

APPLICATION: MA/12/0842 Date: 28 May 2012 Received: 28 October 2013

APPLICANT: Mr P Lewis, Jarmons Farm Limited

LOCATION: JARMONS FARM, JARMONS LANE, COLLIER STREET, TONBRIDGE, KENT, TN12 9PU

PARISH: Collier Street

PROPOSAL: Change of use of land to the keeping of horses; with demolition of existing structures and erection of a new building to accommodate stables, a hay store and a machinery store. Provision of an exercise arena. Change of use of redundant agricultural buildings to holiday accommodation (within Use Class C1), including alterations to increase roof height as shown on drawing nos. M11-1525:01B, 03B, 07B, 08B, 11D received on 10/5/13; 06C received on 13/9/13; and 02G, 04J, 05G, 09F, 10F received on 28/10/13.

AGENDA DATE: 21st November 2013

CASE OFFICER: Geoff Brown

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

- it is contrary to views expressed by Collier Street Parish Council and committee consideration has been requested

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV44, ENV46, ENV49, T13
- Village Design Statement: N/A
- Government Policy: NPPF

## **2. HISTORY**

The relevant planning history is considered to be:

MA/02/1173 - Change of use of land to the keeping of horses for private purposes and erection of a stable block and exercise arena - Permitted

### **3. CONSULTATIONS**

3.1 COLLIER STREET PARISH COUNCIL states: "The Parish Council wish to see the application REFUSED and REQUEST the application is reported to the Planning Committee for the planning reasons set out below:-

1. Overdevelopment of the site
2. We are not convinced that the buildings are suitable for residential use without substantial rebuilding.
3. There is an existing Barn – why create a new one?
4. Inadequate screening of the parking area to adjacent residential properties.
5. Flood Risk Assessment is entirely inadequate and does not address the issues.

#### Additional comments

We are of the firm opinion that this development is not suitable for a flood plain.

Drawing M11-1525 – 09D - the floor level shown on the revised section does not appear to relate to the elevation in that the floor would be interrupting the doors. We also raise a concern over the ability of the disabled to negotiate these raised levels.

6. We would ask what would happen to the residents in the event of flooding.
7. In view of the fact that other developments have been approved in the Parish can we see a business plan?
8. There is only one entrance are we are concerned with emergency access to the property."

3.2 THE ENVIRONMENT AGENCY has been in discussion with the agent and has examined the Flood Risk Assessment prepared by Monson Consulting Engineers. No objection is raised provided the floor levels in the holiday accommodation are adhered to.

3.3 THE MBC EMERGENCY PLANNING MANAGER has no objection.

3.4 KCC HIGHWAYS AND TRANSPORTATION has no objection subject to conditions on the setting back of entrance gates and the provision of visibility splays.

3.5 RURAL PLANNING LTD comments that the nearby dwelling 'Seven Acres' should be sufficient to provide proper security and care for horses pursuant to the requirements of Local Plan Policy ENV46. The development proposed is appropriate to the stated equestrian purposes and is not excessive in scale. The

design of the buildings intended for holiday accommodation is such that they are inherently unsuitable for any obvious modern commercial agricultural function.

3.6 THE KCC BIODIVERSITY OFFICER has no objection.

3.7 THE MBC ENVIRONMENTAL HEALTH MANAGER has no objection subject to conditions to cover contamination, storage of stable waste and disposal of run-off.

#### **4. REPRESENTATIONS**

4.1 LETTERS OF OBJECTION HAVE BEEN RECEIVED FROM (OR ON BEHALF OF) THREE NEIGHBOURING HOUSES. The following summarised points are made:

a) The development would have an adverse impact on neighbours in terms of noise (often at unsocial hours) from the holiday accommodation and 'comings and goings' involving vehicles and pedestrians. There would be disturbance and fumes. There would be a loss of privacy.

b) Given a lack of on-site management there may be security problems and anti-social behaviour. Management and security by way of 'Seven Acres' may be difficult.

c) The increase in the height of buildings would cause harm to the outlook of local residents and visual harm generally. Lighting could cause harm to the countryside. There is doubt as to whether these buildings could be converted or would actually need to be rebuilt.

d) The proposed holiday accommodation use is too open-ended and raises questions as to exactly how the premises would function.

e) The Flood Risk Assessment is not accurate in that local properties and nearby land were flooded in 2000. Residences were cut off. The evacuation plan is inadequate.

f) The ecology report's conclusions are challenged by local residents who state that a variety of fauna and flora, including protected species, are found in this area.

g) Traffic flows would increase on a country lane.

h) Contrary to what is said in the application the land hereabouts is very productive in an agricultural sense.

i) Details of disposal of waste and drainage are lacking.

j) The MA/02/1173 change of use permission was not implemented. That permission was for a less harmful equestrian scheme.

k) Local Plan Policy ENV46 makes it clear that converted buildings should be used in preference to new buildings.

l) The long term plan is not clear here including what is to happen to the existing barn. Mention is made of a fishing lake complex. There is no business plan to explain matters.

m) Neighbouring properties are not accurately plotted which makes consideration difficult.

Officer comment: I await any further comments that consultees, local residents, etc. may have on the latest set of amended plans that reduce the parking provision and reorganise the holiday accommodation so that there would be no bedrooms in Unit B. My considerations are based on these latest amended details.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The application site is located in the countryside well beyond the bounds of any town or village. The site is roughly equidistant between Yalding (to the north west) and Marden (to the south east). Land hereabouts is generally low-lying flat land that is not the subject of any particular designation.

5.1.2 The site is located on the north side of Jarmans Lane, a narrow country lane which links Forge Lane (to the west) and Collier Street (to the east). The land the subject of this application is in the main located behind the short series of dwellings that front the lane: these being Jarmons Oast, Jarmons Farmhouse and Foxbrush Barn.

5.1.3 A concrete access road from the lane leads around the eastern flank of the frontage development before arriving at a group of modest agricultural/equestrian buildings of utilitarian design. The principle elements of this group involve two low level agricultural sheds of concrete blocks under sheeting roofs, small stables buildings and (at the western extremity of the group) a dutch barn. The majority of the remainder of the application site involves a swathe of grassland stretching across to Forge Lane to the west bordered in the main by significant hedging. Just beyond the eastern margins of

the site is the detached dwelling 'Seven Acres' which is also within the applicant's ownership.

## **5.2 Proposal**

- 5.2.1 This application proposes the change the use of the site to an equestrian 'DIY' livery with stabling for 6 horses and the formation of holiday accommodation (within Use Class C1 and linked to the equestrian use) by conversion of the aforementioned two agricultural sheds.
- 5.2.2 The existing stables buildings in the middle of the group would be demolished and replaced with a new structure to accommodate the 6 stable units, a hay barn and a farm machinery store. The new building would be approx. 22.6m by 9.9m with an overall height of approx. 4m. and would be constructed of dark green steel corrugated sheeting with a brick plinth, under a dark green sheeting roof. The stables units would face north and would have a weatherboarding finish. The existing dutch barn would be retained.
- 5.2.3 Holiday accommodation (within Use Class C1) would be formed by a conversion of the two sheds (with a combined floorspace of approx. 470 sqm) providing 5 units of family accommodation in Unit A and communal facilities in Unit B including a site reception, kitchen, communal areas and a manager's office. The conversion of both buildings would require the raising of the eaves and ridge lines of the roof to facilitate raised floor levels: in both cases the ridge height would be raised by approx. 0.6m. The buildings would be converted with a low brick plinth and weatherboarding under a dark green corrugated steel roof. Changes to the fenestration would be necessary, the main change being the removal of a series of windows on that part of the west elevation of Unit B which lies directly adjacent to the garden of Foxbrush Barn.
- 5.2.4 Turning away from the buildings to the general layout, the existing access road would still serve the development albeit with improved sight lines onto Jarmans Lane and gates set back from the highway. Parking for 7 cars would be provided alongside holiday Unit B and a further 5 alongside Unit A. A new landscaped 'buffer' area, free from buildings, parking spaces, etc., would be put in place, approx. 10m deep, between the new stables building and the southern boundary of the site (ie the boundary with the residential gardens). Finally a manege would be constructed in the field to the north of the stables building, approx. 60m by 20m, with a sand surface and post and rail fencing around.

## **5.3 Principle of Development**

- 5.3.1 Development Plan Policy and Central Government Guidance seek to protect the countryside from inappropriate development. As an exception to the general

theme of restraint equestrian-related development may be acceptable in principle and 'saved' Local Plan Policy ENV46 is particularly relevant here. Similarly, holiday accommodation may be acceptable in the right circumstances and this is largely governed by 'saved' Local Plan Policy ENV44.

- 5.3.2 Again on the principle of the scheme, an equestrian redevelopment of part of this site has been allowed here previously through permission MA/02/1173 (Change of use of land to the keeping of horses for private purposes and erection of a stable block and exercise arena). The stables block was to be located to the north of the existing range of buildings but the exercise arena was to occupy a similar position to that applied for now. The building works have not been carried out and, whilst horses appear to have been kept on the land for some time, I share local residents' doubts as to whether that permission was lawfully implemented. Nevertheless the fact remains that this Council has previously permitted an equestrian development in this locality.
- 5.3.3 Recent amendments to The Town and Country Planning General Permitted Development Order 1995 allow (in the right circumstances and subject to 'prior notification' procedures) the change of use of buildings up to 500sqm floorspace from agriculture to (amongst other uses) C1 use. This provision to establish leisure uses in agricultural buildings, essentially without significant planning control, must be given significant weight as background to this case. Similarly the NPPF, notably at paragraph 28, encourages the development of rural business as a means of stimulating the economy of the countryside.
- 5.3.4 There is no 'in principle' objection to the uses applied for here. However, the on-site circumstances and the detail of the scheme must be appropriate in terms of the character, amenity and functioning of the countryside.

## **5.4 Visual Impact and Landscaping**

- 5.4.1 Turning to the detail of the scheme, the site currently has something of a run-down appearance and, to my mind, the proposed scheme represents an opportunity for the site to be re-invigorated and generally improved in terms of its impact on the character of the area. Old buildings would be removed and the new stables building would be low level and of a general design and materials commonly approved throughout the Borough. The re-cladding of elements of the two holiday accommodation buildings in weatherboarding under a dark green corrugated steel roof would be a visual improvement on the existing situation. I recognise that the eaves and ridge heights of these buildings would increase (by approx. 0.6m at the ridge) but I consider this a very modest increase to low level buildings. Local residents question whether the buildings are capable of conversion without rebuilding. It seems to me that the buildings are of permanent and reasonably sound construction and this is an application for

conversion: if the applicant wishes to demolish and rebuild then that would need to be the subject of a new application which would need to be dealt with on its own merits.

- 5.4.2 Looking at the general layout, the manege would clearly constitute low level development which would have little impact, being located behind existing buildings and being reasonably well screened by field boundaries. Existing and new buildings would be well grouped, whilst the access and parking areas would be closely related to those buildings. As a general comment, this whole development would be located behind an existing built frontage and there are no close public views of the site. Longer range views are interrupted by field boundaries in a generally flat landscape.
- 5.4.3 In my view there are no trees of significant value here that would be affected, nor is there any need for new landscaping other than one particular area of the site; that being the area in the southern part of the site close to the boundary with the rear gardens of the three adjoining dwellings. The application recognises the noise concerns of local residents there by proposing a landscaped 'buffer' zone (of varying depth but approx. 10m) between the new stables building and the southern boundary. Clearly the landscaping of that zone would 'soften' the appearance of the buildings when viewed from the housing.
- 5.4.4 I conclude that the proposals generally would have no adverse impact on the character of the countryside.

## **5.5 Residential Amenity**

- 5.5.1 I understand the clearly expressed concerns of local residents on potential noise and disturbance issues from both the equestrian and holiday accommodation uses but I do not consider that a refusal on such grounds is appropriate. It must be borne in mind that there is an existing access and group of buildings here that could be used for agriculture without the need for further permission and that an equestrian development has previously been deemed acceptable in this general locality. I do not regard equestrian use or holiday accommodation use to be inherently noisy or disturbing.
- 5.5.2 Looking at more detailed matters, the new stables block would have no openings facing towards the neighbouring housing and there is the aforementioned 'buffer' zone to help protect outlook and amenity. I recognise that holiday accommodation Unit B is right on the boundary of the garden of Foxbrush Barn but the proposed conversion of that building shows no openings on the southern end, whilst the existing windows on the western elevation that directly border the garden area would be blocked up. Unit B would contain no bedroom accommodation. I understand that local residents may be concerned as to noisy

behaviour at unsocial hours but that would potentially be the subject of the normal environmental health controls that are in place to safeguard amenity. There would be some noise and disturbance from vehicular and pedestrian 'comings and goings' along the access track, parking areas, etc. but I am not convinced that any increase would be so great as to warrant a refusal of permission. In terms of potential nuisance from waste, a condition can be imposed to control the location and method of waste disposal and it seems to me that there is adequate opportunity to site such functions away from the residential boundaries. Given the design and layout proposed there would be no significant loss of light, outlook or privacy here.

5.5.3 I conclude that there would be no loss of residential amenity here such as to warrant a refusal of permission.

## **5.6 Highways**

5.6.1 To my mind this is a small scale scheme that would have no significant impact on the highway. There is no objection from the highways officer. Access, parking and turning arrangements are appropriate to the uses proposed. I propose conditions be imposed to safeguard parking spaces and visibility splays; the drawings already show the setting back of entrance gates. After discussion with the highways officer I see no need for the provision of a secondary access for emergency purposes.

5.6.2 The nearest services are in Yalding approx. 3km away. It seems to me inevitable that rural leisure facilities will be located in countryside areas that, like this one, are not well related to basic services and public transport opportunities. This site can not be described as 'remote' and is small scale: in my view it would not be appropriate to raise objection on sustainability grounds.

## **5.7 Ecology**

5.7.1 The application is accompanied by a phase one habitat survey and protected species report. The report concludes that the site had low potential to contain rare and/or protected plants or habitats within the footprint of the proposed development area. Buildings had a low potential for bats to be present and a precautionary approach is recommended but there is a need for an updated survey to be carried out: due to the low potential of bats being present, on this occasion it is acceptable to condition the survey. Only the land directly next to the ditches contained suitable habitat for reptiles but no surveys are recommended as that habitat would be retained - however if some of the habitat would be directly impacted by any construction vehicles a precautionary approach is recommended to clear the vegetation before works began. The ponds and ditches on and around the site were found to have the potential to



contain great crested newts but the proposed development would not impact on foraging or resting habitat, but only on potential commuting habitat. In the circumstances it is recommended that surveys be carried out and, if newts are found, then amphibian exclusion netting fencing would be put in place to stop animals moving onto the development site during the construction period. A European Protected Species Licence would be required for such works. No evidence of barn owls was found.

- 5.7.2 The KCC Biodiversity Officer has no objection to the report and its recommendations. A condition needs to be imposed to secure an ecological mitigation and enhancement strategy, particularly for great crested newts, reptiles and amphibians, and bats. I note the comments of local residents that the ecological assessment underestimates the ecological value of the site but the Biodiversity Officer is satisfied with the conclusions of the report and I see no justifiable ground to refuse this application on ecology grounds.

## **5.8 Flooding**

- 5.8.1 This site lies within Flood Zone 3 on the Environment Agency's data base. The Environment Agency has engaged in discussions with the agent and examined the Flood Risk Assessment and now has no objection. The Agency states: "This FRA states finished floor levels will be raised to 13.465metres Ordnance Datum (mOD) with sleeping accommodation raised to 13.765mOD. We are satisfied these levels are sufficiently high enough to minimise the risk of internal flooding to the proposed holiday accommodation and based on all other flood mitigation proposals, believe the proposed design minimises the risk of internal flooding to a minimal level. We therefore remove our objection to this aspect of the proposal." The Council's Emergency Planning Manager has examined the evacuation plan and has no objection. I note that local residents state that their houses endured significant flooding in 2000 but, in the absence of objection from the Agency, I consider there to be no justifiable reason to refuse permission. I also agree with the comments in the Flood Risk Assessment drawing a distinction between the impact of flooding of peoples houses as opposed to the flooding of holiday accommodation where visitors would be likely to be able to leave at short notice. I raise no objection to this application on flooding grounds but recommend the inclusion of an informative on flood risk.

## **5.9 Care and Security**

- 5.9.1 Policy ENV46 requires that adequate care and security be provided for the horses. The application indicates that the detached residential property 'Seven Acres' to the east of the site could provide the necessary supervision. I agree with Rural Planning Ltd. that the property is suitable and recommend a condition tying the equestrian use to the occupation of that property.

## **5.10 Other Matters**

- 5.10.1 The application states that the holiday accommodation would fall within Use Class C1 and seeks an unrestricted use. C1 usage involves hotels, boarding and guest houses where no significant element of care is provided (hostels are excluded). Local residents state that this is too 'open' a use but I see no need to unduly restrict usage if (as I have concluded) there would be no significant amenity problems.
- 5.10.2 On the issue of floor levels it seems to me that proposed floor levels would not interrupt doorways or significantly hinder access to the buildings. I see no justifiable reason to request a business plan in this case: this is a small scale development for the redevelopment of buildings for equestrian/holiday accommodation use. I am satisfied that the relationship between the site and neighbours is sufficiently clear on the submitted plans to enable proper judgement. Local residents question the intentions as to the use of the existing barn but it seems to me that it would simply be used for the normal storage functions associated with an equestrian use. Finally, as to long term plans for this site, the Council can only determine the proposals before it: future proposals would need to be determined on their own merits.

## **6. CONCLUSION**

- 6.1 Policy and guidance allow for equestrian development and generally support the establishment of rural business. It must be borne in mind that there are now many circumstances where sizeable C1 uses can be established within farm buildings without the need for full planning permission. I note the concerns of local residents but I do not consider that their amenities would be significantly threatened. I do not consider that the development proposed here would have any negative impact on the character, amenity and functioning of the countryside and I recommend that permission be granted.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions and informative:

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:  
drawing nos. M11-1525:01B, 03B, 07B, 08B, 11D received on 10/5/13; 06C received on 13/9/13; and 02G, 04J, 05G, 09F, 10F received on 28/10/13;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

3. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

4. No development shall take place until there has been 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. The scheme shall include details of the extent of, and the means of surfacing, of any access roads, parking areas and hardstandings and details of any proposed boundary fencing.

Reason: In the interests of visual amenity and residential amenity.

5. All planting, seeding or 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 the 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: In the interests of visual amenity and residential amenity.

6. The holiday accommodation buildings Units A and B shall be converted with finished floor levels as stated on the approved drawings and those levels shall be subsequently maintained;

Reason: In order to safeguard the occupants of those units in times of significant flooding.

7. Before the equestrian use commences details of the means of disposal of surface water run-off from the stables, hardstandings, manure heaps and hay soaking areas shall be submitted to and approved by the Local Planning Authority. No contaminated run off shall be directed to soakaways or any watercourse;

Reason: To ensure adequate drainage arrangements in order to avoid pollution.

8. Before the equestrian use commences details of the means of storage prior to disposal and the means of disposal of faecal, bedding or other waste arising from the animals housed on site shall be submitted to and approved by the Local Planning Authority;

Reason: To safeguard the residential amenities of neighbours.

9. Use for the stabling and keeping of horses shall only take place under the management of the occupiers of Seven Acres (i.e. the dwelling edged in red on the attached plan);

Reason: In order to provide adequate care and security for the horses and to avoid undesirable pressure for a new dwelling.

10. No floodlighting or other external means of illumination of the site shall be provided, installed or operated at the site, except in accordance with a detailed scheme which shall have been submitted to and approved in writing by the Local Planning Authority;

Reason: To safeguard the character of the area and amenity of local residents.

11. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In order to ensure that potential contamination is adequately dealt with.

12. The visibility splays at the point of access shown on drawing no. 02E shall be formed with no obstruction to visibility above 0.9m above ground level before the uses hereby approved are first implemented and shall be subsequently maintained in that condition;

Reason: In the interests of highway safety.

13. The development shall not commence until an ecological mitigation and enhancement strategy has been submitted to and approved by the Local Planning Authority. The strategy must be informed by the great crested newt and bat surveys and include a timetable for implementation and maintenance. The development shall thereafter be implemented in accordance with the approved details;

Reason: In the interests of the ecology of the area.

### **Informatives set out below**

The applicant is advised to connect to the Environment Agency's flood warning service and ensure that occupiers of the holiday accommodation are made aware of the risk of flooding and the procedure for evacuation.

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 there are no overriding material considerations to indicate a refusal of planning consent.