

APPLICATION: MA/10/1892 Date: 25 October 2010 Received: 29 October 2010

APPLICANT: Mr & Mrs C Wallis

LOCATION: THE OAKS, LENHAM ROAD, KINGSWOOD, MAIDSTONE, KENT,
ME17 1LU

PARISH: Ulcombe

PROPOSAL: Change of use of land from agricultural to land used for the keeping
of horses and the erection of stables, tack room and tractor shed.

AGENDA DATE: 3rd February 2011

CASE OFFICER: Amanda Marks

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by the Parish Council

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV46
The South East Plan 2009: CC1, CC6, C4, NRM5
Government Policy: PPS1, PPS7

2. HISTORY

MA/09/0412: Certificate of Lawfulness for an Existing Use or Development (CLEUD)
Use of land for garden/leisure purposes in excess of 10 years. Refused. Appeal
dismissed on 15/6/10

3. CONSULTATIONS

3.1 Ulcombe Parish Council: object on the following grounds;

“With reference to the above planning application please could you note that Ulcombe parish council wishes to see the application refused because they are concerned that the acreage included within the application is insufficient to support one or more horses and they concur with the view expressed by the Maidstone Committee of CPRE (letter dated 25 Nov 2010) regarding the unsuitability of the proposed hayloft.”

4. REPRESENTATIONS

- 4.1 No responses from residents
- 4.2 Maidstone CPRE: Consider the proposed building to be excessive in height, visually intrusive from the rear and feel that the hayloft is unnecessary and an out of date way of storing hay.

5. CONSIDERATIONS

5.1 Background

An application for a Certificate of Lawfulness was previously refused on part of the application site. The applicant was seeking lawful use of the land for garden/leisure purposes. A public inquiry concluded that, whilst the applicant had been using the land for leisure activities, the lawful use was still agricultural and so, therefore, the extension of the residential planning unit was unlawful. Comments were received at the time from this Council's agricultural advisor over the quality and history of the land; it is undisputed that agricultural use of the land ceased before 1991.

5.2 Site Description

The site is located in the open countryside as defined in the Maidstone Borough-Wide Local Plan 2000. The site is located on the southern side of Lenham

Road approximately 435m to the east of the village envelope of Kingswood. The main dwelling is one of several which form ribbon development on one of the main roads approaching Kingswood Village. The site is approximately 0.1 hectare in size, set to the rear of the residential curtilage and is to be portioned off from a field of approximately 0.6 hectares. The land is accessed via an existing shared access off Lenham Road between The Oaks and Palladin House to the east. There are trees within the application site on the site boundaries. There is a wooded area to the south of the application site where planting has been undertaken by the applicant in the desire to create a woodland walk for their own recreational enjoyment. The proposed development is several metres from the start of this wooded area. The residential garden to the west belonging to the property 'Woodview' also contains a much larger wooded area in the rear half of the curtilage.

5.3 The Proposal

- 5.3.1 Planning permission is sought for the erection of a building in the countryside to comprise two stables, a tack room and a tractor shed. An area contained in the roof space will be utilised as a hay store. The application also seeks consent for

the change of use from agricultural land to land for the keeping horses. The area of land is 0.1 hectare. The applicant owns 'The Oaks' which is one of the properties that fronts Lenham Road to the north of the site and the development is for their private use only.

- 5.3.2 The building would be located on the westernmost side of the site approximately 1 metre from the site boundary. The building would be inward facing to the east and accessed via an extended driveway; details also show a parking space for a horse box close to the residential curtilage of The Oaks. The surface of the new access track will comprise stone chippings. The southern boundary would contain a post and rail fence with a field gate into the remaining agricultural land. There are a number of existing trees on the north, east and west boundaries. Boundary treatment and a visual analysis will be discussed in more detail later in this report. To the east is a residential curtilage and to the west agricultural land which was formerly within the ownership of the current applicant. There is an existing outbuilding on the land which will need to be demolished for the new building. The existing building is approximately 2m in height and of a smaller footprint, it is old and of deteriorating quality and not required by the applicant for any useful purpose.
- 5.3.3 The proposed building would be constructed from timber and finished with a plain clay roof tile. The footprint of the building would be roughly 'L' shaped and 12m in length x 9m depth including an area of hardstanding of 4m x 9m within this footprint. The tractor store will be enclosed on three sides and supported at the front where it is open by an oak frame. The tiled roof will be fully hipped on the southern elevation with a barn hip on the northern elevation. The roof height varies from 4.2m to 5.7m.

5.4 Principle of the Development

- 5.4.1 New buildings in the countryside are generally unacceptable in principle unless it can be demonstrated that they will not harm the character and appearance of the area or the amenities of surrounding occupiers and fall within the remit of Policy ENV28 or another relevant linked policy within the Maidstone Borough-Wide Local Plan 2000. Equestrian related development is acceptable in principle as an exception to the general theme of restraint and the detail is governed by the provisions of Local Plan Policy ENV46. I will therefore consider this proposal against the criteria set out in this Policy.
- 5.4.2 As previously mentioned, these are private stables to be used in conjunction with the adjacent house. This is acceptable in principle as a rural development and means that care and security can be readily provided (Policy ENV46(7)). This can be subject to a condition.

5.4.3 Policy ENV46 (1 &2) suggests a preference for using existing buildings or grouping new buildings with existing. There is only one existing building on this land which is not capable of being used as a stable. As the existing building will be demolished and the proposed located in the same area I consider this to be within the spirit of the Policy which aims to minimise visual impact.

5.5 **Visual Impact/Landscaping**

5.5.1 The land on which the outbuilding is located is level and views of the building are severely restricted. The woodland on the western boundary and in the neighbour's garden shields views both into and out from the application site; the trees are approximately 7 metres tall and form a dense barrier on the site boundary. The boundary to the east is more open across to the adjoining agricultural land as the planting consists of a mix of tree species such as silver birch and conifers. To the south the views are open across the remainder of the applicant's agricultural land, there are no obvious public vantage points looking inward. I note the CPRE are concerned about the impact of the building from the south, which could be softened with landscaping.

5.5.2 The building is approximately 15m from the rear curtilage of the host dwelling and between this and the residential land would be positioned the access track and horse box parking space. Due to the features of the site, the severely restricted views and the appropriate scale, design and materials to be used, I do not consider the building would be harmful to the countryside or prominent in the landscape. The development is capable of falling within the aspirations of ENV46 (3&4) with regard to impact on the countryside.

5.6 **Residential Amenity**

The applicant's dwelling is located 60m to the north; the dwelling to the north north-east (Palladin House) is approximately 70m away and the dwelling to the north north-west (Woodview) is approximately 60m away. Due in part to the boundary treatment and the distances involved from the proposed building to neighbouring dwellings, I am satisfied that the proposal will not be detrimental to the amenities of these neighbouring properties by virtue of noise or smell. I am therefore satisfied that the proposal accords with Policy ENV46 (10) with regard to impact on neighbouring properties.

5.7 **Highways**

The existing access is off Lenham Road between The Oaks and Palladin House. The two residential boundaries have close board fencing which tapers in height as it gets nearer to the back of the public highway. There is a field gate set back from the highway by approximately 6m. The access is located on a slight outside bend in the road which affords adequate visibility for the limited intensity

of the proposed use. The stables are for private use only and provide for two horses, there is ample turning area within the site for a vehicle and horse box and it is considered that there should be limited vehicle movements from the use. The stables have easy access to the countryside and local rural lanes which accords with the criteria of Policy ENV46 (8 & 9).

5.8 Ecology

There are no obvious signs or evidence of ecological interest in the vicinity and no ponds within 500m. The building will be placed partially on the footprint of the existing outbuilding and the land is substantially open grassland. The trees are not considered to be close enough to be affected by this type of development. I do not consider that under the Standing Advice from Natural England that an ecological survey should be undertaken. In accordance with Policy ENV46 (11) I consider that the proposal will not have an adverse impact on nature conservation interests.

5.9 Other issues

- 5.9.1 Ulcombe Parish Council have raised objection with regard to the size of the site being sufficient to support two horses. The British Horse Society issues guidance on the appropriate size of land required. They suggest an average of 1 hectare per two horses. However, they also state that there are numerous variables to this ratio dependent on type of management i.e. is the land used for permanent grazing? is it turnout land for stabled horses? is it supplementary feed as opposed to solely grazing land? In this instance the land is supplementary and I do not consider a refusal is justifiable on the basis of inadequate land size – particularly as the applicant owns the remaining field area which could also ultimately be used for exercising the horses. I therefore consider the proposal accords with Policy ENV46 (6) – safety and comfort of horses.
- 5.9.2 Ulcombe Parish Council also support the CPRE comments regarding a hayloft. With regard to the hayloft, I do not consider this to be out of character or excessively increase the bulk of the stable building and therefore consider it to be acceptable.
- 5.9.3 It is proposed to deal with foul sewage by way of a Klargesters cess pool which would be emptied by a contractor. Similarly manure/bedding waste would be stored in a contained bund and removed from site by contractors at a minimum of every 6 months. Details of the location of the cesspool and area for manure storage have not been submitted, I consider it acceptable to ask for these by way of condition (Policy ENV46(5)).

5.10 Conclusion

I have considered this proposal against the criteria set out in Policy ENV46 and as a result I consider the proposal acceptable in principle and not to the detriment of the character of the countryside or nearby residents.

6 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of The Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 20/23/01 and 20/23/02

Reason: In the interests of the environment and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policy ENV28 of the Maidstone Borough Wide Local Plan 2000.

3. The stables hereby permitted shall be used only for the accommodation of horses that are kept for private purposes and which are in the ownership of persons living in the adjacent dwelling 'The Oaks';

Reason: To ensure that adequate care and security are provided to the horses. This is in accordance with Policy ENV46 of the Maidstone Borough -Wide Local Plan 2000.

4. The development shall not commence until there has been a scheme submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted. This is in accordance with Policy ENV46 of The Maidstone Borough-Wide Local Plan 2000 and Policy NRM5 of The South East Plan 2009.

5. All planting seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development. This is in accordance with Policy ENV46 of The Maidstone Borough-Wide Local Plan 2000 and Policy NRM5 of The South East Plan 2009.

6. The development shall not commence until a scheme for the disposal of run-off from the stable, hardstandings , manure heaps, stable washings and hay soaking areas has been submitted to and approved by the Local Planning Authority and these works shall be completed in accordance with the approved details before the first use of the building and land;

Reason: In the interests of the environment and in accordance with Policy ENV46 of the Maidstone Borough-Wide Local Plan 2000.

7. The development shall not commence until details of the means of storage prior to disposal and the method of disposal of faecal, bedding or other waste arising from the animals houses within the development have been submitted to and approved in writing by the Local Planning Authority. Such waste material arising from the animals shall be disposed of solely in accordance with the approved details;

Reason: In the interests of preventing contamination and in accordance with Policy ENV46 of the Maidstone Borough-Wide Local Plan 2000.

8. There shall be no external lighting installed on the site without the prior written approval of the Local Planning Authority;

Reason: In the interests of visual and residential amenity and in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.