

<b>REFERENCE NO:</b> 19/505680/FULL		
<b>APPLICATION PROPOSAL:</b> Change of use of land and conversion of existing barn to equine clinic and associated development including erection of stable block, trot-up, menage, paddock areas and associated parking areas, hardstanding and fencing.		
<b>ADDRESS:</b> Eastfield Barn Broad Street Hill Hucking Kent ME17 1QT		
<b>RECOMMENDATION:</b> GRANT planning permission subject to following conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> Proposal would conserve and enhance natural beauty of the AONB; no highway safety objection has been raised; proposal would be acceptable in residential amenity terms; no further ecological information is required prior to determination of application and reasonable biodiversity enhancements are proposed to be incorporated into scheme; no objections are raised in terms of flood risk, surface water/foul disposal and contamination; all other material environmental protection issues have been addressed; and all other material planning considerations have been dealt with. So whilst proposal site is in a remote location, it is accepted that some businesses (given their nature) may have to be found beyond existing settlements and in locations that are not well served by public transport; it has been demonstrated the proposal would not have an unacceptable impact on local roads; and the development is considered to be sensitive to its surroundings.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Councillor Garten wishes to see application reported to Planning Committee if minded to recommend approval.		
<b>WARD:</b> North Downs	<b>PARISH COUNCIL:</b> Hucking	<b>APPLICANT</b> Katie Snalune <b>AGENT</b> ACD Projects LTD
<b>TARGET DECISION DATE:</b> 02/03/20		<b>PUBLICITY EXPIRY DATE:</b> 06/02/20

### Relevant planning history

- 19/503551 - Demolition of building and erection of equine clinic and associated development including stable blocks, paddocks, menage, lunging pen, parking/hardstanding and fencing – Withdrawn (26.09.2019)
- MA/86/0032 - Erection of farmhouse and double garage/shed - Refused

### MAIN REPORT

#### 1.0 Site description

- 1.01 The proposal site (some 1.9ha in area) relates to an irregular shaped parcel of land that is accessed at the northern end of Broad Street Hill, close to the junction with Scragged Oak Road in the parish of Hucking. There is a paddock at the northern end of the site (to be retained), and the rest of the site is agricultural land with an existing agricultural building located close to the western corner of the site. To the north is the Hook and Hatchet Public House, and access to the A249 is some 3.2km from the site by road. There is sporadic residential development in the vicinity of the site; there is a livery to the west of the site (Stanhope Farm); and paddocks and agricultural land is a strong characteristic in the vicinity of the site.
- 1.02 For the purposes of the Local Plan, the proposal site falls within the countryside which is also designated as an Area of Outstanding Natural Beauty (AONB). The eastern boundary is adjacent to Hucking Hill House, Pasture and Woods, Hucking Local Wildlife Site; and the nearest slither of protected Ancient Woodland is more than 60m away from the eastern boundary of the application site. A public footpath (KH145) is found some 45m to the south of the site, running in a general east/west direction; and there is a public footpath (KH142) some 200m to the east of the site that runs in a general north/south direction.

## **2.0 Proposal**

- 2.01 The proposal is for the change of use of the land and for the conversion of the existing building to an equine clinic, and includes associated development such as the erection of a stable block; trot-up; menage; paddock areas; and associated parking areas, hardstanding and fencing. The proposal is effectively re-siting and improving the well-established specialist Equine Clinic that is currently located at Newnham Court, Bearsted, and the day-to-day running is to remain similar to that now in operation. The site shall at no time be used for the private or commercial stabling of horses that do not require medical care from the equine clinic.
- 2.02 The practice is 'first opinion' with patients only in emergency situations, and usually 2-3 patients visit a day with out of hours emergency visits being infrequent. The client base is generally within a 25mile radius of the practice; and what with this site being only some 3miles from the current site, it will be possible to retain the current client base.
- 2.03 Normal hours of operation are from 8am-6pm (Mon-Fri), with staff on the weekends mucking out and staying overnight if necessary. In-patients can be visited between 5pm-6pm on the weekends, and there are also infrequent client talks that can go on to 10pm. The business currently employs 7 vets (5 of which are on site visits all day), 5 nurses (2/3 working at one time); 5 reception staff (2/3 working at one time); a Practice Manager; and a Nursing Manager. It is usual for 8/9 staff to be on site at any one time. The application also explains that in cases of emergency (which in experience happens less than once a month), staff may be required to stay overnight to monitor animals. There are no real overnight facilities, and staff members are expected to stay awake throughout the night, with brief rest caught in between checks on a sofa bed in the staff room. Aspirations are to increase staffing over 2yrs by 10% and the practice plans to employ local people.
- 2.04 The existing vehicle access will be permanently blocked up, and a new access road (laid in tarmac planings) created at the northern end of the site (with passing points); there will be no transport vehicles for horses, as clients provide their own; and close to the main building will be 8 car parking spaces, a long parking/drop-off area, and a lorry parking space. The parking areas will be laid with permeable recycled plastic geo-grid with gravel infill.
- 2.05 The proposed external appearance of the existing building would be of blockwork at lower level and vertical pressure treated T&G Thermowood cladding to the upper section of the walls; and the roof would be of Kingspan QuadCore Trapezoidal composite roofing (grey in colour). The building would provide a reception area; offices; exam room; theatre; pharmacy/laboratory; and staff room. The new timber stable block would be sited to the immediate west of the main building, and with 11 stables and a wash area, it would be linear in form and stand less than 5m in height with its dual pitched roof. A concrete apron would be laid around both buildings. To the immediate south of these buildings would be the menage and trot-up (with all-year round surfacing), both of which would be enclosed by 1.2m high post and rail fencing. The proposal will see the boundary planting retained and enhanced and new tree planting within the site.

## **3.0 Policy and other considerations**

- Local Plan (2017): SS1, SP17, SP21, DM1, DM3, DM8, DM30, DM31, DM41
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Landscape Character Assessment (amended July 2013) and 2012 Supplement (saved sections of LCA and Landscape Guidelines 2000)
- Kent AONB Management Plan

#### **4.0 Local representations**

4.01 23 representations received raise the following (summarised) issues:

- *Visual impact of proposal on countryside and setting of AONB*
- *Highway safety/traffic generation/parking provision*
- *Overdevelopment/commercialisation of site*
- *Impact upon local residents (including general noise/odours/disturbance)*
- *Light pollution/ Impact upon biodiversity*
- *Flood risk/surface water and foul water disposal*
- *Unsustainable location*
- *Arboricultural impact*
- *Increased risk of criminal activity*
- *Will set precedent for future development in area*
- *Welfare of horses on surrounding land*
- *Previous planning application refused on site (MA/86/0032 – see above)*

4.02 8 representations supporting application for following (summarised) reasons:

- *Good asset for equine dense community*
- *Good access to site and no highway safety issues*
- *Will provide high quality care for horses*

#### **5.0 Consultations**

(Please note summaries of consultation responses are set out below with responses discussed in more detail in main report where necessary)

5.01 **Councillor Garten:** Wishes to see the application reported to Planning Committee if minded to recommend approval for (summarised) reasons:

- *Previous representation by AONB Unit appear to be still valid and applicable*
- *Concerned of possible light pollution and no evidence submitted to demonstrate compliance with Institute of Lighting Professionals code of practice*

5.02 **Hucking Parish Meeting:** No representations received.

5.03 **KCC Highways:** Raises no objection.

5.04 **KCC Ecology:** Raises no objection.

5.05 **Environmental Protection Team:** Raise no objection.

5.06 **Landscape Officer:** Raises no objection.

5.07 **Environment Agency:** Raises no objection.

5.08 **KCC Flood and Water Management:** Raise no objection.

5.09 **Southern Water:** Raise no objection.

5.10 **Public Right of Way Officer:** Raises on objection.

5.11 **Agricultural Advisor:** Raise no objection.

5.12 **Natural England:** Raise no objection.

5.13 **Kent Downs AONB Unit:** Do not intend to comment, although from their perspective it is a huge improvement on previous scheme; and they also endorse the Landscape Officer's comments regarding thickening up hedges and ensuring planting species are indigenous and appropriate to local landscape character.

5.14 **Kent Police:** Raise no objection.

5.15 **Upper Medway Internal Drainage Board:** No representations received.

5.16 **UK Power Networks:** No representations received.

5.17 **Scottish Gas:** No representations received.

## 6.0 APPRAISAL

### Main issues

#### Maidstone Local Plan

6.01 The Local Plan states development in the countryside will not be permitted unless it accords with other policies in the Local Plan and does not result in harm to the character and appearance of the area. Furthermore, development should be of a high quality design and (inter alia) respond positively to, and where possible enhance, the local and natural character of the area; it should respect the amenity of local residents; respect the topography and respond to the location of the site and sensitively incorporate natural features; it should protect positive landscape/ecological features; be safe in highway safety terms; and provide adequate vehicular parking. In general terms, the Local Plan also seeks to support small scale employment opportunities in appropriate locations to support the rural economy; and as an exception to the general themes of constraint in the countryside, Local Plan policy does allow for commercial equestrian development in the countryside, and the conversion of existing rural buildings, subject to certain criteria.

6.02 The development site is within the AONB and the statutory duty of the local planning authority requires any proposal to have regard for the purpose of conserving and enhancing the natural beauty of this nationally important designation; and great weight should be given to the conservation and enhancement of the Kent Downs AONB.

#### National Planning policy Framework

6.03 The NPPF is also clear that good design is a key aspect of sustainable development; and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 170 of the NPPF also states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Paragraph 172 of the NPPF also states the following:

*Great weight should be given to conserving & enhancing landscape & scenic beauty in AONBs, which have highest status of protection in relation to these issues. Conservation and enhancement of wildlife & cultural heritage are also important considerations in these areas. Scale & extent of development in these designated areas should be limited.*

6.04 As set out in the NPPG, it is clear that the scale and extent of development in an AONB should be limited, in view of the importance of conserving and enhancing its landscape and scenic beauty. All development in the AONB needs to be located and designed in a way that reflects its status as a landscape of the highest quality.

6.05 For the purposes of paragraph 172 of the NPPF, planning judgment has taken into account all of the circumstances of the application (in light of its nature, scale and setting) and the site's local context, and this proposal is not considered to be a 'major development', which is to be given its ordinary meaning, as established in *High Court judgement Aston v SoS for Communities and Local Government [2013] EWHC 1936 [Admin]*.

6.06 With planning decisions, the NPPF also seeks to support a prosperous rural economy by enabling: the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and the development and diversification of agricultural and other land-based rural businesses.

Other relevant matters

6.07 Section 85 of the Countryside and Rights of Way Act 2000 places an explicit duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of an AONB when exercising or performing any functions in relation to or so as to affect land in an AONB: *85(1): In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.*

6.08 The application site falls within landscape character area 4 (Friningham Downs), as defined in the Landscape Character Assessment. The Landscape is generally open in this area and the overall visibility is considered to be high. The landscape guideline is 'restore and improve' and the relevant summary of actions is as follows:

- *Consider generic guidelines for Dry Valleys and Downs*
- *AONB is nationally important designation with high level development constraint*
- *Conserve and improve few remaining ancient woodlands*
- *Conserve and improve network of hedgerows, particularly by planting new hedges along field margins where there are no defined boundaries*
- *Improve consistency and quality of field boundaries in areas of equestrian grazing*
- *Increase extent of native tree coverage across areas of intensively cultivated land*
- *Plant new oak standards within hedgerows to the west, to replace ageing specimens*
- *Improve rural character of landscape by removing derelict buildings and preventing semi industrial development of land*
- *Improve scattered farmsteads by encouraging agricultural activity where this is lacking and preventing further large scale development within the landscape.*

6.09 The Kent Downs AONB Management Plan does not form part of the statutory Development Plan, but the Council has adopted it and it is a material consideration when assessing any planning application. The AONB Management Plan helps to set out the strategic context for development; it provides evidence of the value and special qualities of this area; it provides a basis for cross-organisational work to support the purposes of its designation; and it details how management activities contributes to its protection, enhancement and enjoyment. In short, its policies seek to conserve and enhance the natural beauty and distinctiveness of the AONB, which is recognised as the primary purpose of designation; and development or changes to land use will be opposed where they disregard or run counter to the primary purpose of Kent Downs AONB.

6.10 The Agricultural Advisor has reviewed the application and accepts that the general functional justification for this purpose-designed development is fully set out in the submission; and it is also accepted that overnight stays in emergency situations is justifiable for the overall scheme.

**Location of application site**

6.11 The proposal site is in a rural location some 3.2km by road to the A249, and some 7km to the A20 and the junction for the M20; and there are also no public transport links within reasonable walking distance of the site. The site is some 3miles from the current site at Newnham Court.

6.12 The Highways Authority acknowledge the site is remote in nature, with no dedicated footways or other opportunities for the use of sustainable transport within the immediate proximity of the site, and it is accepted that sustainable transport will

have a limited role in meeting the travel demands of the development's future occupants. This does weigh against the proposal, but the NPPF is clear that planning decisions should recognise that sites, to meet local business and community needs in rural areas, may have to be found beyond existing settlements, and in locations that are not well served by public transport. In this instance, the nature of the business is to deal with large animals, where space is required for their best care, including the requirement for stables, a menage and trot-up for medical attention and recuperation, and such practices are characteristically found in countryside locations. In these circumstances it will be important to ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads. These issues, along with other material planning considerations will now be addressed.

### **Visual/landscape impact**

- 6.13 The submission includes a Tree Survey with Constraints, Impacts and Protection Plan; and a Planting list/Soft Planting Specification/Management Programme. A Landscape Visual Impact Assessment has not been submitted as part of this application, but a Landscape Statement, which comments on the issue of landscape/visual amenity, has.
- 6.14 Within the proposal site, there is a paddock area to the north; agricultural land to the south; and an agricultural building sited close to the north-western corner. Whilst there are no protected trees on, or immediately adjacent to, the proposal site, there are a number of trees within and around the site of some significance. In general terms, the northern and western boundaries of the site consist of mature native hedging/trees; and the eastern and southern boundaries are more open. Existing on the site is low level post and wire fencing.
- 6.15 The submission confirms that the only trees to be lost as part of the proposal will be to create the new vehicle access. This roadside planting (some 6m wide), is not particularly distinctive and the Landscape Officer has raised no specific objection to its loss. No objection to other tree works stipulated in the arboricultural report is raised; and suitable conditions will be imposed to ensure that the development is carried out in accordance with this report, and that an Arboricultural Method Statement is submitted prior to the commencement of any works to safeguard the longevity of existing trees.
- 6.16 The submission shows new mixed native hedging and trees, and post and rail fencing to go along the eastern and southern boundaries; the existing planting along the northern (except for where the new access will go) and western boundaries will be retained and enhanced with new planting; and new native tree planting within the site is also shown. The submission also includes a proposed Soft Plant Specification and Management Programme, and this is acceptable to the Landscape Officer. The proposed hedgerow planting mix is not objectionable, and the Landscape Officer has commented that the proposed tree list does not entirely accord with the Landscape Guidelines for the Friningham Downs landscape character area. However, it is understood that great care needs to be taken with what species should be a planted near horses, and the proposed planting is partly in accordance with the suggested mix, with the addition of Sweet Chestnut. This is considered acceptable in this instance, and landscaping details will be secured by way of appropriate conditions.
- 6.17 This application should be tested against the purpose of the AONB designation, which is to conserve and enhance its natural beauty (in accordance with Local Plan policy and the NPPF). The Friningham Downs landscape character guideline is to *'restore and improve'* the area and breaking this down it shows the sensitivity of the area to be *'moderate'* and its condition to be *'poor'*.

- 6.18 In terms of public views, the site can be seen from Broad Street Hill to the north of the site, although the building cannot be seen from here; from Scragged Oak Road to the west, with glimpses of the building more than 150m away through mature roadside hedgerow; and from the public footpath (KH145) to the south, which at its closest point to the site is some 45m away. These public views are considered to be of short/medium range. The creation of the new vehicle access would give other short range views of the site from the junction of Church Road, Broad Street Hill, and Scragged Oak Road to the north of the site. The existing building would be appropriately refurbished and would remain of the same scale; and the proposed low-level stables and other associated development would be grouped close together with the main building. The stables would not be visible from any public vantage point to the north; and the addition of different surfacing and low-level timber fencing around and across the site would also not appear visually incongruous from any public vantage point. The proposed landscaping scheme would further help to screen the main building, stables and other associated works, by bolstering existing boundary hedging and by introducing new boundary planting along the eastern and southern boundaries that are currently open.
- 6.19 The intrinsic character and beauty of the countryside and AONB should be protected, and it is considered that this proposal would achieve this through reusing an existing building in the landscape, through grouping together new modestly scaled development, and through retaining and enhancing soft landscaping in and around the site. Any potential impacts in terms of external lighting on the intrinsic character of the countryside hereabouts can also be controlled by way of an appropriate condition; and given how the proposed business operates, the increased activity to and from the site is not considered to be adversely harmful in terms of the proposal's impact upon the character of the AONB. Furthermore, with regards to the Maidstone Landscape Character Assessment, given the existing use of the site the proposal would not see the loss of any valuable grassland/woodland; it would conserve and improve the network of hedgerows, including the planting of new hedges; and it would increase the extent of native tree coverage across what is currently agricultural land. The Kent Downs AONB Unit has also raised no specific objection to the proposal and commented that from their perspective, this proposal is a huge improvement on the previously withdrawn scheme; and they endorse the need for enhanced planting that is appropriate to the local landscape character.
- 6.20 With everything considered, the proposal would not weaken the characteristics and qualities of the AONB hereabouts, but rather conserve and enhance its natural beauty in accordance with Local Plan policy and the NPPF.

#### **Highway safety implications**

- 6.21 The submission includes a Transport Statement and Technical Notes for Automatic Traffic Counter (ATC) Data and responding to initial comments from the Highways Authority. The Highways Authority has been consulted and their comments are now summarised.
- 6.22 The proposal would see the existing access permanently closed off and this will be secured by way of condition; and details submitted in the Technical Note shows visibility sight lines of 29m are required northbound (towards Hucking), and 28m southbound (away from Hucking). This is acceptable to KCC and to ensure this is implemented, an appropriate condition will be imposed. The Highways Authority is also satisfied that the passing point within the site would reduce the likelihood of reversing manoeuvres onto the adjacent highway is acceptable. As such, no objection is raised to the proposal in terms of access.

- 6.23 The Transport Statement sets out traffic generation, and this is based on the applicant's operations at their existing site, which are anticipated to remain unchanged in respect of modal split and overall staff numbers. Furthermore, an assessment of anticipated traffic generation from the site has been undertaken based upon forecast growth. On review, the Highways Authority state that given the limited number of movements that the proposal is forecast to generate, a highway-based objection on capacity or safety grounds would not be sustainable in this instance.
- 6.24 KCC has also referred to the Personal Injury Collision Record (PIC) for both the location of the proposed access and its immediate proximity, and note during the period in question 2 collisions were recorded, both of which were slight in severity. It is accepted that neither the layout of the highway, or any defects in it, were the cause of any collisions, and as such the area within the immediate proximity of the proposal has a good PIC record.
- 6.25 There are no parking standards for such a use in this location, but on review KCC are satisfied, based on the maximum number of staff that are expected to be on site at one time, is acceptable; and the Highways Authority also confirms that the turning and servicing layout is suitable for the sized vehicles likely to come in to the site.
- 6.26 With everything considered, no objection is raised to the proposal in terms in terms of highway safety. The Highways Authority has suggested a number of conditions relating to the construction phase of the development; and for highway condition surveys to be undertaken, but these are not considered to pass the planning tests of when conditions are reasonable and necessary.

#### **Residential amenity**

- 6.27 It is common to find equine uses in the countryside, and in terms of the use of the stables and paddocks, there is no reasonable argument to say that such a use would cause an unacceptable nuisance to any local resident when enjoying their property. Similarly, activity within the main building is not considered to be a 'noisy' use and again no reasonable objection can be made. With regards to vehicles coming and going from the site, given the modest staff numbers on site at any one time; the expected low number of customers each day; the opening hours for customers; and the separation distances from the application site to any residential property, it is not considered that this element of the proposal would have an adverse impact upon the amenity of any local resident in terms of general noise and disturbance (even in the case of out of hours emergencies that are far and few between).
- 6.28 The Environmental Protection Team has also raised no objection in terms of noise, odour, flies, and lighting, but do recommend that the equine clinics opening hours are restricted by condition; and that details regarding external lighting should be submitted for approval by way of condition. To safeguard the amenity of the countryside and local residents, this is considered reasonable. Furthermore, details will be requested for approval regarding manure and other waste storage/disposal; and no manure or waste materials will be permitted to be burned on the application site.

#### **Biodiversity implications**

- 6.29 The submission includes a Preliminary Ecological Appraisal Report; a Great Crested Newt Survey; a Bat Survey; a Reptile Survey; and a further written response to the Biodiversity Officer's initial comments.

- 6.30 Natural England has raised no objection to the proposal and the Biodiversity Officer's comments are now summarised. On review of the submitted details, it is advised that a good overview has been given and sufficient information has been provided to determine the planning application. In short, the submitted information has detailed the following:
- *Breeding population of Common lizards present within site*
  - *Suitable habitat for nesting birds*
  - *Barn may be used by barn owls*
  - *Hedgerows and Scrub may be used by dormouse*
  - *Potential for badger sett to be present within SW boundary*
  - *Trees on site have high potential to be used by roosting bats*
  - *Site adjacent to Huckling Hill House, Pasture & Woods, Huckling LWS*
  - *There is no evidence GCN present within ponds in 100m radius of site*
  - *There are at least 3 species of bats foraging within site*
- 6.31 Given the low numbers of Common lizards recorded, the Biodiversity Officer is satisfied that the proposed mitigation (that a reptile receptor site will be created within the north of the site) is appropriate; and a suitable condition will be imposed to ensure this mitigation is carried out. As Barn owls were not recorded and assessed during the bat emergence survey, it is unlikely that barn owls are present within the building; and the submission confirms that no evidence of badgers were recorded and so it is unlikely that a badger sett is present along the southern boundary of the site. The Biodiversity Officer is satisfied with these conclusions and no further information is required in this respect.
- 6.32 The Biodiversity Officer is also satisfied with the conclusions of the bat survey, in that bats are unlikely to be roosting within the buildings and the trees are to be retained, and so no further details are required. Furthermore, it is considered that the proposal will not result in a direct loss of the adjacent LWS and nor will it have a significant impact on it. Notwithstanding this, The Biodiversity Officer does recommend for lighting to be sensitively designed so as to not have a harmful impact upon bats and the LWS, and this will be incorporated into an appropriately worded lighting condition.
- 6.33 One of the principles of the Local Plan and the NPPF is that "*opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity*". The application confirms the following enhancements/mitigation will be incorporated in to the site, and the Biodiversity Officer is satisfied that this is appropriate: Planting and infilling of native hedgerows; wildflower meadow creation; log piles; a barn owl box; bird and bat boxes; and an integrated bat box. To ensure the habitat and features are managed properly in the long term, the Biodiversity Officer also advises that a management plan is produced to demonstrate how the site will be managed. This is considered reasonable and such a condition will be duly imposed.

#### **Flood risk, surface water/foul disposal and contamination**

- 6.34 The submission includes drainage plans; a Soil Investigation letter; a Flood Risk Assessment (FRA); and a Foul and Surface Water Drainage Strategy.
- 6.35 The Environment Agency (EA) has reviewed the application and raises no objection to the Proposal subject to recommended conditions regarding land contamination; restricting infiltration of surface water drainage into the ground; and requesting details of a foul drainage strategy. The Environmental Protection Team has also raised no objection to the proposal in terms of land contamination, subject to an appropriate condition (given the previous agricultural use of the site); and has

equally requested further details regarding the proposed method of foul sewage treatment. The recommended conditions are considered reasonable and will be duly imposed.

- 6.36 As recommended by the Environmental Protection Team, appropriate conditions will also be imposed requesting details regarding: the means of manure storage prior to its disposal and the method of disposing of faecal, bedding or other waste arising from the animals housed; and a scheme for the disposal of run-off from stables, hardstandings, manure heaps, stable washings and hay soaking areas.
- 6.37 The KCC Flood and Water Management Team regards the proposal as low risk and has raised no objection in terms of surface water disposal. Southern Water raise no objection but do comment that it is possible a sewer now deemed to be public could be crossing the development site. If any sewer is found during construction works, further advice should be sought from Southern Water before any further works commence on site.

### **Other matters**

- 6.38 Whilst the Environmental Protection Team has raised no objection to the proposal in terms of air quality, they do recommend the provision of electric vehicle charging points for low-emission plug-in vehicles. In accordance with Local Plan policy, and in the interests of sustainability a suitable condition will be imposed for the provision of an operational electric vehicle charging point for low-emission plug-in vehicles.
- 6.39 The KCC Public Rights of Way Officer confirms that a public footpath (KH145) runs along the southern boundary of the site and that it should not affect the application, and so no further action will be taken on this issue. The proposal will not result in the loss of best and most versatile agricultural land.
- 6.40 Kent Police has reviewed the application in accordance with Crime Prevention Through Environmental Design (CPTED) and the NPPF. On their advice, a suitable informative will be added to advise the applicant to discuss the development with the police, with regards to CPTED.
- 6.41 In terms of the spread of diseases to other horses in the locality, the application makes it clear that this issue is taken very seriously and any infectious disease risk is isolated accordingly. It has also been pointed out that in the past 6yrs, 99.9% of isolation cases are those with diarrhoea and not upper airway infectious respiratory diseases, so such a risk is very low.
- 6.42 The issues raised by Councillor Garten and the local representations have been considered the assessment of this application. It should be noted here that potential criminal activity in the future is not a material planning consideration; and a precedent will not be set for further development in the area, as each proposal must be considered on its own merits. Furthermore, no weight is given to a planning refusal for a house that was determined in 1986, as again each application must be considered on its own merits against current policy/guidance.
- 6.43 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.
- 6.44 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant

details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

### **Conclusion**

- 6.45 The proposal would conserve and enhance the natural beauty of the AONB; no highway safety objection has been raised; the proposal would be acceptable in residential amenity terms; no further ecological information is required prior to the determination of this application and reasonable biodiversity enhancements are proposed to be incorporated into the scheme; no objections are raised in terms of flood risk, surface water/foul disposal and contamination; all other material environmental protection issues have been addressed; and all other material planning considerations have been dealt with. So whilst the proposal site is in a remote location, it is accepted that some businesses (given their nature) may have to be found beyond existing settlements and in locations that are not well served by public transport; it has been demonstrated that the proposal would not have an unacceptable impact on local roads; and the development is considered to be sensitive to its surroundings. A recommendation is therefore made on this basis.

### **7.0 RECOMMENDATION:** GRANT planning permission subject to following conditions:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The external materials of the main building and the hardsurfacing hereby approved shall be carried out in accordance with the details as shown on drawing references: 1260\_P\_003 P04 and 1260\_P\_021 P04 and maintained as such thereafter.

Reason: To safeguard the character and appearance of the countryside that falls within the Kent Downs Area of Outstanding Natural Beauty.

3. Prior to the first use of the development hereby approved, details of hard boundary treatments to be used (including entrance gates) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and maintained as such thereafter; and no other fencing, walling and other hard boundary treatments shall be erected in or around the site.

Reason: To safeguard the character and appearance of the countryside that falls within the Kent Downs Area of Outstanding Natural Beauty.

4. The development hereby approved shall be carried out in accordance with the submitted landscaping scheme, as shown on drawing ref: 1260\_P\_003, and the submitted Plan List, Soft Planting Specification, and Management Programme, and all planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the first use of the site. Any planting which fails to establish, or any trees or plants which, within ten years from the first use of the site, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

Reason: To safeguard the longevity of retained trees and to safeguard the character and appearance of the countryside that falls within the Kent Downs Area of Outstanding Natural Beauty.

5. The development hereby approved shall be carried out in accordance with the submitted Tree Survey: Constraints, Impacts and Protection Plan (Philip Wilson Arboriculture: Ref: 200104 - 13 January 2020).

Reason: To safeguard the longevity of retained trees and to safeguard the character and appearance of the countryside that falls within the Kent Downs Area of Outstanding Natural Beauty.

6. Prior to commencement of the development hereby approved, and in accordance with the recommendations set out in the submitted Tree Survey: Constraints, Impacts and Protection Plan (Philip Wilson Arboriculture: Ref: 200104 - 13 January 2020), an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the local planning authority. The AMS shall include:

- i) details of new vehicle access construction and location of adjacent trees and their root protection areas to be retained
- ii) details of 'no-dig' construction within the root protection areas of the identified Turkey Oak (T7); English Oak (T1); and Common Ash (T2)

The development shall be carried out in accordance with the approved AMS and maintained as such thereafter.

Reason: To safeguard the longevity of retained trees and to safeguard the character and appearance of the countryside that falls within the Kent Downs Area of Outstanding Natural Beauty. Details are required prior to the commencement of development in order to demonstrate that the identified root protection areas conflicts can be satisfactorily ameliorated.

7. Prior to the first use of the development hereby approved, an ecological enhancement strategy (detailing what enhancements and mitigation are going to be implemented and where and how); and a long-term management plan, shall be submitted to and approved in writing by the local planning authority. The details shall include the following;

- i) planting and infilling of native hedgerows;
- ii) wildflower meadow creation;
- iii) provision of log piles;
- iv) provision of barn owl box;
- v) provision of bird and bat boxes;
- vi) provision of integrated bat box.

The development shall be carried out in accordance with the approved details and all features shall be retained in that manner thereafter;

Reason: In the interests of biodiversity enhancement and ensure the habitat and features are managed properly in the long term.

8. Prior to the commencement of any works on site, the reptile mitigation must be implemented as detailed within the Reptile Survey and Mitigation Strategy (KB Ecology; November 2019), and this mitigation must only be carried out during the active reptile season (April to September approx.).

Reason: To safeguard protected species.

9. Prior to the first use of the development hereby approved, details of an external lighting scheme, whether temporary or permanent and including any proposed lighting for the menage, shall be submitted to and approved in writing by the local planning authority. The submitted details shall include times of operation and shall refer to the 2005 Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles), and an ISO lux plan showing light spill. The submitted details also need to demonstrate that bats and the adjacent Local Wildlife Site will not be adversely impacted upon as a result of the development hereby approved. The lighting scheme shall be installed, maintained and operated in accordance with the approved details and maintained as such thereafter;

Reason: To safeguard the character and appearance of the countryside that falls within the Kent Downs Area of Outstanding Natural Beauty, to safeguard the amenity of local residents, and to safeguard protected species.

10. Prior to the first use of the development hereby approved, details of a scheme for the disposal of run-off from stables, hardstandings, manure heaps, stable washings and hay soaking areas shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: To avoid potentially contaminated water from manure storage.

11. Prior to the first use of the development hereby approved, details of a foul drainage strategy, shall be submitted to and approved in writing by the local planning authority. These details shall include how the developer intends to ensure that appropriate foul drainage is implemented; the size of any individual cesspools and/or septic tanks and/or other treatment systems; and their locations on site plus any pertinent information as to where each system will discharge to. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution.

12. Prior to the first use of the development hereby approved, details of the means of manure storage and the method of the disposal of faecal, bedding, or other waste arising from the animals housed on site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: In the interests of residential amenity.

13. The development hereby approved shall not involve the infiltration of surface water drainage into the ground.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

14. No manure or waste materials shall be burned upon the land within the application site.

Reason: In the interests of residential amenity.

15. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall thereafter be implemented as approved;

Reason: In the interests of public health and to ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. Details are required prior to the commencement of development as groundworks are necessary to adhere to the condition.

16. Prior to the first use of the development hereby permitted, a Land Contamination Closure Report shall be submitted to and approved in writing by the local planning authority that shall include full verification details as set out in the approved Remediation Method Statement. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean and the scheme shall thereafter be implemented as approved.

Reason: In the interests of public health and to ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

17. The visibility splays of the approved vehicle access shall be carried out as shown on drawing reference: 47577/5501/001 Rev A prior to the first use of the development hereby approved. The visibility splays shall be maintained in accordance with the approved drawing and kept free of obstruction above 0.6m at any time;

Reason: In the interests of highway safety.

18. The site shall only be used as an equine clinic, as described in the application, and shall at no time be used for the private or commercial stabling of horses that do not require medical care from the equine clinic.

Reason: In the interests of residential amenity and to prevent the intensification of the use on the site.

19. No customers shall be permitted to be on the premises outside of the hours of 08:00 and 18:00 Monday to Friday; and outside the hours of 17:00-18:00 on Saturdays and Sundays, except for emergencies and client educational talks between the hours of 18:00-22:00 for no more than four times a calendar year;

Reason: In the interests of residential amenity.

20. Prior to the first use of the site hereby approved, a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles shall be installed and shall thereafter be retained and maintained for that purpose;

Reason: To promote reduction of CO2 emissions through use of low emissions vehicles.

21. Prior to the first use of the site hereby approved, the existing vehicle access from Broad Street Hill shall be closed off and it shall permanently cease to be used as an access at any time.

Reason: In the interests of highway safety.

22. The vehicle parking spaces, and vehicle loading and turning facilities shown on the submitted plans shall be permanently retained for parking and turning and shall not be used for any other purpose;

Reason: In the interest of highways safety and parking provision.

23. Notwithstanding the approved drawings and the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification), no development permitted under Schedule 2, Part 2, Class B shall be carried out.

Reason: In the interest of highways safety.

24. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

1260\_P\_001 P04; 1260\_P\_006 P04; 1260\_P\_003 P04; 1260\_P\_021 P04;  
1260\_I\_007 I02

Stable building elevations and floor plans: CB8 7SG Rev 05 (x5 plans)

Design and Access Statement (dated Nov 2019)

Transport Statement (dated Oct 2019)

Technical Note: Automatic Traffic Counter Data (dated Nov 2019)

Technical Note: Response to KCC (dated Dec 2019) and drawing reference:  
47577/5501/001 Rev A

Flood Risk Assessment (dated Nov 2019)

Foul and Surface Water Drainage Strategy (dated Jan 2020)

Soil Investigation Letter (dated 21/01/2020)

Drawing references: 1260\_P\_035 P04; 7999-C-100-01 P1; 799-C-110-01 P1; & 7999-C-110-02 P1

KB Ecology letter dated 20<sup>th</sup> January 2020  
Preliminary Ecological Appraisal Report (updated 11/11/19)  
Great Crested Newt Survey (dated 16/07/19)  
Bat Survey (dated 09/08/19)  
Reptile Survey and Mitigation Strategy (dated 11/11/19)

Tree Survey: Constraints, Impacts and Protection Plan (dated: 13/01/20)  
Landscape Statement (dated: Oct 2019)  
Planting List/Soft Planting Specification/Management Programme

Letter regarding structural integrity of existing building (dated: 22/01/20)

Reason: For the avoidance of doubt.

#### INFORMATIVES:

1. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at:  
<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
2. The County Council has a controlling interest in ensuring that the footpath is maintained to a standard suitable for use by pedestrians. Any maintenance to the higher level required for continuous motorised vehicular access would be the responsibility of the relevant landowners. The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
  - The applicant pays for the administration costs
  - The duration of the closure is kept to a minimum
  - Alternative routes will be provided for the duration of the closure.
  - min of 6wks notice is required to process applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent. The successful making and confirmation of an order should not be assumed.

3. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119), [www.southernwater.co.uk](http://www.southernwater.co.uk) or by email at [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).
4. In accordance with Crime Prevention Through Environmental Design (CPTED), the applicant is advised to discuss the proposed development with the Kent Police about how to show a clear audit trail for Design for Crime Prevention and Community Safety.
5. Manure should be stored at least 10m away from any watercourse and sited in accordance with the Code of Good Agricultural Practice for the protection of Waters in order that there is no risk of polluting run-off entering either ground or surface waters and causing pollution. It should be noted that any containers for the storage of animal waste should be sheeted to prevent nuisance from odour and/or flies. In addition, waste should be accumulated for a minimal time only before disposal and should be stored at a location on site which will minimise the likelihood of nuisance being caused to neighbours.
6. The applicant is referred to a copy of the Environment Agency's Pollution Prevention Guidelines, PPG24 Stables, Kennels & Catteries, available on the Agency's website.
7. If the applicant intends to transport any of the animal waste from the site they should contact the Environment Agency to determine the requirement for a Waste Carriers Licence. Similarly, if the applicant intends to spread any of the waste to land they should also contact the EA with regard to whether an Exemption from the Waste Management Licensing Regulations is required.
8. Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Council's Environmental Health Team.
9. The Environment Agency has given the following advice and the applicant is advised to contact them directly for further assistance:
  - Drainage may be restricted in a source protection zone and this site overlies a SPZ3. Developers should check the .Gov website for Binding Rules information for small scale non mains discharges.
  - Treated discharges to ground may require an Environmental permit.
  - Stables can produce highly polluting run-off from contaminated yards, manure heaps, stable washing and hay soaking. Such run-off should be directed to a foul sewer, or sealed effluent tank. The applicant should refer to Pollution Prevention Guidance and NetRegs for further advice:  
<http://www.netregs.org.uk/environmental-topics/waste/managing-waste-materials/horse-manure/horse-manure/>
  - It is advised that some drainage from the equine unit may need to pass into sealed cess tanks for subsequent removal. Domestic type effluents may be suitable to disperse via a septic tank or package treatment plant to field drainage, but this will need confirmation.
10. The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.