and cause light pollution impacting on the rural night sky due to the raised and exposed site. Light pollution is now an offence that should be dealt with under The Environmental Pollution Act.
  - The horse boxes have noisy diesel engines that will be clearly heard at 6am and 10pm (*sic*) at night, or earlier in the mornings. Vehicle doors banging shut, ramps being lowered and general loading and unloading add to this noise nuisance. This will happen frequently during the eventing season which constitutes two thirds of the year.
  - Concern about the proposed turning circle that could not facilitate the turning of a large horse box (and one in use is over twenty feet long). The HGVs would therefore have to come closer to the residential dwellings of Puttenden Manor; The Old Stables and Longacre House in order to do a three point turn.
  - Proposed alternative means of access: the site is on the brow of a hill in an exposed site: the increased traffic with HGV entering and leaving the site through the proposed alternative access off Puttenden Road will have to travel up and down the slope of this hill. The car and lorry lights will be clearly visible across the fields below the site from 5 am and up to 11pm. When there are no leaves on the trees these will shine directly into Hookwood House and affect other properties beyond it in Puttenden Road and Claygate Lane.

- The increase of traffic would affect ecology contrary to Policies P6/12/6; P6/4 and P3/5 of TMBLP due to car and lorry lights clearly visible across the fields below the site from 5 am and up to 11pm (*sic*). The Biodiversity Action Plan (BAP) includes nightingales, bats, owls and badgers: all protected species. The habit and possibly the habitats of these species will be detrimentally affected.
- Moving hedges and pruning or removal of trees will further have an adverse impact on ecology and the local environment. Strong objection to any removal or damage to trees forming the avenue of Red Chestnut Trees along Puttenden Road, one of the salient amenity features of the area.
- The site is not an HGV Operating Centre nor does the applicant or user have an Operators Licence to use qualifying Heavy Goods Vehicles there. Should any application be made, the PC requests that TMBC objects to the applications to VOSA for all of the above reasons.
- At Silverhill, the owner of the stables keeps her personal horses there; the current use of it is not as extensive as that proposed at Puttenden Manor; that site is not in a prominent, exposed location.
- Should permission be granted: Waste should not be burnt on site; outdoor lights should not be permitted until the design and siting of them can be proven to cause no pollution or loss of amenity; the planting of the hedges should be in line with nature conservation and the Kent Bio-diversity Action Plan. Permitted development rights for Puttenden Manor and Puttenden Manor Farm should be removed.

4.4 Private Reps (Art 8 and Departure/setting of Listed Building Press/Site Notice (11/5R/0X/0S): 5 letters of objection make the following summarised points:

- The relocation of the access does remove many of the objections previously voiced but an objection stands to the principle of commercial use as this is contrary to the 1992 consent and its conditions.
- Longacre House and its entrance should be labelled on the application site map to see how close the residents are to Puttenden Manor Stables.
- The stables were not rented out between 1996 and 1998 for the purpose of training racehorses. There were often long periods when nobody was there at all. The stables were used very infrequently for a 'friend' to train Point to Point horses after approx 1999. The use of the equine resources was very restricted as hay was produced annually.



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- Hitherto it was only the Williams family who had their own horses. There was a groom who lived on site so there was no need for as much vehicular movements on the residential access. Their daughter, who was in full time education, was bringing on horses and competed in the school holidays.
  - The detailed conditions attached to the planning permission granted in 1992 are still appropriate and should be maintained. The 1992 planning application made it quite clear that the stables would not be for commercial stabling, or in connection with a riding school/livery run by people who live elsewhere.
  - There are far more horses on the site than there have ever been. This is for a fully-fledged business as opposed to limited domestic use. The activities are clearly commercial; the eventer is not a friend of the applicant but was introduced solely for this commercial operation. The horse lorry is sponsored. This is a livery/competition yard.
  - Since 1989, access to the fields has been via the gates between the fields and the public highway and NOT via the driveway shared by Puttenden Manor and the other three residential properties there. Furthermore it would only be one tractor managing the field at the end of the drive or even harrowing the sand school. Farmers do not bring with them hoards of horseboxes, owners and the other equine menagerie that goes with a full blown eventing business.
  - The traffic figures are grossly underestimated. The current equine activity is having an enormous adverse impact on the residential amenity due to the excessive noise and traffic activity at totally unacceptable hours. This activity continues 7 days a week. The traffic movements quoted in TM/06/02415/FL were 7 per day, now said to be 10-14 per day. This will continue to increase as the season progresses.
  - On Bank Holidays, the horseboxes have left at 7.45am. On Sunday mornings I have been woken up at 4.50am by the eventer arriving at the stables and woken up when she left in her horsebox at 6.14am.
  - There are the daily vehicle movements of the staff including trips out for lunch and the fact that there are not any toilet facilities.
  - The main arguments put forward for the application tend to relate to recreational use of the land, which would be met by domestic usage or by usage of other local riders using the facilities, but would not seem to be met by the proposed commercial usage for training horses rather than making them available for local riders. Stabling and surrounding land to be used for keeping horses should be at a scale which is consistent with the needs of a domestic household.

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- A commercial development would place additional strain on narrow local roads that are already becoming busier due to other local commercial developments being allowed.
  - The use of narrow, country lanes by large horse transportation and delivery vehicles, that bring in bulk deliveries of feed and shavings, and by horses being exercised is an enormous source of conflict between road users.
  - Puttenden Road is too narrow in several places for it to be considered safe for this increase in heavy vehicular activity. It is an ancient sunken lane, too narrow for a car and a horsebox to pass, resulting in long dangerous reversing manoeuvres. There are often accidents at the crossroads due to excessive speed in Hamptons Road combined with very poor sight lines. The existing entrance beside Puttenden Manor does at least give access to the east/west Hadlow/ Hildenborough route which is a strategic route.
  - A change of use to commercial use for these premises would allow an expansion of equine operations, which is inappropriate for the site. It would also open the way to further development of these buildings, potentially for other commercial purposes or for housing, which would be wholly out of keeping with the surroundings.
  - This is not a re-use of agricultural buildings. It is not appropriate in national or local planning policies to position new horse enterprises next to established dwellings or listed buildings.
  - There are two other commercial riding establishments within ½ mile.
  - An equine business involves many, many people (vets, farriers, horse dentists, physios, stable hands, saddlers, owners, sponsors, publicity agents) and a substantial increase in traffic, horseboxes, trailers and cars.
  - Riding lessons are given in the sand school and the necessity to raise their voice to enable the pupil to hear the instructions means that these voices are also heard within my house, and from my garden, every word can be heard.
  - Horses are ridden out very frequently and as the riders are high up, they always look over into the courtyard.
  - The floodlighting to the sand school in close proximity to the house, and in the countryside and in an area of Outstanding Natural Beauty, it is unpleasant and polluting. On winter evenings these lights are invariably on every day from 4pm onwards.
  - The owners of Puttenden Manor are oblivious to the noise etc. as all the main rooms of the Manor House are not on the side of the shared driveway. The Coach House is rented out and I feel that the comments of the tenants should

not, be taken into account for obvious reasons - they will be vacating the property soon.

- Grounds for refusing TM/06/02415/FL still hold – the new access position will not help as it will harm the particular character and quality of the environment.
- The 1992 planning permission was limited to 10 stables and the cessation of use of the timber stables- this new application states up to 15 horses on the site involving the wooden stable block being in continuous use sited only 18 feet (5.5m) from neighbour's bedroom window with consequent whinnying and kicking noises.
- More use of floodlights and more raised voices and more diesel lorry traffic activity at anti social hours including engine idling, air brakes and manoeuvring. Noise attenuation proposed is inadequate.
- New access drive will have a negative effect on AONB, SLA and MGB and wildlife interest due to noise of diesel engines and use of headlights early and late in the day.
- The new access will involve the removal of several red chestnut trees and branches will have to be cut back due to the height of the horse lorries. The hedge loss will also affect wildlife.
- The proposed road, with its two large passing bays, would be visually intrusive, in an area of exceptionally attractive rural scenery. It will be visible from our property, from that of our neighbours, from the Shipbourne circular footpath as well as from Puttenden Road. It would not meet the requirements of Policy P6/14 of the local plan that "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..." There is a similar requirement in Policy P6/12 (7).
- The groom has given riding lessons at this site. Sam Jennings and her groom stay at the yard for reasons other than to tend a sick horse. This will lead to demand for a dwelling on the site for security.

4.5 DHH: The principal problem would be noise pollution and disturbance from vehicular comings and goings of horse lorries and riders needing lessons; from riding lessons; owners visiting their horses, eventer and groom who both live off site; owners taking their horses away temporarily. This revised proposal takes away many of these sources of noise by moving the access road to a point furthest away from residential properties and on balance this may be an acceptable solution. The merits of the additional screen fencing would need to detail proposed height, materials and type of fencing. Without this, it is not possible to comment upon its usefulness in terms of noise mitigation. It would also depend upon how close any vehicles were to the fencing to assess its

effectiveness. Having said this, we have not determined any Statutory Noise Nuisance from the premises. Although complaint was received, the noise was of such short duration that it was not deemed to be Statutory Nuisance. Light Pollution has only recently become capable of being a Statutory Nuisance.

## **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 that there be no greater impact on the openness of the Green Belt and the purposes of including land in it, compared to the previous use. It states that recreational uses in the MGB can be supported by small-scale essential facilities.
- 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 KMSP 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 KMSP 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 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 school aged daughter who was interested in eventing. The horses were to be cared for by the parents and groom(s) who would live on site.
- 5.7 Puttenden Manor is now owned by different parties to those who obtained the 1992 planning permission.
- 5.8 The premises are now used commercially and are not used ancillary to the occupation of the initial host dwelling or indeed any other adjacent dwelling. Members should note that the commercial operation currently uses the timber

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stable block at the northern part of the site. This was not to be used for the continued stabling of horses by reason of a condition (x) imposed on the 1992 planning permission.

- 5.9 It is necessary to look at the 1992 planning permission to assess the degree of change that results from the commercial use that is proposed. Members will note that the use which currently takes place differs from what is proposed in this application in that it includes the commercial use of the timber stable block which is now intended to cease in favour of domestic stabling of horses only.
- 5.10 The 1992 permission was granted on the basis of the stables having up to 10 horses and being used by an amateur eventer and her family and live-in staff. There would have been traffic visits by farriers, vets, equine dentists etc in the same manner as is now the case.
- 5.11 However, the 1992 planning permission was granted on the basis that the eventer and the groom(s) 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 commercial riding lessons and the schooling of "problem horses" that now occur would have been prevented from taking place by conditions imposed on that planning permission. However, it is accepted that the intensity of use of the stables for eventing under that planning permission would have increased had the daughter continued that hobby after leaving school, had she not been injured and this factor needs to be taken into account.
- 5.12 Commercial use typically introduces a significantly different character to the use of the stables and manege compared to an ancillary hobby use.
- 5.13 This would include 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 eventer and her grooms, all of whom live off site.
  - 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.

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- 5.14 In summary, comings and goings and overall activity are likely to increase with a commercial use giving rise to noise and disturbance from car doors slamming, car radios, conversations between tenant and owner and raised voices during riding lessons etc. Vehicular traffic levels are likely to increase overall. The type of traffic will change with proportionally more horse lorries visiting the site.
- 5.15 Based upon the representations of objectors summarised above, 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 and traffic at unneighbourly hours.
- 5.16 Hence those with an intimate local knowledge and experience of the site as it operates confirm that the problems identified above have occurred at this site. The applicants sought to regularise the current situation with planning application TM/06/02415 although that application also sought non-commercial stabling in the small timber stable block.
- 5.17 The vehicular comings and goings resulting from this character of use are particularly problematic in terms of local amenities as the existing access used passes close to 3 residential properties and also that of the applicant. Due to the location of the gates, it appears that there is a tendency for vehicles including diesel horseboxes to idle close to bedroom windows at unsocial hours whilst gates are being operated. However Members will note that this revised application introduces a proposed solution to this particular problem by the creation of an alternative access to Puttenden Road to serve the commercial aspects of the stables. This alternative access does not have such an undesirable juxtaposition with residential dwellings.
- 5.18 The creation of an access track to serve a commercial development in the Green Belt is normally considered to be inappropriate development by reason of being engineering operations that impact on the openness of the MGB. However, in this particular case, revisions to the track have been achieved that will give the appearance of a typical farm track and as detailed above, the track achieves significant amenity benefits to neighbouring properties. This is a betterment even if the stables were to be non-commercial as originally envisaged in 1992.
- 5.19 The hedgerow that will need to be removed comprises Hawthorn and Quickthorn and is relatively gappy with a low species mix. It is proposed to be replanted with a more diverse species mix and there are no objections in principle from a visual amenity or wildlife habitat point of view.
- 5.20 There is no requirement to remove any of the Horse Chestnut trees in order to achieve the necessary vision splays. The canopies of 2 Chestnuts either side of the entrance gate will need to be raised to give clearance for the horseboxes or horse lorries to be used but as this access is a lawful farm gate, this is considered to be acceptable and would not in itself detrimentally harm the rural visual amenity provided to Puttenden Road by this row of Horse Chestnuts.

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- 5.21 Members will note that another difference to the development as enforced against in September 2006 is that the scheme now includes an intention to provide fencing and gates to the northern boundary which will help to visually screen commercial activities from the nearest residential properties. On the basis that the fence and gates can be adequately designed for acoustic mitigation, this would further ameliorate the reason for enforcement action having been taken. Moreover, the cessation of use of the timber stables by the commercial element will take that activity further from the neighbouring residential properties.
- 5.22 The 2 existing high level floodlights appear to have been in existence for approx. 10 years and would therefore be immune from planning enforcement action, which is 4 years for operational development. No complaints have been made from a planning enforcement point of view until earlier this year. The applicant's intention to implement a revised low level lighting scheme represents an opportunity to deal with the light pollution issues mentioned by the objectors and the PC and this is supported.
- 5.23 The planning permission in 1992 granted consent for 10 stables and 1 isolation box, all for non-commercial use. This application is for a total of 11 loose boxes, 8 for commercial use and 3 for non-commercial use. The total number of horses overall will increase as more will be grazed on the land. However, any increase in numbers needs to be considered on its own merits and I am of the view that this level of use of this site is commensurate with the size of the associated land and does not in itself justify refusal.
- 5.24 Members will note that KCC (Highways) raises no highway objections and that DHH raises no objection on balance, based upon the alternative access being used for commercially related uses.
- 5.25 Members will note that the PC and local residents raise strong objections to this revised application. However, I have to advise that it is not the case that commercial uses per se 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.
- 5.26 The PC makes a comment that this proposal is not in the national interest and that there are alternative sites 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.
- 5.27 The PC is incorrect when it states that the timber stables were to be removed as part of the 1992 planning permission- the condition merely required that they not be used to stable horses.
- 5.28 The 1992 planning permission did not restrict hours of operation or the size of vehicles and, had the hobby use not been curtailed through injury, this may well have involved a similar degree of early morning and late night movements and on

site turning of large diesel horseboxes or lorries due to the nature of competitive eventing.

- 5.29 I accept that the 1992 planning permission did include a number of conditions, including one to preclude commercial use and the continued use of the timber stable block for equine use and a limitation on the overall number of horses. However, the applicants are within their rights to test the acceptability of varying the conditions with such applications being considered on their individual merits.
- 5.30 I have considered the other points made by the PC and residents, such as the concern with effect on wildlife habits and habitats but I am not persuaded that any harm from the access track or visibility splay would justify refusal on that basis.
- 5.31 The Vehicle Operators Licence issue is not relevant to the determination of this planning application.
- 5.32 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 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, subject to the following conditions:

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

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

- 2 Within 1 month of this planning permission, the commercial use of the timber stables as shown on drawing PM.03A shall cease and thereafter they shall only be used 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, details of an acoustic fence and gates on the northern boundary shall be submitted for the approval of the Local Planning Authority, and the work shall be carried out in strict accordance with the approved



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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 1 month of this planning permission, details of alternative external lighting 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 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 Within 1 month of this planning permission, details of a turning area (to demonstrate the turning of a horse lorry of dimensions 9.35m by 2.6m by 3.75 m) 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 1 month of the approval of those details. 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 shall not exceed 15 including those of the owner.

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.

Contact: Marion Geary

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SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 13 June 2007

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**Shipbourne                      TM/07/01128/FL  
Borough Green And Long Mill****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 use of timber stables for keeping horses ancillary to the domestic use of Puttenden Manor at Puttenden Manor Puttenden Road Shipbourne Tonbridge Kent TN11 9QY for Mr And Mrs Bull**

DPTL: The applicant's agent has made the following comments in response to my committee report.

"I confirm that it would be my client's intention to implement this scheme if consent is granted, and to withdraw the Enforcement appeal by Local Public Inquiry. However, we have a couple of concerns, as follows: Condition 12 seeks to limit the number of horses on the whole farm. The open grazing land is some 60 acres some of which is let out as agricultural grazing land for horses, a use not requiring planning permission. The horses grazed are not stabled in the premises at Puttenden Manor and the associated buildings. They belong to local residents. The rent assists in maintaining the land, which is also in the interests of the landscape. The applicant will accept a limit of 15 horses in connection with the commercial use of the stables and the associated facilities.

Condition 1: the term 'event rider' be deleted and be replaced by the more appropriate description 'trainer/rider'. Sam Jennings started using the yard in 2004, not 2005. I confirm that the HGV horsebox can turn in the yard. I note that your DHH confirms that there is no Statutory Noise nuisance arising from the use of the premises."

PC: Additional comments: The proposed amendments to the above application make no material difference to the previously held view of Shipbourne Parish Council. The council *objects strongly to any commercial use of the site*. Previous comments already summarised in the main agenda report are repeated. Should TMBC nevertheless grant permission for a commercial enterprise, the PC considers it material that the following conditions are applied:

1. That any permission granted is solely for *eventing* use of the site and livery associated with that use and that no other business of any nature whatsoever may be conducted from the site either now or in the future.
2. That permission is restricted on the site to the stabling of eight horses only for commercial equestrian use or livery (see reasons quoted by TMBC, 22 May 1992).
3. That the giving of riding lessons is not permitted on the site: this was a condition of the previous permission for private use. Riding lessons generate traffic and noise and have an adverse impact on residential amenity (see above policies).

4. No outdoor lighting of the sand school / ménage whatsoever should be permitted after 6pm (normal business hours) in order to minimise light pollution (see policies above and new legislation), loss of amenity and wild-life habitat. Any lighting installation should not be visible from the neighbouring properties.
5. No waste is permitted to be burnt on site as this may have an adverse affect on residential amenity.
6. Planting of the hedges should be in line with nature conservation and the Kent Biodiversity Action Plan and should be undertaken within one year of the removal.
7. That no trees are permitted to be removed along the Puttenden Road boundary of the property.
8. Permitted development rights for Puttenden Manor and Puttenden Manor Farm should be removed (see relevant policy) as this has already been exceeded.

***Private Reps: A further two letters of objection have been received. The first objects on the grounds that the proposals are contrary to the applicable MGB, SLA and AONB policies and would represent an over intensive use of the site that adversely affects residential amenity and that the new access road proposed would not be able to accommodate passing and turning of vehicles.***

***The other letter comments that this proposal is for a commercial business and the "training" of horses is a false description of what actually goes on at the site. As the owners of Puttenden Manor are proposing to give up the use of the 8 brick stables for commercial use, it does not follow that they should be allowed to use the wooden loose boxes right by my house. Any use of the wooden looseboxes by my house results in a loss of amenity for me: against all policies which I have a right to expect TMBC to uphold. My family and I will still be affected by this business as the manege runs parallel to my garden and even if the timber stables are not used by the commercial enterprise but will be used by the owner and therefore the effect will still be over-intensive use with all the associated noise, lights and traffic that generates. The amendments to the gates, the track and the lack of passing places do not change in any way whatsoever the impact that this will have on the local habitat and the local roads. Unfortunately, the noise of the HGV arriving and leaving at unsocial hours will still have a detrimental effect on our home. The keeping of up to 15 horses of some value will lead to pressure for residential use. The new horse lorry is an HGV and it has commercial sponsorship logos.***

DHH: No additional comments on revisions.

DTPL: For clarification, the removal of the hedgerow would require a submission under the Hedgerow Regulations if not, inter alia, authorised by the grant of a planning permission. In determining an application under the Hedgerow Regulations, the Council must assess whether it is "important" as defined in the legislation which includes the presence of particular wildlife or the presence of numerous woody species. As detailed in the main report, it is considered that the hedgerow is of a low species mix.

The PC comments have already been addressed in the main agenda report. The 1992 planning permission approved a total of 11 stables, one of which was an isolation box. Only 8 were built, so the overall number is virtually the same if the timber stables are now included. All the evidence on file is that the timber stables were in use for stabling horses prior to 1992. There is some evidence on the file that the timber stables were historically let out to third parties for keeping horses. Hence any noise or smell impact from domestic use of the timber stables on the converted farm buildings would have been the case prior to 1992. The agent's comment with regard to condition 12 is noted and an amendment is suggested to detail that this will be in relation to commercial training or non-grass livery.

An additional condition on manure storage is suggested as is one to restrict the commercial activities to that as described in the application.

### **AMEND RECOMMENDATION**

#### **Amended conditions:**

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

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

- 4. Within 1 month of this planning permission, details of alternative external lighting and the hours of use 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 neighbouring residential amenities and the rural landscape.**

- 12. The number of horses associated with the commercial stables and the associated facilities on Puttenden Manor Farm shall not exceed 15.**

**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.**

#### **Additional conditions**

- 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.**

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