

**Trottscliffe
Downs**

564142 159899 1 April 2009

TM/09/00780/FL

Proposal: Proposed use of land for livery purposes incorporating erection of new stables, provision of 60m X 20m manege and provision of hardstanding for access, parking and turning and septic tank

Location: Walnut Tree Farm Addington Lane Trottscliffe West Malling Kent ME19 5DW

Applicant: Mr D Dryden

1. Description:

- 1.1 In addition to the proposed change of use of land to grazing for livery purposes, the proposed development comprises the erection of a "U" shape stable building that would measure 12.5m x 13m x 3.9m high to ridge. The building takes a traditional form and design incorporating a shallow pitched roof that would be clad with Eternit Rivendale fibre cement slates. The walls of the stable building would be constructed from oak weatherboarding. The external windows and doors would be of timber construction and stained black. The livery building would contain five single stables, one double stable, a bedding store, tack room and changing room. It is also proposed to install one 500 watt security light above the main door, which would have a movement sensor.
- 1.2 It is proposed to locate the stable building close to the northern boundary of the site, adjacent to Addington Lane. An existing mixed hedge is located along this boundary of the site.
- 1.3 The manege would be located to the south west of the proposed stable building aligning its longer side with the western boundary of the site. The manege would be enclosed with a 1.4m high timber post and rail fence. A 1.2m high post and rail fence would be located along the western boundary of the site adjacent to an existing hedge. The top surface of the manege would be dressed with sand.
- 1.4 An area of hardstanding would be created in front of the proposed stable building which would be laid with type 1 road stone. Access to the site would be via the existing access that serves this site, in its North West corner. A metal 5 bar gate would be located within the extended area of hardstanding.
- 1.5 It is proposed to drain surface water run off to a soakaway within the site and foul waste would be dealt with by a septic tank.
- 1.6 Manure generated within the stables is to be stored and composted in beds located in the north east corner of the site. The compost would then be put back on the paddocks.

2. Reason for reporting to Committee:

- 2.1 At the request of the local ward Member in light of the previous decision to refuse permission for a similar development on this site.

3. The Site:

- 3.1 The site is located outside the settlement confines of Trottiscliffe, within the Metropolitan Green Belt and the Kent Downs Area of Outstanding Natural Beauty. The site lies in open countryside to the south east of the village, on the southern side of Addington Lane. A mature mixed hedge currently forms the northern boundary of the site that fronts onto Addington Lane. The site is approximately 1m higher than the level of Addington Lane

4. Planning History (most relevant):

TM/08/01098/FL	Refuse	27 May 2008
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Proposed use of land for livery purposes incorporating erection of new American barn style stables, provision of 60m x 20m menage and provision of hardstanding for access, parking and turning.

TM/07/04463/FL	Refuse	12 May 2008
	Appeal dismissed	20 March 2009

Conversion and extension of outbuilding to create a small detached dwelling, one and a half storey high with parking and turning facilities.

5. Consultees:

- 5.1 PC: Objection: The proposal will adversely affect the openness of the Green Belt and landscape quality of the area. This is reinforced by comments made by the Inspector in the appeal decision in point no. 8 where reference is made to a "clear distinction between the built envelope of the village and the open countryside". Walnut Tree Farm and associated buildings are part of the village of Trottiscliffe with open fields and hedgerows to the south. The new farm building to the north of the proposed stable block can clearly be seen from the village, the public footpath that runs through Walnut Tree Farm and Addington Lane. It is more prominent in the winter when the trees are not in leaf.

- 5.1.1 The development of Walnut Tree Farm should be considered in context with the village. Because the farm has been sub-divided there is now pressure to develop open fields for associated agricultural uses and there will be further erosion of the Green Belt. Concern is expressed about the surface water effluent and the use of manure as compost on the field. This would also be creating a business in the Green Belt.

- 5.2 KCC (Highways): Original comments: The previous application was refused on a number of reasons one of which being the inadequacies of the access and the difficulties vehicles will have in safely negotiating the access without detriment to highway safety.
- 5.2.1 The applicant has made an improvement by relocating the gate further back thus increasing the hardstanding area fronting the gate to accommodate the size of vehicle likely to visit the site. One of the manoeuvres required to access the site will involve a tight 180deg turn. In order to confirm the adequacies of the proposed access I require that the applicant submit vehicle swept path analysis, scale 1/200, showing all manoeuvres both in and out showing that vehicles can safely use the access in one manoeuvre.
- 5.2.2 The submitted plan shows the hardstanding fronting the gate to be of rolled Type 1 road stone. The applicant will need to liaise with Kent Highway Services (KHS) regarding all works affecting the public highway. The area of access between the application site boundary and the road will need to be constructed to KHS specification and satisfaction.
- 5.2.3 The Type 1 material is likely to be suitable for the remainder of the access and provide for natural drainage

Additional comments:

- 5.2.4 I have carried out a vehicle swept path analysis using a 1/200 scale plan and I am satisfied that vehicles can satisfactorily manoeuvre from the public highway into the site. This manoeuvring is unlikely to be any different to the movements that currently occur. The benefit of this proposal is that with the relocation of the gate large vehicles will now be able to stand clear of the road prior to opening the gates. This is unlikely to happen with the current arrangements with vehicles likely to partially obstruct the public highway to the detriment of highway safety. The previous application, TM/08/01098/FL, was refused and only one highway reason was quoted. This was in respect of the location of the entrance gate and the adverse effect it would have on vehicles manoeuvring to enter the site. There was no refusal on forward vision at the entrance. The entrance is an existing one and could attract various types and sizes of vehicles with no restriction on the number of movements. Under the current arrangements I am unaware of any personal injury accidents associated with the use of the access albeit that currently it may be little used. Although the existing entrance is not ideal due to the proximity to the bend in the road from Trottscliffe, I do not consider this application can be refused on highway safety grounds taking the planning history into account.
- 5.3 DHH: Adopted practice is that the burning of waste on site will not normally be acceptable. The applicant should be asked to provide details of how they propose to dispose of waste produced. A condition should be added prohibiting the burning of stable waste.

5.4 Environment Agency: We note that the developer wishes to use a soakaway to dispose of surface water drainage and we presume that the effluent from the proposed septic tank will also pass to ground. The underlying geology is Gault Clay, which is known to have poor soakage potential and thus the ground may not be suitable for the effective use of soakaways. This could result in surface water flooding, particularly during heavy rainfall. A condition is therefore recommended to ensure that any contaminated run off is appropriately dealt with to prevent pollution of the water environment.

5.4.1 Permanent manure stores should have an impermeable base that slopes so that run off can be collected easily in a sealed underground tank.

5.5 Private reps (including Art 8 Site Notice): 10/0X/0S/1R. The response raises the following concerns:

- Will there be details of where the waste will be stored, processed and disposed of? A barn in the adjacent field is used for processing food and I do not want vermin and flies to be encouraged in to the area.
- I would prefer the stable and the manege to be moved further away from my existing barn.

6. Determining Issues:

6.1 Current Government advice contained within PPG 2 presumes against allowing inappropriate development within the Green Belt. However, the erection of small stable buildings essential for an associated rural use is specifically referred to as a type of building that is not “inappropriate development” within the Green Belt. The proposed stable building would be used in conjunction with the use of the land as a commercial livery and could accommodate up to 7 animals. The arrangement of the building in a “U” shape presents a very compact footprint. The building would also stand less than 4m in height to ridge and have a traditional appearance. I therefore believe that the building can be regarded as a small stable building, whose bulk and mass would not have a significant impact upon the openness of the Green Belt.

6.2 Concerning the manege and the proposed change of use of the land for livery purposes, PPG 2 states that making a material change of use in the Green Belt is inappropriate development unless it would maintain openness and does not conflict with the purposes of including land within the Green Belt. In this case, the proposed use would not conflict with the 5 purposes of the Green that are defined within paragraph 1.5 of PPG 2. Furthermore paragraph 1.6 of PPG 2 states clearly that Green Belts should be used to *inter alia* provide opportunities for access to the open countryside for the urban population and to provide opportunities for outdoor sport and recreation. The proposed use of land meets these objectives. The proposed manege would be defined by a 1.4m high post and rail fence which is a typical boundary treatment for maneges and defining

paddocks within a site. It would not, in my opinion detract from the openness of the Green Belt. I am, therefore, satisfied that the proposed development as a whole satisfies the tests within PPG2 and is constant with Green Belt policy.

- 6.3 The building is significantly smaller in terms of bulk and mass than the American Barn style of stable building that was refused permission under ref. TM/08/01098/FL, due to its more traditional design and form. That application proposed 10 stalls compared to the six in this proposal and consequently the current proposals will be less intensive in use.
- 6.4 The building would also be located behind an existing mature hedge that fronts onto Addington Lane. Notwithstanding the difference in levels with Addington Lane, I consider that the location of the building is well conceived as it would be quite well screened from Addington Lane and other public vantage points. This also helps in reducing the building's impact upon the openness of the Green Belt.
- 6.5 Current Government advice contained within PPS 7 states that Local Planning Authorities should support countryside based enterprises and activities which contribute to rural economies and or promote recreation in and the enjoyment of the countryside.
- 6.6 Saved policy P6/13 of the Tonbridge and Malling Borough Local Plan 1998 allows for the use of land for keeping horses and the erection of stables in rural areas. However, proposals must have no adverse impact upon the character of the countryside, residential amenity or highway safety.
- 6.7 Policy CP 6 of the Tonbridge and Malling Borough Core Strategy 2007 presumes against development within the countryside or on the edge of a settlement where they might unduly erode the separate identity of settlements or harm the setting or character of a settlement when viewed from the countryside or from adjoining settlements.
- 6.8 Policy CP 14 of the Tonbridge and Malling Borough Core Strategy 2007 seeks to restrict development in rural areas. However, it also provides for a range of developments that include "predominantly open recreation uses together with associated essential built infrastructure; or any other development for which a rural location is essential." The proposed development is one that has a predominantly open use and requires a rural location. Indeed saved policy P6/13 of the Tonbridge and Malling Borough Local Plan 1998 specifically allows for stables and other equine related development in rural areas.
- 6.9 Concern has been expressed by the PC to the impact of the structure upon the landscape quality of the area. The site is located within an AONB and proposals must not harm the natural beauty of the AONB. The proposal is for a modest stable building that is of a traditional form/design. The manege would be surrounded by traditional post and rail fencing. In my opinion, the design of the

physical elements of this scheme is acceptable and constitutes building and activities that would be expected to be found in such a location.

- 6.10 I note the concerns of the PC concerning the clear distinction between the edge of the village and the countryside beyond it (including the siting of the proposed stable building). However, I do not consider that the proposal would erode the existing distinction between village and countryside due to the small scale of the building, its location and traditional design. The manege would be defined by post and rail fencing measuring 1.4m high and the western boundary to the site would be defined by post and rail fencing measuring 1.2m. These are traditional boundary treatments for equestrian uses in rural areas. The development is of a scale, form and design that are compatible with its rural location. Similarly, the scale, location and design of the development are such that it would not erode the identity or harm the setting of Trottiscliffe, which is located approximately 90 metres to the north of the application site. Accordingly the proposal is not considered to be contrary to policy CP 6 of the Tonbridge and Malling Borough Core Strategy 2007.
- 6.11 In terms of highway safety, the previous application (TM/08/01098/FL) was refused on the basis that the location of the gated entrance serving this site would impede vehicle manoeuvring into and out of the site. Kent Highway Services is now satisfied that the proposed development overcomes the previous reasons for refusal on highway safety grounds. There is now adequate room to stand a vehicle off the highway whilst operating the gate and the configuration also allows vehicles to enter and leave the site in a forward direction.
- 6.12 In view of the comments of the EA regarding the use of the septic tank and surface water run off. I would recommend a condition and an informative to deal with these matters satisfactorily.
- 6.13 In terms of residential amenity, the site is located over 100m away from the nearest residential dwelling (which is situated to the north west of the application site). The applicant has confirmed that no waste will be burnt on site; manure will be composted on site in two separate beds at the north east corner of the site. Other stable waste would be taken away from site. These measures are considered to be acceptable in terms of residential amenity. A condition can be used to require that stable waste is not burned within the site.
- 6.14 In terms of external lighting, it is only proposed to install one PIR sensor light on the stable building. Given the location of the building within the site, well away from neighbouring residential properties, I do not consider that this would cause harm to residential amenity. It is not proposed to erect any external lighting within or around the manege. A condition can be used to prevent the erection of other external lighting within this site without the approval of the local planning authority.
- 6.15 In light of the above, I am satisfied that the proposed development is acceptable and, therefore, recommend that planning permission be granted.

7. Recommendation:

- 7.1 **Grant Planning Permission** as detailed by Letter dated 02.04.2009, Design and Access Statement dated 02.04.2009, Location Plan KW/017/09/01 dated 01.04.2009, Block Plan KW/019/09/02 dated 26.05.2009, Elevations KW/019/09/4A dated 26.05.2009, Floor Plans KW/019/09/05A dated 26.05.2009, E-mail dated 26.05.2009, subject to the following:

Conditions / Reasons

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. All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

3. The manure and waste bedding arising from the development hereby approved shall only be disposed of as specified in the e-mail dated 26.05.2009 and no manure, bedding or other waste shall be burned within the site at any time.

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

4. No development shall commence until a scheme for the disposal of contaminated run off from all hardstandings, manure heaps, stable washings and hay soaking areas has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment

5. The scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning 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.

6. With the exception of the one external light referred to in the application form, no external lighting shall be erected within this site without first obtaining planning permission from the local planning authority.

Reason: In order to protect the rural character and visual amenity of the locality.

Informatives:

- 1 For advice concerning the requirements of condition 4, the applicant is advised to consult with the Environment Agency, Orchard House, Endeavour Park, London Road, Addington, West Malling, Kent. ME19 5SH.
- 2 Concerning the use of the septic tank, under the Water Resource Act 1991, written approval of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of sewage or trade effluent from buildings or fixed plant into or onto the ground or into waters which are not controlled waters. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters). The applicant is advised to contact the Environment Agency, Permitting Support Contact Centre, PO Box 4209, Sheffield S9 9BS or via 07808 506506.

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