
Report of 25 May 2011

West Malling **567260 157304** **20 December 2010** **TM/10/02910/FL**
West Malling And
Leybourne

Proposal: Erect 5 stables, hayroom and tack room and provision of 12
metre x 12 metre area of hardstanding
Location: Land Opposite 170 Offham Road West Malling Kent
Applicant: Mrs Susan Palmer

1. Description:

- 1.1 It is proposed to erect a 24 metre long and 3.6m deep single storey building to the north of the central section of the application site (with the doors to the building to face south). The building would have a ridge height of 3m and eaves heights of 2.2m and comprises five stables (3.6m by 3.6m), a tack room (2.5m x 3.6m) and a feed store (3.6m x 3.6m), and would be constructed from wood with bituminous corrugated roofing. A 2m wide concrete area of hardstanding would be positioned to the front of the building.
- 1.2 It is also proposed to construct a 12m x 12m area of hardstanding from rolled road-stone in the western corner of the site. The applicants have indicated that vehicular access would be taken from Offham Road via the existing access to Tower Farm, with the hardstanding then accessed through an existing gate in the adjacent boundary. The applicants have also indicated that any hay, tack, feed, etc would be transported from this area of hardstanding to the stables by wheelbarrow, with the exception that "on certain occasions it may be necessary to drive a 4x4 vehicle across the field but this would be a very occasional act rather than a regular one".
- 1.3 Finally, it is also proposed to undertake a small engineering operation in order to provide a section of water pipe from an existing standpipe to the stable area.

2. Reason for reporting to Committee:

- 2.1 The application is locally controversial and at the request of Councillor Luker.

3. The Site:

- 3.1 The application site comprises a trapezoidal shaped field located to the west of West Malling of approximately 3.8 ha in area. It is located within the MGB. Offham Road is located to the north-west of the site with Public Right of Way MR142 located to the south. A number of dwellings and associated curtilages, together with a small grazing paddock/field and orchard (which appears to be related to the adjacent dwelling - Gundulf's Meadow (181 Offham Road)), are

located to the north of the application site. St Leonard's Tower, a Grade I Listed Building and Scheduled Ancient Monument, lies just beyond the eastern corner of the site.

- 3.2 The site comprises four areas of grazing pasture (referred to in the application as paddocks numbered 1 – 4 from west-east) which are bounded by post and rail fences, with temporary and movable electric fencing positioned just inside these. The north western boundary to the site is well vegetated by a mature deciduous hedge, albeit the extent of this hedging reduces to the north where there is an entrance from Offham Road to the application site (Gate 1 as indicated on the submitted plans). There are rows of mature deciduous trees located between the public right of way and paddocks 1 and 2 (the two most westerly paddocks) although these are not continuous: there are no trees or hedging on this boundary adjacent to the boundary between paddocks 1 and 2. Similarly, there is no vegetation on the southern boundary along paddocks 3 and 4. The north-eastern boundary comprises mature and extensive mixed deciduous and non-deciduous vegetation which serves to restrict and limit views from the application site and public right of way further to the north.
- 3.3 It is proposed to locate the stable building in the most northern eastern corner of paddock 2. This corner "protrudes" to the north-east further than the adjacent (more westerly) part of this northern boundary to paddock 2. A corrugated metal field shelter is presently located in this section of the site: there is no record of planning permission having been granted for this structure. At the time of the site visit, it was observed that there were 13 horses in the 4 areas of grazing pasture. The site appears to be generally well maintained, with areas used for manure storage being located in the corners of the paddocks.
- 3.4 The application site slopes gently upwards to the east from Offham Road. There is also a considerable change in levels to the north of the application site: Gundulf's Meadow and Meadow Cottage (183 Offham Road) are located at a considerably lower level than the northern edge of the proposed stables: the slope between these dwellings and paddock 2 is well vegetated by mature trees.
- 3.5 The land to the immediate north and north-east of the application site, including Gundulf's Meadow (181 Offham Road) and Meadow Cottage (183 Offham Road), is situated within the West Malling CA, including the sloping land directly to the north of the position of the proposed stables.
- 3.6 It should also be noted that the north-western corner of the application site lies with Flood Zone 2, as does the land to the north of the application site.

4. Planning History:

TM/03/02001/FL Grant With Conditions 22 August 2003

Creation of access and field gate

TM/03/03335/RD Grant 29 January 2004

Details of a form of hard surface treatment to the access, pursuant to Condition 4 of TM/03/2001/FL: Creation of access and field gate

TM/06/00700/FL Refuse 22 December 2006

6 no. stall sectional stable blocks, all weather riding arena and change of use from agricultural to the keeping of horses.

5. Consultees:

5.1 It should be noted that representations were received following both the original submission of the application and again following the provision of amended plans and further information regarding vehicular access, amended to be from Offham Road, not St. Leonard's Street.

5.2 PC:

- (09 February 2011): Members expressed concerns about the access to the site, which they would prefer to be from Offham Road rather than St Leonards Street with its traffic problems. Members were also concerned about the proximity to dwellings and to the Grade I Listed St. Leonard's Tower; they suggested that moving the proposal 50 yards to the east should be encouraged. Members were aware that some of the neighbours had expressed concerns about the overlooking of their properties. Members expressed concerns about manure (storage, disposal, etc) as this might give rise to odours and run-off. They would like to know what arrangements would be in place to deal with this. Members expressed concerns about the security of the site and wish to know if security lighting would be installed. Members wished to remind T&MBC of the earlier refusal TM/06/00700/FL.
- (17 March 2011): Members suggested that if this proposal were approved then it be conditioned so as to require the use of the Offham Road entrance and also that it be located further from the residential properties.

5.3 KCC (Highways) (03 May 2011): No objection subject to Conditions regarding the surfacing and maintenance of parking, turning and offloading areas and works to guard against the deposition of mud on the highway.

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- 5.4 KCC PROW Office (14 January 2011 and 03 March 2011): Public Right of Way MR142 footpath runs along the southern boundary of the site but should not affect the application.
- 5.5 EA (14 January 2011): We have no objection to the application, but would advise against the use of soakaways. Run off from stable yards is considered foul drainage and so directing this to a constructed soakaway could pollute the groundwater. We would recommend that clean roof water be collected in water butts for re-use and drainage from washing out the stables/soaking hay simply be flushed across the ground to filtrate through.
- 5.6 DHH – Environmental protection:
- (24 January 2011): I note that the applicant has provided details of how they propose to dispose of the waste produced. Nevertheless I would ask that a Condition be added prohibiting the burning of waste on site: e.g. manure, straw, etc;
 - (11 March 2011): Earlier comments were re-iterated.
- 5.7 EH (01 March 2011 and 08 March 2011): The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.
- 5.8 Private Representations, Article 8 Site Notice and CA advertisement in press (17/0X/7R/0S):
- The occupiers of two dwellings wrote further letters following the submission of amended plans and additional information;
 - The representations objected on the grounds of:
 - the effect on the setting of St. Leonards Tower;
 - harm to visual amenity;
 - odour;
 - fly and rodent problems;
 - the parking area would comprise inappropriate development in the MGB;
 - potential security risks;
 - potential for further development.

- A number of representations detailed concerns regarding highway safety, should the principal access be via St. Leonards Road: subsequent information submitted by the applicant has confirmed that access is proposed to be taken from Offham Road;
- The owner of Tower Farm has also raised queries over the applicant's rights to take access via Gate 2 although this a legal matter to be resolved between the applicant and the owner of Tower Farm rather than a planning consideration.

6. Determining Issues:

6.1 The development that was proposed under planning application TM/06/00700/FL would have been positioned in the easternmost paddock (paddock 4): i.e. that closest to St. Leonard's Tower. It was refused on the following grounds:

- the development would harm the setting of a Grade I Listed Building (St. Leonard's Tower);
- Due to the scale of the stable block (six stables, tack and feed rooms) and manege relative to the amount of grazing land available, the development was considered to be inappropriate development in the MGB. It was also considered that the siting, design and materials would harm the visual amenities of the MGB.

6.2 The planning policies which need to be taken into account in the consideration of this application include:

- National planning guidance: PPS1, PPG2, PPS5 and PPS7;
- TMBCS: Policies CP1, CP3, CP6, CP14 and CP24;
- TMB MDE DPD: Policies SQ1, SQ6, SQ8 and DC4.

6.3 The Government has announced its intention to revoke Regional Spatial Strategies and the Courts have recently held that this is a material planning consideration to which regard must be had in determining planning applications. Notwithstanding this, due to the strategic nature of the policies in the South East Plan, there are none directly of relevance to this application.

Principle of Development

6.4 The site lies in the MGB. TMB CS Policy CP3 details that national GB policy will be applied generally to those parts of the Borough designated as such. Paragraph 3.4 of PPG2 details that the construction of new buildings inside a Green Belt which comprise essential and small scale facilities for outdoor sport and outdoor recreation can be appropriate development provided they are genuinely required for uses of land which preserve the openness of the MGB and do not conflict with

purposes of including land in it. The keeping of horses on a private (i.e. non-commercial) basis is such a use which satisfies these requirements. Accordingly, I consider that the principle of the erection of stables of this scale at the site comprises appropriate development in the MGB.

- 6.5 Paragraph 3.12 of PPG2 details that engineering and other operations (i.e. not the erection of buildings) are inappropriate development unless they maintain openness and do not conflict with the five purposes of including land in the Green Belt as set out at paragraph 1.5 of PPG2. The area of hardstanding to be created is of considerable size (144 sqm) and would allow for the parking of a number of cars and ancillary equipment such as a horse box. Notwithstanding this, I am of the opinion that some ancillary parking can be expected at sites used for grazing and stabling and the provision of a parking area some distance away from the stables in this instance is the most sensitive approach: to have parking at the stables itself would either require the provision of a trackway from the access to the stables or would involve the movement of vehicles across the paddocks which could result in the formation of ruts and disturbance to the ground.
- 6.6 TMB CS Policy CP14 details that essential built infrastructure associated with predominantly open recreational uses can be acceptable in the countryside. Therefore, I am of the opinion that the provision of the stables building (including tack and feed store) and ancillary parking at the site is acceptable in principle, subject to it not harming the character or appearance of the area, amenities of neighbours, highway safety, etc. These considerations are set out as criteria in MDE DPD Policy DC4. My views of how the proposed development performs relative to these criteria are detailed below.

Impact on animal welfare

- 6.7 Although the draft Kent Downs AONB Unit Equine Guidance expresses some concerns regarding the impartiality of the advice offered by the British Horse Society, in this instance it presents a useful guide by which to determine the impact of the proposal on animal welfare. The proposed individual stalls within the stable block are of sizes which are within the range recommended by the British Horse Society.
- 6.8 Sufficient grazing land is available at the application site for 9-10 horses, based on the British Horse Society's recommendations: i.e. sufficient land available for the grazing of the 5 horses to be accommodated in the proposed stables. However, 13 horses were grazing on the site at the time of the site visit. MDE DPD Policy DC4 requires the submission of a Land Management Plan which sets out proposals for good pasture management. Such a Plan has not been submitted as part of this application. In the absence of such a Plan, it is recommended that a condition be attached in order to limit the number of the horses which can graze or

be kept on the site at a single time to 10 in order to ensure that there is sufficient grazing land and the pasture is of sufficient quality to ensure adequate animal welfare.

Impact on setting of St Leonard's Tower, the character of the West Malling Conservation Area and the character of the area

- 6.9 The application site is in close proximity to St Leonards Tower and is bounded by the West Malling CA to the north. The proposed building is of a reasonable scale and form to accommodate five horses and does not include an excessive number of storage rooms. Furthermore, the stables and parking area have been located 250m and 430m, respectively, from St Leonards Tower. Accordingly, given the relatively small scale of the proposed building, and having particular regard to the low eaves and ridge height, taken together with the distance of the stables from St Leonards Tower, it is considered that the erection of the stable building will not harm the setting of this heritage asset. Similarly, the proposed parking area is located at the opposite end of the application site to St Leonard's Tower: this distance, combined with the change in levels across the site, will preserve the setting of the Tower.
- 6.10 Although the stables would be located in close proximity to the boundary of the CA, I am of the opinion that the stable building will appear as a structure of modest scale within a wider area utilised for the grazing and keeping of horses and will be largely screened from view from public vantage points within the CA by intervening vegetation (located within the CA itself). The parking area itself is sufficiently far from the CA to preserve its character and appearance. Overall, I am of the opinion that the proposal will preserve the character and appearance of the adjacent West Malling CA.
- 6.11 The proposal will be visible from some publicly accessible locations, including the public right of way to the south of the site and Offham Road, although longer distance views are limited by the topography of the application site and surrounding land and considerable extensive mature vegetation. I am of the opinion that whilst the proposal will result in the introduction of built form in the countryside, as detailed above, this utilises suitable materials, is of a modest scale and will not appear incongruous given the use and activities which take place at the wider site.
- 6.12 The applicants have explained how they propose to transport feed, tack, etc from the parking area to the stables in order to avoid cars travelling across the application site, as detailed in paragraph 1.2 above. I consider that as there is the potential for the appearance of the field to be damaged through repeated vehicle movements across it, particularly when the field is wet, it is necessary to attach conditions to any grant of planning permission in order to ensure that the applicants transport material from the parking area to the stables in the manner as set out in the submitted planning application.

6.13 As detailed above, planning permission was refused under reference TM/06/00700/FL for the erection of a 6 stall stable block and manege within paddock 4 due to the impact which this development would have on the setting of St Leonard's Tower and the adjacent CA. However, the development proposed under this application is significantly different from that which was refused:

- the stable is to be located in a "recess" at the northern boundary of the site (paddock 2) rather than within the centre of paddock 4 and is accordingly approximately 160m further from St Leonard's Tower (approximately 250m rather than 90m) than the original application;
- the current proposal does not include a 40 x 30m manege;
- the application site and associated land ownership comprises the four paddocks, rather than the three which were under the applicant's control in the original application.

6.14 I consider that the reduced amount of development proposed, the better screened location of the building and its location considerably further away from St Leonard's Tower, has served to overcome the two reasons for which the original application was refused.

Impact on the living conditions of adjacent dwellings

6.15 The occupiers of the dwellings to the north of the application have expressed concern that the location of the stables will harm the living conditions which they can expect to enjoy due to noise, odour, increased likelihood of flies and rodents. DHH has raised no objection on such grounds and I am of the opinion that, due to the distance of the stable building from these houses and associated amenity space and subject to a sensitively located area for the storage of manure, the proposal would not cause material harm to the living conditions of these dwellings. Indeed, given that manure is presently stored in close proximity to the site boundary, a more appropriate location within the site can be secured through condition.

6.16 It is recommended that a condition will also be attached in order to control the installation of lighting at the site.

Highways

6.17 Following concerns expressed by the PC, vehicular access to the site will now be taken via the existing access from Offham Road to Tower Farm. KHS does not raise any objection on highways or parking grounds, subject to the imposition of conditions in order to control and maintain this parking area over time. As detailed above, in order to restrict access being taken from other existing accesses to the site, it is recommended that a condition be attached in order to prevent their use

expect in emergencies: their suitability as main accesses have not been assessed as this did not form part of the application and concerns remain about their suitability in terms of highway safety.

6.18 It is considered the proposal is in conformity with Policy SQ8 of the MDE DPD.

Drainage

6.19 The applicants have detailed that it is proposed to provide a connection from an existing standpipe to the stables building and that any foul stable washings will be flushed across the adjacent grazing land directly to the south of the stables. This arrangement is in accordance with the advice recommended by the Environment Agency.

Conclusion

6.20 I consider that the proposed development, subject to the conditions detailed below, will preserve the setting of St Leonard's Tower and the character and appearance of the adjacent West Malling CA and will accord with the criteria of Policy DC4 of the MDE DPD. Accordingly, it is recommended that planning permission be granted, subject to the conditions detailed below.

7. Recommendation:

7.1 **Grant Planning Permission** as detailed by the following submitted details: Email dated 09.03.2011, Design and Access Statement dated 17.12.2010, Planning Statement dated 17.12.2010, Site Plan dated 17.12.2010, Location Plan dated 15.10.2010, Documents dated 15.10.2010, Documents dated 15.10.2010, Photographs dated 15.10.2010, Certificate B dated 15.10.2010, Location Plan dated 15.10.2010, Letter dated 08.11.2010, Drawing PARKING PLAN dated 23.02.2011, Block Plan 037/2010/2 dated 23.02.2011, Floor Plans And Elevations 037/2010/1 Rev A dated 23.02.2011, Letter dated 23.02.2011, 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 building shall not be occupied until the cladding has been painted or stained black and it shall thereafter be retained thus unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the countryside.

4. No development shall take place until details of the means of storage and disposal of manure, bedding or any other waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the details so approved. At no point shall any manure, bedding or other waste be burnt on site.

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

5. 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.

6. Other than in an emergency, vehicular access shall only be taken to the application site via Gate 2 as indicated on the plans hereby approved. Vehicular access shall only be taken via Gates 1 and 3 to the application site in the case of emergency.

Reason: In the interests of highway safety and the visual amenities of the area.

7. Prior to the first use of the site, the area of hardstanding hereby approved shall be surfaced and drained. The area of hardstanding shall be used only for the parking, turning, loading and off-loading of vehicles associated with the stables hereby approved. No vehicles, horse boxes or chattels shall be sited on the hardstanding overnight. No parking or loading/unloading of vehicles shall take place at any other point at the site except at the area of hardstanding.

Reason: In the interests of visual amenity.

8. No external lighting shall be installed at the site unless details have been submitted to and approved in writing by the Local Planning Authority. Any external lighting shall be installed in accordance with the approved details.

Reason: To protect the character of the area.

Contact: Steve Baughen

SUPPLEMENTARY REPORTS**AREA 2 PLANNING COMMITTEE****DATED 25 May 2011**

West Malling TM/10/02910/FL
West Malling And
Leybourne**Erect 5 stables, hayroom and tack room and provision of 12 metre x 12 metre area of hardstanding at Land Opposite 170 Offham Road West Malling Kent for Mrs Susan Palmer**

Applicant: A letter has been received from the applicant seeking to address various points raised by neighbouring properties. In respect of the horses presently kept at the site, the applicant states:

- that some of the horses and ponies on the land belong to the applicant
- that the applicant's sister-in-law's horses occasionally graze at the site;
- that an unspecified number of horses and ponies grazed at the land belong to people who reside on the opposite side of Offham Road, but that these horses are stabled overnight away from the application site.

The applicant reiterates that the stables are not for livery purposes.

Private Reps: A letter was received raising various queries in respect of the main Committee report. The Case Officer discussed these queries with the neighbour by telephone on 20 May 2011.

DTPL: The supporting information in the application details that the stables as proposed are a small-scale facility to be used for the stabling of the applicant's own horses and not on a commercial basis. The application has been considered on this basis. Concerns have been raised in the course of considering the application regarding the potential for further proposals for equine related activity at the site. Any such subsequent application would be considered on its own merits, including having regard to the impact of that development, both individually and cumulatively with other built form on the site, on the sensitive character of the landscape and area.

As set out in the main Report, it is recommended that a Condition be attached to limit the maximum number of horses to be grazed or kept at the site at any one time to ten, in order to ensure that there is sufficient grazing land and the pasture is of sufficient quality to ensure adequate animal welfare, unless a Land Management Plan be provided. The stabling proposed under this application would provide accommodation for up to five of these ten horses. The wording of this Condition is detailed below.

I also recommend an amendment to Condition 7 to ensure that the restriction on the siting of horse boxes, chattels etc covers the whole application site rather than simply the hardstanding.

AMENDED RECOMMENDATION:

Grant Planning Permission subject to the Conditions set out in the main Report as amended below and the additional Condition 9, in accordance with the following submitted details: Email dated 09.03.2011, Design and Access Statement dated 17.12.2010, Planning Statement dated 17.12.2010, Site Plan dated 17.12.2010, Location Plan dated 15.10.2010, Documents dated 15.10.2010, Documents dated 15.10.2010, Photographs dated 15.10.2010, Certificate B dated 15.10.2010, Location Plan dated 15.10.2010, Letter dated 08.11.2010, Drawing PARKING PLAN dated 23.02.2011, Block Plan 037/2010/2 dated 23.02.2011, Floor Plans And Elevations 037/2010/1 Rev A dated 23.02.2011, Letter dated 23.02.2011

Amended/Additional Conditions:

- 6 Vehicular access shall only be taken to the application site via the gate to the access to Tower Farm from Offham Road. No vehicular access shall be taken via any other gate to the application site at any time.

Reason: In the interests of highway safety and the visual amenities of the area.

- 7 Prior to the first use of the site, the area of hardstanding hereby approved shall be surfaced and drained. The area of hardstanding shall be used only for the parking, turning, loading and off-loading of vehicles associated with the stables hereby approved. No vehicles, horse boxes or chattels shall be sited on the hardstanding or any other part of the application site overnight. No parking or loading/unloading of vehicles shall take place at any other point at the site except at the area of hardstanding.

Reason: In the interests of visual amenity.

9. No more than a maximum of 10 horses shall be grazed, stabled and/or kept at the site at any time, unless agreed in writing by the Local Planning Authority following the submission and approval of a Land Management Plan which details proposals for good pasture management (including stocking densities): pasture management shall be undertaken in accordance with the approved Land Management Plan.

Reason: In the interests of animal welfare.
