

REPORT SUMMARY

REFERENCE NO: - 22/500945/FULL		
APPLICATION PROPOSAL: Retrospective application for erection of 1 no. stable block comprising 2 no. loose boxes and 1no. hay store and change of use of field to paddock for equine purposes.		
ADDRESS: Land opposite Little Budds Farm, Gravelly Ways, Laddingford, Kent		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION FOR APPROVAL: The criteria set out in policy DM41 that permits equestrian development in in the countryside have been met. The building is on a site that is screened from the south and roadside hedging in the east, with the building located close to the site entrance (thereby reducing the servicing area required). There were no issues found in relation to heritage, neighbour amenity, flooding or transport and access. The issue surrounding biodiversity and wildlife will be dealt with through a planning condition		
REASON FOR REFERRAL TO COMMITTEE: Call in from Yalding Parish Council for the reasons set out at paragraph 5.01 below.		
WARD: Yalding	PARISH: Marden and Yalding	APPLICANT/AGENT: Mrs Julie Latham/ DHA Planning
CASE OFFICER: Tony Ryan	VALIDATION DATE: 10/03/2022	DECISION DUE DATE: 02/09/2022
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

17/503894/FULL

Application for an agricultural building for the storage of machinery, hay, feed and for the keeping of cattle; with associated hardstanding access track. Refused 26.10.2017 for the following reasons:

"The application is contrary to Maidstone Borough-Wide Local Plan 2000 Policies ENV6 and ENV43; and Final Draft Maidstone Local Plan 2017 Policies SP17, DM30 and DM36 in that, in terms of the needs of the agricultural business, there is no justifiable reason for the building proposed to be situated in this relatively isolated position away from the main group of farm buildings. In the absence of over-riding need, the building and associated development would be a prominent and unacceptable addition to sporadic development in the countryside, and harmful to the character of the area".

(NB: This agricultural building measured 223 square metres [stables are 39 square metres]. The agricultural building was 4.6 metres high to the roof ridge [stables are 3.8 metres to the ridge]. The building was 13 metres to the north of the location of the stables building and required a formal access road into the field currently proposed as a paddock).

11/0483

Closure of existing vehicular access and formation of new access with 4 metre wide galvanised steel gate on galvanised posts opposite entrance to Little Budds Farm. Approved 12.05.2011

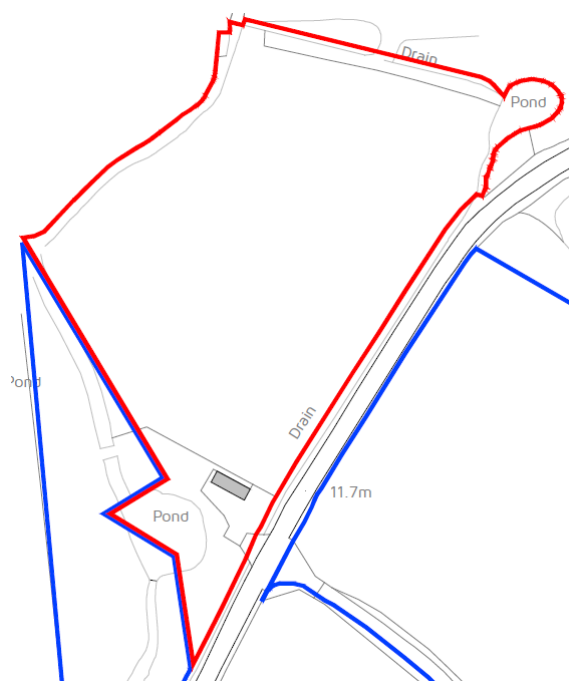
90/0902

Outline application for proposal to provide 120 low cost homes. Refused 10.08.1990

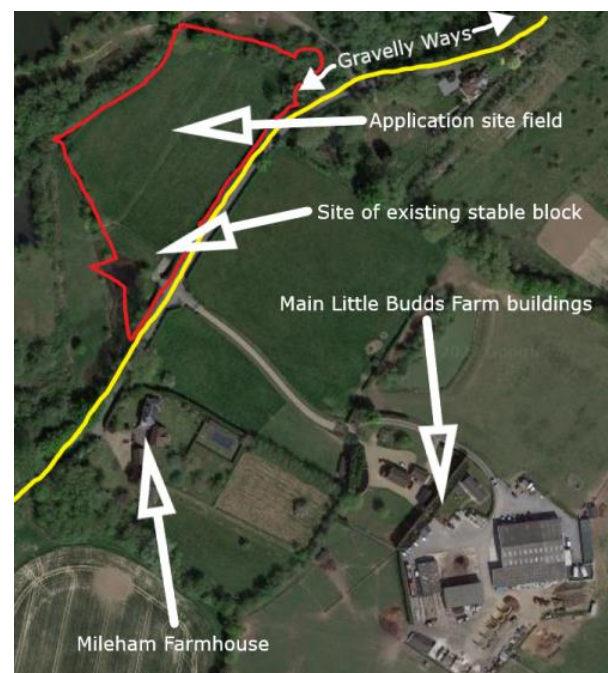
1.0 DESCRIPTION OF SITE

- 1.01 The application site (covering 0.9 hectares in total which includes 0.87 hectares of grazing) is located to the west of Gravelly Ways and in the countryside for the purposes of the Local Plan.
- 1.02 The site forms part of Little Budds Farm which is mainly located on land to the east of Gravelly Ways but also includes a finger of land to the west of the application site (see land in blue on the plan below). The main Little Budds farm buildings are located to the south east of Gravelly Ways with a long service road providing access.
- 1.03 The application site has a gated access from the Gravelly Ways that leads to a small area with a gravel surface with the stable block located to the north. The site also includes the to the north of the building with mature landscaping around the perimeter. To the south of the gravelled area is a pond and associated drain that is designated in the emerging Local Plan as a Local Wildlife Site. The site is screened from the south by mature trees and from Gravelly Ways by a thick boundary hedge.
- 1.04 The land is flat and is within Flood Zone 3 and a local wildlife site (Stoneham and The Lees, Yalding), an area of archaeological potential. Mileham Farmhouse is a Grade II listed building and is located 80 metres to the south of the development.

Red line application site boundary



Aerial photo (red line indicative)



2.0 PROPOSAL

- 2.01 The retrospective application is erection of a stable block and the change of use of field to the north of the stable block for equine purposes.

- 2.02 The building measures 2.4 metres to the roof eaves and 3.8 metres to the roof ridge, the building footprint is 10.8m by 3.6m (38.88 square metres). Internally the building is divided equally into three separate sections and these are annotated on the submitted drawings as providing two stables (loose boxes) and a field shelter (hay store).

Stable block front elevation



3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): Policies SS1, SP17, DM1, DM3, DM4, DM8, DM23, DM30 and DM41
- The National Planning Policy Framework (NPPF): Section 12 – Achieving well-designed places.
- Supplementary Planning Documents: Maidstone Landscape Character Assessment
- Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021.
The Regulation 22 draft is a material consideration however weight is limited, as it will be the subject of a future examination in public.

4.0 LOCAL REPRESENTATIONS

- 4.01 Two responses have been received in support of the application for the following reasons:
- Stable block is relatively small and unobtrusive, and clearly purpose built for use by animals,
 - Stable block is in keeping with the countryside and doesn't detract from the area,
 - The land is secure and well maintained,
 - Stable block location is preferable to the alternative which involves crossing a busy, fast and unlit road (Gravelly Ways),

- The ponds and hedgerows have been retained so the site is beneficial for biodiversity.

4.02 There have been no responses received objecting to the proposal

5.0 CONSULTATIONS

Yalding Parish Council

5.01 Objection for the following reasons:

- No justifiable reason for the building proposed to be situated in this relatively isolated position away from the main group of farm buildings.
- In the absence of over-riding need, the building and associated development would be a prominent and unacceptable addition to sporadic development in the countryside, and harmful to the character of the area.
- Contrary to Local Plan 2017 policies SP17, DM30 and DM36.

Local Lead Flood Authority (KCC Flood and Water Management)

5.02 No comment

Environment Agency

5.03 Standing advice – land or buildings used for the purposes of agriculture and forestry – less vulnerable

Kent Police

5.04 Designing out crime should be attended to in consultation with the police.

Southern Water

5.05 There are no public foul and surface water sewers in the area to serve this development. The applicant is advised to examine alternative means of foul and surface water disposal.

KCC Ecology

5.06 The development is likely to have caused a loss of biodiversity during construction. We advise that professional input is sought to produce a biodiversity landscape plan. This should include provision of native trees or wildflower grassland establishment and other measures to demonstrate that effort is being made to replace the biodiversity that has been lost from since works have been undertaken.

KCC Highways

5.07 The development proposal does not meet the criteria to warrant involvement from the Local Highway Authority in accordance with the current consultation protocol arrangements. Informatives relating to highways land are requested.

6.0 APPRAISAL

6.01 The key issues are:

- Impact on the countryside
- Equestrian development in the countryside
- Heritage
- Flooding
- Residential amenity
- Transport, highways, access and parking.
- Biodiversity and wildlife

Impact on the countryside

- 6.02 Local Plan Policy SP17 states that development proposals in the countryside will not be permitted unless:
- a) they accord with other LP policies and
 - b) they will not result in harm to the character and appearance of the area.
- 6.03 Any new building or structure results in a degree of harm to the character and appearance of the countryside and as a result the application is contrary to policy SP17 (b).
- 6.04 Whilst there will be a degree of visual harm, and in terms of SP17 (a), adopted local plan policy DM41 (equestrian development) permits development in the countryside in certain circumstances. Policy DM41 is considered in detail below with other relevant policies set out later in this report.

Equestrian development in the countryside

- 6.05 As an exception to the normal constraint of development in the countryside, adopted Local Plan policy DM41 permits domestic stables and associated equestrian development where certain criteria are met. The submitted planning application has been found to meet these criteria as set out below.
- i. The conversion of existing buildings would be used in preference to new built development.*
- 6.06 The stables have been constructed next to the field that would be used as a paddock. There are no other buildings in this area.
- ii. New stables and associated buildings would be grouped with existing buildings on the site wherever possible and are not of a degree of permanence that could be adapted for other use in the future.*
- 6.07 The new building incorporates two stables and a store in a single structure and there are no other buildings in this location to group the stables building with. The stable block has been sited sensitively with the building adjacent to pre-existing site access and a gravelled area. The building is adjacent to an existing post and rail fence.
- 6.08 The stables building has been located in this position as it is adjacent to the associated paddock that is located immediately to the north. The other Little Budds Farm buildings are circa 175 metres away to the south east on the opposite side of Gravelly Ways. The building closest to the application site is Mileham Farmhouse a Grade II listed building.
- 6.09 Mileham Farmhouse is not in the applicant's ownership, the building is located 80 metres away from the application site and on the opposite side of Gravelly Ways. Policy DM41 states that a new stable needs to be grouped with existing buildings 'wherever possible' and for the reasons outlined the stable block location is in accordance with policy DM41. In addition to the matters outlined, if it were otherwise possible, there are also potential heritage issues with locating the stables buildings close to the listed building.
- 6.10 The building is of timber framed construction, which is typical of similar buildings, with the building constructed on a concrete base under a timber platform. A planning condition is recommended which prevents the building being used for any alternative use.

iii. The cumulative impact of the proposed equestrian development has been shown to be considered, and where appropriate this has been mitigated.

6.11 With the location of the proposed building there is no cumulative impact in this location in terms of the number of buildings. The stables will be used for a maximum of two horses. A condition is recommended that the building only be used in connection with Little Budds Farm and that no commercial livery will operate from the building or the site.

iv. All new development is of a design which is sympathetic to its surroundings in terms of scale, materials, colour and details

6.12 The timber stables building is single storey with a felt pitch roof and provides 38.88m² of floorspace, which the applicant advises is the minimum necessary for such a use. The scale and timber construction are considered sympathetic to the surroundings of the site

v. Proposals will include lighting only where it can be proven to be necessary.

6.13 The applicant has confirmed in the submitted Planning Statement that the proposal does not include any external lighting. A planning condition is recommended to request that details of any future lighting (that may be installed) are submitted for approval prior to installation.

vi. The proposal is accompanied by an integral landscaping scheme including boundary treatments which reflect the landscape character of the area.

6.14 The site currently has substantial landscaping along the boundary with Gravelly Ways and along the northern boundary of the adjacent field. This landscaping screening can be seen in the photographs below of the site entrance in Gravelly Ways and on the next page of the view looking north from the back of the stables building.

Site entrance in Gravelly Ways



- vii. The proposal contains an appropriately sited and designed area for the reception of soiled bedding materials and provision for foul and surface water drainage.
- 6.15 The stable block internal design incorporates three independent areas comprising two stables and a third area for the servicing of the stables. This third area has been designed for functions such as the storage of soiled bedding materials.
- 6.16 In terms of foul and surface water drainage, the applicant has stated that they are not intending to connect to the existing drainage system. The potential flow of foul and surface water will be low due to the small footprint of the building, the small number of horses and as the adjoining land is permeable.
- 6.17 Furthermore, it is proposed that the stable block will incorporate water butts to harvest rainwater and to aid in surface water run-off.
- viii. Adequate provision is made for the safety and comfort of horses in terms of size of accommodation and land for grazing and exercising.
- 6.18 The stables will be occupied by a maximum of 2 horses and the proposed grazing space and stables (38.88m²) are of a sufficient size and design
- ix. The site would have easy access to bridleways and/or the countryside.
- 6.19 The proposal site is located in the countryside and would allow easy access for horses to the countryside.
- x. 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
- 6.20 The stables will accommodate two horses and as a result this criterion is not relevant.

View looking north within the site



Heritage

- 6.21 Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.22 When making any decision on a planning application for development that affects a listed building setting, a local planning authority must have special regard to the desirability of preserving its setting. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.
- 6.23 Mileham Farmhouse is a Grade II listed building which is located 80 metres to the south of the application site on the opposite side of Gravelly Ways. The Historic England listing describes as a Farmhouse, early to mid-C19. Probably altered in the late-C19 when briefly converted to two cottages. Late-C20 extension and alterations. Listed at Grade II for the following principal reasons:
- Architectural interest: as a good-quality, brick-built farmhouse typical of the Low- Weald; despite later alterations, the building retains a significant proportion of its historic fabric.
 - Historic interest and group value: with the adjoining Grade II-listed C17 barn with which it forms a cohesive group, illustrative of the history of the farmstead and providing evidence of the agricultural history of the area.
- 6.24 With the distance between the buildings, the small scale of the application building and intervening road and substantial landscape screening, the current application will not impact upon the setting of Mileham Farmhouse is a Grade II listed building.

Flooding

- 6.25 The application site is located within Flood Zone 3 on the Environment Agency's Flood Map and the majority of the area surrounding the application site is also in Flood Zone 3. The NPPF at paragraph 169 states "Applications for some minor development and changes of use should not be subject to the sequential or exception tests".
- 6.26 Although not an agricultural building, a stable building has the same or a similar level of flood risk vulnerability. A stable block of this nature therefore is in the 'less vulnerable' class under the Flood Risk Vulnerability Classification and appropriate development for flood zone 3. This position is supported by the position of the Environment Agency who raises no objection to the proposal, noting that the residual risk of flooding is likely to be low. There is also no objection raised by the Local Lead Flood Authority.
- 6.27 It is highlighted that the majority of the site is only included in the application site boundary due to the change of use from agricultural to equestrian with the stables building to the south of the site. The location of the stables was chosen due to its good relationship with the land to be used as a paddock and for the location close to the existing site access. Whilst there are small pockets of land that are in flood risk zone 2, these sites were not suitable for the stables for other reasons. In this context the application meets the sequential test
- 6.28 There would be no additional vulnerability to flood risk or any worsening of flood risk as a result of the proposal. The applicant has stated that "*In line with reducing flood risk, the stable block has been placed on a concrete foundation approximately*

100mm above ground level. In terms of flood resilient measures, to minimise damage in a flood event, items will be store within the loose rooms above ground level. Furthermore, it is proposed that the stable block will incorporate water butts to harvest rainwater and to aid in surface water run-off. The owners of the site are also willing to join the Environment Agency's warning system, which will provide a flood warning map and three-day flood risk forecast".

Residential amenity – neighbours

- 6.29 Policy DM1 states that proposals will be permitted where they "respect the amenities of occupiers of neighbouring properties...by ensuring that development is not exposed to, excessive noise, activity, 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".
- 6.30 The closest residential property is Mileham Farmhouse which is located 80 metres to the south of the application site on the opposite side of Gravelly Ways. With the separation distance and in the intervening road and boundary hedges the stable block housing 2 horses and the use of the paddock will not impact upon residential amenity.

Transport, highways, parking and access

- 6.31 Adopted policies seek to ensure that new development does not harm highway safety and that there is adequate site access, servicing arrangements, and off street car parking.
- 6.32 There is sufficient space in front of the stables for associated off street parking and the access is suitable for the intended use. The local highway network has sufficient capacity to accommodate any trips generated by the se of the land and the two stables. No objections were received from KCC Highways.

Biodiversity and wildlife

- 6.33 Local Plan policy DM3 encourages development that responds to the natural environment by ensuring that it protects and enhances it where appropriate.
- 6.34 KCC Ecology have advised that the site appears to have previously been and the site still has *"...ruderal vegetation and several ponds within the surroundings/adjacent to the site. As such, there is suitable habitat for protected/notable species (including reptiles and Great Crested Newts (GCN)) within the surrounding area, with previous GCN record identified within some of the surrounding ponds. In addition, the proposed development is adjacent to the Stoneham and The Lees, Yalding Local Wildlife Site".*
- 6.35 KCC have recommended that a condition be attached to a planning permission asking for the submission of a biodiversity enhancement plan and for this to be approved and implemented.
- 6.36 It is unfortunate that biodiversity issues were not dealt with prior to the construction of the building and that the current application is retrospective. In order to ensure that the biodiversity information is submitted, it is recommended that condition asking for the biodiversity information is drafted so that the planning permission becomes void if the required details are not submitted.

Other matters

- 6.37 The issue raised by the Parish Council have been considered earlier in this report. The report also considers the development against Local Plan policy DM41 (equestrian development). The Parish Council refer to DM36 which is not relevant to this proposal as it relates to new 'agricultural' buildings and structures.

PUBLIC SECTOR EQUALITY DUTY

- 6.38 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 The criteria set out in policy DM41 that permits equestrian development in in the countryside have been met. The building is on a site that is screened from the south and roadside hedging in the east, with the building located close to the site entrance (thereby reducing the servicing area required). There were no issues found in relation to heritage, neighbour amenity, flooding or transport and access. The issue surrounding biodiversity and wildlife will be dealt with through a planning condition

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 plan references: Design and Access Statement, DHA_16577_05 (Land Proposed for Change of Use) DHA_16577_04 (Stable Elevations), DHA_16577_03 (Stable Floor and Roof Plans) DHA_16577_02 (Existing Site Layout Plan), DHA_16577_01 (Site Location Plan), Application Form and Planning statement Reason: For the avoidance of doubt and in the interests of proper planning.
3. The paddock and stables hereby permitted shall only be used for the private exercising and stabling of horses in the ownership of the occupiers of the dwelling known as 'Little Budds Farm' and when no longer used for these purposes shall, together with any other related development, be demolished and the resulting material removed from the land to the satisfaction of the Local Planning Authority. Reason: In the interest of safeguarding nearby residential amenity,
4. The building shall not be used for, or in connection with, any livery, business or commercial use. Reason: To prevent the introduction of an inappropriate commercial use onto the site.
5. No building or temporary structure, including horse jumps or field shelters, shall be erected, placed or allowed to remain on the land. Reason: To safeguard the character and appearance of the surrounding area.
6. No new surface shall be placed or allowed to remain on the land. Reason: To safeguard the character and appearance of the surrounding area.

7. 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 approved details shall be in accordance with the Institute of Lighting Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1. The submitted details 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.

8. The change of use hereby permitted shall cease and the approved stables building demolished, and all materials brought onto the land for the purposes of such use and arising from the demolished building shall be removed and the land restored to its condition before the development took place within 6 weeks of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) within 3 months 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 biodiversity landscape plan setting out how the development will enhance biodiversity including clear ecological enhancement for breeding birds and bats and provision of bat boxes, bird boxes, and native planting.
 - b) Biodiversity Method Statement including how the development will mitigate against any impacts upon the adjacent Local Wildlife Site.
 - c) together with a timetable for implementation
 - (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 countryside location, in the interests of biodiversity and ecology and protection of the adjacent wildlife site.