

REFERENCE NO: 19/505435/FULL		
APPLICATION: Retrospective application for continued use of land as a goat sanctuary and associated operational development, including stable buildings, tea room, sheds and car park.		
ADDRESS: Buttercups Sanctuary For Goats Wierton Road Boughton Monchelsea ME17 4JW		
RECOMMENDATION: GRANT planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development does not cause unacceptable harm to the character and appearance of the countryside that falls within the Greensand Ridge Landscape of Local Value; and policy/guidance seeks to support small scale businesses to benefit the rural economy. Furthermore, there is no objection to the development on residential amenity, highway safety, ecology, heritage, and arboricultural grounds; and all other material planning considerations have been addressed.		
REASON FOR REFERRAL TO COMMITTEE: Councillor Munford and Boughton Monchelsea Parish Council wish to see application reported to Planning Committee.		
WARD: Boughton Monchelsea & Chart Sutton	PARISH Boughton Monchelsea	APPLICANT: Buttercups Sanctuary for Goats AGENT: DHA Planning
TARGET DECISION DATE: 03/03/20		PUBLICITY EXPIRY DATE: 02/01/20

- There is no relevant planning history.

MAIN REPORT

1.0 Site description

- 1.01 The application site is a registered charity that operates as an animal sanctuary and is a centre to raise awareness to animal care and welfare. The site is also used for training and educating the public in animal husbandry, and members of the public do visit the site and can make financial donations if they wish. For the purposes of the Maidstone Local Plan the application site is within the countryside that falls within the Greensand Ridge Landscape of Local Value. The site also falls within a KCC Minerals Safeguarding Area; a public right of way (KM120) runs through the northern part of the site in a general east/west direction; and it is some 2.3ha in area.
- 1.02 Access to the sanctuary is via a lane that also serves Wierton Place; and a house, known as East Lodge, is located on the corner of this lane and Wierton Road. Across the road from the application site (to the east), there are of other Grade II listed properties (Wierton Hall Farm Cottage and Wierton Hall).
- 1.03 To the west of the site is Wierton Place that is a Grade II listed building and its associated greenhouses that are also Grade II listed. On this site, there is permission for residential development that includes the conversion of the main building.

2.0 Proposal

- 2.01 This retrospective application is for the continued use of the land as a goat sanctuary and for the retention of the associated operational development on the site, including the single storey stable buildings, the tearoom, sheds and the car park.
- 2.02 Staff/volunteers are on site every day for the needed care of the goats between 8am-5pm every day (and outside these hours in cases of emergencies). There is no entrance fee into the sanctuary and the opening hours to visitors are as follows:

Easter through to October	=	Site open every day 11am-4pm
November up to Easter	=	Site only open at weekends 11am-3pm
Work shops for youth groups	=	6pm-7pm (no more than 10 times a year)

- 2.03 In summary, there is a gravel surfaced car park next to the northern entrance of the site that can accommodate approximately 45 cars; and the tearoom and the main stabling/storage buildings are located close to the eastern boundary of the site, along with the hay store and manure heap. The site is dominated by pastureland where the goats graze. The tearoom serves beverages and snacks, merchandise, and animal feed for visitors.
- 2.04 In terms of its use, Buttercups has been a registered charity since 2003 and there are around 150 goats at the sanctuary, with over 125 goats in foster homes. The sanctuary has 2 part-time and 7/8 full-time members of staff; and around 65 volunteers that help out. The charity also relies on income from adoption and guardian schemes; walking with goats' experiences; goat keeper experiences; and corporate memberships. As well this, the sanctuary undertakes outreach work with the local community (including with schools, Guides, Scouts, and the Duke of Edinburgh Scheme); and it plays an important and pioneering role for research at the University of Roehampton.

3.0 Policy and other considerations

Maidstone Local Plan (2017): SS1, SP17, SP21, DM1, DM3, DM4, DM8, DM30, DM37
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Landscape Character Assessment & Supplement (2012 amended 2013)
Landscape Capacity Survey (2015)
Maidstone Economic Development Strategy (2015-2031)
Maidstone Destination Plan (2015)

4.0 Local representations

- 4.01 296 representations received in support of the application.
- 4.02 5 representations received raising the following (summarised) issues:
- *Impact on residential amenity of local residents in terms of general noise and disturbance, traffic, and odours*
 - *Opening hours should be restricted*
 - *Visual impact and impact upon trees*
 - *Litter*
- 4.03 The Rt Hon Ann Widdecombe (a patron of Buttercups) has made representations in strong support of application.
- 4.04 Helen Whately MP has received letters and wants to say how well loved and what a community asset Buttercups is.
- 4.05 Councillor Brice has made representations in strong support of the application.

5.0 Consultation responses

(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)

- 5.01 **Councillor Munford:** Wishes to see application reported to Planning Committee for the following (summarised) reasons:
- *Given amount of local and national interest generated, decision should be made in public*
 - *Contribution to tourism both within immediate area and nationally*
 - *It is a local rural business – with rural employment*
 - *All issues need to be balanced in final decision along with any conditions imposed that could possibly inhibit normal operation of sanctuary, even on approved recommendation*

- 5.02 **Boughton Monchelsea Parish Council:** Wish to support application and see it reported to Planning Committee for decision. Would also like to see the following measures introduced to help towards moderating, as far as practically possible, any disturbance to local residents:
- *Creation of screen by fencing off corner of car park and planting with coniferous trees or, if possible, a more sustainable quick growing alternative given our commitment as a parish to biodiversity improvements.*
 - *Installation of additional sign at site entrance explaining goats may be stressed by noise and asking visitors to be considerate and quiet throughout their visit.*
- 5.03 **KCC Highways:** Raises no objection.
- 5.04 **KCC Ecology:** Raises no objection.
- 5.05 **Environmental Protection Team:** Has no objection re: noise, odour and lighting.
- 5.06 **Conservation Officer:** Raises no objection on heritage grounds.
- 5.07 **Landscape Officer:** Raises no objection.
- 5.08 **Environment Agency:** Has made no representations.
- 5.09 **KCC SUDS:** Regard development as low risk development and raise no objection.
- 5.10 **Southern Water:** Raise no objection.
- 5.11 **Public Right of Way Officer:** Raise no objection.
- 5.12 **KCC Minerals Safeguarding Officer:** No representations received.
- 5.13 **Agricultural Advisor:** Application does not fall within agricultural advisory remit.
- 5.14 **Natural England:** Raise no objection.
- 5.15 **Upper Medway Internal Drainage Board:** No representations received.
- 5.16 **MBC Culture/Tourism Team:** Expresses support for application.
- 5.17 **Kent Police:** Has no comment to make, in regard to *Crime Prevention Through Environmental Design* and in accordance with NPPF.
- 5.18 **UK Power Networks:** No representations received.
- 5.19 **Scottish Gas:** No representations received.

6.0 APPRAISAL

Main issues

- 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; and the distinctive landscape character of the Greensand Ridge Landscape of Local Value should be conserved and enhanced. Furthermore, development (inter alia) should respond positively to, and where possible enhance, the local, natural or historic 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; 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 and existing economic development premises in the countryside (including tourism related development) to support the rural economy, provided the scale and impact of the development is appropriate for its countryside location.

- 6.02 In accordance with the NPPF, achieving sustainable development means the assessment of three overarching objectives (economic, social and environmental); and at the heart of the Framework is a presumption in favour of sustainable development, of which good design is a key aspect. The NPPF also seeks to enable sustainable rural tourism and leisure developments which respect the character of the countryside; and planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. The NPPF also seeks to conserve and enhance the historic environment.
- 6.03 The goat sanctuary is in a rural location, some 2.7km to the west of Sutton Valence (a 'larger village' for the purposes of the Local Plan) and some 5.5km to the south of Maidstone town centre; and it is accepted that the majority of visitors would arrive by private motor vehicle. However, whilst it is not possible for this local charity to make the location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport), it does undertake outreach programmes in the local community, visiting schools, the Guides and Scouts for example. Furthermore, the NPPF states planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. 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.

Importance of tourism use on site

- 6.04 The Council's Culture/Tourism Team has expressed strong support for the sanctuary. Indeed, they have commented that Buttercups is a unique and small charity that provides a valuable component part to the local tourism industry. Indeed, it makes a great morning or afternoon visit for a family and because entry is free and they ask for donations towards the goats living expenses, nearly every family wants to make a donation. This makes the attraction accessible to all families particularly disadvantaged ones, as their visit does not depend on their income. Nearly every family has a budget for their holiday and this helps make valuable family time together both for visitors and local people. Refreshments available in the tearoom add a vital part to welcoming visitors and the car park is needed to ensure everyone's safety. Besides the day to day running of the site, development of the tourism product with goat walk experiences, is adding to the appeal of Buttercups into a new market, which is encouraging for visitors wanting to find new and unique experiences. Beyond the basic tourism product is also the community contribution made by volunteers, which is offering much needed services and support on a mental health level combatting loneliness, depression and many other features. It also provides visitors with a chance to meet and talk to local people which is becoming a valued and unique part of tourism visits.

Visual impact

- 6.05 The proposal is within the countryside that falls within the Greensand Ridge Landscape of Local Value. For the purposes of the Maidstone Landscape Character Assessment the majority of the site falls within the Linton Greensand Ridge landscape character area, with the northern tip of the site (above the public footpath) falling within the Boughton Monchelsea to Chart Sutton Plateau landscape character area. The guidelines for the Linton Greensand Ridge landscape character area are to 'conserve' the landscape that is considered to have an overall sensitivity of 'high'.

- 6.06 The buildings are grouped together and sited close to the eastern boundary of the site; they are low level and modest in appearance; and are of a traditional design. The car park is sited close to the existing buildings and laid in gravel with a modest vehicle entrance through the established boundary hedge; the fencing is largely low-level timber post and rail fencing; and undeveloped pastureland, interspersed with mature trees, dominates the site. Given the mature boundary planting around the site, there are limited (if any) public views of the site from Wierton Road, Wierton Hill, and E Hall Hill. The main public view of the development is from the public footpath that runs a short distance along the northern edge of the site. Given how well contained the site is, there are considered to be no harmful medium/long range public views of the built form on the site. Given the well established, mature planting in and around the site, it is not considered necessary to request further planting in this instance.
- 6.07 In accordance with Maidstone's Landscape Character Assessment, the development has in some way conserved the characteristic parkland type landscapes within the Greensand Ridge; it has conserved the sense of enclosure and the small-scale field pattern; it has not harmfully impacted upon the rural setting of surrounding traditional buildings; and it is considered that the site has largely conserved the undeveloped character of the landscape.
- 6.08 With this all considered, this small-scale development has satisfactorily integrated into the local landscape, and it has not resulted in unacceptable harm to the character and appearance of the area, but conserved the distinctive landscape character of the Greensand Ridge Landscape of Local Value.

Residential amenity

- 6.09 The keeping of goats on the site is not considered to result in a level of noise and odour that would be any more harmful than what could be experienced across the countryside on other sites where animals are kept/grazed. In terms of visitors coming and going from the site, it is accepted that a certain amount of general noise and disturbance is generated from vehicles and staff/visitors coming and going. However, the main access into the site is not in the vicinity of any property and their immediate garden space; the site is well enclosed by mature planting that blocks some noise; the houses to the east are separated by a road; the car park/buildings are more than 100m from Wierton Place; and the garden area for East Lodge is away from the sanctuary. It is therefore considered that this level of noise and disturbance is not considered to be so harmful to object the development, and by restricting staff/visitor hours, this will safeguard the amenity of local residents for the future. The Environmental Protection Team has also raised no objection in terms of noise, odour, and dust; and they make the point that over the years no complaints have been made to them regarding noise, lighting, and odours. Furthermore, it should be noted that the sanctuary is pro-active in having signage reminding visitors to respect local residents; and on the request of Boughton Monchelsea Parish Council, an informative will be added to advise the applicant for more signage to explain goats may be stressed by noise and to remind visitors to be considerate and quiet throughout their visit. Given the scale and location of the buildings on the site, no other objections are raised in terms of the development having an unacceptable impact upon the amenity of local residents in terms of loss of privacy, loss of light/outlook, or by being overbearing.
- 6.10 The agent has confirmed that there is no burning of the manure heaps on site; and external lights are only used when putting livestock into their pens of an evening, and no lighting is left on at night and no lighting can be seen from the roadside or neighbouring properties. The Environmental Protection Team is satisfied their concerns have been addressed in these respects and raise no objection. Notwithstanding this, it is considered important to impose conditions restricting

burning manure on the site and requesting further details of the lighting, to safeguard the amenity of local residents.

Highway safety implications

- 6.11 The application sets out survey results that were undertaken on an open weekend in September 2019: Saturday count = 37 cars and 108 visitors; and Sunday count = 45 cars and 132 visitors. This equates to 8 cars per hour and it is said that the sanctuary has attracted broadly consistent visitor numbers since 2003.
- 6.12 The Highways Authority has considered the application and notes that the access is off a private road and that the existing car park can accommodate around 45 cars. KCC has also noted the undertaken surveys, and that there have been no injury crashes at the junction of Wierton Place with Wierton Road (or in the vicinity/surrounding roads), for at least 20 years. With this considered, the Highway Authority has not raised an objection to the application on highway safety grounds subject to the permanent retention of the parking area on site. The view of the Highway Authority is based on the size of the sanctuary as set out in the application, and to safeguard against inordinate growth which may result in a highway safety issue, conditions will be imposed to restrict further development on the site.

Ecological and arboricultural implications

- 6.13 No ecological information has been submitted with application. However, as no new works are proposed and the application is for the regularisation of the site, the Biodiversity Officer accepts that there is no requirement for ecological information to be submitted as part of this application. Notwithstanding this and in alignment with policy/guidance, the implementation of enhancements for biodiversity should be encouraged and this shall be sought by way of condition.
- 6.14 The Landscape Officer has considered the application and whilst not raising an objection to the proposal, concern has been raised about how the surfacing has been laid in the car park within the root protection areas of mature trees. To avoid compaction of the earth by vehicles, it is preferable that the surfacing be of 'no-dig' construction, in order to prevent the premature demise of surrounding trees. The Landscape Officer is satisfied that this issue can be dealt with by way of an informative.

Heritage impact

- 6.15 Wierton Place, a Grade II listed property, is to the west of the application site; and there are Grade II listed properties to the east of the site. The Conservation Officer also comments that East Lodge and its associated boundary walls could be considered as either curtilage listed or non-designated heritage assets depending on their ownership status at the time of listing of Wierton Place; and that 1 & 2 Wierton Hill Cottages, on the corner of East Hall Hill, are considered to be non-designated heritage assets due to their historic and architectural interest.
- 6.16 The Conservation Officer has considered the application and is of the view that the buildings associated with the application are small in scale and agricultural in character, being set to the east of the Wierton Place landscape and therefore having a minimal impact on its setting. Furthermore, a line of trees and fencing enclosing the immediate setting of the house further diminishes the impact, although this boundary in itself appears relatively recent. The remainder of site is laid out as pasture which has altered the character of the historic parkland to a degree, but in the Conservation Officer's view is not harmful. The site is also screened from Wierton Hill by dense hedging and trees and the Conservation Officer is satisfied that the development has limited impact on other heritage assets as previously identified.

Other matters

- 6.17 The site is in Flood Zone 1; the Environment Agency has made no representations; the KCC Flood and Water Management Team consider the development to be low risk; and Southern Water has raised no objection. The agent has also confirmed: effluent from the yard is no more and no less than what the animals deposit on the field to which they graze; and for the past 25yrs the 3 manure heaps are rotated on an annual basis according to their decomposition and spread onto the hay fields and harrowed in, so as to naturally improve the fertility of the soil (which is good normal farming practice nationwide). Based on this information, the Environmental Protection Team is satisfied their concerns have been addressed and raise no objection. On this basis, no further details are considered necessary in terms of flood risk, surface water drainage, and foul water disposal.
- 6.18 The Public Right of Way Officer has confirmed that the public footpath running inside the northern boundary of the site should not affect the application and no objection is raised in this respect. With regards to mineral safeguarding, KCC has made no representations and so it is therefore assumed that they have no objection to the application.
- 6.19 The representations made by Councillor Munford and Boughton Monchelsea Parish Council have been considered in the assessment of this application. The issues raised by objectors have also been considered in the assessment of this application.
- 6.20 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.
- 6.21 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

- 6.22 It is recognised that Buttercups Goat Sanctuary plays an important role not just for tourism in Maidstone, but for the wider community that visit or play a role in the upkeep of the sanctuary. The development does not cause unacceptable harm to the character and appearance of the countryside that falls within the Greensand Ridge Landscape of Local Value; and policy/guidance seeks to support small scale businesses, that fall outside recognised settlements, to benefit the rural economy. Furthermore, there is no objection to the development on residential amenity, highway safety, ecology, heritage, and arboricultural grounds; and all other material planning considerations have been addressed. On this basis, a recommendation of approval is therefore made.

7.0 RECOMMENDATION: GRANT planning permission subject to following conditions:

1. Within 3 months of the date of this decision, details of external lighting (including illuminance levels, location, height, and hours of operation) and biodiversity enhancements shall be submitted for approval by the local planning authority. The details approved shall be in place within 1 month from the date of approval and maintained as such thereafter.

Reason: In the interests of residential amenity and biodiversity enhancement.

2. No activity in connection with the use hereby permitted shall be carried out outside of the hours of 08:00 and 17:00 each day; and no visitors shall be permitted to be on the premises outside of the hours of 11:00 and 16:00 each day between March and October, and outside of the hours of 11:00 and 15:00 on Saturdays and Sundays between November and February, except for emergencies and youth workshops between the hours of 18:00-19:30 for no more than 10 times a calendar year;

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

4. The vehicle parking/turning area, as shown on drawing reference: DHA/13937/02, 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.

5. Other than those forming part of this approval within the application site, no buildings, extensions, or hard boundary treatments shall be erected; and no hardstanding shall be laid;

Reason: To ensure a satisfactory appearance to the development and in the interests of residential amenity and highway safety.

6. The development hereby permitted shall be carried out in accordance with the following approved plans: DHA/13937/01; 02; 03; 04; 05; 06; 07; 08; 09; 10; 11; and 12.

Reason: In the interests of clarification.

INFORMATIVES:

1. The applicant is advised to install additional signage at the site entrance to explain goats may be stressed by noise and to remind visitors to be considerate and quiet throughout their visit.
2. It is the responsibility of the applicant to ensure 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>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works.

3. 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
 - Minimum of 6wks notice 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.

4. 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.

Case Officer: Kathryn Altieri