

5.4 – SE/12/00893/FUL Date expired 29 May 2012

PROPOSAL: Retention of stable building, and land to accommodate horses in need of isolation

LOCATION: Robertsons Nursery, Goldsel Road, Swanley, Kent.

WARD(S): Crockenhill & Well Hill

#### ITEM FOR DECISION

The application is being reported to Development Control Committee at the discretion of the Community and Planning Services Director.

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

1) This planning permission is granted for a temporary period of three years only, from the date of this permission. By the date this permission expires, stables, structures, materials and equipment brought on to the land in connection with the use hereby approved, shall be removed and the site shall be restored to its previous condition, or restored in accordance with a scheme that has been submitted to and approved in writing by the Council.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

2) No commercial activities shall take place on the land, including the storage of materials, other than the keeping of horses in need for isolation. The use only enure the benefit of the applicants, Mr Albert Coates (Jnr) and Ms Amy Coates (nee Broomfield).

To preserve the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

3) No external lighting shall be installed on the land until such details have been submitted to and approved by the Council. The installation of external lighting shall only be carried out in accordance with the approved details.

To preserve the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

4) Within four months of the date of this permission a scheme for the storage and disposal of manure from the land shall be submitted to for its approval in writing by the Council. The approved scheme shall be implemented in full and thereafter maintained.

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

5) The development hereby permitted shall be carried out in accordance with the following approved plans: 1131/01 received on 03 April 2012

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

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

The South East Plan 2009 - Policies CC6, SP5, C4

Sevenoaks District Local Plan - Policies EN1, SR9

Sevenoaks District Core Strategy 2011 - Policies SP1, L08

The following is a summary of the main reasons for the decision:

The development is considered to be appropriate development within the Metropolitan Green Belt.

Any potentially significant impacts on the amenities of nearby dwellings and the Green Belt can be satisfactorily mitigated by way of the conditions imposed.

### Description of Proposal

- 1 The application seeks consent for the retention of timber stables for the housing of horses that are in need for isolation.
- 2 The stable building itself is not physically attached to the ground as it is on skids. The existing stable is mainly constructed from timber and is single storey in height. It approximately measures 7.3m x 3.2. The stables allows for two horses to be kept on site.

### Description of Site

- 3 The site relates to a vacant section of land located on the south east side of Goldsel Road. The site is located to the north of Crockenhill and lies to the south west of Swanley. The main section of the site is broadly rectangular in shape with a narrow strip of land to the south west. The site slopes steeply down from an embankment from Goldsel Road and then gently slopes away in a south-easterly direction.
- 4 To the south west of the site lies the property of Mannings Bank and to the north west is the junction to Green Court Road. The site is located within the Metropolitan Green Belt.
- 5 The site has been partially cleared and levelled to assist in the location of the hardstanding for the mobile home and vehicular turning area. The site is partially screened from the road due to the topography of the area, however there is a break in the existing south eastern boundary which exposes part of site to and from an existing public right of way (SD186).

### Constraints

- 6 Metropolitan Green Belt

### Policies

*South East Plan*

7 Policies – CC6, SP5, C4

*Sevenoaks District Local Plan*

8 Policies – EN1, SR9

*Core Strategy*

9 Policies– SP1, LO8

*Other*

10 National Planning Policy Framework Paragraphs – 14, 87, 88, 89

Planning History

11 SE/12/00894 – Retention of stable building – Pending Consideration.

SE/08/02349 - Retention of mobile home & hardstanding & proposed utility building – Granted

SE/03/01765 - Proposed replacement bungalow after demolition of existing bungalow due to fire damage - Withdrawn

SE/94/00554 - Retention of new vehicular crossing and drive - Approved

Consultations

*KCC Highways Officer*

12 No objections raised

*SDC Environmental Health Officer*

13 No objection

*KCC Ecology*

14 No objections

*Thames Water*

15 No comment

*Crockenhill Parish Council*

16 Wishes the application to be refused on the following grounds:

- Is not intended for recreational uses;
- In breach of previous planning condition relating to commercial uses;
- Not considered as being essential facilities;
- Increased light pollution;

- Would set a precedence to the creation of a full business use;
- There are no special circumstances that exist.

### Representations

- 17 9 Neighbours in support of the application
- 18 8 Neighbours object for the following reasons:
- Out of character;
  - Possibility of transmission of infectious diseases;
  - Inappropriate development within the Green Belt;
  - Light pollution;
  - Increased traffic movement;
  - Running a commercial operation from the site.
- 19 2 letters from the applicant explaining why the stables are needed for the following reasons:
- The stables will only be used in exceptional circumstances, such as foaling or 2 week isolation period when extra care is required;
  - Not for isolating sick or diseased horses;
  - Isolating healthy horses from larger herds that may be potentially sick;
  - Stables sits on an existing hardstanding and is on skids;
  - Stables are used for temporary circumstances as outlined above;
  - No material increase in traffic movements.
- 20 1 letter from the applicant's vet in support of the application stating that the stables are required for foaling purposes and the provision of isolation facilities prior to Mr Coates exporting of horses to various parts of the world.

### Considerations

- 21 The main considerations of this proposal are:
- Impact on character and appearance of the rural area and on the visual amenities of the Green Belt.
  - The impact on highway safety
  - The impact on surrounding residential amenities.

*Green Belt*

- 22 The application site is located within the Metropolitan Green Belt. The National Planning Policy Framework (NPPF) states that there is a general presumption against inappropriate development in the Green Belt. This includes material changes in the land use which do not maintain openness.
- 23 Paragraph 89 of the NPPF allows for the exception for the construction of new buildings within the Green Belt. It states that appropriate facilities for outdoor sport or recreation may be acceptable, appropriate development providing it preserves the openness of the Green Belt.
- 24 Local Plan Policy SR9 and Appendix 3 deals with horses and stabling in general. New stables for commercial purposes could be judged as appropriate development providing the facilities are suitable to their location without causing significant damage to the visual and physical quality of the area.
- 25 The stabling proposed is intended to be used for commercial purposes albeit on a small scale. The stables is considered not to not require planning permission, as it can be easily moved. However, due to conditions 4 & 5 of planning permission SE/08/02349, these conditions do not allow commercial activities to take place on the land or allow buildings or enclosures to be erected.
- 26 In respect of the impact of the stable upon the openness of the Green Belt, the stable is only single storey in height as such its the impact upon the wider openness of the Green Belt is somewhat limited. However is sited in a prominent location as it can be viewed from a nearby Public Right of Way (SD186). Notwithstanding the building is small scale and could be considered as being on a domestic scale rather than commercial.
- 27 This does not outweigh the presumption against inappropriate development, in order for inappropriate development to be permitted, very special circumstances need to be demonstrated which clearly outweigh the harm by reason of inappropriateness and any other harm in accordance with paragraph 87 of the NPPF that states:
- “As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*
- 28 This will be considered after all other matters.

#### *Impact on character and appearance of surrounding area*

- 29 Policies CC6 of the South East Plan and EN1 of the Sevenoaks District Local Plan require 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.
- 30 Policy SP1 of the Sevenoaks Core Strategy seeks for all new development to be of high quality and respond to the distinctive local character of the area. Policy LO8 of the Sevenoaks Core Strategy requires that the countryside should be

conserved and the distinctive features that contribute to its character protected and enhanced.

- 31 The site is outside the built area of Crockenhill Village and was previously developed land that had been reclaimed by the environment. The policies of the development plan seek to maintain the character and appearance of the area.
- 32 In this instance there would be a visual impact from the actual development of the stable development has an impact upon on the wider landscape due to the introduction of the built form. It is considered that additional landscaping could take place to mitigate the harm however, it is not normally acceptable to require landscaping in relation to time limited permissions. On taking the above into account, I am satisfied that if a temporary planning permission were to be granted, the harm to the landscape is not so great to justify a refusal as it would be limited.
- 33 There is some harm in relation to Local Plan policy EN1 and South East Plan policies CC6, C4 and Core Strategy Policy LO8 but this harm must also be weighed against the other factors considered below.

#### *Highway Safety and parking*

- 34 Policy EN1 of the Sevenoaks District Local Plan requires that development should ensure satisfactory access for vehicles and pedestrians. The Kent Highway Authority has raised no objection to the existing access or its use based on Highway Safety. Furthermore, the site has been in existence for more than three years and has not presented itself as an issue in terms of trip generation and highway safety issues.
- 35 On considering the above, no objection can be raised in this regard despite the concerns raised by the Parish Council and third parties.

#### *The impact on surrounding residential amenities.*

- 36 Policy EN1 from the Sevenoaks District Local Plan states that the proposed development including any changes of use does should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements.
- 37 As the site is separated by a small buffer zone of trees and scrubland to the southwestern part of the site. The clear separation distances between properties, it is considered that there would be no harmful loss of outlook and noise and disturbance to nearby residents. .
- 38 As such it is considered that the adjacent property would not detrimentally affected by this development in terms of loss of residential amenity. This proposal would accord to in part with Policy EN1 of the Local Plan.

#### Very Special Circumstances

- 39 In accordance with paragraph 87 of the NPPF it is necessary to consider whether very special circumstances exist that clearly outweigh the defined harm by reason of inappropriate development and any other harm identified.

- 40 It must be noted that the current family on site fall under the definition of gypsy/travellers as stated in Annex A of the Planning Policy for Travellers. Their main source of income is primarily dealing with the importation/exportation and the breeding of horses.
- 41 As previously mentioned the size of the operation on-site is relatively low key and its only intended use is for the isolation of horses that need special care/attention and preparation for export. A full explanation to why the stable is required can be found in Appendix 7 of the applicants planning statement. As the occurrence of the use of the stable is temporary and due to the fact the field shelter is not physically attached to the ground, the harm to the green belt would be limited. Further control by the authority of the use of the stables can be suitably controlled by imposition condition and any other further commercial development can still be restricted as well as further development.
- 42 Taking the applicant case into account, it is considered the above circumstances can be considered as being special to override the limited harm it causes upon the Green Belt.

#### Other Issues

- 43 The objections raised by the Parish Council and third parties have been fully considered. It is contested that the applicants do have a special circumstances case for the reasons cited above. The highways officer has considered this proposal and has not raised an objection. Therefore, to raise an objection on the issues on highway grounds is not justified in this instance, when the use of the stables would be intermittent and not 24/7.
- 44 In terms of the issues raised by lighting this can be controlled by condition and again, it would only be used when required by the use of the stables so any harm would be limited.

#### **Conclusion**

- 45 For the above reasons it is considered that a temporary consent for 3 years is justified. This would be consistent with the approach adopted the other case for the retention of the applicants mobile home. Due to the special circumstances that have been advanced, due to the status of the applicant, their intended use of the stables and the fact its use would be temporary, it is considered that these circumstances are sufficient to outweigh the harm to the openness of the green belt and upon the wider area.
- 46 In the circumstances I would recommend that temporary time limit/personal permission is granted.

#### **Background Papers**

#### **Site and Block Plans**

Contact Officer(s):

Sean Mitchell Extension: 7349

Kristen Paterson

Community and Planning Services Director

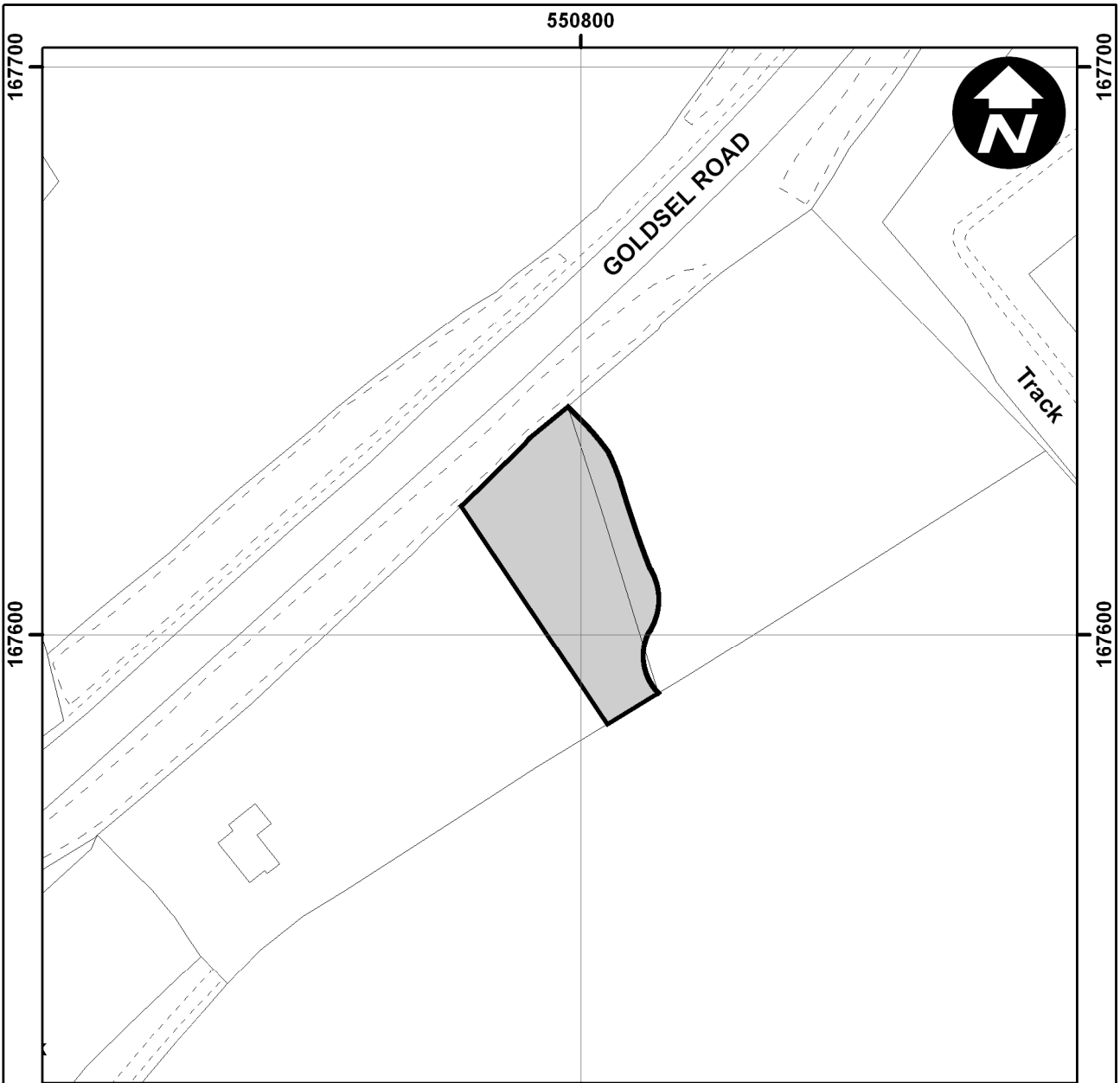
Link to application details:

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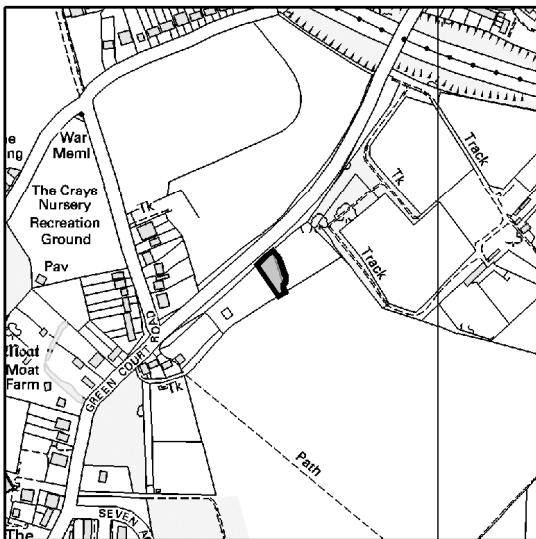
Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M1WT0UBK0CR00>





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# Site Plan

Scale 1:1,250

Date 18/06/2012



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BLOCK PLAN

