

**APPENDIX 1**

Report to Planning Committee 23 July 2020

Item 3.1

**PLANNING COMMITTEE – 23 JULY 2020****PART 3**

Report of the Head of Planning

**PART 3**Applications for which **REFUSAL** is recommended

<b>3.1 REFERENCE NO - 19/501551/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of a building to be used as a forge workshop and associated hardstanding		
<b>ADDRESS</b> 122 Scrapsgate Road Minster-on-sea Sheerness Kent ME12 2DJ		
<b>RECOMMENDATION</b> Refuse		
<b>SUMMARY OF REASONS FOR REFUSAL</b> The proposed development is located in a rural area, made up of equestrian and agricultural uses and the introduction of a new forge in this location where it has not been demonstrated that it is necessary for the needs of rural communities or that there are no other sites available is unacceptable.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council support		
<b>WARD</b> Minster Cliffs	<b>PARISH/TOWN COUNCIL</b> Minster-On-Sea	<b>APPLICANT</b> Mr B Pugh <b>AGENT</b> The Rural Planning Practice
<b>DECISION DUE DATE</b> 11/07/19	<b>PUBLICITY EXPIRY DATE</b> 28/06/19	

**Planning History**

SW/09/0620

(Remove existing garage, stable &amp; outbuilding) To construct new garage stores &amp; cloakroom on same site at above approved building including solar panel of south facing roof.

Grant of Conditional PP Decision Date: 07.09.2009

SW/09/0531

Lawful Development Certificate for proposed pond in paddock to rear.

Refused Decision Date: 17.08.2009

SW/08/0518

Remove existing garden, stable and outbuilding rebuild new garage, stable tack room and store.

Grant of Conditional PP Decision Date: 30.07.2008

SW/07/0921

**APPENDIX 1**

Report to Planning Committee 23 July 2020

Item 3.1

Rear extension and internal alterations for disabled person.

Grant of Conditional PP Decision Date: 08.10.2007

SW/85/0944

Erection of bungalow

Approved Decision Date: 15.01.1986

SW/85/0136

Outline application for a single residence

Approved Decision Date: 18.04.1985

**1. DESCRIPTION OF SITE**

- 1.1 The application site lies outside the built up area boundary of Minster and consists of a detached dwelling occupied by the applicant and stables located to the rear of the site. There is a clear distinction between the residential curtilage associated with 122 Scrapsgate Road and the equestrian land to the rear. The site is accessed from Scrapsgate Road and lies in approximately 4 acres of pasture used for horse grazing.
- 1.2 The surrounding area is predominantly equestrian and agricultural land with residential properties to the east. To the north lies a playing field which has an emergency access to the site. To the south lies a disused forge. There is well established hedge planting to the north and west of the site.
- 1.3 There is an existing stable building located at the application site which measures 6m x 6m with a ridge height of 2.6m and eaves height of 2.2m.

**2. PROPOSAL**

- 2.1 This application seeks planning permission for the erection of a steel building to be used as a forge by the applicant who lives at 122 Scrapsgate Road and is a trained farrier, specialising in remedial farriery. The applicant currently operates at the site using a temporary forge in the stable building.
- 2.2 The proposed steel building resembles a general purpose agricultural building/workshop with a flue situated on a concrete base. The proposed building will measure 6m x 8m and will have an eaves height of 2.5m and 3m ridge height. It would be located immediately to the west of the existing stable building. The pitched roof will be covered in grey profiled steel sheets. The walls will be covered with steel sheets in dark green with translucent rooflights. The front of the proposed building faces east. One steel roller shutter door will be installed to the front elevation and two metal access doors on the south and west elevation for air circulation.
- 2.3 The planning statement confirms that clients will not visit the site as the business operates on a mobile basis and visits clients directly. A small forge is used to make adjustments on site. The forge will be used by the applicant for approximately 16 hours a week.

**3. PLANNING CONSTRAINTS**

- 3.1 Flood Zone 3

**APPENDIX 1**

Report to Planning Committee 23 July 2020

Item 3.1

**4. POLICY AND CONSIDERATIONS**

4.1 The National Planning Policy Framework (NPPF)

4.2 National Planning Practice Guidance (NPPG)

4.3 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017

Policy ST1	Delivering Sustainable Development
Policy CP4	Requiring Good Design
Policy DM3	The Rural Economy
Policy DM7	Vehicle Parking
Policy DM14	General Development Criteria
Policy DM21	Water, Flooding and Drainage
Policy DM31	Agricultural Land

**5. LOCAL REPRESENTATIONS**

5.1 This application was advertised by site notice and neighbour consultation.

5.2 1 objection from 1 property was received, raising the following issues (summarised):

- Risk of the building becoming a residential dwelling
- Concerns that if the development is allowed it would be change into something different

**6. CONSULTATIONS**

6.1 Environmental Health Manager – raises concerns regarding potential impact on surrounding residential properties.

“The proposed development site is in a predominantly residential area and I have some concerns about the introduction of B2 use in this location – the building proposed is not substantial in structure and unlikely to offer good noise attenuation properties. The application does not detail the hours of operation although the applicant states that the use will be restricted to 16hrs per week, I am unclear as to how this could be conditioned.

As this application stands at present I would be reluctant to recommend approval due to potential nuisance for the surrounding residential properties.”

6.2 KCC Highways - scheme does not warrant the involvement of KCC

Suggested Informative

6.3 Environment Agency raise no objection

6.4 Natural England raise no objection

6.5 Minster Parish Council support the application stating:

**APPENDIX 1**

Report to Planning Committee 23 July 2020

Item 3.1

“Minster-on-Sea Parish Council fully supports this application. The suggestion that the ‘farrier’s forge’ is a heavy industrial unit is wrong. The applicant has agreed to the Parish Council’s suggestion to incorporate noise insulation in the design and this is welcomed. As such Minster-on-Sea Parish Council fully supports the proposal which in its view keeps alive an ancient craft in what it regards as an ideal location.”

**7. BACKGROUND PAPERS AND PLANS**

7.1 All plans and documents relating to application 19/501551/FULL.

**8. APPRAISAL**

The key considerations in the assessment of this application are the principle of development in a rural location, the impact on the character and appearance of the countryside and any potential impacts on residential amenity.

## Principle of Development

- 8.1 The application site lies outside of any defined built up area boundary and therefore within designated countryside. Policy DM3 seeks to protect and enhance the rural economy. All proposals in rural locations must first consider the appropriate re-use of existing buildings or the development of other previously developed land, unless such sites are not available or it is demonstrated that a particular location is necessary to support the needs of rural communities or the active and sustainable management of the countryside.
- 8.2 The proposed forge is to be used as a farrier business. A farrier is a specialist in equine hoof care and uses blacksmith skills. The applicant specialises in remedial farriery and uses a traditional coke forge to make orthopaedic handmade horse shoes. The applicant intends to make this business their full time occupation and states that a dedicated forge building is now required to produce horse shoes on the scale and quality required.
- 8.3 The applicant currently uses a temporary forge in the existing stables but this is stated as being impractical in the planning statement as the stables cannot be used regularly for farrier work as they are needed for the horses. The proposed building is therefore sought to provide a purpose built forge and space for the applicant to work. There is an argument that this particular rural location may be necessary and appropriate for the proposed type of use as the forge is used for the making of specialist horseshoes and the land is predominantly equestrian however, the planning statement details that the farrier will travel to her clients to fit the horse shoes with no clients visiting the site. I can therefore see no specific need for the forge to be at this rural location. It has not been demonstrated that the forge could not be located on a more appropriate site within the built up area boundary and would seem that the reason for citing the forge in this location is primarily for the convenience of the applicant who lives at 122 Scrapsgate Road. This in itself is not a reason to grant planning permission and does not accord with Policy DM3.

**APPENDIX 1**

Report to Planning Committee 23 July 2020

Item 3.1

- 8.4 There has been discussion throughout the application as to whether the proposed use should be considered a B2 use or Sui Generis. Blacksmiths fall under use class B2 but the agent considers that blacksmith and farrier work are distinct in that the nature of making specialist horseshoes does not require intensive time using the forge and therefore the proposal should be considered a Sui Generis use. The agent has provided one committee report from Wiltshire which considers the use class of a forge by a farrier to be Sui Generis. I take the approach that given the nature of the work and the potential creation of noise and fumes that the application should be considered under use Class B2, unless demonstrated otherwise. I do not agree that this is a sui generis use. Regardless of this, even if the use class is considered to be Sui Generis, the same argument holds. There is no reason, nor any compelling justification for this use to be carried out in this location, and it has still not been demonstrated that other more appropriate sites have been considered and therefore the application still fails.
- 8.5 A working forge was once located to the south of the site, however the agent confirms that this has since been converted into a stables for a riding school and is no longer used as such. Although this confirms that there was once a forge near this locality, the use of the forge stopped in 2005 and it is unclear as to whether the forge in this location was used in the same way as now being proposed. I therefore consider that the presence of a disused forge building to the south of the site should be given limited weight.
- 8.6 The proposed building would be located on agricultural Grade 4 land. This is not considered to be the most versatile land which includes Grades 1-3 and therefore I do not consider it unacceptable for the land to be used for something other than agriculture.
- 8.7 For the reasons set out above, I consider that the proposal is unacceptable as a matter of principle, and does not accord with Policy DM3.

## Visual Impact

- 8.8 The proposal would be situated outside of the built up area boundary and therefore the impact on the character and appearance of the countryside must be carefully considered. Policy DM3 states that for new buildings and ancillary facilities, the design and context will need to be sympathetic to the rural location and appropriate to their context. In this case the proposed building is not of notable design and has a rather harsh, industrial appearance. I note however that the application building has a relatively small footprint, and is only of single storey in height. Views of the site from public viewpoints will be limited due to its location to the rear of the site and the established hedging running along the northern boundary and it is of a similar scale to the existing wooden stables on the site. I therefore do not consider that the building will appear excessively prominent in the location.
- 8.9 The building has been designed this way to serve a functional purpose and whilst the materials proposed are not desirable I do not consider the design significantly harmful to the character and appearance of the countryside and therefore believe that on balance the proposal is acceptable from a design perspective.

**APPENDIX 1**

Report to Planning Committee 23 July 2020

Item 3.1

Residential Amenity

- 8.10 Concerns have been expressed by the Environmental Health Manager regarding the potential impact that the proposal will have on surrounding residential dwellings. The building is not considered to be substantial in structure and unlikely to offer good noise attenuation properties. The potential impact on surrounding residential dwellings must therefore be carefully considered. The proposed forge would be situated 150m from the nearest residential dwelling and Environmental Health have confirmed that they have received no noise or disturbance complaints relating to the use of the temporary forge. It must be assumed however that the use of the proposed forge will be more frequent than the usage of the existing temporary forge, as there would not be a restriction on its usage caused by the stabling of horses.
- 8.11 The agent has confirmed, as per the request of the Parish Council, that sound insulation measures can be incorporated into the design however no plans or details regarding this have been submitted for assessment. The agent has stated that the forge is not expected to be used excessively with a suggestion of approximately 16 hours a week but has not specified hours of use. If I had been minded to recommend approval I consider that the hours of use of the forge would need to be restricted via condition and a full proposed scheme of sound insulation measures would also need to be provided.

Flood Risk

- 8.12 The application site lies in Flood Zone 3 but the proposal is considered as a less vulnerable form of development and the Environment Agency raise no objection.

Highways

- 8.13 Clients will not visit the site as the business operates on a mobile basis and the applicant visits clients directly. The applicant already lives on the site and therefore I do not consider there will be a significant increase in vehicle movements.

Other Matters

- 8.14 I note concerns raised from a neighbour regarding future uses of the building, however I do not consider that this would be a justified reason for refusal as we could control the site via condition and enforcement action if required.

**9. CONCLUSION**

- 9.1 The proposed development is located in a rural area, made up of equestrian and agricultural uses and the introduction of a new forge in this location where it has not been demonstrated that it is necessary for the needs of rural communities or that there are no other sites available is unacceptable.

**10. RECOMMENDATION**

REFUSE for the following reasons:

**APPENDIX 1**

Report to Planning Committee 23 July 2020

Item 3.1

- (1) The proposed development is located in a rural area, made up of equestrian and agricultural uses and the introduction of a new forge in this location where it has not been demonstrated that it is necessary for the needs of rural communities or that there are no other sites available is unacceptable. The development would therefore be contrary to policies DM3 and DM14 of 'Bearing Fruits 2031: The Swale Borough Local Plan 2017'.

**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.

**APPENDIX 1**

