

4.2 – SE/14/00804/FUL Date expired 1 September 2014

PROPOSAL: Introduction of sand school adjacent to existing stables including the erection of a 1.1 metre timber post and rail fence (amended design to overcome refusal grounds for application SE/13/00028/FUL).

LOCATION: Stables On Land North Of The Farmhouse, Mussenden Farm, Mussenden Lane, Horton Kirby DA4 9JW

WARD(S): Farningham, Horton Kirby & South Darent

### ITEM FOR DECISION

Councillor McGarvey has referred this application to Development Control Committee to consider the following matters:

- Acceptability of the access to site;
- Adequacy of parking;
- Impact on neighbours;
- Waste issues;
- Impact on the setting of the Listed Building

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the sand school hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) No external lighting shall be installed on the land.

To protect the amenity of the area and the residential amenities of nearby dwellings as supported by policy EN1 of the Sevenoaks District Local Plan.

4) No jumps (other than when in use), mobile or temporary structures, buildings or chattels shall be placed on the sand school without the prior approval in writing of the Council.

To protect the amenity of the area as supported by policy EN1 of the Sevenoaks District

Local Plan.

5) The sand school hereby permitted shall only be used as an ancillary facility in conjunction with the stables and shall not be used for any commercial purposes, including providing riding lessons, equestrian shows, gymkhana events or hunter trials/cross country events.

So that any other proposal is the subject of separate planning application, to be determined on its merits, having regard to the impact on the Green Belt, landscape and any highway implications in accordance with policies EN1 and VP1 of the Sevenoaks District Local Plan, policies SP1 and LO8 of the Sevenoaks Core Strategy and the advice and guidance contained in the National Planning Policy Framework.

6) No development shall be carried out on the land until details of the means of distributing and/or disposing of any excess earth have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details.

To protect the amenity of the area as supported by policy EN1 of the Sevenoaks District Local Plan and policies SP1 and LO8 of Sevenoaks Core Strategy.

7) No development shall take place until full details of soft landscaping have been submitted to and approved by the Local Planning Authority. These details shall cover as appropriate: Planting plans; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities, and Implementation timetables.

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 in accordance with Policy EN1 of the Local Plan.

8) Soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, 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.

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 in accordance with Policy EN1 of the Local Plan.

9) No development shall take place until a scheme for the storage and disposal of manure from the land has been submitted to and approved in writing by the Council. The approved scheme shall be implemented in full when the sand school is first brought into use and shall be maintained thereafter.

To protect the amenity of the area as supported by EN1 of the Sevenoaks District Local Plan.

10) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg No. 1701-12-PL001 Rev. P4

For the avoidance of doubt and in the interests of proper planning.

**Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was updated on the progress of the planning application.

Description of Proposal

- 1 The application seeks full planning permission to create a sand school adjacent to an existing stable block. The school will measure 20m by 14m topped with a sand surface. The sand school would be enclosed by a 1.1m high 3 bar timber fence.

Description of Site

- 2 The application site is located outside of the rural settlement confines of Horton Kirby within open countryside.
- 3 Within the site currently consists of a stable block surrounded by land that is used for the grazing and keeping of horses. To the south, on the opposite side of the Lane are a group of buildings that are Grade II listed that once form part of a farmstead but have been converted to residential dwellings.

- 4 The site can be seen from the roadside and it is clear that the immediate surrounding land is used for equestrian purposes.
- 5 Access into the site is available from Mussenden Lane.

#### Constraints

- 6 Green Belt
- 7 Area of Archaeological Potential

#### Policies

##### *Sevenoaks District Local Plan:*

- 8 Policies - EN1, SR9

##### *Sevenoaks Core Strategy:*

- 9 Policies - SP1, SP11, LO8

##### *Allocations and Development Management Plan (ADMP):*

- 10 Policies - EN1, EN2, LT2

##### *Other:*

- 11 National Planning Policy Framework (NPPF)

#### Planning History

- 12 13/00028 - Introduction of sand school around existing stables, including the erection of a 1.1 metre timber post and rail fence - REFUSED

The grounds for refusal were:

*“The proposed sand school development, by virtue of location and design would have a harmful effect upon the character and appearance of the open countryside. To permit would be contrary to policy EN1 of the Local Plan and policies SP1, LO8 of the Core Strategy.*

*In the absence of an ecological scoping survey and a biodiversity enhancement and mitigation plan it cannot be demonstrated that the proposed development will not have a harmful impact on protected species and habitats, and wider biodiversity. This conflicts with Policy SP11 of the Core Strategy and paragraph 118 of the National Planning Policy Framework 2012.”*

#### Consultations

##### *Horton Kirby and South Darenth Parish Council*

- 13 Objection raised relating to concerns on increased traffic and access.

#### Representations

- 14 3 letters of concern received. Concerns relating to:

- Insufficient parking;
- Lack of waste disposal;
- New development within the Green Belt;
- Impact upon the setting of the listed building;
- Loss of privacy;
- Increase in traffic.

### **Chief Planning Officer's Appraisal**

15 The main considerations of this application are:

- Impact upon the Green Belt
- Impact upon the visual character and appearance of the area
- Impact on the amenity of adjacent properties
- Impact upon Ecology

#### Impact upon the Green Belt

##### *Appropriate development in the Green Belt?*

- 16 Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, paragraph 89 does provide for appropriate facilities for outdoor sport / recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 17 There is a general presumption against inappropriate development within the Green Belt, and such development should not be approved except in very special circumstances. However, the NPPF lists a number of appropriate uses in the Green Belt, for which there is no presumption against development or a need to provide very special circumstances. One of the appropriate uses listed is 'appropriate facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it' (para. 89).
- 18 Local Plan Policy SR9 and Appendix 3 discusses horses and stabling development in general. Appendix 3 of the Local Plan states that new buildings for commercial riding and stabling facilities is not likely to be appropriate development within the Green Belt but a judgement can be made having regard to the scale and impact of the new development.
- 19 The Council are also now, in line with paragraph 216 of the NPPF, giving significant weight to the following emerging development plan policy:

##### *"Policy LT2 – Equestrian Development"*

This policy expects proposals for equestrian facilities and activities which would meet the following relevant criteria will be permitted:

- For proposals that involve new facilities for the keeping of horses, sufficient grazing land and off road riding area would be available and would not harm the amenities of surrounding residents;

- The proposal would not have an unacceptable impact on the water environment and sewage disposal;
  - The development would not result in harm to the character of the landscape or the ecological value of the area in which it is situated.
- 20 Proposals for equestrian development in the Green Belt will be permitted where the scale of the development is appropriate to a Green Belt setting, and where the cumulative impact of other buildings, does not harm the openness of the Green Belt.”
- 21 In addition to the above, the NPPF allows for ‘appropriate’ facilities for outdoor sport and recreation. Therefore in the context of the Local Plan and National Guidance the development proposed is acceptable in principle as it is can be ‘appropriate’ development.

#### *Impact upon Openness of the Green Belt*

- 22 The site is relatively isolated and does not lie close to any village centre; nearby buildings are largely isolated residential properties. It is recognised that the development would intensify the use of the land for equestrian purposes, however, as grazing of horses does not require permission or the sub-division of field by fencing, the character and appearance has already changed from agricultural to equestrian purposes.
- 23 Current planning policy allows for appropriate outdoor recreational development. It is considered that the amended size of the proposal and its re-siting, would not have a significant impact upon the openness of the green belt as less intervention is required to change the existing levels of the site and the scale of the sand school has been reduced by approx. 50% to 20m x 40m.
- 24 The sand school is low key in nature and does not require any significant changes to the existing ground levels. Its very existence would be little different to a horse being kept on the land. Its intrusion into the openness of the Green Belt is considered to be limited whereas the previous application was for a much larger sand school and required removal of a hedgerow. It is now considered that this proposal overcomes the reason of refusal as mentioned previously.
- 25 The post and rail fencing that surrounds part of the site, also has a minimal impact upon the visual amenity of the area, by virtue of its height, design and would preserve the sense of openness and character of the area.
- 26 The proposed scheme accords with Policy SR9 of the Local Plan and the scale of the development is acceptable, what is proposed can be considered as being ‘appropriate’ recreational facility as prescribed by para.89 of the NPPF.

#### Impact on character and appearance of area

- 27 Policy EN1 of the Sevenoaks District Local Plan requires that development respects and takes opportunities to enhance the character and distinctiveness of the locality. The form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard so that the distinctive character of villages is not damaged.

- 28 Policy L08 of the Core Strategy requires that development to respect the countryside by having no detrimental impact to the quality of the landscape character.
- 29 Whilst the site is located in open countryside, it is considered that the impact of the development upon the wider landscape is limited as a result of its siting. The sand school is not inconsistent with the types of development found in rural locations. Given the low key nature of the development and its siting nearby the existing stables, it is not considered that the proposed sand school will detract from the openness of the Green Belt nor detract from the character of the landscape.
- 30 Some levelling of the land will be necessary to allow for an appropriate finished level however limited information has been submitted in regards to this, so it is considered reasonable to attach a condition to clarify the works required.
- 31 The proposed fencing around the sand school is a standard 3 bar timber construction which will match the existing fencing elsewhere in the site.
- 32 Further landscaping can be introduced to soften the impact of the development upon the landscape and would also increase the ecological value of the site.
- 33 It is therefore considered that the creation of the sand school will protect the character and appearance of the area and complies with policy EN1 of the Local Plan and policies SP1, L08 of the Core Strategy and EN1, LT2 of the ADMP.

#### Impact upon existing residential amenity

- 34 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy EN1 of the Local Plan requires that any proposed development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 35 It is noted that the sand school is situated approximately 55 metres to the north of the closest neighbour being Mussenden Farm. Notwithstanding the historic use of the site, the importation and deposit of materials to create the school would have the potential to intensify the use of the area as a riding area by making it more durable in inclement weather.
- 36 The sand school would not be floodlit, which means that its hours of use would be restricted to those of daylight.
- 37 On balance, whilst it is accepted that there is likely to be a degree of disturbance from the operations of the sand school, it is not considered that this is so intensive that the impact upon neighbouring amenity is unacceptable, particularly given the separation distance of the nearest dwellings from the sand school itself.
- 38 The nearest properties that front on to Mussenden Lane would be separated by a minimum 55m gap. It is considered that the level of activity is such that this would not be modest and not constant and a condition can be imposed so that the sand school would not be used for commercial purposes. Whilst it is not considered necessary to impose a condition relating to hours of operation, it is

reasonable to prevent lighting from being installed or brought onto the site, to ensure that activities do not take place at more unreasonable hours.

- 39 Some of the representations received also refer to the lack of waste disposal on site and no public convenience facilities are being provided. Whilst it appears that no manure waste facilities are provided on site, this could be dealt with by the imposition of a condition requiring a facility for manure disposal to be provided to improve the management of the site. Concern has been raised in terms of the lack of toilet facilities on site however there is no requirement for toilets to be provided in planning policy terms. Therefore limited weight can be given to this issue.
- 40 Whilst the representations from neighbouring residents and Parish Council expressing their concerns regarding their amenity are legitimate, it is considered that the sand school, in the position it has been proposed, is compatible with adjoining uses and that activities can take place from it without having an unacceptable impact upon neighbouring residential amenity.
- 41 For all of these reasons, it is concluded that this proposal would not have a materially harmful effect on the living conditions of the occupiers of nearby dwellings. It would not, therefore, conflict with policies EN1 of the Local Plan and policy EN2 of the Allocation and Development Management Plan.

#### Highways

- 42 The proposal seeks to utilise the existing access into the site, together with a road planings hardstanding area to the side of the existing stable block. This access is established and the site could easily accommodate parking in excess of four cars. The development would still cater for 4 parking spaces and would use an existing access. It is considered that the proposed use would be unlikely to generate additional trips compared to the existing use. If the sand school was restricted to ensure it was not used for commercial purposes, a highways ground of refusal could not be justified.
- 43 The creation of the sand school would not result in a significant increase of vehicle movements to and from the site to the detriment of highway safety. Overall, there is no justified reason to object on highway matters.

#### Ecology

- 44 In the previous application, there was a reason for refusal as the previous scheme would have an impact upon an existing hedgerow to the eastern boundary of the site. To overcome this, a Phase 1 Habitat survey has been commissioned and submitted as part of this amended scheme. This survey concludes that there are no protected species within the site but recommends that further native planting can be used to assist in screening the development and improve the ecological value of the site. This measure can be secured by condition.
- 45 Considering the above, it is considered that this amended scheme overcomes the previous reason for refusal, as such complies with Policy SP11 of the Core Strategy.



### Other Issues

- 46 The Parish Council objects to this application on highway matters however as noted in previous paragraphs, an highway objection cannot be sustained
- 47 In accordance with Section 66 of the Listed Building and Conservation Areas Act, this seeks that Council must have due regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Taking this into consideration, the sand school will be located outside the curtilage of the listed buildings, to the southern side of Mussenden Lane. The development will be approximately 55 metres to the north of the group of the listed buildings although the development is set at a slightly higher level, due to this distance and existence of intervening built form it is not considered that the development will have a detrimental impact on the setting of these listed buildings.
- 48 The site is within an area of archaeological potential however, the development would require minimal ground works. As such it is not considered in this instance, that further archaeological investigations would be necessary.

### Access issues

- 49 There are no adverse access issues with this application

### **Conclusion**

- 50 The principle of the development is considered to be acceptable and in accordance with the objectives of the NPPF. This amended proposal is acceptable in terms of its impact upon the character and appearance of the countryside and neighbouring residential amenity likely. This proposal now, overcomes the previous reasons of refusal. Therefore, on considering the above, it is recommended that this application should be granted, as it conforms to the relevant Development Plan policies and that there are no other overriding material considerations to indicate otherwise.

### **Background Papers**

Site and Block plans

Sean Mitchell Extension: 7349

Contact Officer(s):

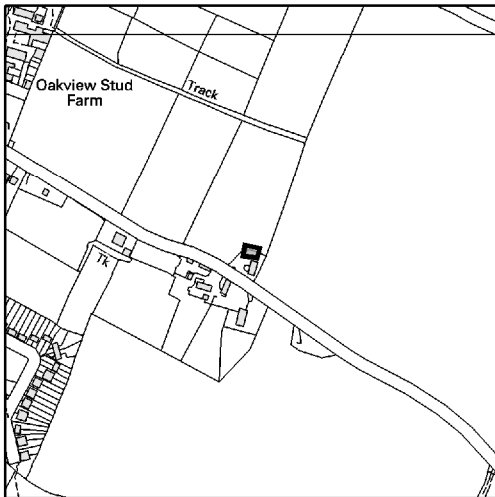
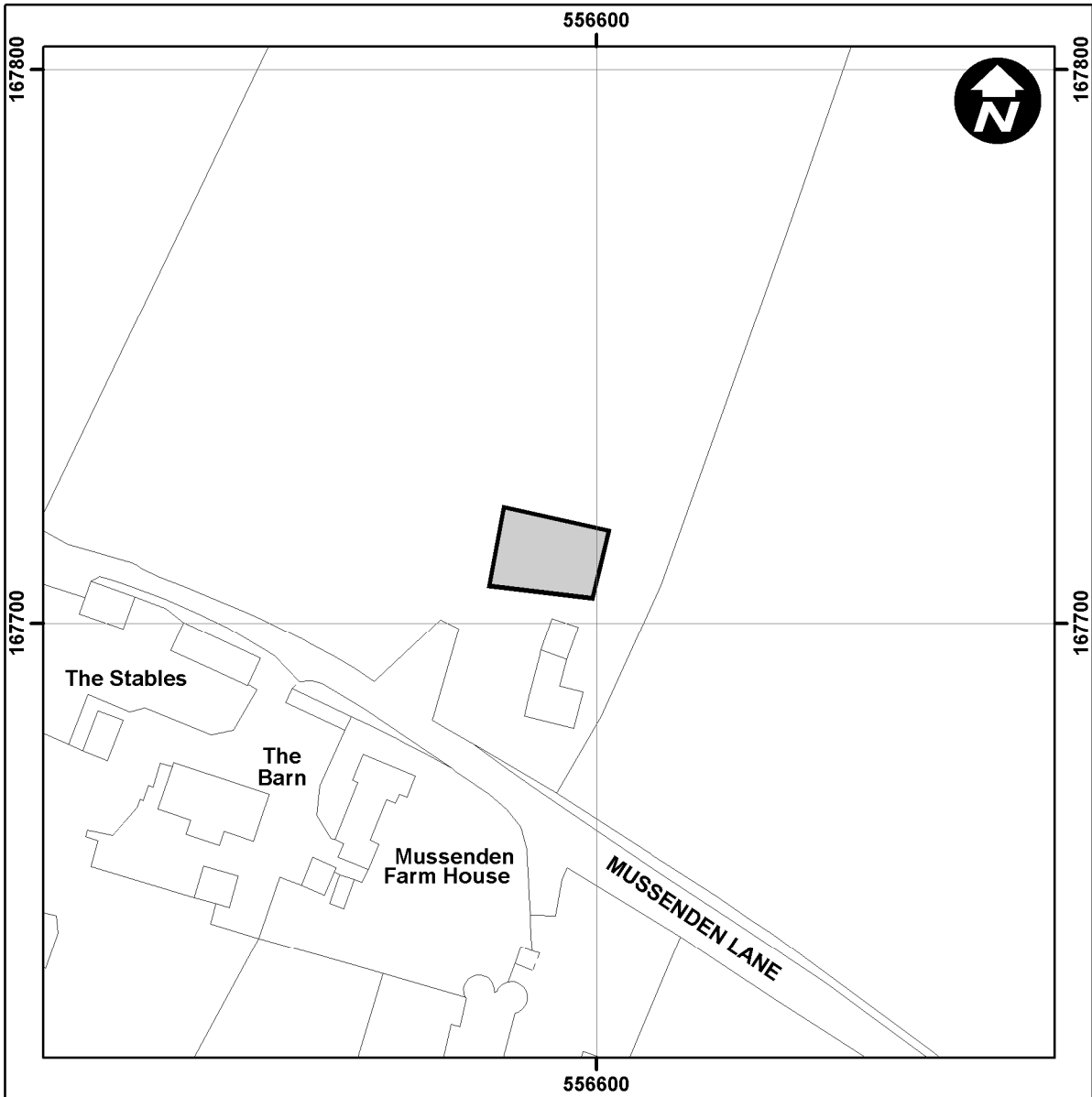
**Richard Morris**  
**Chief Planning Officer**

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N20BPMBK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N20BPMBK8V000>



# Site Plan

Scale 1:1,250

Date 21/10/2014



## Sevenoaks

DISTRICT COUNCIL

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Ordnance Survey 100019428.

**Block Plan**

