

Report of the Head of Planning

**PART 2**

Applications for which **PERMISSION** is recommended

<b>2.1 14/503827/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Change of use from agriculture to breeding, keeping, training and accommodating horses for leisure and recreation industry, including erection of stables (2 bays for breeding and 4 bays for DIY livery) and feed storage.		
<b>ADDRESS</b> Land To North Lower Road Minster-on-sea Kent ME12 3EZ		
<b>RECOMMENDATION</b> Grant subject to conditions as set out below, and the views of Kent Highways Services		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b>		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
More than 5 objections		
<b>WARD</b> Queenborough & Halfway	<b>PARISH/TOWN COUNCIL</b> Minster-on-Sea Parish Council	<b>APPLICANT</b> Mr Stephen Attwood <b>AGENT</b>
<b>DECISION DUE DATE</b> 05/12/14	<b>PUBLICITY EXPIRY DATE</b> 05/12/14	<b>OFFICER SITE VISIT DATE</b> 4 November 2014
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b> SW/14/0358 Application for planning permission for the change of use of land from agriculture to breeding, keeping, training and accommodation of horses, and the erection of a stable block and feed store (2 bays for breeding and 4 bays for DIY livery) on land to the north of Lower Road, Minster. Refused 30 June 2014		

**1.0 DESCRIPTION OF SITE**

1.1 The application site comprises of an irregularly shaped tract of agricultural land situated to the north of Lower Road, west of Barton Hill Drive / Parsonage Chase, and south of the residential streets southward of Queenborough Road.

- 1.2 The site is largely open, with mature and established hedgerows towards the centre of the site near to where the stables are proposed. The land slopes gently upwards towards the north. The land extends to approximately 46 hectares (113 acres) of agricultural land, largely consisting of open fields.
- 1.3 The site is located in open countryside, and an Important Local Countryside Gap, as defined by the proposal map of the Swale Borough Local Plan 2008 and there are a cluster of TPO trees and a Listed Building (Parsonage Farmhouse) near to, but not within the site. The application site is not designated in respect of its landscape character.
- 1.4 Land immediately to the east of this site (closer to Barton Hill Drive) was initially allocated as possible residential land under the draft Local Plan site allocation process. However, the site was removed from the final allocations, as members considered it to be an inappropriate site for housing development.

## **2.0 PROPOSAL**

- 2.1 This application is identical to that which was refused planning permission by Members on 26 June 2014, save the location of the proposed stables is different. Despite officer recommendation to approve, Members refused planning application reference SW/14/0358 for the reasons outlined in 4.1 below.
- 2.2 The applicant seeks planning permission for the change of use of land from agriculture to breeding, keeping, training and accommodation of horses for leisure and recreation industry, and the erection of a stable block and feed store (2 bays for breeding and 4 bays for DIY livery) on land to the north of Lower Road, Minster.
- 2.3 The applicant seeks the change of use of the land from agriculture to the keeping of herd of 20 high quality mares, which will kept for breeding high quality foals for the leisure and recreational market. At foaling time they will be transferred back to Parsonage Farm where we have a livery, the mares will then have their foals at Parsonage Farm where they can be monitored closely. After a week or so the mares and their foals will be transferred back to Cowstead Land [the application site] where they will be kept and can develop their social and groundwork training. The mares and their progeny will be kept on the land at all times save for temporary transport to Bredgar for foaling.
- 2.4 The two structures proposed would each include three stables and a hay and supplementary feed store. Two stables will be needed in case of emergency and for the handling and training of foals connected to the breeding programme, the remaining four stables will be used for low cost livery. The stables will be positioned next to a sectioned area that will be used to train the foals and lightly exercise the mares. The stables will be stained black to merge into the surroundings.”

2.5 Members should note the following extract from the supporting from the supporting letter:

1. The amended proposal seeks to address the reason for refusal, particularly in respect of position and siting – the stables and exercise area have been relocated further away from the nearest dwellings
2. The area adjacent to the stables for the exercising of horses is not a ménage and no floodlighting is proposed.
3. Landscape and visual appraisal (LVIA) – A LVIA accompanies the submission, and the report concludes unequivocally that the low sensitivity of the landscape and the low magnitude of change results in a ‘negligible’ impact upon landscape character. The appraisal is based on the previously refused planning application – the current application is considered to be less harmful due to the re-positioning and re-siting.

2.6 The submitted location plan indicates the location of the proposed development.

### **3.0 RELEVANT PLANNING HISTORY**

3.1 As noted above, an application for the change of use of land from agriculture to breeding, keeping, training and accommodation of horses for leisure and recreation industry, and the erection of a stable block and feed store (2 bays for breeding and 4 bays for DIY livery) on land to the north of Lower Road, Minster was refused permission by the Planning Committee at its meeting held on 26 June 2014 for the following reason:

*‘The proposal, by virtue of its position and siting, would be harmful to the rural, agricultural character and visual amenity of the area in a manner contrary to policies E1, E6, E9 and E19 of the Swale Borough Local Plan 2008, and to the advice of paragraph 109 of the National Planning Policy Framework’.*

3.2 Members may recall, however, that land immediately to the east of this site (closer to Barton Hill Drive) was initially allocated as possible residential land under the draft Local Plan site allocation process. The site was removed from the final allocations, however, after Members considered it to be an inappropriate site for further housing development.

3.3 In the report to the Planning Committee in respect of Application SW/14/0358, it was noted that the proposal complied with policy RC9 of the Swale Borough Local Plan, and that the scale and design of the stables were acceptable. Whilst technically the land would be taken out of agricultural use, the majority of the site will remain undeveloped and could be returned to agricultural production in the future with little difficulty. The Council’s agricultural consultant did not object to the proposal.

3.4 The report also confirmed that the proposal would not adversely affect the visual or residential amenity of the area, being some 440 metres from the nearest dwelling.

### Summary information

<u>Site Area - existing</u>	<u>Site Area - proposed</u>	<u>(Change (+/-))</u>
46 hectares (113 acres)	46 hectares	None

## 4.0 POLICY AND OTHER CONSIDERATIONS

### National Planning Policy Framework (The Framework)

4.1 The Framework was adopted in March 2012, and is considered relevant in terms of its commentary on development within the countryside, which it generally encourages provided that it does not give rise to serious harm to the countryside's character or amenity value.

4.2 **Paragraph 109** states that the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils
- recognising the wider benefits of ecosystem services
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.3 **Paragraph 112** of the Framework states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Swale Borough Council Local Plan 2008

- 4.4 **Policy E1** of the adopted Swale Borough Local Plan 2008 seeks to ensure that all development proposals, amongst others, be well sited and of a scale, design and appearance that is appropriate to the location and cause no demonstrable harm to local amenity.
- 4.5 **E6** aims to protect the countryside from unnecessary development, and to ensure that all development taking place does not give rise to harm to the character or wider amenity value of the countryside.
- 4.6 **E19** of the Local Plan focuses on design, specifically, and comments that all development proposals should enrich the qualities of the existing environment by promoting and reinforcing local distinctiveness and strengthening the sense of place.
- 4.7 Policy **RC9** specifically examines proposals for the keeping of horses, and aims to ensure that all stable developments (and the keeping of horses in general) are of an appropriate scale and design, and do not give rise to serious impacts for highway safety, landscape character, biodiversity or local amenity.
- 4.8 The Council's adopted Supplementary Planning Guidance entitled "The Erection of Stables & Keeping of Horses" is also relevant, and provides guidelines for design and siting of stable buildings.

**5.0 LOCAL REPRESENTATIONS**

- 5.1 A total of 10 letters of objection have been received, the content of which is summarised below:

<b>Objection</b>	<b>Officer comments</b>
<p>This is a resubmission of an earlier application ref:- SW/14/0358 which was refused pp - It would have an impact on the visual amenity of the area". This point is important to both residents and visitors to the island. Although the applicant has made some amendments to both the siting of the stables and the landscaping of the buildings, this does not address the original objections.</p>	<p>The only difference is minor re-siting of the stables – it is virtually identical to the previously refused application. The other difference is the submission of LVIA which competently assesses the landscape impact of the proposal.</p>
<p>My understanding is that we are meant to be safeguarding food producing land from further developments. Each small change that is allowed to happen will have a far greater consequence in the long term to land that is currently used for arable farming. Land is currently productive and if approved would lead to the loss of valuable agricultural land at a time when increased food production is being encouraged in order</p>	<p>The Framework, at paragraph 112, requires local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land. Where</p>

to reduce reliance on imported food products.	significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
The traffic congestion on the Lower Road is getting progressively worse, with queues ongoing most of the day not just at peak travelling times. Add to this additional vehicles including horse boxes that will be turning to and from the proposed site and you begin to see that the traffic will be slowed even further	Kent Highways Services are awaited – members to be updated at the meeting
No evidence supplied to demonstrate that proposed use would be sustainable.	
No evidence supplied to demonstrate demand for the proposed use	
<p>CPRE Kent oppose –</p> <ul style="list-style-type: none"> <li>• Increasingly worried at the pressure on the countryside of non-agricultural development and the gradual degradation of landscapes that these create.</li> <li>• It is a NPPF Core Planning Principle that authorities should “take account of the different roles and character of different areas, ..... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”. Furthermore, Paragraph 109 states that “the planning system should contribute to and enhance the</li> <li>• natural and local environment by (inter alia) protecting and enhancing valued landscapes.” According to Swale’s Landscape Character Assessment, the site of this application lies in the “Central Sheppey Farmlands”. The Supplementary Planning Document “Swale Landscape Character and Biodiversity Appraisal” argued that the appropriate approach to this landscape area was one of “restore and create”, stating that its current condition was poor and its sensitivity moderate. It further stated that the “topography, large open fields and lack of mature woodland all helps in providing long views to the mainland and across the vast marshlands adjacent to the Swale Estuary.” Not only are the views from the area significant, but so too are the views from the mainland to the site in question,</li> </ul>	

<p>especially the views seen by those approaching Sheppey. Therefore, we agree with the views put forward for the refusal of planning application SW/14/0358 in June of this year when the Planning Officer stated that the development would be “harmful to the rural agricultural character and visual amenity of the area in a manner contrary to ... the advice of paragraph 109 of the NPPF”. Comparing the previous application (SW/14/0358) to the current one we can see nothing that would alter this opinion.</p> <ul style="list-style-type: none"> <li>• given the pressure that Swale (and neighbouring authorities) is under to increase housing numbers, the parts of the NPPF that deal with environmental matters become more, rather than less, important. The pressure that housing will bring means that landscapes and environment will be under increasing stress and so environmental impacts will become greater in the coming years. With a diminishing rural area, it follows that losses, although they may be incremental in nature, become increasingly significant. While there is an argument that can be made for over-riding environmental and landscape considerations to grant permission for development in certain situations, it is our view that the keeping of horses on agricultural land does not have an over-riding employment or development significance. Therefore, it cannot claim to be more important than Swale’s duty to conserve its diminishing environmental resources. Thus, we disagree with the landscape assessment, especially in its implication that the impact would be small. It is small incremental changes that, eventually, lead to an irrecoverable loss of amenity. The fact that each individual change is small is not a sufficient condition to allow it to proceed.</li> </ul>	
<p>In the event of the venture failing, it could result in the land being developed for housing in the long term</p>	<p>Not a material planning consideration</p>

## 6.0 CONSULTATION RESPONSES

6.1 The following responses have been received from consulters:

### Minster-on-Sea Parish Council

i. The proposal will have a detrimental impact on the visual amenity of the Isle of Sheppey. It will impinge on the sense of openness by being unduly prominent in a location that offers views across the landscape. In addition, the changed

appearance of the land relating to equestrian activities rather than arable farming could result in the accumulation of associated infrastructure. This goes against Policy E1 of the Swale Borough Council Local Plan 2008 which requires all development to respond positively by reflecting the positive characteristics and features of the locality and be well sited in an area that is appropriate to the location.

ii. Highway safety is a serious concern. This includes reservations about access and the impact of increased congestion onto the A250 Lower Road. This is at odds with Policy E1 which requires a development to meet the highest standards of accessibility and inclusion of all potential users regardless of disability, age or gender who can use them safely and easily. If permission is granted despite the serious reservations expressed in this objection, MPC has asked for a condition to be put in place to prevent right turns in and out of the site in the interests of highway safety.

iii. The proposal will result in the loss of productive agricultural land amounting to 7 hectares (approx. 17 acres) in an area where approx. 85 acres is already committed for the purpose of solar farming on the Isle of Sheppey. This will contribute to the impending food crisis forecasted by Defra on account of climate change because the farming community will be deprived of the ability to satisfy the food needs of both the current and future generations.

The Chairman, Cllr J. Stanford registered his dissent to this decision. He could see no grounds for objecting to the proposal.

Local Highway Authority

6.2 Kent Highways Services are awaited – members to be updated at the meeting

Environment Agency

6.3 No objection is raised

Southern Water

6.4 No observations received

KCC Archaeology

6.5 No observations received

Lower Medway Drainage Board

6.6 No observations received

Council's Agricultural consultant – No objection

7.7 *“This is effectively a resubmission of the earlier application (SW/14/0358) which was the subject of my letter dated 15 April 2014. It was*



*refused on the basis of the impact to the character and amenity of the area by virtue of the position and siting of the development.  
position and siting, and the application is now accompanied by a landscape and visual appraisal.*

*As previously advised, there appear to be no adverse agricultural issues that would weigh against the proposed development.....”.*

## **7.0 BACKGROUND PAPERS**

7.1 The application is supported by a Design and Access Statement, a covering letter and the following plans:

- Elevations of Proposed stables dated 5 September 2014
- Location and Layout Plan dated 11 September 2014

## **8.0 DISCUSSION**

8.1 Planning permission is required as there is a ‘material change’ in the use of the land from agriculture to the keeping of horses for recreational purposes.

8.2 The Court has held that the term in the statutory definition of agriculture referring to the breeding and keeping of livestock does not apply to the breeding and keeping of horses (except in connection with any farming use). If it is intended to use the field only as grazing land it will be regarded as for agricultural use and thus planning permission will not be required (even if the horses are recreational horses).

## **9.0 APPRAISAL**

### Principle of development

9.1 The erection of stables, keeping and breeding of horses essentially requires a rural location, and the Council’s Local plan policies support the provision of stables provided they are of a high quality design and do not harm local amenity, and encourage proposals that diversify the rural economy or provide new jobs in the countryside. It has been established that the scale, design and amenity implications of the proposed stables are acceptable.

9.2 The erection of stables does not change the nature of the site from green field to brownfield, and any future application for residential development on the site would need to be assessed against local and national policy. The adopted and emerging Local Plans designate the land as an Important Local Countryside Gap, which would discourage large-scale development such as new housing estates.

9.3 It is significant to note that the Council’s agricultural consultant has no objection to the proposals.

### Highways/ access

- 9.4 It is likely that the change of use from agriculture to pasture will reduce the amount of heavy farm machinery accessing the site for harvest, spraying, ploughing, etc. This in turn will reduce the number of farm vehicles using Lower Road, with a consequent improvement to traffic flow, and in this regard the proposed development may represent a small, but positive enhancement to local traffic conditions.
- 9.5 An existing access and rough track leads to the proposed stables and there is no requirement for additional accesses or roads to be created. It may be necessary, however, for the applicant to lay down some form of hard-core to enable vehicle access during winter, but the extent and appearance of this can be controlled by the imposition of landscape conditions. The proposed car parking area will be directly adjacent to the stable buildings and would not be prominent in views from public receptors
- 9.6 However, the views of Kent Highways Services are awaited, and I shall update members at the meeting.

### Landscape considerations

- 9.7 The applicant has submitted a Landscape and Visual appraisal with the current application, the purpose of which is to:
- Describe and assess existing baseline conditions with regard to key landscape components for an appropriately sized study area.
  - Assess the sensitivity of the existing landscape in terms of character and views, and establish its ability to accommodate change.
  - Describe the nature of the changes resulting from the proposed development, and assess and evaluate the magnitude of change upon landscape character and views.
  - Determine the 'degree of effect' of identified impacts with regard to scale, duration, permanence and value.
- 9.8 The methodology adopted follows the guidance contained in the Landscape Institute and Institute of Environmental Management and Assessment, *Third Edition, 2013 - Guidelines for Landscape and Visual Impact Assessment*.
- 9.9 In line with this latest and current guidance and considering that the proposed development does not constitute EIA development, the appraisal does not consider the 'significance' of any identified 'effect', and will only identify the 'nature' of potential 'effects' and the scale or 'degree' of the effect.
- 9.10 The assessment concludes that the magnitude of the proposed change is assessed to be 'low' and this is supported by the introduction in the latest GLVIA of the concept of 'susceptibility'.

- 9.11 It also suggests that development of this nature would not be uncharacteristic of the receiving landscape. Taking both assessments of local landscape character sensitivity into account, a degree of effect of 'negligible' is concluded.
- 9.12 In view of the above, I am firmly of the view that the landscape and visual implications of the proposed development would not justify refusal in this instance.

#### Loss of agricultural land

- 9.13 The development would result in the loss of Grade 3 agricultural land, which is not regarded as the best quality. Given that the application site is to be used primarily for the grazing of horses, it does not prejudice its use in the future for agricultural purposes. Members will also note that the Council's Agricultural Consultant raises no objection to the development.

### **10.0 CONCLUSION**

- 10.1 Given the above analysis, it is considered that the proposed application is acceptable in planning terms. The fears of objectors that the site would be more susceptible to development is unfounded, as the application site would continue to be regarded as open countryside.
- 10.2 Furthermore, the proposal is not considered to be contrary to the provision of the Framework and the development plan, and only the best quality agricultural land (best and most versatile (BMV) is subject to the highest level of protection. Therefore, there is no requirement for demonstrable need or harm to be weighed in the planning balance.

### **11.0 SUMMARY AND RECOMMENDATION**

- 11.1 The application seeks permission for change of use of 113 acres from agricultural land to grazing land for the keeping and breeding of horses, and for the erection of stables. The use is acceptable in planning terms as it does not adversely affect the character of the countryside or to local amenity.
- 11.2 The objections from local residents and the Minster-on-Sea Parish Council are noted, along with the Planning Committee's refusal of permission in June 2014 in respect of a very similar application proposed under SW/14/0358. However, I do not believe that this amounts to justifiable reasons to refuse the current application.
- 11.3 Taking the above into account, it is recommended that, subject to the views of Kent Highways Services, **planning permission should be granted subject to the following conditions:**

## **Conditions / Reasons**

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.

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

2. No development shall take other than in complete accordance with drawings submitted with the application and received on 5 September 2014.

Grounds: For the avoidance of doubt.

3. Prior to the commencement of development, details in the form of samples of external finishing materials and British Standard details of the proposed colour to be used in the construction of the stables hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Grounds: In the interest of visual amenity.

4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species that contribute to local biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials (including details of any surfacing proposed to the vehicle access track), and an implementation programme.

Grounds: In the interests of visual amenity.

5. As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway.

Grounds: In the interests of amenity and road safety.

6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Grounds: In the interests of the visual amenities of the area.

7. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of

such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Grounds: In the interests of the visual amenities of the area.

8. 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.

Grounds: To prevent over-grazing.

9. No burning of straw or manure shall take place on the site.

Grounds: In the interests of local amenity.

10. 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.

Grounds: In the interests of visual amenity.

11. The area shown on the submitted layout as vehicle parking and turning space shall be provided, surfaced and drained before the use is commenced, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Grounds: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

12. No floodlighting, security lighting or other external lighting 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:

- The proposed frequency of the use.
- A site plan showing the area to be lit relative to the surrounding area.
- 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.

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

13. Such lighting as may be approved shall be switched off outside the hours of 0800 to 2100, unless otherwise agreed in writing by the Local Planning Authority.

Grounds: To prevent light pollution during unreasonable hours of the day that would result in harm to residential amenity.

### **COUNCIL'S APPROACH TO THE APPLICATION**

The Council recognises the advice in paragraphs 186 and 187 of the National Planning Policy Framework and seeks to work with applicants in a positive and proactive manner by offering a pre-application advice service; having a duty planner service; and seeking to find solutions to any obstacles to approval of applications having due regard to the responses to consultation, where it can reasonably be expected that amendments to an application will result in an approval without resulting in a significant change to the nature of the application and the application can then be amended and determined in accordance with statutory timescales.

In this case the application was considered to be acceptable as submitted.