

2.5 REFERENCE NO - 19/504375/FULL			
APPLICATION PROPOSAL			
Erection of building to house laboratory, equine stock and welfare unit and the erection of 3no. birthing stables.			
ADDRESS Bell Grove Stud Farm Halstow Lane Upchurch Sittingbourne Kent ME9 7AB			
RECOMMENDATION Grant planning permission subject to condition imposed below			
SUMMARY OF REASONS FOR RECOMMENDATION			
The applicant has submitted sufficient information to justify the erection of the additional buildings and their use for the purposes laid out in the application description. Having taken all material considerations into account, it is considered that subject to compliance with conditions appended below, the proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or prejudice highway safety. In resolving to grant permission, particular regard has been given to the following policies ST1, CP1, CP4, DM3, DM14, DM19 and DM21 of Bearing Fruits 2031. The Swale Borough Local Plan 2017.			
REASON FOR REFERRAL TO COMMITTEE			
Parish Council objection			
WARD Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL Upchurch	APPLICANT Mr T Simms AGENT Architectural Designs	
DECISION DUE DATE 02/12/19	PUBLICITY EXPIRY DATE 12/11/19	OFFICER SITE VISIT DATE 09/12/2019	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/13/1563	Variation of condition 4 of SW/10/0485 to allow unrestricted overnight use of caravan/mobile home by employees and customers of the stud farm.	Refused Permission	21.02.2014
<i>Reason for refusal: Insufficient evidence has been submitted to demonstrate that the dwelling can be justified on the grounds that it would support a rural business and that this rural business would benefit the rural economy to the extent that the harm to the rural environment would be outweighed.</i>			
18/5003080/FULL	Variation to condition 4 of application SW/10/0485 (change of use from stabling for private use to commercial stud farming and livery) to allow unrestricted overnight use of an existing caravan/mobile home by the applicant, employees and customers of the stud farm.	Granted permission	07.05.2019

Reason): The proposal would be in accordance with the development plan and would not cause unacceptable harm to the amenities of the area or highway safety.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located in open countryside on the northern side of Halstow Lane between Upchurch and Lower Halstow. It comprises a roughly rectangular parcel of land with a frontage width to Lower Halstow Lane of 75m, a depth of 180m and an area of approximately 1.35 ha. The site is in equine use as a commercial stud farm and livery. There are three stable blocks and a hayloft within a courtyard at the north-eastern corner of the site, to the west of which is an existing static caravan.
- 1.02 The southern part of the site is sub-divided by timber post and rail fencing to form a manege and a number of paddocks located on either side of a central driveway. The site is accessed from Lower Halstow Lane which is designated as a Rural Lane in the adopted Local Plan.
- 1.03 The surrounding area is rural in character. The site is bounded by a Travellers site to the west, open fields to the north and a riding school to the east. To the south of the site, on the opposite side of Lower Halstow Lane, is Lower Halstow cricket ground and open pasture.
- 1.04 The site lies within the Coastal Zone and the Strategic Gap between the Medway towns and Sittingbourne as designated in the Local Plan. The eastern fringe of the site lies in flood zones 2 & 3.

2.0 PROPOSAL

- 2.01 This application seeks full planning permission for the erection of 2 agricultural buildings on the site. One of the buildings will house laboratory facilities and act as a welfare unit for staff, clients and the vet etc. The laboratory building will measure 14.35m x 5.35m with a maximum pitched height of 5 metres. The materials proposed include facing brickwork, upvc windows and doors and concrete plain tiles for roof treatment.
- 2.02 Internally, the building would provide a reception and waiting area with the laboratory beyond. According to supporting documents, the laboratory is to assist the inseminator (DETHRA registered) in the collection and keeping of sperm and for necessary analysis to be undertaken. An equine stock is to be installed adjacent to the lab to restrain a mare in view of gynaecological tests, or to contain any other horse requiring treatment under safe conditions. The other part of the unit will provide washroom and restroom facilities.
- 2.03 As part of the proposal, the second building would be erected to house three birthing stables. This building would measure 11.6m x 5.3m with an overall height of 3.6m. The stables would have internal areas large enough to enable all round access, well ventilated and draught free spaces. Materials are detailed as timber weather boarding, slate tiling for the roof and timber doors and windows.
- 2.04 The proposed stable unit would have a pitched roof with low eaves and a roof overhung to emulate a traditional rural building. The finishing materials would also be of a traditional nature. The Office / laboratory building would have a slightly wider

floor area with brick for facing material. The applicant has submitted a planning statement and flood risk assessment which sets out the nature of the proposed uses for the office, laboratory and stables.

- 2.05 The stable has been sited so the existing access from Halstow Lane can be used. There is ample land around the proposed buildings for vehicular parking on site.

3.0 PLANNING CONSTRAINTS

Flood Zone – 2 / 3

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF):
Chapter 2 (Achieving sustainable development), Chapter 6 (Building a strong competitive economy), Chapter 14 (Meeting the challenges of climate change, flooding and coastal change), Chapter 15 (Conserving and enhancing the natural environment).
- 4.02 Development Plan: Bearing Fruits 2031:
ST1 (Delivering sustainable development in Swale), CP1 (Building a strong, competitive economy), CP 4 (Requiring good design), DM3 (The rural economy), DM6 (Managing transport demand and impact). DM 14 (General development criteria), DM 19 (Sustainable design and construction), DM 21 (Water, flooding and drainage), DM26 (Rural lanes), DM 31 (Agricultural land)
- 4.03 Supplementary Planning Documents:
Planning and development Guideline No. 7: The Erection of Stables and keeping of horses

5.0 LOCAL REPRESENTATIONS

- 5.01 Comments were received from both Upchurch and Lower Halstow Parish Councils, as follows:

Lower Halstow Parish Council wish to object to the above application on the grounds of increased traffic in a narrow country lane where the access and egress from the site is particularly difficult. They also comment that the separation between Upchurch and Lower Halstow is being eroded to the detriment of the countryside.

Upchurch Parish Council – ‘Councillors have considered the application and had no comment to make’

6.0 CONSULTATIONS

- 6.01 KCC Highways
The Highways Team has commented that having considered the development proposals and the effect on the highway network raise no objection on behalf of the local highway authority.
- 6.02 Health and Safety Executive
The application site and development falls within the vulnerable building consultation zone but falls outside of an inhabited building distance. The building is however not considered to be a vulnerable building and therefore the Team has not commented on the application.

- 6.03 Kent Police
No concern was raised with regards to potential crime at the site. Measures the applicant proposes to combat crime are deemed to be wholly appropriate from a designing out crime point of view.
- 6.04 Southern Water
No objection raised. The developer should be informed to make a formal application for a connection to a public sewer.
- 6.05 Swale Footpaths Group
There are public footpaths nearby but they will not be affected by the development.
- 6.06 Natural England
No objection raised. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 6.07 Environmental Health
No objections subject to the imposition of working hours condition.
- 6.08 The Council's Agricultural consultant
No objection raised.
The current proposals fit broadly in line with earlier stated intention on the grant of a previous application and appear to be necessary for the development of the specialist business concerned, and appropriately designed for the stated purposes.
- 6.09 Environment Agency
No comments as the site pose a low environmental risk. Informative for applicant has been appended
- 6.10 KCC Drainage
No comments as application fall outside of their remit as statutory consultees.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 The application submission documents include a Planning Statement and Flood Risk Assessment.

8.0 APPRAISAL

- 8.01 The key issues in the determination of the application are:

- The principle of the development;
- The visual impact of the proposal on the local landscape;
- The resulting impact on the amenities of neighbouring occupiers;
- Highway matters;
- Flooding; and
- Other matters raised

9.0 Principle of Development

- 9.01 The keeping of horses is considered to be an appropriate use of land in the rural environment and routinely sits side by side with agricultural land in the countryside.

Policy DM 3 of the local plan is in support of boosting the rural economy and states that *'Planning permission will be granted for the sustainable growth and expansion of business and enterprise in the rural area'*.

- 9.02 The premise of the development proposed has already been established as the site is in current use for the keeping and grazing of horses. In 2010, planning permission was granted for a change of use from private stabling to a commercial stud and livery (SW/10/0485), following which in December 2018 planning permission was granted at committee to allow unrestricted overnight use of a mobile home by employees and customers of the stud farm.
- 9.03 The current proposal to provide a laboratory is in line with upgrading on-site facilities at a scale which appropriate in the site context. The block plan of the 2019 permission under application ref: 18/503080/FULL presupposed the success of the unrestricted overnight use of the mobile home would result in the laboratory development. The Council's rural planning consultant has assessed the current submission and has concluded that the current proposals fit broadly in line with that earlier stated intention and appear to be necessary for the development of the specialist business concerned. The Consultant also adds the proposal is appropriately designed for the stated purposes.
- 9.04 Planning applications relating to equestrian use in the countryside are considered to be appropriate in principle where the proposals meet the criteria of relevant local policies and guidelines. I therefore consider there is no objection in principle to the development proposed subject to compliance with all other material planning considerations.

Visual Impact of the proposal on the local landscape

- 9.05 The SPG relating to the keeping and grazing of horses and states that 'planning permission will only be granted for stables if the buildings are of an attractive design and appropriate materials'. The guide goes on to say that this will almost always be that a pitched roof design is required. In response to this the proposed buildings have been designed with pitched roofs and the stable block incorporates an overhang on the front facing elevation.
- 9.06 The timber clad stable is considered to be of an appropriate design and material palette to minimise the impact on the landscape, and the proposed roof material enables a low pitch roof to diminish the bulk and massing of the building to the minimum practical for the proposed function. The laboratory is also of a scale and design which would be appropriate for the site
- 9.07 The buildings are set back by a considerable distance from Lower Halstow Road and as such, are considered to be sufficiently low level and modestly scaled to not be visually intrusive. The brick facing as proposed would emulate local development and as discussed above, the stabling unit would be in line with local guidance.
- 9.08 The layout and relationship of the proposed buildings with other existing structures on site keeps the active area clustered to the north of the site to avoid unnecessary spread of development within the open countryside. This is in line with local guidance on keeping structures well grouped in such locations. Overall, the scheme is considered to have been well thought out in terms of minimising visual impact, and would be of a suitable form and proportions which will be in keeping with the rural character of the locality.

Impact of the development on the amenities of neighbouring occupiers

- 9.09 A recent planning permission granted the use of a caravan stationed on-site for residential purposes. It is acknowledged that the proximity of this unit to the proposed stable and laboratory buildings may not be ideal setting for residential amenities. It is however worth noting that this caravan is an ancillary structure to the main function of the stud farm and planning permission was granted in May 2019 on that basis.
- 9.10 From the supporting documents of the application, it is mentioned that the owner of the farm and his family shall reside in the caravan during school term time and outside of these periods a farm hand would take residence. This indicates an ad hoc residential arrangement and occupiers would be very much aware of on-site conditions.
- 9.11 In the wider settings, the nearest residential property (i.e. a mobile home) is located some 60m to the south-west of the site at Jack Russel Place. Given this separation distance, it is not considered there would be negative impact. Overall, it is considered the development would have an acceptable impact on residential amenities of on-site occupiers and that of neighbours.

Highways

- 9.12 Halstow Lane is a designated Rural Lane and is a connecting route between Upchurch and Lower Halstow. The construction of the laboratory and additional stable block will undoubtedly result in some form of trip generation. As to whether this resultant impact will be negative on the local road network has been examined by KCC Highways Team who have raised no objection (see paragraph 6.01). In light of this, I conclude that there would be no detrimental impact on the public highway. The site occupies a large land area with ample space for parking and there are no planning reasons on highways grounds to warrant refusal of the application.

Flood Risk

- 9.13 Part of the site is within flood risk zones 2/3 however the Environment Agency (EA) has raised no objection to the proposal due to the proposal's low environmental risk. Horse keeping is not listed in the flood risk vulnerability classification; the EA has however requested for the applicant to contact them directly to seek further assessment and contact details have been included for the applicant's information.

Other Matters

- 9.14 The introduction of the 2 modest equestrian building is unlikely to impact negatively on the landscape; I do not consider that these buildings would erode the separation between the neighbouring settlements. The buildings are, in my view, of a scale which is proportionate to the site and in the wider landscape have a minimal visual impact on the area.

10.0 CONCLUSION

- 10.01 Having considered the relevant planning policies and comments from statutory consultees, I am of the view that the proposal would be acceptable in principle. I also consider that, due to the scale of the buildings, the proposal would have no significant detrimental impact on the character and appearance of the countryside and/or landscape.

10.02 The impact on residential amenities would be limited in my view and there would be no significant impact on biodiversity/ecology at the site or highway safety. I therefore recommend that planning permission is granted.

11.0 RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS to include:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with the following drawings: 19/1720 and 19/1721.

Reason: For clarity and in the interests of proper planning.

- 3) The materials to be used in the construction of the external surfaces of the stables and laboratory hereby permitted shall be in complete accordance with information given on the application drawings.

Reason: In the interests of visual amenity.

- 4) The stable, farm office, laboratory and staff facilities hereby permitted shall be used for purposes ancillary to the use of Bell Grove Stud Farm, Halstow Lane, Upchurch and for no other purpose including any purpose within Class B1(a) or (b) of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended).

Reason: In the interests of ensuring that the building is associated with the equestrian use of the land.

- 5) No floodlighting, security lighting or external lighting (other than that described in the supporting information) shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include:

- A statement of why lighting is required, the proposed frequency of the use and the hours of illumination.
- A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features.
- Details of the number, location and height of the lighting columns or other fixtures.
- The type, number, mounting height and alignment of the luminaries.
- The beam angles and upwards waste light ratio for each light.
- An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties.

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

- 6) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0800 – 1800 hours, Saturdays 0800 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity

INFORMATIVES

Environment Agency

The Environment Agency had no comments due to the location of the site, they however expect the applicant to contact them on 03708 506 506 or consult our website to establish whether a consent will be required. <https://www.gov.uk/environmental-permit-check-if-you-need-one>

Southern Water

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

The Council's approach to this application:

In accordance with 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.

The application was considered by the Planning Committee where the 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.

