

3.2 REFERENCE NO - 17/503274/FULL			
APPLICATION PROPOSAL			
The demolition of existing buildings (totaling 2,637 sqm); the removal of 14,600 sqm of impermeable surfaces including 3 x riding arenas and car parking (overall 37% reduction of impermeable surfacing); and the erection of nine detached custom build eco houses and garages with home offices/studios (totaling 1,995sqm) (overall 24% reduction in built footprint) and associated SUDS ponds, cycle/walking paths, landscaping and wildlife planting and ecological enhancement; along with a sand school and estate/equestrian building for personal use and estate management, and associated access road.			
ADDRESS Callum Park Riding & Education Centre Basser Hill Lower Halstow Sittingbourne Kent ME9 7TY			
RECOMMENDATION That planning permission is REFUSED			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL			
The application would be contrary to the adopted Swale Borough Local Plan – Bearing Fruits 2031, as the site falls outside of any defined settlement and within the open countryside. Whilst the site represents previously developed land, it is not accessible or sustainably located, and the residential development would be harmful to the character, appearance and functioning of the Countryside, and an Area of High Landscape Value. It would therefore fail to represent a sustainable form of development. The various benefits put forward in the application relating to the proposal would not outweigh the above harm.			
REASON FOR REFERRAL TO COMMITTEE			
This application has been referred to committee by Cllr Duncan Dewar-Whalley and Cllr Ben Stokes			
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN Lower Halstow	COUNCIL	APPLICANT Mr & Mrs John & Louise McGee AGENT Lander Planning
DECISION DUE DATE 21/09/17	PUBLICITY EXPIRY DATE 11/08/17	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/90/0992	Erection of farmhouse	Granted	17/10/90
SW/90/0993	Construction of 25 stable livery, with associated ménage, toilets, office and tack room	Granted	17/10/90
This planning permission was subsequently revoked following permission under SW/91/0455			
SW/91/0455	Construction of 9 no Stables, Livery and store room	Granted	15/10/91
SW/95/0340	Indoor riding school with agricultural equipment and forage store	Granted	25/05/95

SW/96/0954	Change of use of part of agricultural store attached to existing indoor riding school, to provide lounge, office, tack room and spectator viewing area, including alterations to external appearance	Granted	02/12/96
SW/04/1135	Construction of sand ménage and bund.	Granted	26/10/04
SW/05/1331	Variation of condition 2 of SW/04/1135 (external lighting)	Granted	07/12/05

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 Callum Park is an equestrian and riding centre, with educational facility, that has operated from the site since 1991. It consists of 26 hectares of paddocks, a large indoor riding arena, with associated offices, classrooms, spectator area, café and retail area, a number of stable buildings and three floodlit riding arenas. The owners of the site occupy a detached dwelling next to the riding centre.
- 1.02 The scheme subject to this application relates to the north west part of the land owned by the applicant. This area amounts to just over 4 hectares in size, and incorporates the complex of buildings, riding arenas and hardstandings that support the equestrian and riding centre use. It also includes the existing access onto Basser Hill, which is a single width country lane.
- 1.03 The surrounding area is best described as attractive rolling countryside. The complex of buildings at Little Barksore Farm, including a Grade II listed farmhouse, are sited to the north west of the site, with orchards to the west. The boundary along this line is defined by a row of tall Poplar trees. The land to the east consists of open fields / paddocks within the ownership of the applicant, and extending to Basser Hill. Land to the south is of similar character and appearance, and again under the ownership of the applicant. Land to the north, between the site and Sheerness Road, appears to be in use for stabling and keeping of horses, and falls outside of the ownership of the applicant.
- 1.04 The site is located approximately 0.7kms east of the village confines of Lower Halstow. From the road network (via Basser Hill and Sheerness Road), the distance to the village is approximately 1.2 kms. It falls within open countryside, and within an Area of High Landscape Value (Kent and Swale Level). Basser Hill, Sheerness Road and Raspberry Hill Lane are all designated as rural lanes. Public footpath ZR50 runs in a north-south direction immediately to the west of the site. The wider area of land owned by the applicant to the south (but falling outside of the application site) also provides access to public footpath ZR51, which in turn provides a walking route into Lower Halstow via Vicarage Lane.
- 1.05 The site is located approximately 0.6kms from the Medway Estuary and Marshes Special Protection Area, which is of international importance for breeding, wintering and migrating bird populations.

2.0 PROPOSAL

- 2.01 This application seeks to demolish the existing equestrian buildings and riding arenas, and erect 9 detached dwellings and garages. It also proposes to erect a new stable building / store and riding arena immediately to the west of the existing

dwelling, to cater for the applicant's own horses and equipment / machinery to manage the surrounding land.

2.02 The proposed dwellings would be arranged roughly within the existing developed area containing the buildings and riding arenas. The dwellings are described in the application as custom build eco houses, and it is stated that an agreement is in place with a company who specialise in the construction of timber framed, high energy performance dwellings.

2.03 The dwellings would be two storey properties with either attached or detached garaging, and can be described as follows –

Plot 1 – A 5 bed dwelling with gabled wings and a jettied first floor overhang measuring approx. 15.5 metres in length, 11 metres in depth and 7.6 metres in height. Brick elevations on ground floor with exposed timber and render finish on first floor. Detached triple garage with room above under a barn hipped roof to side of dwelling, measuring approx. 9m x 6m in area and 6.1 m in height.

Plot 2 – A two storey L shaped 5 bed dwelling, part brick, part weatherboarded, with part catslide roof feature. Measuring 13 metres in length, up to 14 metres in depth and 9 metres in height. Detached double garage to rear with accommodation above, measuring 6.5 x 6m in area and 6.2m in height.

Plot 3 – A two storey 4 bed dwelling with part brick but mainly weatherboarded elevations, with projecting front rendered gable feature and part catslide roof to rear. Measuring 14.8m in length, up to 9m in depth and 8.4m in height. Detached garage to side as per dimensions and form of garage to plot 2.

Plot 4 – A two storey L shaped 5 bed dwelling of up to 9 metres in height with brick finish to the ground floor and weatherboarding on the first floor. Up to 14m in length and 13m in depth. Detached triple garage to rear with accommodation above under a part hipped, part barn hipped roof, measuring 9m x 6m in area and 6.2m in height.

Plot 5 – A two storey 5 bed dwelling with gabled wings and a jettied first floor overhang. Brick elevations on ground floor with exposed timber and render finish to first floor. Measuring up to 24m in length, 11.6m in depth and 8.3m in height. Detached triple garage to side, as per plot 1.

Plot 6 – A 5 bed 2 storey dwelling with additional bedrooms in the roof space served by dormer windows. Brick elevations. Measuring approx. 13.5m in length, 6.6m in depth and 9.6m in height. Detached triple garage sited to front, of same form / dimensions as plot 1.

Plot 7 – A two storey 5 bed dwelling with attached garage. Brick and weatherboarded elevations, with part catslide roof. Measuring 20m in length, 14m in depth and 9m in height.

Plot 8 – A two storey 4 bed dwelling with attached garage in part brick but mainly weatherboarded elevations. Front gable feature in render finish, and part catslide roof to rear. Measuring 24m in length, up to 9 m in depth and 8.4m in height.

Plot 9 – as per plot 4.

2.04 The application also proposes a large stable / workshop building to the west of the existing dwelling, comprising 6 stables. This is intended for the stabling of horses

owned by the applicant, and to provide storage for equipment and machinery required to tend to the wider parcel of land under the same ownership. The building would measure 24m x 12m in area and 5.1m in height. Access to the building would be via a new access road leading from the private drive serving the existing dwelling at Callum Farm. A new riding arena measuring 25m x 50m is proposed to the south of this building, again for private use.

- 2.05 The application includes a raft of proposed soft landscaping, including substantial tree and hedge planting, retention of open paddocks at the entrance to the site and provision of circular walks / tracks within the site.

3.0 PLANNING CONSTRAINTS

- 3.01 The site falls outside of any defined settlement and in the countryside, within an Area of Potential Archaeological Importance, and an Area of High Landscape Value (Kent and Swale level). Basser Hill is designated as a rural lane. Little Barksore Farm, to the north west of the site, is a Grade II listed building.

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF) – paragraphs 7 (sustainable development) 11 (determination of applications in accordance with the development plan unless material considerations indicate otherwise), 14 (presumption in favour of sustainable development), 17 (Core Planning principles), 29-41 (sustainable transport), 50 (delivery of a wide choice of homes including self build), 55 (sustainable housing in rural areas), 56-64 (good design), 69 (promoting healthy communities), 109 (protecting and enhancing valued landscapes), 111 encouraging re-use of brownfield land), 118 (biodiversity)
- 4.02 National Planning Practice Guidance (NPPG) - Self Build and Custom Housebuilding
- 4.03 The adopted Swale Borough Local Plan – Bearing Fruits 2031: Policies ST3 (Settlement Strategy), ST5 (Sittingbourne Area Strategy), CP2 (Promoting Sustainable Transport), CP3 (delivering a wide choice of quality homes), CP4 (good design), DM3 (The rural economy), DM6 (managing transport demand and impact), DM7 (vehicle parking), DM14 (general development criteria), DM19 (sustainable design and construction), DM20 (renewable and low carbon energy), DM21 (Water flooding and drainage), DM24 (conserving and enhancing valued landscapes), DM26 (rural lanes), DM27 (keeping and grazing of horses), DM28 (biodiversity).

Policy ST3 reads as follows –

“The Swale settlement strategy

By use of previously developed land within defined built up area boundaries and on sites allocated by the Local Plan, development proposals will be permitted in accordance with the following settlement strategy:

1. The main Borough urban centre of Sittingbourne will provide the primary urban focus for growth, where development will support town centre regeneration and underpin the town's role as the principal centre;

2. The other Borough urban centres of Faversham and Sheerness will provide the secondary urban focus for growth at a scale and form compatible to their historic and natural assets and where it can support their roles as local centres serving their

hinterland. Additionally at Sheerness its role and functioning will be supported by the other urban local centres within the West Sheppey Triangle to meet the Island's development needs on previously developed sites or at existing committed locations and allocations well related to the urban framework and strategic transport network;

3. The Rural Local Service Centres will provide the tertiary focus for growth in the Borough and the primary focus for the rural area. At allocated sites relating well to the existing settlement pattern and the character of the surrounding countryside, development will provide for the local housing or employment needs for their home and surrounding communities, whilst supporting existing and new services;

4. Other villages with built-up area boundaries, as shown on the Proposals Map, will provide development on minor infill and redevelopment sites within the built up area boundaries where compatible with the settlement's character, amenity, landscape setting, heritage or biodiversity value and;

5. At locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities."

- 4.04 Supplementary Planning Documents: The Swale Landscape Character and Biodiversity Appraisal 2011. The site falls within the Upchurch and Lower Halstow Fruit Belt, and is defined in the appraisal as being of moderate condition and moderate sensitivity.

5.0 LOCAL REPRESENTATIONS

- 5.01 6 letters of objection received –
- Transport options for the area are poor – sporadic bus service and footpath connections to village are 1km and 1.5km respectively, with one partly on a road with no path
 - Concerns that the supposed traffic reduction will not have a positive effect on the current road usage as the road outside the farm is unrestricted, and most traffic passes through at high speeds
 - Concern about 24 / 7 light pollution
 - Proposed development is outside the built up area of Lower Halstow and in an Area of High Landscape Value and the Strategic Gap.
 - Development does not enhance or maintain the vitality of the rural community of Lower Halstow as the village is too far away
 - Development too intense (specifically the number of proposed dwellings) for the area and is not in keeping with the surroundings
 - Total redevelopment will be occurring on site, not conversion of existing buildings
 - Lack of affordable homes
 - The high environmental value of the land would make it more suitable for agricultural use, especially as it is an Area of High Landscape Value
 - Cycling / walking / dog walking plans will disturb the natural environment of the land
 - Dispute as to whether the proposed site is brownfield, as it was previously used for agricultural and equestrian purposes

- Concern about the added stress to the water system
 - A lot of comments in support are from people outside the local area, and thus are not directly affected
- 5.02 74 letters of support received –
- Reduces traffic (especially on Bassier Hill) and noise in the area due to closure of riding school – also reduces the amount of light pollution created at night time
 - Improves the local economy – increases spending within the local area
 - Offers the opportunity for small-scale, affordable, self build projects using local trades, which are rare in the area
 - In keeping with the tranquil, small-scale village setting
 - Creates good housing stock
 - Development uses brownfield land
 - Reduces the built footprint on the site
 - Screening to ensure development is not visible from the road results on impact on the wider area being reduced
 - Development is environmentally sensitive and eco-friendly, proposing wildlife and ecological enhancement
 - Ensures ponies and horses currently on site can remain there
 - Demand for custom build housing
- 5.03 Whilst of course anyone is able to make a representation on an application, Members will note that a large number of letters of support have been submitted by persons who do not live in the immediate area.
- 5.04 Cllr Dewar-Whalley has written in support of the scheme, stating that it would provide upmarket housing in a wonderful countryside location and built to needs. The development would not damage the view of the countryside furthermore, or harm wildlife. Swale should provide such housing for the needs of businesses that are attracted to the area, and it would release housing for other families / persons. This is an exceptional application, and Members should visit the site if they have any doubts.
- 5.05 Cllr Ben Stokes has written in support on the basis that the site is a suitable windfall site, previously developed land and within easy reach of services. The design and layout is high quality, will enhance the local community and attract business leaders. The landscaping would improve the surrounding landscape.
- 5.06 Cllr Mike Whiting has written in support of the scheme in his capacity as County Councillor, stating that it is a suitable windfall site, it would reduce vehicle movements on Bassier Hill, it would provide self-build opportunities, and that the site is brownfield land.

6.0 CONSULTATIONS

- 6.01 **Lower Halstow Parish Council** – has chosen not to make any comments on this application
- 6.02 **KCC Highways and Transportation** - Raise no objection to the application subject to conditions to control construction, provision of parking and turning, full detailed

plans of all highways works, and restriction of the retained stabling to be for private use only.

- 6.03 **Environmental Protection Team Leader** – no objections subject to conditions relating to land contamination and construction working.
- 6.04 **Kent Police** – comment that crime prevention has been considered in detail, and the application shows a clear understanding of the principles of surveillance within the design. Recommends a condition to ensure measures are secured within the development.
- 6.05 **Natural England** – the development should adhere to the approach within the SAMMS strategy. Subject to this, Natural England is happy to advise that the proposals may be screened out as not having a likelihood of significant effects on the designated SPA and Ramsar sites.
- 6.06 **KCC Ecology** – comments awaited, and I will update Members at the meeting.
- 6.07 **The Economic Development Officer** – *“My view is that it would be counter intuitive for us to support the application, given the loss of overt economic use in a rural area. Whilst construction of the units undoubtedly adds to the local economy, this is relatively temporary. Reference is made to the availability of larger residential properties for decision makers, as the Borough attracts increasing interest from commercial businesses. This is not something that has come up with any frequency in our dealings with investors, but I would observe that we do not have sufficient expertise in the local residential market to comment further in this regard.*

I do welcome any proposal that introduces flexible working space, particularly with technology and the trend towards flexible working patterns has seen a migration of some employment into rural areas. However, unless that this space is specifically identified through the application and by use-class, my limited experience of live work space suggests that it is often treated simply as part of the living area of the property. This has certainly been the case at the Front Brents (in Faversham), where the removal of B1 classification for such space was sought and permitted in recent years.

I would note that alternative commercial uses have been considered. Whilst I am not sufficiently familiar with the buildings, their apparent nature along with the limitations of the access arrangements, and the peripheral location would limit possible interest.

With the information available we are unable to present a fully informed view as to the sustainability of the existing business. In many respects this is ultimately for the current owners of the business to make that judgement. It is clear from correspondence that this decision has been taken and any external view will not change that outcome.”

- 6.08 **Swale footpaths group** – comment that the track to the west of the site is a Public Right of Way. Request that the legal status of new paths and tracks should be established to set out whether they are to be public rights of way.
- 6.09 **Southern Water** – comment that the applicant should consult the Environment Agency directly regarding the use of a package treatment plant which disposes of effluent to sub-soil irrigation. The owner of the premises will need to maintain the works to ensure its long term effectiveness. SUDS systems usually have a significant land take and it is not clear how the SUDS facilities can be accommodated within the

proposed layout. Before the proposed layout is approved, we advise that the applicant/developer give consideration to ensure that the proposed means of surface water disposal can be accommodated within the proposed layout.

- 6.10 **UK Power Networks** – raise no objections
- 6.11 **KCC Drainage team** – No objection. Comment that the application is supported by a comprehensive foul and surface water strategy, and would reduce the impermeable area within the site with a positive reduction on peak flows. Recommend a condition to secure a detailed drainage scheme.
- 6.12 **The Climate Change Officer** – No objection. Whilst the intention is to go beyond Building Regs in terms of energy and water use, I'm not sure if these homes are really "Eco-homes" although there no longer is a single definition.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 The applicant has submitted a substantial package of plans, documents and supporting information with the application, including a Planning Statement, Design and Access statement, Transport Statement, Utilities Statement, Foul and Surface Water Management Strategy and FRA, Contamination / Phase 1 Desk Study, Habitat Survey and Biodiversity Management Plan, Sustainability statement, Financial Statement, Landscape and Visual Impact Assessment, and letters from commercial and residential agents.

8.0 APPRAISAL

Principle of Development

- 8.01 Policy ST3 of the adopted Local Plan, which is set out in full above, sets out the settlement strategy for the Borough, and seeks to direct development to land within defined built up areas and on sites specifically allocated for development in the Local Plan. The application site is located well outside of any settlement boundary (the nearest being Lower Halstow at 0.7 kms distance to the west which is a Tier 5 village under this policy). Section 5 of Policy ST3 states that in such locations, development will not be permitted unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscaping setting, tranquillity and beauty of the countryside, its buildings, and the vitality of rural communities. The pre-ambule to this policy states that the primary objective is to protect the open countryside from isolated and/or large scales of development. It also states that some minor development may be essential for the social, economic or environmental health of a community but is not necessary to meet the Local Plan housing target.
- 8.02 Policy ST3 sets a clear policy presumption against housing development in the countryside, other than that deemed to be essential for a local community. Nonetheless it is isolated from Lower Halstow and could not be described as development on the edge of the village, nor is there any evidence that the size scale and type of housing proposed could be described as essential for the local community. On this basis, I consider that the development of housing in this location would be contrary to the above policy, unless it could be demonstrated that the application is supported by national planning policy.

- 8.03 The NPPF sets out in paragraph 17 that the planning system should proactively drive and support the delivery of housing and jobs, taking into account the role and character of different areas, including recognition of the intrinsic character and beauty of the countryside and supporting rural communities. The effective re-use of previously developed land is encouraged, provided it is not of high environmental value. Paragraph 55 states that in rural areas, housing should be located to enhance or maintain the vitality of rural communities, and should avoid isolated new homes in the countryside. These matters are considered in the following sections, together with other benefits of the development as put forward by the applicant.

Impact on the character and appearance of the countryside and wider landscape

- 8.04 The site is located within open countryside and within an Area of High Landscape Value. The area is very much rural in character, consisting of rolling farmland and paddocks and narrow country lanes.
- 8.05 The site is set back from Basser Hill and set down from the road, due to sloping land levels. The main collection of buildings are set against a backdrop of mature trees to the west. The site is not in a highly visible location, although many buildings can be seen at distance from the site entrance, and from surrounding local footpaths, notably the footpath immediately to the west of the site, where views through boundary trees are possible, and one to the south of the site where longer range views are attained. In my opinion, from these locations the collection of buildings within the site, through their simple utilitarian form, appear very similar in character to a collection of farm buildings.
- 8.06 The application drawings show that the proposed dwellings would be set out over a similar area to that occupied by the existing buildings, riding areas and hardstandings. The existing built form on the site is dominated by the large indoor riding school, which is by far the largest building on the site, and other buildings are generally much smaller in scale. The application sets out that the proposal would result in a 24% reduction in building footprint on the site, and a 37% reduction in hard surfacing (including both existing car parking areas and the areas taken up by the riding arenas). The calculations set out that there would be a 20% reduction in building volume.
- 8.07 The submitted plans show that some of the dwellings would be erected in a similar position to the large indoor riding school. These dwellings would be marginally taller in height than this existing structure from the comparison plans submitted, but would occupy a significantly smaller area. However elsewhere on the site, the comparison drawings show that the proposed dwellings would be substantially taller than the remaining existing buildings, some of which are of single storey height and scale – and would also be erected on the areas occupied by the outdoor riding arenas.
- 8.08 In terms of design the proposed dwellings would, in isolation, be of a high quality form and appearance. However, the proposed dwellings would, by their very nature, have a very different impact upon the character and appearance of the countryside compared to the existing site. The domestic layout and form of the proposed development would be in contrast with the simple and functional form of the existing buildings on site.
- 8.09 Therefore, whilst the proposal would result in an overall reduction in built form on the site, I am concerned that the undoubted residential character, appearance, scale and

form of the new dwellings would be incongruous in this location, and harmful to the character and appearance and functioning of the countryside.

- 8.10 The site falls within an Area of High Landscape Value, and within the Upchurch and Lower Halstow Fruit Belt character area in the Swale Landscape Character and Biodiversity Appraisal 2011. The key features of this character area relevant to this site are a small to medium scale rural landscape with a strong sense of enclosure, an undulating landscape with occasional long views, including the coastal edge, fragmented structure of mature hedgerows and shelterbelts surrounding orchards, pasture and arable fields, and narrow winding lanes. The appraisal states that there is a complex mixture of truly rural landscapes and transitional / fringe landscapes around rural settlements, and that outside villages the rural landscape contains many traditional farms and scattered cottages. The appraisal also recognises the detrimental influence of equine development on the natural landscape, particularly through the subdivision of fields. The appraisal sets out aims to conserve the distinctive landscape at the eastern road approaches to Lower Halstow and the backdrop of arable / horticultural land with rising land behind, winding narrow lanes and estuary views.
- 8.11 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA). This sets out that there would be a low magnitude of change in the landscape, some beneficial landscape effects including location of dwellings further from footpaths, and a reduction in footprint, massing, height and surfacing, plus additional planting. It states that the large indoor arena is a visual detractor and that, with proposed landscaping, any adverse impacts of the development would be slight, leading to negligible. The writer states that the visual sensitivity of the site is relatively low, and I agree that the site is not particularly prominent in the landscape, being set down from road levels, although it is visible from Basser Hill and the surrounding footpath network as set out above, particularly the path to the west of the site.
- 8.12 The LVIA suggests that the proposed built form on the site would be considerably lower in height than existing buildings, and would improve the sprawl of buildings across the site. However from the comparison drawings submitted, it is clear that the height of the dwellings would be similar to the large indoor arena building, and much taller than all other buildings on site. The new buildings would be spread across the existing “developed” area of the site, including “open” parts of the site where the outdoor riding arenas are sited. In my opinion, the new dwellings would be likely to increase this sprawling effect given that they would occupy some parts of the site where current buildings are low in form, or where outdoor riding arenas are sited – and would be much greater in height. This would have a greater visual impact than the existing buildings, which are more consolidated – with the exception of the single storey stables and workshop to the north. In addition, I disagree with the LVIA that 9 large dwellings on the site would be more in keeping with local landscape character. In my opinion, the simple and rural form and design of the buildings at the existing riding centre are similar in appearance to typical farm buildings that are a feature of the countryside and the local rural landscape. The erection of 9 residential dwellings would effectively create a small residential development cluster, and whilst the houses are individually of high quality design and appearance, this form and appearance would be out of keeping with the surrounding rural landscape. In my opinion, the effect of this “domestication” through replacement of rural form buildings with residential development, would create a more harmful landscape effect that would fail to conserve landscape character.
- 8.13 This harm would be visually limited due to the position of the site. Nonetheless, the buildings are visible from the road – including the existing single storey buildings to

the north of the site. As these would be replaced by much taller two storey buildings, the visual effect of this would be much greater. In addition, whilst the dwellings would be moved further away from the western boundary next to the public footpath, they would still be visible from this path, and would be of an entirely different character to existing buildings on the site, which although close to the path in parts, are of rural form and not out of character with the landscape. The proposed substantial landscaping scheme would have the potential to limit such visual harm. Nonetheless, I consider that the overtly domestic character of the proposed development, together with the way in which built form of two storey height and scale would be spread across the site, would cause harm to this rural landscape, and would be detrimental to the designated Area of High Landscape Value.

- 8.14 Taking the above into account, I recognise that the development would result in a reduction in built form on site. However the key change in the character, appearance and functioning of the site from buildings typically found in the countryside and rural landscape to a residential development, would fail to protect the countryside and landscape, and would be contrary to Policies ST3, ST5 and DM24 of the adopted plan.

Residential Amenity

- 8.15 The closest buildings to the site are at Great Barksore Farm. The farm buildings to this property would be sited around 40 metres from the nearest proposed dwelling, and separated by a tall line of trees on the boundary, and the public right of way to the west of the site. The listed farmhouse is sited further away, at some 90 metres distance, with the farm buildings acting as a visual barrier between the farmhouse and the development. Other than this, the site is isolated from other built form, other than the dwelling at Callum farm which the applicant lives in.
- 8.16 The Environmental Protection Team Leader does not raise objection to the relationship between the proposed dwellings and the farm buildings at Great Barksore farm. Given the distance to the farmhouse, I am satisfied that the residential amenities of this property would not be harmed by the development.
- 8.17 The new dwellings would be provided with generous gardens. Combined with the generous living space to each unit, and the numerous paths / walkways and open space that the applicant proposes to provide for the development, I have no doubt that the scheme could deliver a high quality residential environment for future occupants.
- 8.18 On this basis, I am satisfied that the development would raise no adverse amenity issues and would be compliant with policy DM14 of the adopted plan.

Impact on setting of Great Barksore Farmhouse

- 8.19 Due to the separation distance of some 90 metres, together with the screening effect of the intervening farm buildings, I am satisfied that there would be no impact upon the setting of this Grade II listed building, and there is no objection to this relationship. On this basis the development would preserve the setting of this heritage asset, and would comply with policy DM32 of the adopted plan, as well as the legislative duty under S66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act.

Highways and locational sustainability

- 8.20 Access to the site would be as existing, via Basser Hill. The applicant has submitted a Transport Assessment (TA) with the application which sets out that the development would result in a significant reduction in traffic movements. KCC Highways and Transportation do not object to the application, and I agree that the development would be likely to result in a substantial reduction in traffic generated, based on the information within the TA. I recognise that the reduction in traffic levels on local country roads would be welcome, particularly those designated as rural lanes, although KCC Highways do not identify any particular problem with traffic from the existing site on the local network.
- 8.21 The TA also sets out the travel options that would be available to residents. This includes pedestrian access to Lower Halstow via the public footpath network, public transport options that serve the village and wider surrounding area, and services available within the village. The TA concludes that the site is accessible and offers a range of transport options to residents.
- 8.22 I have to disagree with this conclusion. The site is remote from Lower Halstow, with no formal pavements or lighting to assist pedestrians who wished to walk to the village. The enclosed and winding nature of Baser Hill and Sheerness Road are such that regular pedestrian use of these roads by persons living at the proposed development would be highly unlikely. The application sets out how the local footpath network provides access to the village – and I have walked one such route, which took around 20 minutes. However this option would be far less viable to persons if it was dark, during bad weather, or for some persons walking alone. I consider this footpath network would be more likely to be used as an occasional route in the right conditions, rather than a formal and regular route to the village that provides a legitimate regular alternative to the car.
- 8.23 I also consider the availability of services and public transport facilities within the village to be somewhat overstated in the TA. The local shop can only provide for top-up needs, and public transport to and from the village is infrequent. That is not to say that these are not valued – but they are limited and reflect the Tier 5 status of the village within the Council's settlement strategy.
- 8.24 Taking into account the above, I agree that the development would be likely to result in a substantial reduction in vehicle movements in comparison to the existing lawful use. This would bring benefits in terms of a reduction in traffic on local roads. However, I do not consider the site itself to be accessible, due to its remote distance from the village and lack of viable transport options other than the car.

Whether the development would represent an appropriate use of Previously Developed Land

- 8.25 Paragraphs 14 and 111 of the NPPF encourage the effective use of previously developed land (PDL) provided it is not of high environmental value. The definition of PDL is "land which is or was occupied by a permanent structure, including the curtilage of the developed land, and any associated fixed surface infrastructure." It excludes land that is or has been occupied by agricultural or forestry buildings.
- 8.26 The application site would be classed as PDL as the riding / equestrian use is not excluded from this definition. However as the site falls within the open countryside and a valued landscape, I consider that the site and surrounding area can be considered as being of high environmental value, and worthy of protection, and I have identified in the above sections that there would be harm to the countryside and landscape caused by the development.

- 8.27 Paragraph 55 of the NPPF further states that isolated homes in the countryside should be avoided, unless there are particular circumstances such as where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting, and if a dwelling is of exceptional quality or innovative design. The proposal does not entail the re-use of buildings, and whilst the design is high quality, I consider it falls well short of falling under the scope of exceptional / innovative design. Nor do I consider the existing site to be such a bad neighbour use, or of such visual impact in the surrounding area that it causes serious detriment to its surroundings, and where its redevelopment would have significant benefits.
- 8.28 Taking the above into account, I consider that the status of the site as previously developed land and the general encouragement towards the re-use of such land is outweighed by the harm identified above and the unsuitable location of the site on sustainability grounds.
- 8.29 A case has been made that this represents an appropriate windfall development. Policy ST3 of the adopted Plan sets out that development in the open countryside on unallocated sites is not necessary to meet Local Plan Housing targets, and that the primary objective in such locations is countryside protection.

Impact upon the Special Protection Area and Ramsar site

- 8.30 The site is located in close proximity to the Swale and Medway Marshes SPA and Ramsar site, and there is a likelihood that occupants of the proposed dwellings would increase recreational use of these sites, given the close proximity to this development. Members will be aware that the Council is required to have regard to any potential impacts of development under the Habitat Regulations, and to ensure that developments mitigate against such impacts. A tariff is payable to put in place measures to mitigate against increased impacts on these areas. However Swale Council has taken the approach that such contributions should not be sought on minor schemes of less than 10 dwellings, and that the contributions secured on larger schemes takes into account the impacts of smaller developments. On this basis, the development can be screened out of the need to provide a Habitat Regulations Assessment or a financial payment to mitigate against any impacts.

Other Matters

- 8.31 The applicant has put forward a number of matters which they consider to be of overriding benefit, and these are discussed below.
- 8.32 **Lack of five year supply** – The application was submitted prior to adoption of the Local Plan and the applicant's agent has cited lack of five year housing as a consideration to weigh substantially in benefit of the scheme. Since adoption of the plan on the 26th July 2017, the agent has provided a further statement which questions land supply on the basis that a) a legal challenge could be made against the plan and b) that an appeal against a housing development in Dunkirk is challenging the Council's position. In response I would advise Members that the timescale for legal challenge to adoption of the plan has now passed (without any such challenge), and that the Council is robustly defending its five year supply at the Dunkirk appeal (which took place from 26th-30th September), and there is no reason to suggest that this is flawed. As such, this application should be considered against the background that the Council can demonstrate a five year housing supply.

Viability / business case

- 8.33 The application includes a financial statement and other supporting information which sets out why the centre can no longer continue on viability grounds. The centre has for many years worked under a contract with education providers to offer equine courses to students. However, due to changes to Government funding, this contract is being terminated. This educational role is the largest source of income for the centre, and has kept it viable. Without such funding source, the application sets out that the business will run at a significant loss.
- 8.34 The financial information has been considered by the Council's Economic Development team. They advise that they cannot provide a fully informed view on the sustainability of the business, but that in any case, it is clear from the applicant that the business will close.
- 8.35 The applicant has also set out that the site was marketed from 2014-2017 without interest, and that local property agents have advised that re-use for commercial use would require significant investment and refurbishment to bring buildings up to a standard to comply with modern building regulations. Whilst information to demonstrate such costs has not been provided, I consider it would be unlikely that the site would be attractive to many commercial operators, given the relatively isolated location and narrow surrounding lanes. This would of course also need to be considered on its planning merits.
- 8.36 I have considerable sympathy with the applicant that, for reasons outside of their control, the business has become unviable to them. Despite this, Members will be aware that the planning system acts in the public interest, and cannot be used to protect private interests. Even though this may be regarded as a brownfield site, not all such land has residential development potential, particularly if not well located as is the case with this site. I have found in the sections above that the development would be contrary to the development plan and would cause harm to the countryside, and landscape, and I do not consider the business case to be overriding.

Custom build

- 8.37 Members will note that the application is described as a development for custom build housing. Self build and custom build housing is a specialist form of residential development, and the Council is required to keep a register of individuals seeking to acquire serviced plots of land within the Borough for their own self build and custom housebuilding. Paragraph 50 of the NPPF sets out that in planning for a mix of housing, local planning authorities should include the needs of various groups, including those wishing to build their own homes. National Planning Policy Guidance on self build and custom housebuilding states that in considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.
- 8.38 This application, in this context, is somewhat unusual as it is a full planning application with all details provided relating to the design and layout of each house. Officers have queried whether this does in fact fall under the above term. The applicant's agent has set out that the owner has a signed agreement in place with a company who are self-build / custom build specialists, that there is no requirement for custom build housing to be bespoke designed, and that many individuals would be grateful to receive a blueprint to build their own home. Future plot purchasers could tailor the houses proposed to suit their needs, and submit future applications to the

Council to vary the design if required. However, I consider that it would be difficult to come to the conclusion that the houses as proposed meet the description in the NPPG, given that the potential owners are not identified, and therefore they have not had primary input into the design and layout of the proposed dwellings.

- 8.39 In any case, such development (whether custom / self build or not) would fundamentally still need to be in the right location without unacceptable impacts, and I have already advised why I do not consider this application to be acceptable.
- 8.40 Taking this into account and even if the form of development was agreed to fall under the description of custom build housing, I would give little weight to the suggested benefits of the development and custom build housing.

Eco housing

- 8.41 The application has also been submitted on the basis that the dwellings would be eco homes. The application includes information to set out that the dwellings would offer benefits such as at least a 10-20% thermal improvement on Building Regulations, a 14% improvement on water efficiency over building regulations, use of low life cycle impact materials, electric car charging points, mechanical ventilation heat recovery systems, rain water harvesting, energy efficient lighting and devices, water efficient fittings, a home office / studio.
- 8.42 I am not convinced that the package of measures submitted could properly justify description of the development as eco housing – and Members will note the comments from the Climate Change officer above. Nonetheless, such measures are welcome and would have the potential to exceed the policy aspirations for sustainable design and construction under policies DM19 and DM21 of the adopted plan. I am also aware that the Government has removed many requirements for small scale developers (defined as 10 dwellings or less) and the ability to require greater energy efficiency standards than under the Building Regulations is restricted (other than water efficiency). However, even if it was suitable to secure this by condition, I do not consider these credentials to be of overriding benefit, given the harm I have identified.

Other comparable sites

- 8.43 The applicant's agent has submitted information relating to planning permissions for housing developments on various sites that are stated to have similarities with the application site. These are both from within the Borough and outside it. I have considered these permissions, and the circumstances in which they were granted. In respect of those within the Borough (Kent Terrace, Canterbury Lane, Upchurch; Land at Woodgate Lane, Maidstone Road, Borden; Harbex, High Oak Hill, Newington; Gills Terrace, Otterham Quay Lane, Upchurch; Oak Tree Farm, Bottles Lane, Rodmersham, Land at Rook Lane, Bobbing) , a large number were given additional weight on the basis of the Council's lack of five year housing supply at the time of the decision. These sites were also either much closer and accessible to the outskirts of surrounding villages and/or within an area of loose-knit development. The exception to this was the Harbex site, which was permitted on the basis that it removed a bad neighbour use. Gills Terrace is slightly isolated from the built confines of Rainham, and was recommended for refusal by officers but overturned by Members earlier this year – however this distance to Rainham was much less than would be the case between Callum Park and Lower Halstow. Furthermore, the range of services on offer at Rainham is considerably greater than at Lower Halstow.

- 8.44 I consider the circumstances in relation to Callum Park are materially different to these cases, as the Council can now demonstrate a five year housing supply and an up to date adopted Local Plan, as well as the more isolated location of Callum Park.
- 8.45 **Office provision** – the application sets out that each dwelling would be provided with space for a home office, and that this would add to the sustainability of the development, providing a facility to work and to reduce travel. The Council's Economic Development Officer welcomes the provision of flexible working space, and this may appeal to potential buyers. However, the weight that can be attributed to this is limited. This is not an application for live / work units, it is for residential development. The area shown as a home office could equally be used as additional bedrooms, playrooms etc. under the terms of a residential use.

9.0 CONCLUSION AND FINAL BALANCING

- 9.01 The proposal would be contrary to the development plan as it would relate to residential development in an unsustainable countryside location, outside of any defined settlement or allocated housing site. Whilst the site represents previously developed land, the location of the site and harm to the countryside and landscape would outweigh the general encouragement towards the redevelopment of such land.
- 9.02 The development would offer some benefits, as the overall quantum of built form on the site would be reduced, as would traffic movements. The proposed dwellings would be generous in size, high quality and offer substantial amenity benefits to future residents. I have questioned whether this could be termed a custom build development, but if this was accepted it would provide a form of development to add to the mix and choice of housing in the Borough. The additional eco benefits of the scheme are also noted.
- 9.03 However, fundamentally, I consider the location of the development to be in the wrong place. It is isolated from Lower Halstow and I have concluded that the location would be unsustainable. The change in the site from a riding establishment, with similarities in the simple form and design of buildings to farm buildings typical of the countryside, to a residential development which would be of a wholly different character and appearance, would be harmful to the character and appearance of the countryside and to an Area of High Landscape Value. The proposal would fail to represent sustainable development due to these locational and environmental impacts, and the above benefits of the development do not outweigh this harm.


10.0 RECOMMENDATION –REFUSE for the following reasons:

1. The proposal would amount to residential development in the open countryside and within an Area of High Landscape Value, in an unsustainable location isolated from any defined settlement. The change in the character, appearance and functioning of the site through residential development would harm the intrinsic value, character and appearance of the countryside, and would fail to protect a valued landscape. As such the proposal would fail to represent sustainable development. The development would be contrary to policies ST3, ST5, DM6 and DM24 of the adopted Swale Borough Local Plan - Bearing Fruits 2031, the Swale Landscape Character and Biodiversity Appraisal SPD 2011, and the National Planning Policy Framework.

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.



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