

MA/10/0424

An additional representation has been received, which raising the following points:

The site address is Marley Road, not Marley Lane.

The representation reiterates objections to the proposal relating to the use of the building for the keeping of horses, and contests the effectiveness of conditions in securing the residential amenity of the occupiers of neighbouring dwellinghouses.

The representation suggests that a condition be attached to the permission preventing the building from being used for the keeping of horses.

Officer Comment

The use of the term "Lane" instead of "Road" is a typographic error in paragraphs 5.1.2 and 5.1.3. The address as set out elsewhere in the report is correct, and I can confirm that the correct site was visited and assessed.

In this case, it is considered that the use of the building for keeping horses incidental to the enjoyment of the dwellinghouse is acceptable, and the arguments for this are set out in the report. It is considered that the condition proposed would protect the amenity of the neighbouring occupiers to a reasonable level, and to further restrict the use through condition would in effect be to exceed the powers of the development control system.

RECOMMENDATION

My recommendation is unchanged:

GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Kingboro Farm
Marley Road
Harrietsham, Maidstone
ME17 1AX

19 July 2010

Dear Ms Slade

Planning Application MA/10/0424
Proposal Removal of Condition 2
Planning Committee Meeting 22 July 2010

My wife and I have seen the Committee Agenda concerning the above application. Due to work commitments we are unable to attend the meeting but feel there are some aspects contained in the report that require clarification and should be put to the Committee.

This is a retrospective application.

5.1.2 The property is in Marley Road, not Marley Lane.

5.2.1 When a site visit was made concerning this amended application the garages (now stables) were indeed being used for general storage and therefore there were no issues of smells, noise etc. The applicant still has the horses but there is no need for them to occupy the stables at this time of the year. However we wish the Committee to be aware that when the applicant submitted their original retrospective plans to convert the garages to stables and installed horses we have records of contact in the form of letters and telephone calls with specific members of MBC planning department on numerous occasions covering the period November 2009 to the end of May 2010 when horses were occupying the garages /stables virtually continuously. This mainly covered the smells of manure, noise from the horses kicking the stable doors, neighing and the keeping of hay and foodstuffs on site. With our bedroom window only 13 meters from the stables on many occasions it was impossible to sleep with the window open or sit in the garden without being subject to the smell of horses.

5.4.2 The building is indeed adjacent to the boundary fence and is 13 meters from our windows. The Environmental Health Complaint was as a result of the smell from a pile of horse manure next to the stables drifting into our property.

5.4.3 We dispute the suggestion that if the condition were to be removed it would not result in harm to residential amenity - please see above comments as it is abundantly clear in the planning officers report that the major reason for removal of the clause is to allow the garages to be used as stables as they were last winter and no doubt will be this winter.

By all means allow removal of condition 2 of planning permission MA/85/1604 to allow use of garages for purposes incidental to the enjoyment of the main dwellinghouse other than solely the parking of vehicles but as well as imposing the condition of no commercial use, (para 6.6.1) including any commercial stables or livery business, we urge the Committee to include the clause that the building is not to be used for the stabling of any horses due to grounds of harm to the amenity of neighbouring occupiers.

We would be grateful if the Committee could have sight of this correspondence before making their decision.

Yours sincerely
David and Elaine Lowrey