

REPORT SUMMARY

REFERENCE NO: 23/501498/FULL		
APPLICATION PROPOSAL: Change of use from agricultural barn to an equestrian mental health and wellbeing therapeutic programme centre with construction of first floor and creation of associated ancillary bedroom accommodation and services. Construction of a new road with access to Wagon Lane and car parking for 13 no. cars (resubmission of 22/504082/FULL).		
ADDRESS: High Lees Farmhouse, Wagon Lane, Paddock Wood, Kent TN12 6PT		
RECOMMENDATION: GRANT PLANNING PERMISSION- subject to the planning conditions set out in Section 8 of this report.		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Parish Council have requested that the application is considered by Planning Committee if officers are minded to recommend approval		
WARD: Marden and Yalding	PARISH/TOWN COUNCIL: Yalding	APPLICANT: Mr And Mrs B Geach AGENT: Knightg Gatrix Architects
CASE OFFICER: Joanna Russell	VALIDATION DATE: 23.03.2023	DECISION DUE DATE: 21.07.2023
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

The following applications in the planning history are most relevant to the current application.

22/504082/FULL - Change of use from agricultural barn to C2 training centre with construction of first floor and creation of associated bedroom accommodation and ancillary services. Construction of a new road with access to Wagon Lane and car parking for 13 no. cars. This was refused on the following grounds:

(1) *Insufficient information has been submitted to provide certainty about the appropriateness of the rural and unsustainable location for an undefined residential use with no known scale or impact. Therefore, as it currently stands insufficient information has been submitted to demonstrate that the proposal would be acceptable in principle, contrary to policies SS1, SP17 and DM37 of the local plan and the NPPF.*

(2) *In the absence of information about the profile of the use or the number of visitors to the site, it cannot be established that its amenity impact would be acceptable - or what conditions might be needed to make it acceptable. On this basis therefore, the proposal would fail to accord with policy DM1 of the Local plan, and the NPPF.*

(3) *The application site is located within flood zone 3, and as submitted, it fails both the exception and sequential test. It has not been demonstrated that the development will be*

safe without increasing flood risk elsewhere, and, where possible will reduce flood risk overall. It has also not been demonstrated that during a flood event safe access/egress will be possible. The proposal is therefore contrary to local plan policy DM1 and the NPPF due to risk of flooding.

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site is located in the countryside but not within any special designation. The application site consists of agricultural land adjacent to the farm house. It currently houses a large agricultural barn, land used for the grazing of horses, and a large open area of hardstanding used for parking with an ancillary agricultural building. The land is accessed via an entrance off the vehicular track which served the farmhouse along with other residential properties to the east of the site.

2. PROPOSAL

2.01 Planning permission is sought for the change of use of the existing building and land from an agricultural barn to an equestrian mental health and wellbeing therapeutic programme centre with the construction of first floor and creation of associated ancillary bedroom accommodation and services. The submission includes the construction of a new road with access to Wagon Lane and car parking for 13 no. cars (resubmission of 22/504082/FULL).

2.02 On the basis of the previous refusal, additional information has been provided which gives clarity about the profile of the use and the type of activities which would take place on site. Additionally, further work has been submitted relating to flooding risks at the site.

2.03 The proposed use is to for a mental health and wellbeing therapeutic programme centre. The activities consist of the users physically and mentally engaging with the horses, within carefully structured equine facilitated interactions, to help create therapeutic and beneficial results.

2.04 The submission advises that the activities are specifically dependent upon the nature and character of the local rural environment i.e. a quiet, peaceful environment where visitors need to be present to immerse themselves with the site and its surroundings in nature with animals. The proposal requires both internal and external facilities.

2.05 The indoor facility provides a safe and comfortable space for discussion and reflection as well as more structured learning. The conversion provides all requisite ancillary facilities i.e. learning areas, toilets, drink making facilities, indoor and outdoor space as well as accommodation if required, to enhance the experience.

2.06 In addition to the primary use, the proposal seeks flexible accommodation on site to reduce the need for the community uses to travel to and from the site on a daily basis and help to maintain and improve on the range of essential local services and facilities supporting local positive mental health and wellbeing.

2.07 The submission advises that the applicant currently provides therapy to veterans and local cared for communities and that they have been approached directly by Kent County Council (KCC) Social Services to provide therapeutic interventions for those in their care. These people will be visiting as day visitors to the site.

2.08 In addition, the use will include ad hoc short stay requirements for on-site and/or volunteering purposes as required to support those attending specific training or agreed therapeutic opportunities.

2.09 In terms of visitor numbers to the site, the application advises the following:

2.10 **Day visits**

Therapeutic benefit group: current programmes are based on one group session per week with six individuals per group. The development will support growth in the capacity to accommodate these groups with both indoor and outdoor facilities. Generally, small groups from local communities or organisations that support vulnerable adults can attend a four to six-week programme.

The groups visit the site for approximately two hours per session and are generally brought to the site within vehicles provided by the care community.

The proposed development would enable the Applicant to extend weekly capacity to host programmes. Subject to finding appropriate funding to support the work the applicant would seek to run two to four groups per week, with a maximum total range of twelve to eighteen six-person group programmes per year.

Therapeutic benefit 1-2-1: the proposal would create a safe space for private 1-2-1 sessions, consisting of two to three sessions per week depending on capacity to support or deliver. This would be a combination of private individuals or those from social prescribing programmes. A nominal number of ten individuals per year has been included for indicative purposes (NB KCC social care referrals as per above).

Training programmes: a limited number of small ad-hoc one-day events, equine facilitated interaction taster events, and equine related wellbeing being events aligning to the Athena Herd Foundation ethos (mindfulness approaches, quiet safe spaces for learning and personal development as above). Four per year are being considered. These are all small events with attendance numbers between six and twelve.

2.11 **Residential**

Therapeutic benefit: 1 or 2 individuals at any given time, tied to the potential development of vocational training to support individual re-integration with local economy, based on four, three-month cycles through the year

Training programmes: up to 4 days 6-8 times per year, between 6 and 8 individuals per session.

Volunteer and/or staff: 1 or 2 individuals on occasion as needed.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

SS1 Spatial strategy
SP17 Countryside
SP21 Economic Development
DM1 Principles of good design
DM2 Sustainable design
DM3 Natural environment
DM8 – External lighting
DM23 – Parking standards
DM21 – Highway impact

DM30 Design principles in the countryside
DM41 Equestrian development

Maidstone Borough Council – Local Plan Review

The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (Stage 2 hearings concluded mid June 2023).

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

4. LOCAL REPRESENTATIONS

Local residents

4.01 No neighbour comments received.

Yalding Parish Council

4.02 Yalding Parish Council have objected on the following basis:

This is a resubmission of 22/504082/FULL which was refused by MBC. Councillors feel that there is still insufficient information submitted to provide certainty about the appropriateness of the rural and unsustainable location for a residential use with no known scale or impact. The words ad hoc is used substantially throughout the application. Therefore, insufficient information has been submitted to demonstrate that the proposal would be acceptable in principle, contrary to policies SS1, SP17 and DM37 of the local plan and the NPPF. In the absence of more detail on number of visitors to the site, it cannot be established that its amenity impact would be acceptable or what conditions might be needed to make it acceptable. On this basis therefore, the proposal would fail to accord with policy DM1 of the Local plan, and the NPPF.

Councillors concerns with regard to flooding are still relevant. The application site is located within flood zone 3, and as submitted, it still fails both the exception and sequential test. Councillors do not feel it meets the exceptions or sequential tests as there does not appear to be any benefit for local residents. There are likely to be sequentially preferable sites available with a lower risk of flooding in the surrounding areas. It has not been demonstrated that the development will be safe without increasing flood risk elsewhere, and, where possible will reduce flood risk overall. It has also not been demonstrated that during a flood event safe access/egress will be possible. The proposal is therefore contrary to local plan policy DM1 and the NPPF due to risk of flooding.

Councillors do not consider this an area suitable for the introduction of any form of residential accommodation, however temporary, especially for children. The proposal is therefore unacceptable on public safety grounds as it has not been demonstrated the development has safe access and escape route and the proposal would expose anyone occupying the site and members of the emergency services to serious risk in times of flood. It is vital that the Environment Agency be consulted.

If the planning Officer is of a mind to approve Councils request that it be put before MBC Planning Committee.'

5. CONSULTATIONS

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

Kent Highways

5.01 No comment on the proposal

Environment Agency

5.02 The submitted FRA addresses their previous concerns and they raise no objection subject to the imposition of conditions.

Maidstone Environmental Protection

5.03 raise no objection subject to the imposition of conditions.

6. APPRAISAL

- 6.01 The key issues are:
- Principle of development
 - Amenity Impact
 - Visual Impact
 - Flooding
 - Highways / parking

Principle of development

- 6.02 Permission was previously refused under application ref 22/504082/FULL with one of the reasons for refusal being that '*insufficient information has been submitted to provide certainty about the appropriateness of the rural and unsustainable location for an undefined residential use with no known scale or impact. Therefore, as it currently stands insufficient information has been submitted to demonstrate that the proposal would be acceptable in principle, contrary to policies SS1, SP17 and DM37 of the local plan and the NPPF.*'
- 6.3 The current submission provides significantly more detail about the profile of the use – what activities would take place, along with numbers and the reasons for the ancillary residential accommodation. These are all detailed above.
- 6.4 The NPPF states that 'Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.'
- 6.5 Policy SS1 Spatial strategy seeks to focus the majority of development within the more sustainable parts of the borough, the most sustainable being Maidstone's urban area, followed by the Rural Service Centres and the larger villages. However, some development is more suited to be located in the countryside.
- 6.6 Policy SP17 of the adopted Maidstone Borough Local Plan states that development proposals in the countryside will not be permitted unless they accord with other policies in the plan, and they will not result in harm to the character and appearance of the area.
- 6.7 Policy DM 41 permits equestrian development subject to several criteria. The policy states that the conversion of existing buildings would be used in preference to new built development and the current proposal involves a change of use from agricultural barn. The cumulative impact of the proposed development has been considered and is acceptable. The development is of a design which is sympathetic to its surroundings in terms of scale, materials, colour and details. The adjacent land owned by the applicant provides space for horse exercising. The proposal is in line with policy DM41.
- 6.8 While a residential use would not be considered acceptable within a rural setting outside of the defined settlement hierarchy, in this instance, the residential element

of the use is connected and ancillary to its principle purpose and would reduce the need for the users to travel to and from the site on a daily basis and help to support the purpose of the facility to provide a mental health and wellbeing service.

- 6.9 It is accepted that the activities provided by the use are specifically dependent upon the nature and character of the local rural environment i.e. a quiet, peaceful environment where visitors need to be present to immerse themselves with the site and its surroundings in nature with animals. On this basis, the rural location is key to its purpose.
- 6.10 Given the requirement of the use for a rural location – both to provide the tranquility required for the mindfulness provision, and for the horses which are an integral element of the provision, the principle of the proposal is acceptable.
- 6.11 Owing to the specific profile and requirements of the proposal and that they necessitate the countryside location, it would be appropriate to condition the use so that it is restricted to that of an equestrian mental health and wellbeing therapeutic programme centre.

Visual Impact

- 6.12 Policy DM1 of the Local Plan states that proposals which would create high quality design and meet a set of criteria will be permitted. The criteria includes that proposals should respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard should be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage - incorporating a high quality, modern design approach and making use of vernacular materials where appropriate. Proposals should respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy of retention within the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area.
- 6.13 Policy DM30 encourages development proposals which accord with the surrounding countryside in terms of bulk, scale, massing, visual amenity and landscape character.
- 6.14 The proposal as submitted involves the conversion of the existing barn with minimal external alterations, along with the upgrading of the existing hard standing adjacent to the barn along with its continued use for parking. None of these elements of the proposal would have a detrimental impact on the character or appearance of the site or the existing barn.
- 6.15 An access track is proposed from the use, across the open land to an alternative but existing access. In the context of the site, given its boundaries and subject to the use of appropriate materials which would remain soft in the landscape and can be required by condition, the impact would not be so detrimental as to justify refusal of the scheme.
- 6.16 To restrict excessive lighting, which would be harmful to the rural character of the site, a condition can be imposed which restricts it without written agreement.
- 6.17 The visual impact of proposal would be acceptable and accord with local and national policy.

Amenity Impact

- 6.18 Policy DM1 of the local plan states that proposals should respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.19 In consideration of the previous application, little information was available about the profile of the use or the actual activities to be undertaken on site. It was in this context that it could not be established amenity impact would be acceptable – or what conditions might be needed to make it acceptable. However, the current submission provides clear information about the nature and extent of the use of the proposal as detailed in section 2 of this report.
- 6.20 The activities to be undertaken through the use are, by their very nature of a low impact and low scale. The proposed use would be less impacting than that of its authorised agricultural use.
- 6.21 It would be appropriate to condition the use so that it could not be used as a wider C2 training use, but is restricted to that of an equestrian mental health and wellbeing therapeutic programme centre.
- 6.23 Subject to the imposition of conditions, the amenity impact of the proposal would be acceptable.

Flooding

- 6.24 Policy DM1 of the local plan states that proposals should avoid inappropriate new development within areas at risk from flooding, or mitigate any potential impacts of new development within such areas whereby mitigation measures are integral to the design of buildings.
- 6.25 Paragraph 102 of the NPPF makes clear that the sequential and exception tests must be passed for development to be permitted.
- 6.26 The application site is within Flood Zone 3 and the proposed development would fall within the 'more vulnerable' category as a hybrid of a residential institution and a non-residential use for health services.
- 6.27 The Environment Agency (EA) objected to the previous application on the basis that the Flood Risk Assessment (FRA) did not comply with the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework as it did not show existing and proposed floor levels. In consideration of the current submission, they have removed their objection as the amended Flood Risk Assessment from Brighton Consulting Engineers Limited dated March 2023 addresses the concerns previously raised.
- 6.28 The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. It is now apparent from the information submitted that the current site has specific benefits in terms of its location, tranquillity, existing agricultural building and hardstanding of an appropriate size, and the existing equestrian stock that alternative sites that are at a lower risk of flooding would not necessarily be able to provide.

- 6.29 To pass the exception test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 6.30 Both elements of the exception test should be satisfied for development to be permitted.
- 6.31 Given that the exact nature of the use of the facility is now clear, it can be concluded that it would provide a wider sustainability benefit. On the basis of the information submitted, the Environment Agency have raised no objection to the proposal with regard to flood risk subject to the imposition of conditions to control floor levels. As such it can be concluded that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.
- 6.32 The proposal meets both the exception and sequential test and therefore on the basis of this, and the support from the Environment Agency, would accord with local plan policy DM1 and the NPPF.

Highways and parking

- 6.33 Policy DM1 of the local plan states that proposals should safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access, and provide adequate vehicular and cycle parking to meet adopted council standards.
- 6.34 It was previously concluded that although it was not possible to ascertain the level of parking required by the use because of the lack of clarity about the use, the site does have a large amount of open space to accommodate parking and therefore any future submission could be conditioned to ensure that a parking layout scheme, including electric spaces and landscaping is submitted for approval and implemented. On this basis therefore, there was considered insufficient grounds to warrant refusal of the proposal.
- 6.35 The current proposal now includes extensive detail about the profile of the use which, as described above is of a satisfactorily low scale that highways impacts would be acceptable given the extent of hardstanding and acceptable access arrangements. These will be conditioned so that these are provided in an acceptable manner.
- 6.36 On this basis therefore, the proposal accords with local plan Policy DM1

PUBLIC SECTOR EQUALITY DUTY

- 6.37 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.

7.0 CONCLUSION

- 7.01 Sufficient information has now been submitted to understand the exact profile and nature of the proposed use which is of a low scale and entails only ancillary residential use in connection with the wider use of the site as an equestrian health and wellbeing therapeutic programme centre.

- 7.02 The activities provided by the use are specifically dependent upon the nature and character of the local rural environment i.e. a quiet, peaceful environment where visitors need to be present to immerse themselves with the site and its surroundings in nature with animals.
- 7.03 Given the requirement of the use for a rural location – both to provide the tranquility required for the mindfulness provision, and for the horses which are an integral element of the provision, the principle of the proposal is acceptable.
- 7.04 The visual impact of the proposal would be acceptable with only minimal external alterations proposed to the building, and the provision of an alternative access route to the building which could be acceptably integrated within the wider landscape through the use of appropriate surfacing material.
- 7.05 Amenity and highways impacts would be acceptable with users diverting away from nearby residential occupiers and using the alternative access route.
- 7.06 As concluded by the Environment Agency, the flooding impact of the proposal would be acceptable.
- 7.07 On the basis of the above, the proposal would accord with local plan policies SS1, DM1 and DM30 and would not cause harm to the character and appearance of the area, and as such would comply with the requirements of policy SP17 as appropriate development in the countryside.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION 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.

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 development hereby permitted shall be carried out in accordance with the following approved plans:

11E
012D
014
015A
17

Flood Risk Assessment

Reason: To clarify which plans have been approved.

(3) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (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 scheme of lighting shall be installed, maintained and operated thereafter in accordance with the approved scheme Reason: To ensure lighting does not result in adverse harm upon neighbour amenity and the character of the countryside.

(4) The residential element of the application site shall only be used as ancillary to its primary use as an equestrian health and wellbeing therapeutic programme centre. Reason: The site is an area where new residential development is not normally permitted unless a specific need can be demonstrated sufficient to override the general presumption against such proposals.

(5) The building and land shall only be used as an equestrian based health and wellbeing therapeutic programme centre and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification) Reason: Unrestricted use of the building or land would cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.

(6) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.
Reason: To protect and enhance the ecology and biodiversity on the site in the future.

(7) Notwithstanding the details shown on the approved plans, the development hereby approved shall not commence above slab level until, written details of alternative permeable materials to be used in the construction of the access track hereby permitted have been submitted to and approved in writing by the local planning authority and it shall be constructed using the approved materials;
Reason: To ensure a satisfactory appearance to the development.

(8) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them. Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

(9) The development permitted by this planning permission shall be carried out in accordance with the approved FRA dated March 2023
o Finished floor levels shall be set no lower than 13.52m above Ordnance Datum (AOD).
Reason: To reduce the risk of flooding to the proposed development and future occupant.

(10) The use hereby permitted shall not commence until a minimum of one electric vehicle charging point has been installed on the site and shall thereafter be retained for that purpose.
Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

(11) Details on the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal must be submitted to and approved by the LPA prior to occupation of the site. These details should include the size of individual cess pits and/or septic tanks and/or other treatment systems.

Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation). If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required and provide evidence of obtaining the relevant discharge consent to the local planning authority.

Reason: To ensure sufficient foul sewerage provision.

(12) If during construction works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interest of amenity