

2.7 REFERENCE NO - 20/500339/FULL			
APPLICATION PROPOSAL Erection of an equine rehabilitation barn.			
ADDRESS Horse Gate Court Orchard Way Eastchurch Sheerness Kent ME12 4DS			
RECOMMENDATION Grant subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed equine rehabilitation barn would support the rural economy and is considered to comply with relevant development plan policies and guidance for equestrian development. 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 and DM21 of Bearing Fruits 2031. The Swale Borough Local Plan 2017.			
REASON FOR REFERRAL TO COMMITTEE Eastchurch Parish Council Objection			
WARD Sheppey East	PARISH/TOWN Eastchurch	COUNCIL	APPLICANT Mrs Lisa Marsuau AGENT DS Equine LTD
DECISION DUE DATE 31/07/2020		PUBLICITY EXPIRY DATE 18/05/20	

Planning History

17/500090/FULL

Pair of 3 bedroom semi-detached dwellings with associated parking spaces and a 4 bedroom house with double garage and parking all served by the propose extended highway.

Refused Decision Date: 13/03/2017

15/509875/FULL (Now 37 Orchard Way)

Erection of a three bedroom detached dwelling with associated parking and access to both the existing and proposed dwellings.

Approved 01/06/2016

15/505833/FULL

Application to regularise part of stables courtyard as constructed, completion of the stables courtyard and re-siting of outdoor manege with its associated lighting as previously approved under planning application SW/13/1548

Approved 13/01/2016

SW/13/1548

Erection of stables, manege, horse walker and lighting. Change of use for horse grazing.

Approved 16/04/2014

1. DESCRIPTION OF SITE

- 1.1 The application site is situated at far eastern end of Orchard Way, Eastchurch, and is situated outside the built up area of Eastchurch.
- 1.2 The site incorporates a residential dwelling (37 Orchard Way), equestrian stables and storage buildings, a concrete hardstanding area, sand school and paddocks, and is 4 hectares in size (9.8 acres). There is a grassed island with mid-sized trees falls within the site, situated in between the sites access track, and concrete hardstanding yard in the northern section of the site. Land to the south accommodates a shelter belt of trees and hedges with paddocks further south.
- 1.3 The site is currently in use for equestrian purposes as permitted by applications SW/13/1548 and 15/505833/FULL. When the initial change of use of the land for horse grazing was permitted under reference SW/13/1548 it included two fields and the site area was approximately 7.1ha or 17.5 acres. The western field adjacent to Range Road no longer forms part of the site and is in separate ownership.
- 1.4 There are currently 13 stables on the site, and the supporting information notes that there are 8 horses currently on site.
- 1.5 The site abuts Orchard Way to the west, an equestrian paddock to the south-west, open countryside to the east and south. There is hedgerow planting along the northern boundary, with the old light railway line to the north, and beyond this the garden areas of residential dwellings along Kent View Drive.
- 1.6 The applicant also rents nearby land for sheep grazing, utilising the site access for agricultural vehicles and therefore there is a degree of agricultural activities/equipment evident from the site visit.

2. PROPOSAL

- 2.1 The application seeks permission for the erection of an equine rehabilitation barn on the existing hardstanding courtyard on the site. The building would be situated 12 metres to the east of 37 Orchard Way and to the west of the stable buildings on site.
- 2.2 The building would be a rectangular shaped structure with a pitched roof. It would measure 31m x 12m, with a ridge height of 5m and eaves height of 2.9m. The building would be finished in a brick base, timber vertical walls and grey steel profile roof.
- 2.3 The building is proposed to be used as an equine rehabilitation barn. It would contain a therapy area with space for water treadmill and spa for horses and vets bays; office; salt room; water tank and filtration rooms; and stable block area with six stables, tack room and store/feed space.
- 2.4 The proposal would be a commercial addition to the existing site which is in private equestrian use. The application form notes the proposal would support two full time employees.
- 2.5 A parking and turning area with space for six cars is proposed to the south-west of the proposed building. The application form notes there is also provision on the site for 4 spaces for other vehicles such as horse trailers.

- 2.6 The applicant has provided the following information regarding the use of the facility; *“There are 13 stables on site and only 8 horses currently on site. It is important to know that none of the present stables would be used in relation to the Rehabilitation Barn for biosecurity reasons. So only the 6 stables within the Rehabilitation Barn would be used.*

The operation of the facility will only be between 9am to 3pm Mon – Sat, as there is set up time and horse management for the horses staying on site. A typical stay for a horse could be anything from a week to few months, depending upon the injury. Therefore, there can only be 6 treatments a day which could be made up by any of the following daily options:

- a) 6 horses staying on site for a week or more, would mean no walk in treatments, therefore no vehicle movements.*
- b) 3 horses staying on site and 3 walk in treatments for the day, could be a maximum of 3 vehicle movements, ie 1 horse per vehicle or 1 vehicle movement ie 3 horses on the vehicle*
- c) 6 walk in treatments per day of individual horses therefore the maximum vehicle movements possible would be 6 vehicle movements.*

Therefore to average the possible vehicles movements on a weekly basis for the proposal, the maximum number per week would be 36 vehicle movements (based on C) or as per B – 18 vehicle movements per week.

It is anticipated that a vet visit for a long stay horse to be once a week, however this would depend on the number of horses staying on the site.”

3. SUMMARY INFORMATION

	Proposed
Site Area (ha)	4
Approximate Ridge Height (m)	5m
Approximate Eaves Height (m)	2.9m
Approximate Width (m)	12m
Approximate Length (m)	31m
No. of Storeys	1
Net Floor Area	372m ²
Parking Spaces	6 car parking + 4 large vehicle

4. PLANNING CONSTRAINTS

- 4.1 Outside the settlement boundary of Eastchurch

5. POLICY AND CONSIDERATIONS

- 5.1 The National Planning Policy Framework (NPPF): Chapter 2 (Achieving sustainable development), Chapter 6 (Building a strong competitive economy), Chapter 15 (Conserving and enhancing the natural environment).

- 5.2 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017: CP1 (Building an strong competitive economy); CP4 (Design); DM3 (The rural economy); DM7 (Vehicle Parking); DM14 (General development criteria); DM19 (sustainable design and construction); DM21 (water flooding and drainage); DM24 (landscape impacts); DM27 (The keeping and grazing of horses) and DM29 (woodlands, trees and hedges).
- 5.3 Supplementary Planning Guidance: The Erection of Stables and Keeping of Horses
- 5.4 Supplementary Planning Document: Swale Landscape Character and Biodiversity Appraisal (2011)

6. LOCAL REPRESENTATIONS

- 6.1 6 letters of objection have been received from local residents and their comments are summarised below;
- Increased noise and disturbance- from traffic; deliveries, horse/sheep movements to the site
 - Existing noise disturbance from traffic and people coming and going to the site
 - Traffic – from existing use and proposed stables
 - Existing road is not suitable for additional traffic such as horse trailers or tractors. It is unlit, single lane in width and in a poor condition
 - Harmful smell from manure burning
 - Existing commercial businesses are being undertaken including livery, contrary to private use planning consent
 - Insufficient space for grazing
 - Original planning was for 7 horses (1 per acre) there are already 14 stables, 1 barn, tack rooms and 10 horses
 - Existing building did not have a licence for several years.
- 6.2 15 letters of support have been received and their comments are summarised below
- There is a need for such an equine rehabilitation facility in East Kent, no other nearby facilities offer this. For example nearby Nottcutts equine clinic does not offer this service
 - Water treadmills, salt water therapy, hot and cold water treatments for tendons and muscle problems, plus many more rehabilitation needs. Nottcutts fully support this application as it will free up stables for more serious cases
 - Local equestrian rehabilitation centres are vital to support the well being of sport horses, horses with injuries and used for general fitness and to minimise injuries and stress in all horses.
 - Proposal will speed up horses' recovery
 - All horses on rehabilitation will not need grazing as they will be there for rehabilitation not a holiday or on livery.
 - Increased job and training opportunities
 - Benefit to the local community from offering schools, children disabled and vulnerable people to be able to come and visit the site on agricultural days
 - Existing use does not disturb residents (no. 35 Orchard Way)

- Existing neighbour enjoys looking over at the horses and stables
- The site does not burn manure, this is from the field leading off Range Road which is in separate ownership
- Horses are often transported in small lorries (no larger than local delivery vans), rather than HGV's and at low speeds which will prevent significant wear and tear to the access road.
- The site is also a working farm as land is rented to graze sheep. During lambing extra vehicle movements may occur to attend to the sheep.

7. CONSULTATIONS

7.1 Eastchurch Parish Council object for the following reasons;

22/04/2020: "The Planning Committee of Eastchurch Parish Council objects to this application and wishes to make the following comments:

'Original planning conditions SW/13/1548 state: (10) The use of the site for the keeping of horses/ponies hereby permitted shall not exceed a density of one horse or pony per acre of available grazing land

(11) No burning of straw or manure shall take place within the site.

(12) With the exception of one trailer for the storage of manure, no external storage of materials or items of any kind including jumps, caravans, stable buildings (other than those hereby approved and as shown on drawing number 2257/3/A), mobile homes, vehicles or trailers shall take place on the site.

(13) The stables hereby permitted shall only be used for the stabling of horses or ponies for private use and for no other purpose, including any commercial use.'

Subsequent planning conditions in 15/505833/FULL reiterate: *'6. No burning of straw or manure shall take place on the site. Reason: In the interests of local amenity.*

7. With the exception of one trailer for the storage of manure, no external storage of materials or items of any kind including jumps, caravans, mobile homes, vehicles or trailers shall take place on the site. Reason: In the interests of visual amenity.

8. The stables hereby permitted shall only be used for the stabling of horses or ponies for private use and for no other purpose, including any commercial use

Officer Appraisal: The site can easily accommodate the 13 stables/horses proposed based on the SPG ratio of 1 horse per acre due to the large site area within the blue line.'

There is need for clarity on the site area. Since the original application the field has been divided in to two separately owned areas. The front area now known as Split Field is not part of this application. This has direct impact on the amount of stabling that is permitted on the remaining area known as Horse Gate Court. This has not been addressed by this application but instead wishes to see an increase by nearly 50% of the maximum amount of animals that can be held in the stables, whilst there has been a decrease of 40+% on the available grazing and open areas. 37 Orchard Way is a house built within the existing garden of 35 Orchard Way. This was never a part of the original applications. If this property is to be designated as residential for staff for the stables, then this should be incorporated in to the plan.

In both previous applications it has been stated that the stables are for private use only and not on a commercial basis. It is alleged that the stables are used for the private stabling of their animals by other horse owners for remuneration. This is evidenced by comments from neighbours to the application and should be dealt with by Planning Enforcement before any application is considered.

Southern Water strongly opposes the proposed salt water treatment works and separate planning applications would need to be made regarding connection to an existing public sewer.

KCC Flood Risk assessment requires a stringent condition imposed on surface flood water. Orchard Way is privately owned (by the applicant) and is in a poor state of repair. No attempts have been made to improve this road despite requests from the householders over the years. This again is evidenced in some of the comments to the application. Any further increase on traffic whether by HGV or horse boxes will only contribute to the deterioration of the thoroughfare for existing residents.

The application sees the location of the rehabilitation block in front of the existing stables and so would be close to the entrance of at Orchard Way. The original applications sought to locate any buildings towards the rear of the property in order to protect the rural aspect as it was outside of any the development areas for Eastchurch. The original stable building was designed to be in keeping with its rural designation. The proposed building is more industrial in aspect and it's siting so close to Orchard Way and visibility from Range Road would damage the visual amenity.

The proposal mentions intent to provide opportunities for schools and disabled users. These are not material considerations and so have been discounted.

The proposal is for a commercial addition to the stables which would be against conditions previously imposed. Previous conditions have been imposed to protect this area from commerciality and to protect existing residents visual and living amenity.

Any revision to these conditions or additional planning permission given on a commercial application would negate those protections.”

14/05/2020: Thank you for the notification of the applicant's response (*set out below*) to the comments made. These comments have been noted but the objections made by the Planning Committee of Eastchurch Parish Council still remain.

Officer Note: The applicant has provided additional information in response to the comments made by Eastchurch Parish Council on 22/04/2020;

- *The grazing land stipulations on existing planning consent are strictly adhered to, furthermore horses/ponies attending the proposed rehabilitation centre would not be out for grazing, as they would be here for rehabilitation and would be on stable rest so the grazing land would not need to be taken into consideration*
- *No burning of straw or manure is undertaken, this is kept within the land owned/rented and spread across that land as a natural fertiliser.*
- *The condition regarding private use has also been strictly adhered to, and the Parish Council are welcome to visit the site.*

- *Regarding land ownership and field boundaries; This land was divided up before the application was submitted by a fence, due to a matrimonial separation, however this as of yet hasn't been finalised and legally at this moment in time the title deeds remain the same. I would like to clarify that I rent a further 63 acres of land adjacent to my own which I also use for grazing, but my own land is still sufficient enough for grazing the amount of horses I have.*
- *37 Orchard Way was granted planning permission which has been adhered to. It is my private residence and has full planning permission for such use, it is not for residential staff of the rehabilitation centre.*
- *These stables are solely for my private use and are no means commercial in any way.*
- *Southern Water is not strongly opposed to the application, but merely request it goes onto main drainage.*
- *I do own the road, which is a private road and the highways agency [local adopted roads are the responsibility of KCC Highways and Transportation] have no objections. There are legal covenants along Orchard Road for residents to pay towards the upkeep of the road. Improvements have been made to the road last year, including infilling potholes. Range Road is now in separate ownership, and is in a state of disrepair.*
- *The planning has been designed to situate the rehabilitation centre away from the stables and within the concreted land where it would be out of view from anyone other than me. It is at the end of a road where no one else lives except for me.*
- *HGVs would not be recommended to transport horses, as the horses are moved easier and more comfortable in smaller vans no bigger than delivery vans to residents on a daily basis, so they would not cause damage to the road. Highways didn't object.*
- *Community uses: This is a way of including the wider community to see what happens and how the treatments benefit the animals, I don't think this should be disregarded. This is an opportunity for all schools, disabled and special needs, plus more, that are being invited free of charge, to learn agriculture/farming/horsemanship and caring for horses; sheep and all their needs.*
- *Commercial addition: Over the years things change and views change therefore planning applications can be made to change from the original plans to allow development and growth.*

7.2 Environment Agency note they have no comments to make on the application as it falls outside their remit as a statutory planning consultee (19/03/2020)

7.3 Southern Water raise no objection subject to an informative (08/04/2020).

The comments provided by Southern Water note that they would not support the proposals for septic tank or private treatment plant, as indicated on the application form under the section for foul sewage. Southern Water have outlined that *"The foul sewerage shall be disposed in accordance with Part H1 of Building Regulations hierarchy. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent: 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 southernwater.co.uk/infrastructure-charges

As such, the informative above will be included.

- 7.4 KCC Flood and Water Management raise no objection subject to conditions (09/04/2020)

The comments note that KCC have no objections to the drainage proposal, and welcome the proposal for installing a rainwater harvesting tank to intercept and remove water from the system. A verification report condition regarding the surface water drainage system is recommended as a condition.

- 7.5 KCC Ecology raise no objection subject to conditions (02/04/2020)

KCC Ecology advise that the proposed development has limited potential to result in significant ecological impacts. This view was taken because the proposed development footprint area is within an area of hard-standing. A condition seeking ecological enhancements and an informative regarding breeding birds are recommended

- 7.6 KCC Highways and Transportation raise no objection (25/03/2020) and planning conditions are not requested.

- 7.7 MKIP Environmental Health raise no objection subject to a standard construction hours condition (01/05/2020)

- 7.8 Kent Police raise no objection (09/04/2020)

- 7.9 SBC Climate Change Officer raises no objection subject to a BREEAM condition (13/07/2020)

8. BACKGROUND PAPERS AND PLANS

- 8.1 Site Location Plan; Existing and Proposed Block Plan; Ground Floor Plan; Roof Plan; Elevations; Design and Access Statement; Flood Risk Assessment; Additional supporting information in response to Eastchurch Parish Council Comments

9. APPRAISAL

Principle of Development

- 9.1 Local plan policy DM 27 states that 'Planning permission will only be granted for development involving the use of land for the keeping or grazing of horses and ponies in connection with riding or other on-agricultural purposes, if they are of high quality design and of a scale and intensity that is acceptable in landscape character, biodiversity, amenity and highways terms'.
- 9.2 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*'.

- 9.3 The principle of the equestrian development proposed has already been established as the site is in current use for the keeping and grazing of horses. Previous consents under references SW/13/1548 and 15/505833/FULL including stable buildings, sand school and use of the site for the grazing of horses, and the consent are for private use.
- 9.4 The proposal is for the addition of an equestrian rehabilitation building which would introduce a small scale commercial use to the site. The building includes the provision of water therapy facilities, vet facilities and sufficient space for horses to be on stable rest. The supporting information notes that rehabilitation for horses is an increasing part of the equine industry for example competition horses in show jumping, dressage and eventing, and that the proposed facility has the support from Newnham Court Equine in Maidstone. It is considered that the proposed equestrian facility would complement the existing equestrian use of the site and support the aim of policy DM3 for sustainable growth of business in rural areas.
- 9.5 The adopted SPG on the Keeping of Horses recommends grazing to be available on the basis of 1 acre per horse. There are currently 13 stables on the application site resulting in 1.3 horses per acre if the stables are fully occupied, however the supporting information outlines there are currently 8 horses on site which provides a figure of 0.8 horses per acre. The proposal would result in an additional 6 stables, resulting in a total of 19 stables on the site which would result in 2 horses per acre (rounded up from 1.9). Therefore the provision of additional stables would result in the number of horses per acre exceeding this guidance. However the proposal is for rehabilitation and the submission explains that horses would be on 'stable rest', rather than grazing on the site. Therefore it is considered the site is of a suitable size to support the proposed rehabilitation building.
- 9.6 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 set out in the SPG. It is therefore considered that there is no objection in principle to the development proposed subject to compliance with all other material planning considerations. A condition will be attached to the permission limiting the use of the building for equine rehabilitation and welfare of horses to prevent an unrestricted commercial building.

Visual Impact

- 9.7 The adopted SPG on the Keeping of Horses outlines that 'planning permission will only be granted for stables if the buildings are of an attractive design and appropriate materials'. The guidance notes that a pitched roof is required and recommends that in a rural setting dark stained timber and either dark grey or dark green roof would be suitable. The building would be finished in brick base, timber walls and a grey steel profile roof, which are considered to be suitable subject to a materials condition seeking the finish and colour of materials to be used, including a dark staining for timber. The existing stable building is finished in dark stained timber with a grey roof, and therefore the materials indicated would compliment the existing built form on site, and the materials condition will ensure a suitable finish and quality for the additional building.

- 9.8 The proposal is for a simple rectangular building with a pitched roof which accords with the guidance. The ridge of the building would be 5m, and approximately 0.5m taller than the existing stable buildings on the site and therefore is considered to be of an appropriate height. The building would have a functional and utilitarian appearance and with an agricultural appearance, and is of a scale and form which is considered to be suitable for the site.
- 9.9 The proposed building would be situated between existing buildings on site, between the dwelling and existing stable buildings. It is considered that this is a suitable location which will prevent further sprawl into the open countryside. Furthermore it would be situated on an existing area of hardstanding, and prevents the need for additional hardstanding further away from existing built form within the locality. This is in line with the guidance in the adopted SPG on the Keeping of Horses which recommends the grouping of structures.
- 9.10 The site is an existing working site, with established landscaping evident from the site visit, including a hedgerow along the northern boundary, a grassed island with mid-sized trees to the south of the building, and existing shelter belt to the south of the southern boundary. As such due to existing landscaping and the proposals siting between existing buildings it would not appear unduly prominent or detract from the character of the area, and a condition requiring further landscape planting is not considered to be necessary.
- 9.11 A tree protection condition is included to ensure that the trees to the south of the proposed building are protected during construction. The proposed building will be situated on an existing area of hardstanding and would not require any further hardstanding to be constructed closer to these trees, taking this into account and separation distance it is not considered the proposal would have a harmful impact on existing trees.
- 9.12 Overall, the proposal 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.

Residential Amenity

- 9.13 The closest neighbouring properties is 35 Orchard Way which is situated 21m to the west of the proposal, and the detached dwelling at no. 37 Orchard Way (within the site) is situated in between this neighbour and the proposed dwelling. Taking into account the separation distance and position of no. 37 Orchard Way the proposal would not result in significant harm to the residential amenities of this neighbouring property. There are also residential dwellings to the north of the site (and north of the old light railway) at The Rest and Bright's Lodge which are over 80m away. Taking into account the separation distance and existing screening it is not considered the proposal would cause significant harm to the residential amenities of these neighbours.
- 9.14 Neighbouring objections have raised concerns regarding increased noise and disturbance from traffic; deliveries and movements to and from the site. The site is situated at the end of a residential road (Orchard Way) and the proposal would introduce a small scale commercial element to the existing equestrian and agricultural uses accessed via the site. Whilst there would be increased movements to the site, the scale

of the proposed rehabilitation facility is modest with six stables and therefore it is not considered the introduction of this use would result in significant harm to nearby residential properties. It should be noted that Environmental Health have not raised concerns regarding noise impact from the development, nor requested an hours of use condition for the site.

Highways

9.15 The proposal will result in an increase in trip generation to and from the site. As set out in paragraph 2.6 the applicant has provided information regarding the use of the facility noting that only 6 stables would be used for the rehabilitation facility, and there would be no crossover with existing stables due to biosecurity reasons. This would result in a maximum of 6 horses treated on a daily basis, and that a typical stay for an injured horse would be between a week to a few months. The supporting information sets out three options for daily movements to the site;

- a) *6 horses staying on site for a week or more, would mean no walk in treatments, therefore no vehicle movements*
- b) *3 horses staying on site and 3 walk in treatments for the day, could be a maximum of 3 vehicle movements, ie 1 horse per vehicle or 1 vehicle movement ie 3 horses on the vehicle*
- c) *6 walk in treatments per day of individual horses therefore the maximum vehicle movements possible would be 6 vehicle movement*

9.16 Therefore it is anticipated that maximum number per week would be 36 vehicle movements (based on c) or as per b – 18 vehicle movements per week from the proposed development. Furthermore it is anticipated that a vet visit for a long stay horse to be once a week, however this would depend on the number of horses staying on the site

9.17 In terms of the impact on the local highway network, taking into account the above it is not considered that the proposed development would have a significant impact on the local highway network. The proposal would have a limited number of stables with the facility providing long term care reducing the overall vehicle movements. The proposal has been examined by KCC Highways and Transportation Team who have raised no objection to the proposed development.

9.18 The site is on a private road, and neighbouring objections have raised concern regarding the condition of the road and surface. The road (Orchard Way) already serves the existing equestrian use and residential dwellings along Orchard Way and therefore it is considered the access would be suitable for the additional building and associated trip generation.

9.19 It is considered there will be sufficient space on the site for car parking, and suitable parking and turning areas for larger vehicles such as horse trailers. As such, it is considered there are no planning reasons on highways grounds to warrant refusal of the application

Drainage

- 9.20 With regard to surface water drainage, KCC Drainage outlined they raised no objection to the application subject to further details sought via condition for the verification report pertaining to the surface water drainage system. Therefore it is considered the proposed development would comply with policy DM21 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 and paragraph 165 of the NPPF.

Sustainable design and construction

- 9.21 Sustainable design and construction Policy DM 19 states that all new non-residential developments will aim to achieve BREEAM 'Good' standard or equivalent as a minimum. All new non-residential developments over 1,000 sq m gross floor area should aim to achieve the BREEAM "Very Good" standard or equivalent as a minimum. The proposal will result in 372m² of non-residential floorspace, as such the proposed development will need to achieve BREEAM "Good" standard and this is set out within condition 8. Subject to appropriate details being sought this condition it is considered the proposal will meet the aims of Policy DM19 regarding sustainable design and construction.

Other Matters

- 9.22 In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. KCC Ecology have advised that the provision of bird nest boxes (for species such as House Martin or House Sparrow) would be suitable for the site. As such details of a scheme of biodiversity enhancements including the provision of bird boxes will be sought via condition to enhance biodiversity within the site.
- 9.23 Natural England raise no objection to the proposed development, as the proposal is not for residential development there is no trigger to provide a SAMMS payment on the scheme.
- 9.24 Neighbouring objections have raised concerns regarding the burning of manure on the site. During the visit to the site there was evidence of small manure heaps within the site, and a larger manure heap on land used for sheep grazing, but no evidence of burning. The applicant noted that the manure is either spread on the land as fertiliser or sold and that no burning has taken place on this site. There are existing conditions on the site which prevent the burning of straw or manure of the site, and Environmental Health officers have not sought further conditions regarding storage of waste. It is considered that any potential conflict with existing planning conditions can adequately be controlled through the enforcement process.

10. CONCLUSION

- 10.1 Having taken into account the relevant planning policies and consultation comments, it is considered that the proposed equine rehabilitation barn would support the rural economy and would be acceptable in principle. It is also considered that the scale and form of the building is acceptable and would have no significant detrimental impact on the character and appearance of the countryside and/or landscape.
- 10.2 The proposed building is considered to be an acceptable addition to the site which would sit comfortably within the site and would maintain the visual amenities of the area. The

impact on residential amenities would not result in significant harm, nor would there be any significant impact on highway safety or biodiversity/ecology. Therefore it is recommended that planning permission should be granted subject to conditions.

11. 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 permitted shall be carried out in accordance with the following drawings:

Site Location Plan, drawing no. A.01
Proposed Block Plan, drawing no. A.03
Ground Floor Plan, drawing no. A.04
Roof Plan, drawing no. A.05
Elevations, drawing no. A.06

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details. A dark staining should be used for the external timber.

Reason: In the interest of visual amenity.

- 4) The building and facilities hereby permitted shall be used solely for the purposes of equine rehabilitation and welfare of horses as part of the equestrian facilities at Horse Gate Court, and shall not be used as a riding school, stud farm nor for horse shows or other commercial uses.

Reason: In the interests of ensuring that the building is associated with the equestrian use of the land in pursuance of policies ST 1, CP1 and DM 27 of the Swale Borough Local Plan 2017.

- 5) The area shown on the Proposed Block Plan (drawing A.03) as vehicle loading/unloading, turning space and parking space shall be used for or be available for such use at all times when the premises are in use and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on that area of land or in such a position as to preclude vehicular access to this reserved area; such land and access thereto shall be provided prior to the commencement of the use hereby permitted.

Reason: Development without adequate provision for the parking, loading or off-loading of vehicles is likely to lead to parking inconvenient to other road users.

- 6) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 7) Within three months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. The development shall then be completed strictly in accordance with the approved details.

Reason: In the interests of reptile habitat and biodiversity

- 8) The building hereby approved shall be constructed to BREEAM 'Good' Standard or an equivalent standard and prior to the use of the building the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved unless otherwise agreed in writing by the Local Planning Authority.

Reasons: In the interest of promoting energy efficiency and sustainable development.

- 9) All trees to be retained (including those on the central grassed island) must be protected by suitable fencing or barriers of a height not less than 1.2m in accordance with the current edition of BS 5837 'Trees in Relation to Design, Demolition and Construction' before any equipment, machinery or materials are brought on to the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To safeguard the existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

- 10) No additional external storage of materials or items of any type of external structure including jumps, caravans, mobile homes, vehicles or trailers shall take place on the site.

Reason: In the interests of visual amenity.

- 11) No demolition/construction activities shall take place, other than between 0800 to 1800 hours Monday to Friday and 0800 to 1300 hours Saturday with no working activities on Sunday or Bank Holiday.

Reason: In the interests of residential amenity.

INFORMATIVES

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 southernwater.co.uk/infrastructure-charge

Breeding Birds:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are present on the application site and are assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and 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 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.

