

2.9 REFERENCE NO - 17/503010/FULL		
APPLICATION PROPOSAL Change of use of 2 existing buildings to use as stables, siting of a mobile stable and installation of a sand school (part retrospective).		
ADDRESS Parsonage Farm Painters Forstal Road Ospringe ME13 0EW		
RECOMMENDATION Grant subject to conditions		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • Applicant is a Borough Councillor • Parish Council objection 		
WARD East Downs	PARISH/TOWN COUNCIL Ospringe	APPLICANT Mr David Simmons AGENT BTF Partnership
DECISION DUE DATE 09/08/17	PUBLICITY EXPIRY DATE 21/07/17	

1.0 DESCRIPTION OF SITE

- 1.01 The site comprises a total of 33 hectares of open land which is used on a rotational basis between horticulture and grazing for the DIY liveries. The site is located north of the village of Painters Forstal and is accessed via Painters Forstal Road. The site immediately adjoins the M2 to the north and falls within the designated countryside and Kent Downs Area of Outstanding Natural beauty.
- 1.02 At the western end of the site is a partly walled yard area with several buildings used for agriculture and as stables. This area, and an adjacent manege area form the current application site. The use of some of these stables and the attendant grazing of horses in the adjacent fields has been going on for many years. The stables are let out on a DIY livery basis. The numbers of horses kept on site now totals 26 and are housed across 20 stables, including ones for which retrospective planning permission for conversion of the pole barn and the stationing of mobile stables is now sought. Some horses are kept in the open, and this situation appears to have been ongoing for many years – this number is not increasing as a result of this application, nor is the use of the site.
- 1.03 Stables are to be found in a number of former agricultural buildings as well as in a more recently converted former pole barn set against the site’s roadside wall, and in a pair of mobile timber stables that have even more recently been erected on the site.
- 1.04 To the south of the walled yard is a modern bungalow (with an agricultural occupancy condition) that is in private ownership, whilst across the road is a grade II listed house also in private ownership.

2.0 PROPOSAL

- 2.01 The application is partly retrospective and seeks planning permission for both past and proposed works. These works include the conversion of a former pole barn to stabling for four horses. This building was converted approximately 4½ years ago and included weatherboarding the previously open front elevation.

- 2.02 There is currently a timber mobile horse stable for two horses located adjacent to the road. This building is to be moved east in to the centre of the yard as part of this planning application, further away from the neighbouring properties. It is also proposed to adapt the design by replacing the existing mono pitch roof with a better designed pitched roof.
- 2.03 A sand school has also been constructed without planning permission, and this current application seeks to regularise. It is used in connection with the DIY livery business for exercise and training. The area is approximately 1,100sq m set close to the motorway well away from neighbours, and is laid with tree bark and enclosed with post and rail fencing. The land beneath the sand school has not been stripped and it is therefore considered that should the sand school not be required in the future, it could be returned to an agricultural use.
- 2.04 It is further proposed to convert a former piggery on the site which has fallen in to a state of disrepair, to additional stabling for two horses. This work has not yet commenced and whilst the brickwork of the building is structurally sound it requires a height extension and a new roof. The building would need to be extended in height from its shortest point at 1.1m to 3.4m to accommodate the height of a horse, with a pitched tiled roof.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Number of Stables	12 (excluding 4 in the converted pole barn & 2 mobile seeking retrospective permission)	20	8
Approximate Ridge Height of new stables (m)	2.8	3.4	0.6

4.0 PLANNING CONSTRAINTS

Area of Outstanding Natural Beauty KENT DOWNS

5.0 POLICY AND OTHER CONSIDERATIONS

Development Plan – The Swale Borough Local Plan Bearing Fruits 2031 (adopted July 2017):

- CP4 (Design)
- DM3 (The rural economy)
- DM14 (General development criteria)
- DM24 (Conserving and enhancing valued landscapes)
- DM27 (The keeping and grazing of horses)

Supplementary Planning Guidance: ‘The Erection of Stables & Keeping of Horses’. This guidance contains advice about the distances that the Council expects to see maintained between stables and boundaries and residential properties.

6.0 LOCAL REPRESENTATIONS

6.01 Two letters of objection were received and can be summarised as follows:

- Eight years ago the site was an agricultural working farm, now it is a full working livery without planning permission
- Riding lessons given on a regular basis
- We have been submitting regular complaints for last three years
- Stables very close to boundary and grade II listed property
- Rodent problems
- Privacy issues
- Caravan placed next to boundary wall
- The site requires change of use to run a livery business
- Issues with smell and flies from manure
- Car parking inconvenient to other road users and neighbouring properties
- This site is bigger than other liveries in the area which have planning permission
- Noise from riding lessons and shouting on site, especially at weekends
- Caravans on site being lived in
- There have been two burglaries and a fire

6.02 Seventeen letters of support have been received, however it should be noted that five of these letters were from contributors outside the Borough, and the majority are from contributors outside the village of Painters Forstal. These can be summarised as follows:

- Photos supplied by the objector show that cars park on the site not on the road
- The manure is kept nowhere near the road or neighbouring properties
- Owners of the horses are quiet and respectful of neighbours
- The site is being improved by repairing and improving the old run down buildings
- A resident of Painters Forstal has written in to state that during their 61 years in the village they have personally kept horses twice on this land. From 1967-1973 and 1981-2012.
- Only two horse trailers are kept on the site and are locked out of sight
- The caravans referred to in the objections are locked and do not have bedrooms, they provide a quiet space for visitors to shelter
- The proposals will enhance and give a better appearance to the area
- The location of the sand school is away from the road and neighbours, backing on to the M2
- The previous tenant of the site has written in to state that horses were kept on site during his and his father's tenancy dating from 1962-1990 and the previous tenant also kept horses on the land 40 years previously.
- The land owner is thoughtful and considerate
- This application only relates to stables and a sand school for those people existing on the farm
- The stables closest to the neighbours have been addressed in this application
- Burglaries are not the fault of the land owner
- Photos of the land from the objector have been taken on site without the land owners permission
- All visitors to Parsonage Farm respect the countryside environment
- There does not appear to be a rat infestation

7.0 CONSULTATIONS

7.01 Ospringe Parish Council objects to the application. Their comments can be summarised as follows:

- The conversion of the pole barn is unsympathetic in the AONB in terms of visuals and materials
- The location of the pole barn does not accord with the Council's guidance on equestrian buildings
- The conversion of the piggery will increase the capacity for the number of horses kept, and the implications of this in terms of amenity, traffic; safety; sustainability etc need to be considered
- No or insufficient detail regarding manure storage and disposal; feed storage; parking; traffic; health and safety issues
- The sand school, whilst positioned in the least visually intrusive part of the site, needs to be considered in terms of the activity it will attract and encourage to the site – again in terms of amenity; traffic; safety; and sustainability
- There is evidence of commercial equestrian activity on the site, and in the absence of planning permission for this, needs to be investigated and regularised if unauthorised
- Two local residents appear from the portal to have objected to the application. There were many comments in favour of the proposal but these seem to be coordinated in appearance and mostly from people living out of the immediate area.
- The application should be the subject of a site visit by members of the planning committee before the application is fully considered

8.0 BACKGROUND PAPERS AND PLANS

8.01 Plans and documents relating to 17/503010/FULL.

9.0 APPRAISAL

9.01 To begin, I must advise Members that although there are objections to the on-going use of the land, the applicant and a former tenant of the land from 1962-1990, have confirmed that horses have been kept on the land since this date as part of a DIY livery and therefore the use is lawful in terms of planning. The applicant has also confirmed that the rest of the land is used for agricultural purposes and that all 50 hectares are used on a rotational basis. The application that the Council is considering is for past and future building works only.

9.02 The Supplementary Planning Guidance (SPG) titled 'The Erection of Stables & The Keeping of Horses' is also a material planning consideration having been through a formal review and adoption process. The converted pole barn at a distance of approximately 20m from the neighbour opposite fails to meet the minimum distance (30m is recommended) from neighbours, and is less than the 6m recommended from a boundary – in this case that boundary is to the highway. It also has a mono pitch roof as opposed to a pitched roof which is preferred, especially within the AONB. I am of the opinion however, that as the stables occupy a pre-existing building which has simply been infilled with weatherboarding and stable doors, because they face on to the applicant's own land, are screened by a high wall, and Painters Forstal Road lies between the application site and the opposite neighbour, the effects of the stables are somewhat mitigated. In terms of design within the AONB, whilst a pitched roof is normally required for new stables, the conversion of the pole barn for use as stables complies with policy DM3 which encourages the re-use of existing buildings. With regards to the adjacent neighbour, all the stables are located at least 30m from the property as per the guidance within the SPG.

- 9.03 The other locations for proposed stables meet all the Council's separation distances.
- 9.04 The sand school is located 95m from the nearest residential property and screened from public view towards the edge of the site, adjacent to the M2. The timber post and rail fencing is of an appropriate design and would not have a harmful effect on the character and appearance of the AONB. It should be noted that the ground below has not been stripped and therefore if the need for the sand school ceases, the land can be returned to its previous use.
- 9.05 In my view none of the building works proposed (retrospective or otherwise) are unacceptable in themselves. Most objections appear to focus on the on-going use of the site. In this respect I accept that additional stables can only intensify the use of the site. Whilst livery stables are in intrinsic part of the countryside I can see potential for increased loss of amenity to neighbours from an intensive use of the site, especially in relation to noise, smell and traffic. I have taken these issues in to consideration and discussed with the applicant the notion of a condition requiring a Management Plan relating to where riding can take place, how the manure is dealt with and where parking can and cannot take place to tackle concerns over noise, smell and traffic arising from the intensification of the use, and the applicant has agreed to this in principle. Accordingly, I have recommended a condition to require such a Plan which can deal in detail with the issues arising on the site.

10.0 CONCLUSION

- 10.01 The proposal accords with the relevant policies within the Swale Borough Local Plan and largely accords with guidance in the Council's SPG for the keeping of horses. Subject to the conditions listed below, I believe the issues raised within the objection letters can be mitigated by way of a Management Plan. The proposal would not have a harmful effect on the character and appearance of the AONB.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

- (1) No burning of straw or manure shall take place on the site.

Reason: In the interests of local amenity.

- (2) No further development shall take place until a Management Plan relating to containment of the impacts on local amenities of noise, smell and traffic arising from use of the site for livery stables has been submitted to and approved in writing by the Local Planning Authority. Upon approval the use of the new and existing stables for livery purposes shall be in accordance with the approved details.

Reason: In the interests of local amenity.

- (3) No floodlighting, security lighting or other external lighting shall be installed or operated at the sand school hereby permitted, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority.

Reasons: In the interests of visual amenity.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- Offering pre-application advice.
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

