

Stansted Downs **560489 161372** **11 December 2009** **TM/09/02682/FL**

Proposal: Change of use of land to the keeping of horses and conversion of existing agricultural buildings to stable
Location: Land Adjacent Stansted Lodge Tumblefield Road Stansted Sevenoaks Kent TN15 7PR
Applicant: Mr And Mrs Rimell

1. Description:

1.1 The application comprises the change of use of land to the north and west of Stansted Lodge for the keeping of horses. The application also seeks permission for the conversion of existing agricultural buildings to the south of Stansted Lodge for use as private stabling. The application relates to the keeping of 3 ponies for private recreational use only.

2. Reason for reporting to Committee:

2.1 The application has been called to Area 2 Planning Committee by Councillor Kemp due to concerns regarding the proposed number of horses.

3. The Site:

3.1 The site lies within the Metropolitan Green Belt to the south of Stansted village. The site comprises 0.70 hectares (1.3 acres) of open land abutting the west of Tumblefield Road.

3.2 The site lies over an identified Groundwater Vulnerability Zone and Source Protection Zone.

3.3 The agricultural buildings proposed for conversion form part of a larger structure, the southern part of which is in separate ownership. The adjacent landowner has been notified accordingly. No alterations are proposed to the overall dimensions of the existing building.

3.4 No alterations are proposed to the existing access.

4. Planning History:

TM/61/10334/OLD grant with conditions 2 August 1961

Additions and alterations.

TM/64/10657/OLD Refuse 25 November 1964

Erection of an architectural studio.

TM/00/00817/FL Refuse 5 June 2000

Two storey side extension

TM/00/02666/FL Grant With Conditions 12 February 2001

Two storey side extension

TM/01/03408/ORM ORM approved 20 February 2002

Minor amendment to rear elevation in respect of consent ref: TM/00/02666/FL
(two storey side extension)

TM/06/02677/FL Grant With Conditions 19 September 2006

Demolition of existing two storey extension and construction of new two storey extension

TM/08/01644/FL Approved 16 July 2008

Demolition of existing two storey extension and garage and construction of two storey extension

5. Consultees:

- 5.1 PC: The PC is not against the stables but strongly feels that the BHS Guidelines for the number of horses per acre should be adopted by the LPA. The welfare of the animals should be uppermost in any such application. BHS guidelines should be adhered to, although it is recognised there is no impact on neighbours. The Planning Authority is requested to take note of emerging guidance on equine land management from the Kent Downs AONB.
- 5.2 KCC (Highways): No objection raised. The proposal will utilise an existing gated vehicle access. As agricultural buildings, they are likely to have historically attracted the usual farm associated vehicles. It would be usual for gates to be set back a suitable distance such that the largest vehicle likely to visit the site can stand clear of the public highway prior to operating the gates. However, although entrances gated on the boundary are not ideal, as this is an existing gated entrance historically used by vehicles I would not insist on this arrangement in this instance.

- 5.3 DHH: The burning of waste material on site is not normally acceptable. If at all possible a condition should be added prohibiting the burning of waste on site. The proposed method of manure disposal seems appropriate given the site location.
- 5.4 Environment Agency: No objection raised but originally recommended a planning condition requesting further details regarding the disposal of foul and surface water. However, in response to the additional information added to the application the EA is pleased to note their advice has been incorporated into the scheme. The request for additional drainage details is therefore removed.
- 5.5 Thames Water: No objection.
- 5.6 Private Reps: No responses received.
- 5.7 Site Notice: No responses received.
- 5.8 Press Notice: No responses received.

6. Determining Issues:

- 6.1 The site lies within the Metropolitan Green Belt. It is therefore necessary to determine the application with regard to Planning Policy Guidance PPG2: Green Belts and Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007. These policies seek to ensure that development is appropriate and will have no unacceptable impact upon the openness of the countryside.
- 6.2 The application seeks to convert part of an existing agricultural building for use as stabling. The works involve general renovation and the erection of a new roof and frontages. This will improve the overall appearance of the building whilst making no additional impact upon the wider countryside. Saved Policy P6/12 supports proposals for new recreational uses of a predominantly open nature particularly where full use is made of existing buildings within the land holding. The application seeks to reuse an existing agricultural building and therefore accords with this policy. Similarly Saved Policy P6/14 permits the reuse of existing rural buildings for recreational development providing the building is capable of conversion without major rebuilding and the proposed use acceptable in terms of residential and rural amenity.
- 6.3 The application also seeks to change the use of the land to the north of the dwelling to the keeping of ponies for leisure purposes. The land is bounded to the east, adjacent to Tumblefield Road, by hedging with mature trees. An existing post and rail fence delineates the land. The use of land for the keeping of horses is appropriate in this rural setting, being an outdoor recreational use which would make no adverse impact upon the wider countryside. The application therefore accords with Green Belt Policy.

- 6.4 The application relates to an equestrian use. It is therefore necessary to assess the works with regard to Saved Policy P6/13 of the Tonbridge and Malling Borough Local Plan 1998. This policy seeks to ensure equestrian related applications result in no adverse impact upon the character of the countryside, adjacent residential amenity and highway safety. Emerging policy also supports these aims. Policy DC4 of the Managing Development and the Environment DPD also recommends proposals should be accompanied by Land Management Plans which set out proposals for good pasture and waste management. Although that policy is not yet part of the adopted Development Plan, it is a material consideration that should be accorded significant weight, following receipt of the Inspector's Report on the Hearing.
- 6.5 The application includes a Land and Waste Management Plan. This states that the applicant has taken advice from the British Horse Society, Pony Club and other professional sources regarding horse and pony welfare. It acknowledges that the available grassland is below the recommend BHS guidance. However the applicant's requirement is for ponies rather than horses which have a lower demand, stating that "a 250kg pony would require about half the land of a 500kg horse". In addition the ponies would be stabled for part of the day/night and provided with supplementary feed. The intention is also to implement a rotation policy by dividing the grassland into four sections and rotate the grazing during May and October/November (grass growing times). The applicants claim that this would further reduce the land requirement per pony and give the grassland an opportunity to recover/replenish.
- 6.6 The British Horse Society has produced guidance on Pasture Management (*Ref: Pasture Management, The British Horse Society Welfare Department, 2005*) which recommends the following;
- 6.7 "The BHS recommend a ratio of two horses per hectare on permanent grazing (1-1.5 acres per horse. A number of factors will affect this recommendation, such as: size and type of horse/pony, length of time spent stabled or exercised off the pasture, time of year, quality of the pasture and underlying soil and number of animals on the pasture". However the guidance continues to state that, "If limited pasture is available, careful management will be required to help protect the pasture. This may include stabling horses for part of the day or night, providing supplementary feed and strictly rotating fields".
- 6.8 The concerns of the Parish Council regarding the need to promote animal welfare are noted. This is a worthy and desirable aim which the LPA should not compromise. However it must be noted that the primary aim of the planning system is not animal welfare but land use. Nevertheless the applicant has presented a Land Management Plan in accordance the guidance produced by the BHS which will ensure both the welfare of the animals and no adverse impact upon the appearance of the countryside as a result of overgrazing.

- 6.9 The Land Management Plan also provides details of manure storage and disposal. The intention is to store the manure to the west of the proposed stables. Storage is to be located on a concrete surface to ensure no run off and collected by an authorised specialist company. The nearest dwelling, other than the host dwelling, would be over 50m from the proposed manure storage area and therefore no adverse impact on adjacent residential amenity would result.
- 6.10 A connection to the existing foul sewer is proposed to remove any potentially contaminated water from the stable area. Although the suitability of this connection is beyond the scope of the planning system, Thames Water has confirmed no objection to this means of disposal which will ensure no seepage of contaminants into the water gathering area.
- 6.11 The application makes no adverse impact upon the openness of the MGB or upon the character of the wider area. The application is for private use only and would therefore make no adverse impact upon highway safety. The rural location of the site ensures no impact upon adjacent residential amenity and the proposed waste storage and management arrangements are acceptable. The application therefore accords with Planning Policy Guidance PPG2: Green Belts and Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007, saved Policies P6/12, P6/13 and P6/14 of the Tonbridge and Malling Borough Local Plan 1998 and emerging Policy DC4 of the Managing Development and the Environment DPD. I therefore recommend the application be approved.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 09.11.2009, Design and Access Statement dated 09.11.2009, Planning Statement dated 09.11.2009, Drawing dated 09.11.2009, Drawing dated 09.11.2009, Site Plan ATTACHMENT 1 dated 09.11.2009, Site Plan ATTACHMENT 2 dated 22.10.2009, Photograph ATTACHMENT 3 dated 22.10.2009, Photograph ATTACHMENT 4 dated 22.10.2009, Photograph ATTACHMENT 5 dated 22.10.2009, Letter dated 11.12.2009, Certificate B dated 11.12.2009, Plan LAND MANAGEMENT PLAN dated 25.01.2010, /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. The stables hereby permitted shall be used solely for private stabling of horses owned by the owner/occupier of the application site and not for commercial stabling or in connection with a riding school/livery.

Reason: Commercial use could harm significantly the amenities of the locality and the free and safe flow of traffic on local highways.

3. There shall be no exterior lighting except in accordance with details that have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of the amenity of the area.

4. No manure, bedding or any other waste shall be burned on site nor stored within 30m of any residential dwelling.

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

5. The means of storage and disposal of manure and bedding material shall be undertaken in accordance with the submitted details at all times.

Reason: To prevent any adverse impact upon adjacent residential amenity.

6. The disposal of any contaminated water shall be undertaken in accordance with the submitted details at all times.

Reason: In the interests of pollution prevention.

7. The pasture shall be managed in accordance with the submitted Land Management Plan at all times.

Reason: To prevent unacceptable overgrazing of the pasture.

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