

<b>Application Number</b>	17/01668/AS
<b>Location</b>	Land south of Gilham Farm known as lot 3, Luckhurst Lane, Smarden
<b>Grid Reference</b>	87469 / 40788
<b>Parish Council</b>	Smarden
<b>Ward</b>	Weald North
<b>Application Description</b>	Erection of stable block to replace those approved under application 06/01506/AS
<b>Applicant</b>	Mr P Hare
<b>Agent</b>	Mr M Green Green Planning Studios Ltd
<b>Site Area</b>	XX

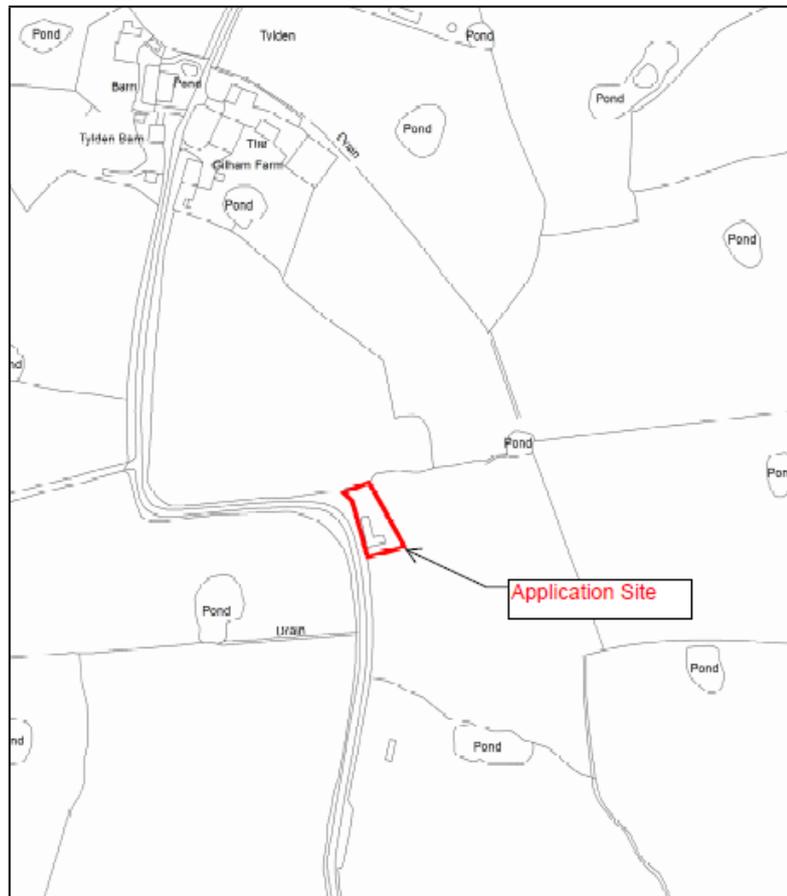
(a) 10R 1+                      (b) Smarden PC R      (c) ESM X; WKPS X

## Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member Cllr Dyer.

## Site and Surroundings

2. The application site comprises the north western part of an agricultural field located in the open countryside within the parish of Smarden and within the Haffenden Quarter Farmlands Low Weald Landscape Character Assessment Area (LCA).
3. There is hedging to both the north and west boundaries and vehicular access is gained via an existing metal 5-bar gate in the north western corner of the site. To the right of the access is an existing area of hard surfacing which originally served stables which have recently burned down.



**Figure: 1 Site Location**

## **Proposal**

4. Planning permission is sought for the erection of replacement stables. The proposal is for a single L-shaped block which comprises four loose boxes, a tack room and a hay store.
5. The proposed stables would replace a stable block which was granted permission in 2006 under application 06/01506/AS.

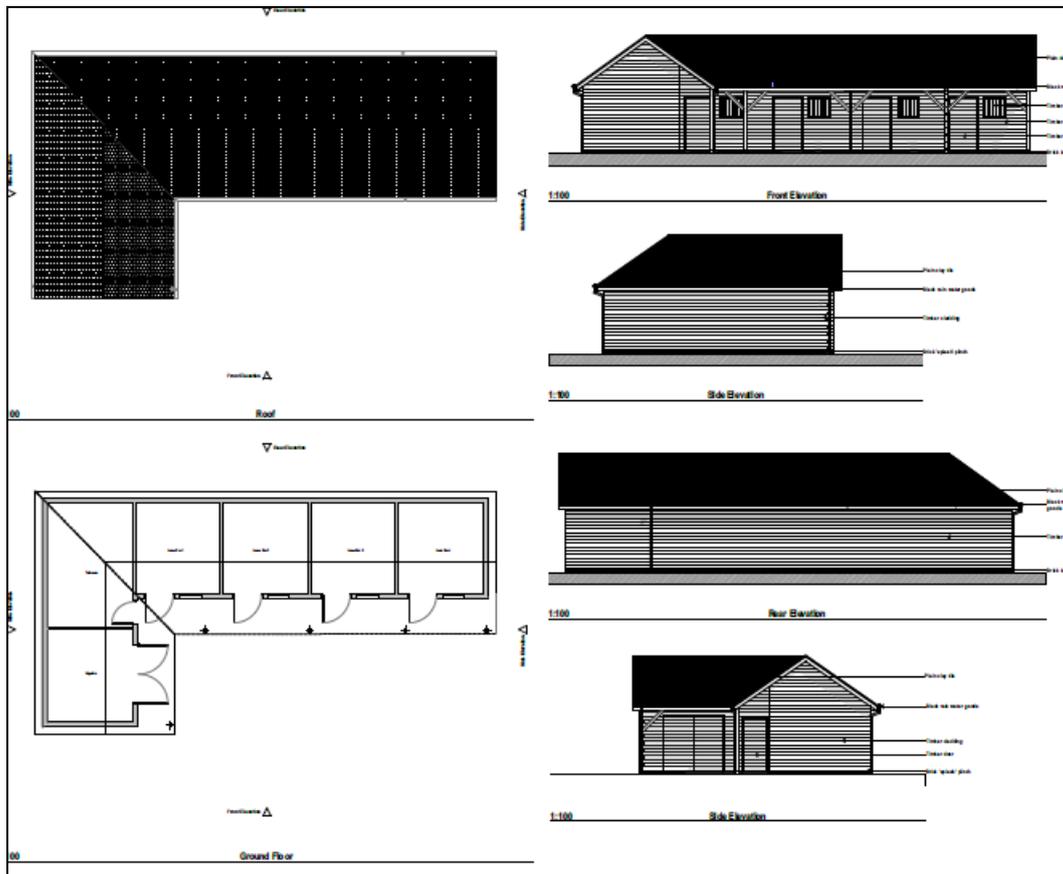


Figure 2: Floorplans and Elevations



Figure 3: Proposed Site Plan

## Relevant Planning History

DC	FA	06/01506/AS	The erection of 4 stables, a hay barn, feed room and the change of use of land for the keeping and exercising of horses for private use	REFUSE APPEAL ALLOWED
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## Consultations

**Ward Members:** Has requested the application be determined by the Planning Committee.

**Environmental Services:** NO OBJECTION subject to conditions restricting the use, open storage and details for the disposal of manure and waste

**Weald of Kent Protection Society:** OBJECT for the following reason

1. Site is remote and has been neglected to the detriment of the surrounding area.
2. Conditions set on Appeal in 2007 have not been met and ignored
3. The property has been constantly sublet.
4. The remote nature of the property has exacerbated welfare problems resulting in the death and neglect of several horses and ponies; now removed by the RSPCA on police instruction.

**Smarden Parish Council:** OBJECT

1. Site has a continuous record of non-compliance to conditions imposed at the Appeal, planning enforcement notices, and animal welfare issues. 2.
2. The field has been sub-let to various tenants and has been subject to continual problems for neighbours, the RSPCA, the police and the Parish.
3. This is a remote rural site which is inappropriate for horses to be kept and this has been borne out by the number of times the RSPCA and Police have been in attendance. Whilst animal welfare is not in theory a planning matter, it should be a material consideration when deciding whether remote locations of stables well away from any habitation is in fact the correct place for horses to be kept.

4. Site is on a single track road which becomes inaccessible at certain times during the winter months.
5. Site as caused harm to the character and appearance of the surrounding countryside continually since it was approved on Appeal in 2007
6. Gilham Farm is listed as a Site of Nature Conservation Importance in the Local Plan and the land has not been cared for, and the land has been in neglected for most of the intervening years which would result in harm to its scientific and wildlife value.

**Neighbours:** 5 neighbours consulted 10 letters of objection raising objection on the following grounds:

- Longstanding problems over animal welfare, with dead animals on site,
- Planning conditions have never been complied with.
- Bad weather hamper access to the site to provide care to the animals.
- Site is an area of Nature Conservation Importance.
- Land is not managed with a large amount of ragwort on site, a weed poisonous to horses
- Unsuitable site for grazing and keeping of horses.
- Site will be developed further and ruin the countryside.

## Planning Policy

6. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30. The new Ashford Local Plan to 2030 has now been submitted for examination and as such its policies should now be afforded some weight.
7. The relevant policies from the Development Plan relating to this application are as follows:-

**Ashford Borough Local Plan 2000**

GP12 - Protecting the Countryside

**Local Development Framework Core Strategy 2008**

CS1 – Guiding Principles

CS9 – Design Quality

CS11 – Biodiversity

CS20 – Sustainable Drainage

**Tenterden and Rural Sites DPD**

TRS17 – Landscape Character and Design

**Ashford Local Plan to 2030**

SP1 – Strategic Objectives

ENV1 – Biodiversity

ENV3a – Landscape Character and Design

ENV4 - Light Pollution and Promoting Dark Skies

ENV9 – Sustainable Drainage

8. The following are also material to the determination of this application:-

**Supplementary Planning Guidance/Documents**

Stables, Arenas and other horse related development SPD

Dark Skies SPD

Landscape Character Assessment

## **Government Advice**

### National Planning Policy Framework (NPPF) 2012

9. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
10. Paragraph 216 states in relation to the stages of preparing a Local Plan that:

“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

  - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

### National Planning Policy Guidance (NPPG)

## **Assessment**

11. The main issues to consider are:
  - Principle of Development
  - Impact upon the Visual Amenity
  - Impact upon Residential Amenity
  - Highway Safety
  - Ecology

## **Principle of Development**

12. As a general rule, equine uses are considered suitable land uses within the countryside however, the Local Planning Authority must still have regard to the impact of such developments on the character and appearance of the landscape. Given this, the proposed development must be assessed on its own merits against the requirements of Development Plan Policy with the key consideration being the impact of the development upon the visual amenity of the area.

## **Impact upon Visual Amenity**

13. When considering the scale and siting of the proposed stables, paragraph 3.2 of the Council's Stables SPD advises that to reduce the impact of the development upon the landscape, stables, tack rooms and feed stores should be situated in one block rather than in a dispersed form over surrounding fields and paddocks.
14. The proposed stables along with tack room and hay store would comprise one L shaped block sited just inside the field entrance. The vista through the gate to higher land beyond would be unaffected as a result of this development. One side of the stables would be some 18.7 metres in length and would run roughly parallel with the lane. However, it would largely be shielded from public view by the existing hedge when approached from the west. A dense hedgerow, this would form a reasonable barrier in winter months. Similarly, the hedge would also screen the other wing of the building from the south.
15. From outside the site, the shallow sloping roof would be all that would be visible the stables poking above the hedge. Finished in in timber cladding which a plain clay tiled roof, the stable would be constructed of materials which are appropriate to the locality in accordance with paragraph 4.1 of the stables SPD.
16. Overall, the design of the stables is acceptable and is sympathetic to the site's rural setting. The character and appearance of the countryside would be preserved and the development would assimilate well with its surroundings.

## **Impact upon Residential Amenity**

17. The application site is significantly divorced from residential property with the nearest neighbour, Gilham Farm, over 200m to the north and separated by fields and hedgerow. At this distance, it is not considered the development would cause harm to residential amenity in terms of noise and disturbance or odours.

## **Highway Safety**

18. On the basis of what has been applied for (i.e. a personal use) it is not considered that the development would itself result in a significant increase in the amount of traffic movements to and from the site, particularly as there have been stables on the land previously. The private use would also not result in commercial traffic or HGV movements which would be detrimental to highway safety. It would however be reasonable, if planning permission is granted to restrict the use to a personal use by condition.

## **Ecology**

19. The application site is situated over 200m from the Ponds and Pastures around Smarden which are designated Local Wildlife Sites (LWS) and comprises an area of existing hardstanding. There is no evidence to suggest that the proposed development would harm the scientific or wildlife value of the LWS. Considering there is already hardstanding on site and the land has been grazed, the ecological impact of the proposed development is considered to be low. No significant or unacceptable harm to ecology would result from this proposal.

## **Other Matters**

20. With regard the objections received over the care of the animals received, how the animals are looked after is covered by the Animal Welfare Act 2006 Nevertheless, paragraph 7.7 of the SPD does advice that poisonous weeds such as ragwort should be dug out and removed. DEFRA also has an adopted code of practice relating to horses. To this end, an informative is therefore recommended reminding the applicant of the Animal Welfare act and to follow DEFRA's adopted Code of Practice.

## **Human Rights Issues**

21. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

## **Working with the applicant**

22. In accordance with paragraphs 186 and 187 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development

proposals focused on solutions. ABC works with applicants/ agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

## Conclusion

1. In principle the proposal is considered to be acceptable and compliant with the policies in the Development Plan and the NPPF. Balancing the proposal against the impact upon the countryside, the highway and ecology, the proposal is considered to be acceptable. With no overriding matters which would otherwise indicate refusal the proposal is recommended for approval.

## Recommendation

### Permit

#### Subject to the following Conditions and Notes:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision

**Reason:** To comply with the requirements 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. Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.

**Reason:** In the interests of visual amenity

3. Prior to the commencement of the development, details of where and how manure is to be stored and ultimately disposed of together with the disposal of any liquid waste shall be submitted to and approved in writing by the Local Planning Authority. Once the use commences, this shall be carried out in accordance with the approved details. No manure or waste materials shall be burned upon the land within the application site.

**Reason:** In the interests of residential amenity and to prevent pollution of any watercourse

4. Details of fences to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority before the development

commences. The fences shall then be erected before the adjoining part of the development or dwelling is occupied in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

**Reason:** In the interests of the amenity of the area.

5. No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of amenity of adjoining residents

6. The stables hereby approved shall be used for private equestrian purposes only and not for any commercial riding, livery or other business use.

**Reason:** To enable the Local Planning Authority to regulate and control the development of the land and having regard to the visual and/or residential amenity of the locality

7. There shall be no storage on the site other than within a building.

**Reason:** In the interests of visual amenity

8. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

**Reason:** To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

9. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

**Reason:** In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

#### Notes

1. The applicant is hereby reminded of their legal duty of care for the animals and to provide good equine care and is hereby advised to follow DEFRA's

Code of Practice for the Welfare of Horses Ponies, Donkeys and their Hybrids, a breach of which could constitute an offence under the Animal Welfare Act 2006.

### **Working with the Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the application was acceptable as submitted and no further assistance was required.

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 17/01668/AS.

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