

Aylesford **574192 162298** **10 November 2011** **TM/11/01735/FL**
Blue Bell Hill And
Walderslade

Proposal: Retrospective application in respect of a new sand
school/manege and visitor hut and proposed accessible W.C
and proposed floodlights
Location: Danmark House 116 Common Road Chatham Kent ME5 9RG
Applicant: Mr Simon Barn

1. Description:

- 1.1 The application when first received was solely to obtain retrospective consent for the sand school, visitor hut and WC facilities.
- 1.2 The sand school is sited to the rear of the stable/internal sand school building and measures 30m x 60m being surrounded by chestnut post and rail fencing. It incorporates a loose water permeable reclaimed rubble surface. It is understood that this area was used as an informal manege for many years. It is also claimed that the sand school is required as it doubles the amount of available lesson space.
- 1.3 Secondly it is proposed to retain a timber visitors' hut on a concrete base, positioned to the east of the stable building. This measures 11m x 3m and incorporates windows on the northern side. The accessible toilet has yet to be installed at the site but will be built in the same materials as the hut.
- 1.4 More recently the application has been amended to include eight proposed floodlights to be sited around the sand school for use during winter months and dark evenings.

2. Reason for reporting to Committee:

- 2.1 The application is reported to committee due to the level of public interest.

3. The Site:

- 3.1 The application relates to a site on the northern side of Common Road, outside the settlement confines and within the Area of Outstanding Natural Beauty and the Strategic Gap. Number 116 is a detached house set back from the road and reached via an access drive on the western side. This leads to a large detached agricultural style building incorporating a block of 16 stables, an indoor sand school and a haystore.
- 3.2 Beyond the rear garden of number 116 is a new timber structure incorporating visitor facilities and accessible toilet. On the northern side of the stable building is the new sand school surrounded by post and rail fencing. To the west of the stable

building is paddock 1 where shows take place. To the south west of the stable building is paddock 2, adjoining the road and identified for use as event parking.

4. Planning History:

TM/56/10439/OLD Refuse 5 April 1956

Outline application for residential development and access road

TM/70/10470/OLD Refuse 17 September 1970

The erection of a bungalow in connection with riding school and stable and creation of new access.

TM/74/01160 Approve 25 July 1974

Outline application for a detached dwelling, garage, riding stables and access

TM/75/10027/FUL Refuse 19 August 1975

Erection of detached dwelling house.

TM/75/10028/FUL Refuse 19 August 1975

Erection of precast buildings to form stables, riding area and hay barn.

TM/75/10733/OLD grant with conditions 24 March 1975

Outline application for detached dwelling, garage, riding stables and access.

TM/76/10547/FUL grant with conditions 3 December 1976

Erection of garage and entrance to front.

TM/78/11570/FUL Application Permitted 12 January 1976

Details of the erection of a detached dwelling, stable block, covered riding area and hay barn

TM/08/01478/FL Approved 5 September 2008

Single storey extension to side of property and rear of garage

5. Consultees:

5.1 PC: No objections.

5.2 KCC Highways: notes that 6 parking spaces are provided for staff and visitors with an overspill parking area. It has been indicated that the proposal will generate approximately 2/3 staff cars per day and 4/5 cars in the weekday evenings. Saturdays and Sunday mornings are the busiest times in respect of parking when there are lessons on the hour with 5 students in each lesson. If more than one lesson is held each hour than the existing parking provision of 6 spaces may not be sufficient, however the overspill parking area could accommodate the additional if required.

5.2.1 The site access from Common Road lies just outside of the 30mph speed limit and therefore is subject to the national speed limit (60mph). The rural nature of Common Road restricts vehicle speeds significantly and the visibility available from the site access is considered adequate. The access is restricted in width and Common Road is rural in nature with residential accommodation along one side. Although there is sufficient width for two cars to pass problems could arise if parking occurs along Common Road as a result of inadequate parking spaces within the site. Also queuing could occur along Common Road when vehicles wait for traffic to exit the site access, before turning into the site. The event days are likely to lead to the highest level of traffic and possible obstruction, to the detriment of highway safety, however there are no parking restrictions in the area that would restrict parking on the highway.

5.3 DHH: Lighting of the manege-the lighting report states the lighting should not cause Statutory Nuisance to residents in the locality. The hours of use of the lighting should be restricted to the approved hours of opening for the site, to minimise any disturbance that may be caused. It is in the applicants' best interests to ensure that any lighting does not unduly affect any nearby neighbours.

5.3.1 Manure/waste: The details provided of the storage and removal of waste /manure would seem to be reasonable and this matter should be covered by a condition.

5.3.2 PA system: It is noted that the PA system would only be used on 6-8 days during the summer months when events are held at the site. In view of the potential for this to create disturbance to residents in the locality, it is recommended that if Members are minded to grant consent that a temporary permission is given to the PA element of the proposal, to enable the effect to be assessed via complaint.

5.3.3 Hours of operation: notes the applicant has applied for longer hours than those cited in the original application. Some of the activities which extend beyond 1700 Monday to Friday and those which take place on Sundays/Bank Holidays could give cause for concern. Of particular concern would be the potential noise and lighting impact that use at these times may present. Again a temporary permission would enable these impacts to be assessed.

5.4 Private Reps: 18/0X/5R/1S

- Large volume of associated traffic with car parking extending into the paddock and vehicle activity throughout the day.
- The special event days are incredibly busy attracting a high number of cars and horse boxes. Vehicles spill out into the road and could obstruct access for emergency vehicles.
- The use granted in 1974 should not be considered to be valid.
- The application details do not resemble the facts at the site.
- Horses now dominate the local road and footpath network.
- Opening hours extend into the evening.
- Manure is not being collected leading to problems of flies, rats and odours.
- The manege is unsightly.
- Where are the washing facilities for those attending the pony camps?
- Large size of the visitors room.
- A quad bike is used to remove manure.
- Continuous use of a loud PA system to play music and make announcements.
- Harm to the AONB.
- Support for a well run riding school with facilities for the disabled.

6. Determining Issues:

- 6.1 This site has been used as a riding school since the mid 1970s. Permission was granted in 1974 (TM/74/01160), for a detached dwelling, garage and riding stables subject to several conditions. This permission which was implemented at the time, and is now in effect as a whole, allowed the use of the whole of the application site for a riding school with looseboxes. As the site has consent to be used as a riding school this report therefore only covers the matters that have now been applied for, namely the sand school, visitor hut and floodlights. The site also benefits from full 28 day "permitted development" temporary use rights that enable events to occur at the site without the need for formal planning from the Local Planning Authority.

- 6.2 Given the position of the site within the AONB and the strategic gap, the sand school, visitor hut and floodlights have to be assessed under Local Development Framework Core Strategy policies CP7-Development in the AONB, CP5-function of the Strategic Gap and CP14 development in the countryside. Specific good practice guidance for has also been produced by the Kent Downs AONB Unit in its document Managing Land for Horses. This policy framework outlines development that can be acceptable in the countryside, such as recreational uses which require essential built infrastructure and other development for which a rural location is essential. In addition the National Planning Policy Framework indicates that sustainable economic growth of businesses in rural areas should be supported. Rural leisure developments should respect the character of the countryside in appropriate locations.
- 6.3 The applicant has provided a statement in support of the submission. In it the site is described as a child centred Riding School and also runs lessons for disabled children and adults. Recently the riding stables have been enhanced by the addition of Squirrels Riding School instructors, who bring extra ponies and horses as well as their well established good riding practice techniques. The riding centre is intended to provide a wholesome experience for children, teenagers and adults of all abilities. The centre offers a warm friendly environment for young people to gain confidence in riding skills and increase fitness levels.
- 6.4 The visitor hut is a timber structure and is of a size and scale that is appropriate for this location. It is sited to the rear of the garden associated with number 116 and is located close to a hedge which provides some screening. The nature of the development is such that there is be no apparent impact on the visual qualities of the AONB. Some neighbours have indicated that the applicants' website refers to the visitor hut as a café, although the applicant states that the hut is for those who visit for lessons including parents and from a site inspection it does not have the facilities to operate as a freestanding café business. It would not be appropriate to allow a freestanding café in this location and this should be controlled by condition.
- 6.5 The sand school is situated to the north of the existing stables and indoor sand school building. The sand school is set back from the road and is partly screened by vegetation and buildings. The area was previously used as an outdoor teaching area in a grass paddock. It is positioned a minimum of 35m from the garden and 70m from the rear wall of the nearest residential property outside the site. The sand school is surrounded by post and rail fencing. Given its location and character it is not considered that the facility would be out of keeping in the vicinity or have a detrimental impact on the residential amenity of the area.
- 6.6 With regard to the proposed floodlights the applicants state that these are required to enable the sand school to be used for all hours of operation in the winter months. The submitted details indicate that there would be no light spill from the lights onto adjacent properties and although it would introduce an element of lighting into the area the hours of operation can be controlled by planning condition

- 6.7 The overflow parking area has been constructed in the north eastern corner of paddock 2. This area is large enough to accommodate additional parking created by the riding lessons and therefore is appropriate for the day to day running of the facility. The applicant states that on average there are 2/3 staff cars on Mondays-Fridays from 8am until 4pm with the occasional customer car. At times there may be a minibus or car from the Kent Autistic Trust (KAT) and when there are evening lessons there may be 4/5 cars at once. On an event day there are probably 30 horse boxes and an extra 15 cars on average which park in the paddock as identified
- 6.8 I am aware that concerns have been raised regarding parking in Common Road as a result of activities at the riding school. These concerns have been passed on to the applicants and efforts have been made to advise on the schools website that all parking should occur within the site and that visitors should not park outside the site. It should be noted though that there are no parking restrictions on this part of Common Road and that it cannot be certain what proportion of on-street parking has been as a direct result of the riding school/equestrian uses (such as the “permitted development” temporary uses. There are other attractions in the area, such as the sports pitch behind the houses to the east, clay pigeon shooting behind the Robin Hood PH and the public footpath networks, which may result in people parking on the highway. When inspected, on a random weekend basis, no on-street parking was evident.
- 6.9 In policy terms it is considered that the sand school with associated visitor hut relates to an existing open recreational use for which a rural location is essential. There are therefore no objections in terms of policy CP14.
- 6.10 In terms of policy CP5 it is considered that this represents a small scale development within the Strategic Gap that would not harm the aim of maintaining the openness between the urban areas. With regard to development in the AONB it is considered that the structures that are the subject of this application are grouped with the existing riding stables and should not be damaging to the visual qualities of the landscape.
- 6.11 With regard to the other concerns raised during the public consultation, the hours of operation have raised concern due to the operation of the site extending into the evening. Whilst the applicants have stated that the site generally operates between the hours of 9am and 5pm Monday to Saturday with some evening opening until 7 or 8pm, depending on the time of year it has to be noted that the *original consent for the riding school did not restrict the hours of operation*. However the introduction of the sand school and the lighting could well facilitate a more extensive use. The hours of operation of the sand school and floodlighting can and should be controlled and it is proposed that they should be limited in order to restrict the impact on the surroundings and in particular nearby residential properties.

- 6.12 The storage of manure has raised concerns due to intermittent problems in the past. The applicants state that the waste material from the stables and fields is stored for regular collection by a local farmer. The waste is kept on a trailer and collected when full, probably on a weekly or fortnightly basis. The neighbours have indicated that the information provided on the application forms differs from the practice at the site. It has been suggested that manure has not actually been removed as regularly/frequently as indicated on the application forms. DHH has indicated that there was an approach last year concerning an alleged odour nuisance due to the storage of manure at a nearby property. According to DHH, following complaints the manure storage location had been relocated and no further complaints have been received regarding this matter. Provided that the manure waste is removed from the site as outlined in the submitted information then DHH considers that there should be a nuisance to the surrounding properties.
- 6.13 PA system: It is noted that some of the neighbours had made reference to the PA system and music at the site. A temporary PA system could be used at events carried out under the 28 day "permitted development" temporary use rights. A PA system for the sand school could require permission if it is permanent and would have the potential to cause disturbance to residents in the locality. It is therefore considered appropriate to impose a condition that would restrict the use of a PA, whether a permanent feature or by the use of facilities that could be installed/used without the need for planning permission, in relation to the day to day use of the sand school.
- 6.14 It is clear that the nature of this business does affect the character of the area including vehicles visiting the site and riders using the roads and bridleways. It is appreciated that the authorised riding stable which was agreed in the 1970s is by its very nature visible in the locality. It is only possible therefore to give consideration to the additional structures and activities that now exist or are planned for this site but not to review the principle of the uses. In general, although the level of activity has increased at the site due to the new regime for the riding school, the use of safeguarding conditions should ensure that the features now requiring planning permission do not cause undue harm to residential amenities.
- 6.15 The application has been given very careful consideration in the light of the neighbours comments, the relevant planning policies and the planning history relating to the use as riding premises. It is appreciated that the level of activity at the site has already intensified due to the use of the outdoor manege and floodlights, leading to an extension of opening hours but this change of hours of uses in itself would not have required the Council's approval. Whilst it is noted that there would be a number of special events throughout the year which will draw larger numbers of people, these can be carried out under the 28 day "permitted development" temporary use rights that the site benefits from and are therefore permitted by virtue of these rights. It is concluded that the equestrian

uses taking place at the site are those that require a rural location but do not cause undue harm to the character of the AONB or existing residential amenities. It is therefore recommended that the application is approved subject to the appropriate safeguarding conditions.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 28.06.2011, Drawing 501-BH-PL-01 B dated 10.11.2011, Supporting Statement dated 10.11.2011, Schedule OPENING TIMES dated 10.11.2011, Lighting dated 10.11.2011, Planning Layout 501.BH.PL.02 weekend events dated 10.11.2011, Email dated 6.12.2011, clients statement dated 14.12.2011 and subject to the following:

Conditions

- 1 Within one month of the date of this consent full details of a PA system including position of speakers and hours of use used for the sand school shall be submitted to the Local Planning Authority. Upon approval these facilities shall not be modified from the approved scheme without prior written approval of the Local Planning Authority.

Reason: In the interest of the residential amenity of the occupants of the area and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.
- 2 The visitor hut shall only be used as a facility ancillary to the riding school and at no time shall it be used as a separate cafe facility.

Reason: In the interests of the residential amenities of the occupants of the adjacent property and due to the rural location of the site outside the Village confines of Blue Bell Hill in accordance with policies CP24 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007.
- 3 At no time shall any burning of waste (including manure and straw) take place at the site.

Reason: In the interests of the residential amenities of the occupants of the adjacent properties and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.
- 4 The sand manege and associated floodlights hereby approved shall not operate between the hours of 20:00 and 09:00 Mondays to Fridays and 19:00 and 08:00 Saturday and Sunday.

Reason: To protect the amenities of nearby dwellings and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

- 5 The parking area hereby approved shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without the provision of adequate vehicle parking space is likely to lead to hazardous on-street parking which would not be in compliance with policy SQ8 of the Managing Development and the Environment – Development Plan Document 2010.

- 6 The manure storage area hereby approved shall be maintained at all times and manure shall be removed from the site on a regular basis in accordance with Environment Agency guidelines and Duty of Care requirements.

Reason: In the interests of the residential amenities of the occupants of the surrounding area and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

Informatives

1. You are advised that it is the applicants' responsibility to register with the Councils Licensing department as the riding establishment may need to be licensed.

Contact: Hilary Johnson