

**REPORT SUMMARY**

<b>REFERENCE NUMBER:</b> 24/500068/FULL		
<b>APPLICATION PROPOSAL:</b> Part change of use of land for siting of 1no. mobile home to provide rural worker's accommodation ancillary to the existing business and part change of use of land to commercial equestrian with erection of 2no. stable buildings (retrospective).		
<b>ADDRESS:</b> Sunny Hill View Equestrian Stables, Sandway Road, Sandway, ME17 2LU		
<b>RECOMMENDATION:</b> <b>GRANT PLANNING PERMISSION subject to planning conditions in Section 8 below.</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> <ul style="list-style-type: none"> <li>• The stables building and the change of use from agriculture to equestrian use (0.15 hectares) are acceptable and in accordance with adopted policy LPRCD7.</li> <li>• Existing boundary landscape screening will be supplemented by additional landscaping achieved by condition. The stables and caravan will be seen in context of sporadic development on the site and on other land in this area. In this perspective the application is acceptable in relation to local character and appearance.</li> <li>• With the separation distance from the closest neighbour, the scale of the caravan and stables and intervening field boundary landscaping, there is no identified impact on neighbour amenity.</li> <li>• The application is acceptable on the basis that the permission is granted on a temporary basis for a three year period.</li> <li>• A recommendation of approval of the application is therefore made on this basis.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Call in from Lenham Parish Council for reasons given in section 4 of this report.		
<b>WARD:</b> Harrietsham And Lenham	<b>PARISH COUNCIL:</b> Lenham	<b>APPLICANT:</b> Mr Paul Collins <b>AGENT:</b> Equine Commercial-Legal
<b>CASE OFFICER:</b> Francis Amekor	<b>VALIDATION DATE:</b> 31/01/24	<b>DECISION DUE DATE:</b> 30/07/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

**Relevant planning history**

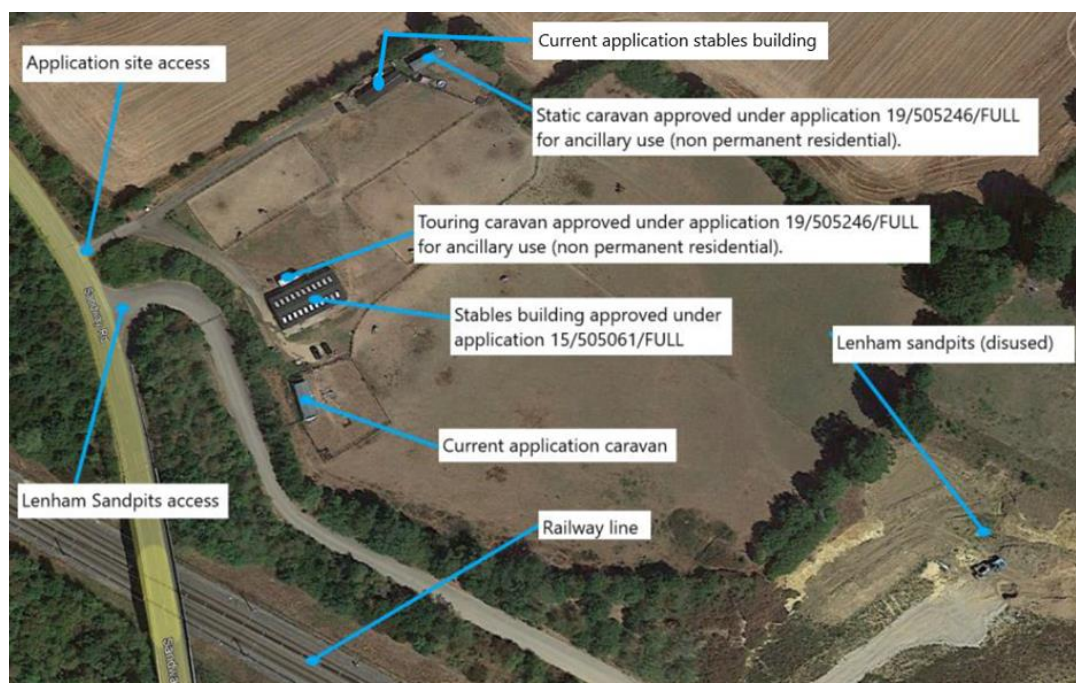
- 14/0549 Certificate of Lawfulness application for the use of land for equestrian purposes. Approved 28.05.2014.
- 15/505061/FULL Erection of a stable building and laying of hardstanding. Approved 26.10.2015.
- 19/503697/FULL Temporary change of use of land (until 13.09.22) for stationing of static mobile home to be used for residential purposes in association with the business operations of Sunny Hill View Equestrian Stables. Approved 13.09.2019 (*Officer note: current application seeks permission for retention of this caravan*).
- 19/505246/FULL Retrospective application for the siting of 1no. additional caravan and 1no. touring caravan ancillary to the commercial equestrian use. Approved 23.12.2019.
- 20/500875/FULL Creation of outdoor riding arena ancillary to commercial equestrian use of the site. Approved 27.04.2020.
- 22/505066/FULL Change of use of land for permanent siting of the mobile home to provide rural worker's accommodation ancillary to the existing business.

*(Officer note: Application 22/505066/FULL was on the published committee agenda for the 20.07.23 meeting with officer recommendation for approval. Application was withdrawn*

30.10.2023, following officer request for current resubmitted application and for this application to include:

- retention of the stables building at the northern end of the site.
- change of use of the small area of land (0.15 hectares) at the southern end of the site that was excluded from the earlier Certificate of Lawfulness (14/0549) granted for the equestrian use
- up to date business and financial information).

#### Anotated site aerial photograph



### **MAIN REPORT**

#### **1.0 DESCRIPTION OF SITE**

- 1.01 The application site (3.2 hectares) is in the countryside, outside of any Local Plan designated settlement and circa 1.2 km from Harrietsham. The site is to the east of Sandway Road, with the access road to Lenham Sandpits separating the site from the Channel Tunnel Railway Link to the south.
- 1.02 The Maidstone Landscape Character Assessment identifies the wider area as falling within 'area 6' of the 'Leeds Transport Corridor' which is characterised by mixed farmlands with a few orchards. The landscape guidance for this area is to 'reconstruct'. The site is also identified as falling within 'area 7' of the 'Harrietsham Vale' Character Area on the Borough Wide Character Area map. This area is identified as being of poor condition with moderate sensitivity to change, with a guidance to restore and improve.
- 1.03 The site is in equestrian use with the level grazing land divided into paddocks. There are currently eleven horses on site of which six are full liveries. A certificate of lawfulness application is in place for the use of most of the land for equestrian purposes (14/0549). The site has landscaping around all boundaries with a wider belt to the east and south. A public footpath (KH414B) runs around the southern site boundary. The site is in the KCC Minerals Safeguarding Area.
- 1.04 In relation to the Habits Regulations and the Stodmarsh protected sites east of Canterbury, the application site is not in the Stour River catchment, so there would be no 'direct' potential impact from the current application. The site is in an area that could have a potential 'indirect' impact on the Stour River catchment. This indirect impact would be if waste water from the site is processed at Lenham Wastewater Treatment works within the catchment which discharges into the Stour River.

## 2.0 PROPOSAL

2.01 The current application seeks the following:

- Retrospective change of use of an additional area of land (0.15 hectares) to the south of the site from agriculture to equestrian use (see plan on next page). It is highlighted that most of the site (3.05 hectares) has an existing lawful equestrian use.
- The retention of the existing static caravan on western side of the site – previous temporary permission for the caravan 19/503697/FULL has expired. Caravan footprint 12 metres by 4 metres, flat roof at 3 metres high.
- The retention of the stables at the northern end of the site (provides 4 stables and storage in a building with footprint of 16.5 metres by 3.6 metres, dual pitch roof with eaves at 2 metres and ridge at 2.5 metres high).

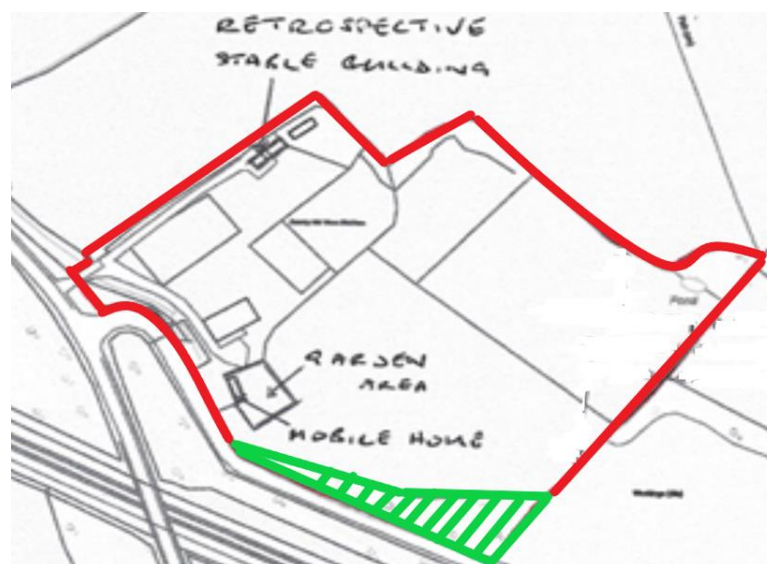
2.02 In addition to that set out above, the following are also currently located on the application site:

- Static caravan,  
Northern end of the site, ancillary to commercial equestrian use as rest room for staff and clients - permanent permission (19/505246/FULL) on basis that equestrian stables are retained.
- Touring caravan  
Western side of the site, ancillary to commercial equestrian use as storage for equipment, supplies and machinery - permanent permission (19/505246/FULL) on basis that equestrian stables are retained.
- Stables in a barn  
Western side of the site, ancillary to commercial equestrian use. Barn provides 7 stables with permanent permission (15/505061/FULL) with barn footprint 11 metres by 21 metres.
- Outdoor riding arena  
Ancillary to commercial equestrian use, permanent permission under 20/500875/FULL.

2.03 The current application does not include:

- any additional buildings or caravans on the site.
- any changes to the appearance of existing buildings or caravans.

Current application site with additional land shown as hatched.



### 3.0 POLICY AND OTHER CONSIDERATIONS

#### Maidstone Borough Local Plan Review (2024)

The Maidstone Borough Local Plan Review (LPR) was adopted by the Council on the 20 March 2024. Strategic level legal challenges were made to adoption that relate to specific strategic development sites within the LPR and do not affect the full weight that should be applied to the LPR2024 itself. Maidstone Borough Local Plan 2017 policies are therefore now superseded. The relevant LPR policies are as follows:

Policy LPRSP9 Countryside  
Policy LPRSP14 - Environment  
Policy LPRSP14(A) - Natural environment  
Policy LPRSP15 – Principles of good design  
Policy LPRSS1 - Spatial strategy  
Policy LPRTRA2 - Assessing transport impacts.  
Policy LPRQ&D2 - External lighting  
Policy LPRCD3 Accommodation for rural workers  
Policy LPRCD7 Equestrian development

#### The National Planning Policy Framework (2023):

Section 2 – Achieving Sustainable Development  
Section 4 – Decision Making  
Section 6 - Building a strong, competitive economy.  
Section 12 – Achieving well Designed Places

#### National Planning Practice Guidance (NPPG):

#### Supplementary Planning Documents:

Maidstone Landscape Character Assessment

### 4.0 LOCAL REPRESENTATIONS

#### Local residents

4.01 4 representations received objecting to the application for the following (summarised) reasons:

- Existing caravans and site are untidy, in very poor condition and visible from the footpath and road. (*Officer comment: The stables are of a typical timber clad design, In accordance with policy LPRCD7 (2) the stables do not have the permanence to be converted to other uses.*)
- Approving would set a precedent. (*Officer comment: each planning application is considered on its merits*)
- Site not fit for keeping horses and contrary to British Horse Society (BHS) guidelines. (*Officer comment: No information is provided on what aspect of the BHS guidelines they are referring to. The BHS in any event states that guidelines are flexible as they are dependent on a variety of different circumstances.*)
- Horses at risk from crop spraying on adjacent land (*Officer comment: All equestrian uses are generally in the countryside and therefore likely to in proximity to agricultural uses. Equestrian use has existed for over 10 years*).
- Land only allowed for equine grazing and not for any type of accommodation, temporary or permanent. (*Officer comment: Adopted LPR policy permits rural worker accommodation subject to the factors assessed in this report*).
- The applicant is a self-employed plumber and has no business requiring rural workers (*Officer comment: The submitted planning statement sets out the nature of the business and this information is considered in this report*).

#### Lenham Parish Council

4.02 Objection and committee call in for the following reasons:

- Landowner has said that the applicants do not have permission for these changes. (*Officer comment: Landowners permission is not required to submit a planning application. The submitted planning statement also disputes consultation responses relating to land ownership*).

- Development is inappropriate for this site (*Officer comment: The submitted proposal is assessed in the following report*).
- Site has been subject to multiple applications in effect salami slicing towards a significant establishment. (*Officer comment: Submission of one comprehensive application is always the preference, however there is nothing to prevent separate applications and all applications are assessed on their individual merits*).

## 5.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where necessary)

### KCC Ecology

- 5.1 No objection subject to a planning condition on ecological enhancement, net gains for biodiversity gain and new native planting.

### Mid Kent Environmental Health

- 5.2 No objection subject to foul drainage and external lighting conditions.

### KCC Minerals and Waste

- 5.3 No objection.

### Southern Water

- 5.4 No objection

### Kent Police

- 5.5 No objection - outside remit

### KCC Public Right of Way Team

- 5.6 No objection.

### UK Power Networks

- 5.7 No objection.

### Council's Rural Planning Consultants.

- 5.8 No objection for the following reasons:
- Satisfied that the functional test is met with an essential need to live on site.
  - Profit for years ending March 2021, 2022, and 2023 shows the financial test is met.
  - Figures show that the business can fund the operators unpaid labour, together with enabling a return on investment or a sinking fund for future re-investment. Also, the existing mobile unit is only modest in size.
  - Profit for the most recent financial year 2023/2024 will increase following the recovery post covid.

## 6.0 APPRAISAL

- 6.01 The key issues are:
- Justification for a residential dwelling in the countryside.
  - Retention of stables and change of use of land from agriculture to equestrian.
  - Character and appearance
  - Residential amenity
  - Trees, landscaping, and biodiversity

### **Justification for a residential dwelling in the countryside.**

- 6.02 The application site is in the countryside and new dwellings are not generally allowed in the countryside.
- 6.03 As an exception to this normal constraint, policy LPRCD3 of the Local Plan Review allows accommodation for rural workers in the countryside in certain circumstances (NPPF also allows homes in the countryside where "...there is an essential need for a rural worker" (paragraph 84))
- 6.04 Policy LPRCD3 lists criteria that apply separately to:
- temporary rural worker dwellings (generally a caravan permitted for 3 years linked to a new rural business becoming established with unproven viability) and

- permanent dwelling (generally bricks and mortar dwelling for a rural business that has been established for 3 years with proven need and viability).

The current application requests the permanent retention of a temporary mobile home. Policy LPRRCD3 refers to temporary accommodation provided for 3 years only whilst a rural business becomes established. As such, the current application is assessed under the 'temporary accommodation' part of policy LPRRCD3 as follows:

Dwelling is essential for development and running of the enterprise (functional test LPRRCD3-1a).

Need for full-time worker accommodation (LPRRCD3-1b).

- 6.05 A statement in support of the current application from the agent (BSc Equine Welfare with Business Management, LLdip Law degree and PgC Agricultural Law) provides the following information:
- "...currently 11 horses on site, ranging from in foal breeding mares, foals, youngstock, two young stallions and riding horses".
  - "...the number and particularly the type of horses on site creates a functional need for 24-hour supervision".
  - "The breeding mares need close supervision prior to foaling, both for their own welfare and that of their foals. The mares are put in foal again shortly after foaling. The foals continue to need close supervision and are then weaned".
  - "Foals are always stabled during the weaning process. If turned out into the paddocks in the early stages, they would injure themselves in their attempt to find their mothers. The process of weaning can be extremely stressful for foals. It is important that they are well supervised to prevent injury, not just because of the welfare implications but because these foals will be destined for the show ring".
  - "Without constant monitoring the welfare of such horses could be seriously compromised. Horses stabled for long periods are predisposed to developing colic, becoming cast, or choking, all of which require immediate attention".
  - "If any horse belonging to a client suffered an injury or illness that was not identified sufficiently early, confidence in the business would be severely undermined. A client would not return their horse to the yard. This would seriously impact on the viability of the enterprise".
  - "The applicants now have two young stallions that will be used for breeding with their own mares, as well as other mare owners", "Stallions require very close supervision and expert handling".
  - "The provision of skilled supervision around the clock is essential, not only for the welfare of the horses, but to ensure the continuation of the business. It is imperative that clients have complete confidence in the supervision of their horses at all times".
- 6.06 The functional policy test requires assessment as to the specific need for a new dwelling in the countryside in connection with a rural enterprise and for a 24-hour site presence. An application needs to demonstrate a requirement for a full time worker in connection with the rural enterprise.
- 6.07 After consideration of the information submitted in the planning statement and associated monitoring requirements, it is concluded that the functional test for a 24 hour presence provided by a dwelling on the site has been met. The information supplied by the applicant including the extent and nature of the tasks involved with the rural enterprise the need is for accommodation for a full-time worker (LPRRCD3 1b).
- 6.08 In previously granting a 3-year temporary planning permission, the delegated report for 19/503697/FULL concluded "*The proposal has justified the essential need for a full-time worker to be on site (and not elsewhere) for the efficient running of the rural enterprise*". The published committee report in July 2023 (for withdrawn application 22/505066/FULL) concluded that the functional policy test had been met and that there was a need for a full-time rural worker, there has been no significant change in circumstances since these conclusions were reached.
- 6.09 Policy LPRRCD7 (Equestrian development) advises "*For proposals of 10 stables or more, adequate provision is made for the security of the site in terms of the location of the proposed development in relation to the manager or owner of the animals*". The application

site provides stabling for 11 horses and policy LPRRCD7 is therefore also supportive of the current application with the dwelling providing site security.

Enterprise has a sound financial basis with intention and ability to develop (financial test LPRRCD3-1c).

- 6.10 Policy LPRRCD3 allows temporary worker accommodation in the countryside for a period of 3 years. A new rural enterprise is expected to achieve sufficient growth and profit in that initial 3 year period to absorb the financial cost of constructing a permanent dwelling. Policy LPRRCD3 does not support the permanent retention of temporary accommodation in the countryside.
- 6.11 Submitted evidence demonstrates that the equestrian use has been established for over 3 years. Financial information shows a net profit in the financial years of 2019/20, 2020/21, 2021/22 and 2022/23. Whilst in profit, the submitted information does not demonstrate sufficient profit to fund the construction of a permanent dwelling. The Council's Rural Planning Consultants also acknowledge that the enterprise is in profit, however they refer to the modest size of the temporary caravan and that profit for the most recent financial year 2023/2024 will increase following the recovery post covid.
- 6.12 Whilst meeting the policy test for a temporary dwelling, the proposal does not provide sufficient confidence and does not meet the financial test for a permanent dwelling in the countryside. The information provided by the applicant including further post covid future recovery indicates a prospect of greater profitability in the future. It is concluded that a further 3 years temporary permission would provide a further period for the business to grow and to allow the caravan to be replaced with a permanent dwelling.

No other housing accommodation is already available locally (LPRRCD3-1d).

Accommodation cannot be provided by the conversion of a building on the holding (LPRRCD3-1e).

Accommodation is sited with other group of rural buildings on the holding (LPRRCD3-1f).

- 6.13 In the Court of Appeal judgement, Wealden District Council v SSE and Colin Day 1987 it was concluded that a caravan could represent an ordinary piece of equipment on an agricultural unit. It was found that uses such as storing and mixing of feed, some office work and the taking of shelter could be carried out in such a caravan and as a result this court ruling found the caravan ancillary to the agricultural use of the land.
- 6.14 As ancillary to the commercial equestrian use, permission was granted for a static caravan and a touring caravan on the application site (December 2019 - 19/505246/FULL, with current application total of 3 caravans 2 statics and a tourer).
- 6.15 The second static caravan is used as a rest room for staff and clients, but not connected to mains water or electricity. At times, staff may stay overnight to closely supervise horses. The touring caravan is used to store equipment and supplies associated with the enterprise. In this context these caravans are ancillary to the wider equestrian use and are not available for permanent residential occupation as an alternative to the current application.
- 6.16 The caravan used as a residential dwelling that is the subject of the current application is located on the western side of the site in the vicinity of the stables barn (15/505061/FULL). The caravan is separated from the main road by the Lenham Sandpits access road and two belts of landscaping. There are no other buildings available on the site that could be converted to provide the residential dwelling and there is no other suitable accommodation available.
- 6.17 In summary, as an exception to this normal constraint, policy LPRCD3 allows accommodation for rural workers in the countryside. This includes temporary accommodation for 3 years to allow an enterprise to achieve sufficient growth and profit to support a permanent dwelling. The enterprise on the site (with the applicant refers to the impact of covid on the business) has not achieved this growth and in this situation, it is recommended that a further 3-year temporary permission is given for the existing residential caravan.
- 6.18 With reference to the applicant's planning statement, advice from the agricultural advisor officer, conclusions reached for 19/503697/FULL (earlier temporary permission), and 22/505066/FULL (withdrawn from published committee agenda) it is concluded that the

residential caravan meets the functional test and the other requirements of policy LPRCD3-1.

- 6.19 Planning conditions are recommended to ensure that the residential caravan meets the requirements of LPRCD3-2). In addition to the 3 year temporary period these conditions will limit occupation to a rural worker, require the removal of the caravan within 3 months of the expiry of the 3 years and the restoration of the site.

**Retention of stables and change of use of land from agriculture to equestrian.**

- 6.20 In addition to the residential caravan, the current application seeks retention of the stables building at the northern end of the site and retrospective change of use of an additional area of land (0.15 hectares) to the south of the site from agriculture to equestrian use.
- 6.21 Policy LPRCD7 permits commercial equestrian stables or associated equestrian development in the countryside subject to criteria considered below.

Conversion of existing buildings is preference over new build (LPRCD7-1)

- 6.22 A stable building has been present in this location since at least 2014 with the building extended around 2021/2022. There are no other buildings that could provide these stables.

Where possible stables are grouped with existing buildings and stables do not have the permanence to be converted to other uses. (LPRCD7-2)  
Cumulative impact considered, and where appropriate mitigated. (LPRCD7-3)

- 6.23 The stables are adjacent to the existing static caravan (19/505246/FULL) that provides a rest room for staff and clients. The visual impact on the landscape is mitigated by existing trees and vegetation along the site boundaries which assists in screening the development from wider views.

Design sympathetic in scale, materials, and colour (LPRCD7-4)

- 6.24 The stables are in a single storey timber clad building. The scale of the stables building is comparable to the adjacent static caravan and the stables are appropriate in their scale and design and sympathetic to the surrounding countryside.

Lighting only where proven necessary (LPRCD7-5)  
Integral landscaping reflecting local landscape character (LPRCD7-6)  
Facilities for soiled bedding materials, foul and surface water drainage (LPRCD7-7)

- 6.25 Planning conditions are recommended seeking:

- details of any existing lighting on the site
- details of any future lighting to be submitted and approved prior to installation.
- submission and approval of a landscape scheme.
- submission and approval of facilities for dealing with soiled bedding materials, foul and surface water drainage.

Horse safety and comfort, size of building and land for grazing and exercising (LPRCD7-8)  
Easy access to bridleways and/or the countryside (LPRCD7-9)

- 6.26 The application site is large enough to accommodate these requirements in terms of exercising, and grazing. The site is in the countryside and is ideally located to access bridle paths.

For proposals of 10 stables or more, adequate security is provided in relation to the manager or owner of the animals. (LPRCD7-10)

- 6.27 The retention of the static caravan as part of this current application will provide the necessary security for the 11 horses on this site.

- 6.28 In summary, the stables building and the change of use from agriculture to equestrian use (0.15 hectares) are acceptable and in accordance with adopted policy LPRCD7.



### **Character and appearance**

6.29 The Maidstone Landscape Character Assessment identifies the wider area as falling within 'area 6' of the 'Leeds Transport Corridor' which is characterised by mixed farmlands with a few orchards. The landscape guidance for this area is to 'reconstruct'. The site is also identified as falling within 'area 7' of the 'Harrietsham Vale' Character Area on the Borough Wide Character Area map. This area is identified as being of poor condition with moderate sensitivity to change, with a guidance to restore and improve.

6.30 A stable building has been present on the site since at least 2014 with the building extended around 2021/2022. The residential caravan has been in place since 2019. The current application does not include any additional buildings or caravans or any changes to the appearance of existing buildings or caravans.

In public views from Sandway Road and from the nearby railway bridge to the south, the mobile home and stables are screened by substantial bands of landscaping. The site and the existing static caravan and stables are visible from the public right of way (KH414B) that crosses east to west to the south boundary of the application site.

6.31 The level of visual harm is minimised as the residential caravan will be seen in the context of the larger stables building on the west side of the site. The stables building to the north of the site will be seen in the context of the static caravan used as a rest room in this location. A planning condition is recommended to seek additional landscaping to supplement and strengthen the existing boundary landscaping to further mitigate visual impact.

### **Residential amenity**

6.32 Policy LPRSP15 encourages new development to respect the amenities of neighbouring properties in terms of noise, odour, air pollution, activity, or vehicular movements, overlooking or visual intrusion.

6.33 The closest neighbour is Keepers Cottage which is 330 metres to the west of the residential caravan located. With this separation distance, the scale of the caravan and stables and intervening field boundary landscaping, there is no identified impact on neighbour amenity.

### **Trees, landscaping, and ecology**

6.34 Policy LPRSP15 sets out that proposed development should respond to the location of the site and sensitively incorporate natural features such as trees, hedges worthy of retention within the site.

6.35 The applicant has confirmed that the application does not involve any works to trees. It is recommended that planning conditions are attached to this permission that require new landscape screening and ecology enhancement.

### **Biodiversity net gain**

6.36 Unless in the list of specified exemptions, biodiversity net gain is required for all non-major planning applications made after the 2 April 2024 (and for major applications made after 12 February 2024).

6.37 The current planning application is a non-major application but was made before the commencement date of the 2 April 2024. The development is as a result exempt from statutory biodiversity net gain requirements.

### **Other matters**

6.38 The application is acceptable in relation to waste and minerals and no objection has been raised by Waste and Minerals Planning Policy Team.

6.39 Certain planning applications must consider nitrates and phosphates in wastewater in relation to potential impact on nationally and internationally designated protected sites at Stodmarsh Lakes, east of Canterbury. These planning applications are as follows:  
a) 'new' overnight accommodation in the Stour River catchment area and, or  
b) 'new' overnight accommodation that use Lenham Wastewater Treatment Works.

- 6.40 On point 'a' it can be argued that the residential use is not 'new' as it is existing, however as the caravan does not have planning permission for the purposes of this assessment it is being treated as 'new' accommodation.
- 6.41 The application site is not in the Stour River catchment area but is within a wider area that in terms of point 'b' has the potential to use Lenham Wastewater Treatment Works (which in turn discharges into the Stour River catchment). The applicant has indicated that wastewater goes to a septic tank (not to Lenham Wastewater Treatment Works). In this context and with a planning condition relating to foul water the proposal is acceptable.

#### **PUBLIC SECTOR EQUALITY DUTY**

- 6.42 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**

- 7.1 The application is in accordance with policy LPRCD3 in terms of the temporary residential accommodation for rural workers in the countryside and functional need for a full-time worker.
- 7.2 The stables building and the change of use from agriculture to equestrian use (0.15 hectares) are acceptable and in accordance with adopted policy LPRCD7.
- 7.3 Existing boundary landscape screening will be supplemented by additional landscaping achieved by condition. The stables and caravan will be seen in context of sporadic development on the site and on other land in this area. In this perspective the application is acceptable in relation to local character and appearance.
- 7.4 With the separation distance from the closest neighbour, the scale of the caravan and stables and intervening field boundary landscaping, there is no identified impact on neighbour amenity.
- 7.5 The application is acceptable on the basis that the permission is granted on a temporary basis for a three year period. A recommendation of approval of the application is therefore made on this basis.

#### **8.0 RECOMMENDATION – GRANT PLANNING PERMISSION Subject to the following conditions - with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site Location Plan
  - Site Plan Stable Building
  - Site/block plan
  - Floor and Elevation Plans Equestrian Stables
  - Site/Block Plan Mobile Home
  - Drawing No. DHA/13192/04 dated August 2018 (Proposed Mobile Home Elevations)Reason: For the avoidance of doubt and in the interests of proper planning.
- 2) The occupation of the single static caravan in residential use shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336 (1) of the Town and Country Planning Act 1990) or in forestry, or a widow or widower of such a person, and to any resident dependants.  
Reason: The site is in an area where new residential development is not normally permitted unless essentially required for the proper functioning of the enterprise concerned.
- 3) From the date when the business ceases to operate, or at the end of three years from the date of this decision, whichever shall first occur, the caravan and all associated structures, equipment and materials bought onto the land for the purposes hereby permitted including

hardstanding shall be removed within 3 months and the land shall be restored to its condition before the development took place within 12 months.

Reason: To safeguard the character and appearance of the countryside.

- 4) No more than one touring caravan and two static mobile homes and as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any one time, with only one static caravan used as a residential dwelling and the second used as a staff and client rest room. No further caravans shall be placed at any time anywhere within the site. The external amenity areas shall be laid out and the static mobile home shall be stationed only in the positions shown on the plan (site/block plan) hereby approved and retained and maintained as such.

Reason: To safeguard the visual amenity, character, and appearance of this countryside location.

- 5) Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land other than those expressly authorised by this permission (as shown on the approved plans).

Reason: To prevent inappropriate development and safeguard the amenity, character, and appearance of the countryside, and in the interests of residential amenity.

- 6) The use hereby permitted shall cease and all caravans, structures, equipment, and materials brought onto the land for the purposes of such use shall be removed within 6 weeks of the date of the failure to meet any one of the requirements set out in (i) to (iv) below:

i) Within 6 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include:

- a) a detailed site layout showing how hardstanding and parking areas are the minimum area necessary.
- b) details of the permeable construction of hardstanding areas and measures to deal with surface water run off within the site boundaries.
- c) details of existing landscaping.
- d) details of proposed landscaping (see condition 8).
- e) details of measures to enhance biodiversity at the site (see condition 10).
- f) details of the means of foul and surface water drainage at the site, along with details regarding the provision of potable water and waste disposal (see condition 11).
- g) existing external lighting on the boundary of and within the site (see condition 12); and,
- h) a timetable for implementation of the scheme including a) to g) with all details implemented in accordance with the agreed timetable and all details retained and maintained for the lifetime of the development.

ii) Within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.

iv) The approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character, and appearance of the open countryside location.

- 7) The landscaping required by condition 6 shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The detailed landscaping drawings shall include:

- a) details of all existing trees, hedgerows and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed.
- b) details of the number, size, species, maturity, spacing and position of proposed trees and landscaping. (Including species, spacing, maturity and quantities) *with new hedging at approximately 45cm spacing with 30cm between rows and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree*
- c) a timetable of implementation of the approved scheme and

d) a five [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).

Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

8) All approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any landscaping which fails to establish or any existing or proposed trees or plants which, within five years from planting are removed, 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: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

9) The enhancement of biodiversity on the site, required by condition 6 shall include the installation of a minimum of one bat tube on the approved mobile homes and the installation of ready-made bird and bat boxes on the site. The development shall be implemented in accordance with the approved details by the end of a two-month period following approval and all these features shall be maintained as such thereafter.

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

10) The details of foul and surface water drainage required by condition 6 shall include the size of the septic tank and any 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 with regard to nutrient neutrality and the Stour catchment area). The details shall demonstrate that waste water from the site will not be treated at Lenham Wastewater Treatment Works.

Reason: In the interests of amenity and nutrient neutrality.

11) The details of existing lighting required by condition 6 shall:

- a) show that the existing lighting is in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.
- b) include a layout plan with beam orientation.
- c) include a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
- d) include an ISO lux plan showing light spill.

Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

12) Any future 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:

- a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.
- b) include a layout plan with beam orientation.
- c) a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
- d) 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 safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.