

2.6 REFERENCE NO - 19/502483/FULL		
APPLICATION PROPOSAL Erection of 4no. specialist equestrian holiday lets and 2no. stable buildings, installation of new sand school and associated site works.		
ADDRESS Willow Farm Hansletts Lane Ospringe Faversham Kent ME13 0RS		
RECOMMENDATION - Grant subject to conditions, payment of SAMMS and signing of Section 106 Agreement to require advertising of events at the site via Brogdale Road.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD East Downs	PARISH/TOWN COUNCIL Ospringe	APPLICANT Mr K Childs AGENT Urban & Rural Ltd
DECISION DUE DATE 16/07/19		PUBLICITY EXPIRY DATE 20/02/20

Planning History

19/502484/FULL*

Proposed conversion of existing outbuilding Block 4 to retail use (class A1), replacement of outbuilding Block 5 with a two storey building to form 6no. retail units with farm office/storage space above, and erection of a covered walkway and lean to extension to Block 1.
Pending determination.

17/506246/FULL*

Variation of condition 8 of planning permission 16/504755/FULL - erection of three agricultural buildings comprising of hay store, machinery and tractor, tool and workshop to also allow the use of barn 2 only for storage of goods for the onsite country store.
Approved Decision Date: 03.05.2018

16/504755/FULL*

Erection of three agricultural buildings comprising of hay store, machinery and tractor, tool and workshop
Approved Decision Date: 21.02.2017

*Applications above from the current applicant. Those below by previous site owner.

SW/04/0284

Lawful Development Certificate (LDC) was granted for occupation of the bungalow without compliance with the original agricultural occupancy condition
Approved Decision Date: 28.04.2004

SW/01/0944

Demolition of pole barn type building and replacement with portal frame building on same site.
Approved Decision Date: 12.11.2001

SW/89/0834

Indoor Riding Arena and retail saddlery Shop

Approved Decision Date: 22.09.1989

Section 52 Agreement

1. DESCRIPTION OF SITE

- 1.1 Willow Farm Equestrian is located on Hanslett's Lane within the Parish of Ospringe. The site falls within the designated countryside and the Kent Downs Area of Outstanding Natural Beauty (AONB) alongside the M2 motorway. The farm as a whole covers over 43 acres (17 ha) and includes land on both sides of the motorway; the main farm being to the south of the M2 on Hansletts Lane, but with northern fields accessed by a motorway bridge in the centre of the site. The current application site sits between the main farm buildings and the M2, to the south of a range of newer farm buildings.
- 1.2 The main farmyard area consists of a country store, a cafeteria overlooking the 1989 approved indoor arena, along with a small outdoor sand school, machinery store, workshop, tool store, hay store and a few stables, and a general parking area.
- 1.3 To the north of the current application site, planning permission was granted under reference 16/504755/FULL for the erection of three agricultural buildings comprising of a hay store, a machinery and tractor store, and tool and workshop building. Subsequently planning application 17/506246/FULL was submitted to allow the use of barn 2 only, for the storage of goods for the onsite country store. This was approved and is currently being used as such.
- 1.4 The current application site for holiday chalets and a new outdoor sand school is located to the north west of the main farmyard and to the immediate north of Willow Farm Caravan Park (in separate ownership), immediately adjacent to the new farm yard buildings.
- 1.5 The site as a whole has evolved over a number of years, and whilst it is still involved in farming practices it also offers farming supplies to the local rural community through the Gillett Cook Country Store located on the farm.
- 1.6 Additionally there are many equestrian events held on the farm making use of the existing indoor arena and small outdoor sand school. The construction and use of the indoor arena was approved under permission SW/89/0834 and attached to the permission for indoor arena, and the adjacent retail saddlery store, was a legal (now Section 106) agreement, then known as a Section 52 Agreement. This agreement consisted of two heads of term, namely:

(i) The indoor arena or outdoor sand school shall not be used for more than 15 equestrian events in which more than 25 horses or other equine animals participate in any calendar year

(ii) That in any publicity relating to the riding school the preferred route to gain access to and from the aforesaid school shall be shown as via Brogdale Road and then Painters Forstal (as shown on the plan annexed hereto) and at the same time any such publicity shall request that no vehicular access to or from the site shall be via Water Lane Ospringe.

These terms pre-date the current applicant's purchase of the site.

- 1.7 The applicant has provided details of the current level of competitions and equestrian activity at the site, and it would seem that competitions and events have been hosted at Willow Farm on most weekends for some years. Whilst the level of attendance and number of horses is largely unable to be predetermined as the events operate on a turn up and pay basis, the last eight years are likely to have seen usage in excess of the above terms, with both the indoor arena and the outside field being used for dressage and jumping competitions.
- 1.8 The site has undergone major investment and renovation in the current applicant's hands, and the facility now provides year-round leisure and education services, and has developed into a significant equine enterprise with a reputation beyond the immediate local area.

2. PROPOSAL

- 2.1 The current application is for the erection of four specialist equestrian holiday chalets and two stable buildings for owners to bring their own horses with them, along with the installation of new sand school and associated site works, in order to extend and diversify the site's attractions.
- 2.2 The holiday chalets are two pairs of single storey accommodation units. Each will provide two bedrooms, a bathroom and an open plan kitchen/ lounge area. The construction materials include dark stained weatherboarding, timber windows and doors and the roof covering is to be standing seam zinc. Parking will be located to the north of the site and will utilise an existing hard surface area.
- 2.3 Alongside the accommodation units are two pairs of stable blocks each providing four stables and two hay store/ tack rooms, to be constructed in matching materials to the other units. The holiday chalet units have been re-designed since submission of the application in response to concerns raised by the Kent Downs AONB Management Unit, and the application now stands to be determined in its amended form.
- 2.4 A 5m wide ecological buffer zone is proposed adjacent to the holiday chalets accommodation and an existing track which will also separate the units from the open land to the west.
- 2.5 The new sand school would be located on open grassland to the east of the proposed holiday chalets, and is to measure 60m by 90m. The sand school is shown level with the existing surface and with only ground level timber edging, no fencing or lighting is proposed.
- 2.6 Access to the holiday units and their associated parking area, and to the proposed new sand school and its competitions, will be via the existing Willow Farm access off Hansletts Lane which currently serves the site along its eastern side.
- 2.7 In support of the proposal the applicant has provided a Design and Access statement but also an additional design statement to explain the design process for the holiday chalet accommodation.
- 2.8 The Design and Access statement concludes:

“The proposal represents a sensitive scheme which will bring the existing equestrian facility up to the quality and level of competition for one of Kent's leading equestrian

facilities. The proposed design is thought to be of a high architectural quality with scale and mass appropriate for this location. The scheme, if approved, will provide much needed specialist equestrian facilities to this part of the country, allowing the continued development for local riders and the public as a whole. The proposal is thought to be sympathetic to the character of the site and surroundings and will enhance the appearance of the site through external detailing to the elevations with the proposed use of the high quality materials. As a rural business, Willow Farm are investing in the long-term success of the existing facilities by developing and improving the services Willow Farm Equestrian can offer the local community.”

- 2.9 The Design Statement provides the planning and locational context of the site and its evolving history. It examines and explains the different uses at the site and how the location of the proposed holiday chalets came about and the design and subsequent changes in the design.
- 2.10 It argues that *“the scale of the proposed development for a single-storey development would not be seen from the wider context within the AONB designated area”*; that *“the existing landscaping would provide natural screening to the proposed works; as well as the proposed hedging”*, and that *“If one took a traditional farmstead layout and applied it to this site, we feel this would not be an evidence based, contextual response to our brief and would result with a substandard architectural response being applied in this instance.”*
- 2.11 It also states, *“The design of the holiday lets has been revised from its original modern appearance previously proposed, to a more traditional in keeping form of architecture”... “the use of traditional redbrick brick base with a feather edged timber weather boarding above is commonly found in the Kent AONB.”*
- 2.12 The applicant also commissioned a Transport Statement to assess the impact of the proposals on the local road network. It considered initially the existing site arrangements and the related uses, vehicle movements and routes to the site. The survey analysis was taken on a typical week day, a Tuesday, and on a Sunday when equestrian show events were being held at the site. In the interpretation of the figures it must also be acknowledged that visitors to the site also have to use the same access to visit Gillets Country Store.
- 2.13 The survey found that on the Tuesday the existing traffic flows associated with the Willow Farm operations, including Gillets Country Store, as well as those on Hanslett’s Lane are very low in the typical morning peak, between 8.15am and 9.15am. The daytime mid-peak period in the day for Willow Farm showed an increased level of activity when the equestrian, retail and commercial uses were operational. The recorded two-way flows on the Willow Farm access was 15 vehicles (9 inbound and 6 outbound) and this was representative of the typical hourly demands throughout the day. The survey concluded that on a typical weekday, Willow Farm generates low levels of traffic throughout the working day.
- 2.14 On the Sunday when the survey was taking place, equestrian jumping competitions were taking place on two rings, and a further competition event was taking place; this represents the largest type of show Willow Farm hosts. The survey results show that, as expected, vehicle trips were higher than on a typical weekday. The peak inbound was between 8-9 am when 45 vehicles entered, and the outbound peak was between 2-3pm with 44 vehicles leaving the site after the competitions had been completed and the

participants were departing. The peak flow of vehicles in and out of the site was 62 over the period of 1 hour. It is worth noting that the survey identified that there were no recorded operational problems at the site access given the low traffic flows onto the network and the flows being spread out over the day.

- 2.15 The survey then moved on to assess the potential impact of the development proposal and concluded the access and parking arrangements that exist on the site were sufficient for the proposal.
- 2.16 Of particular interest is the estimate of future traffic demands given the nature of the proposal. Due to the mix of equestrian, holiday chalet, retail and commercial uses, the traffic flows and approximate floor areas of each were broken down to present trip rates for each of the specific uses for Willow Farm. These trip rates were then applied to the proposed floor areas to give a general indication of the likely additional trips attracted to the local road network. In terms of the proposed new sand school, the indoor arena will remain and will still be used, particularly when outdoor training is not possible due to the weather, and the sand school will be used by a similar number of people as currently exists, as they currently use the grass, but will now be offered a better facility. So, in terms of trip demand, the maximum increase would be to double the existing trips on the basis of two lessons being carried out in each sand school arena.
- 2.17 The holiday chalets comprise four units and the trip generation for these is seen to be negligible as generally arrivals and departures will take place outside of the typical peak periods. It was therefore not proposed to provide any trip generation analysis for this proposed land-use.
- 2.18 The conclusion of the report was that the predicted increase in the vehicle trips from the new sand school would result in an increase in AM peak demand by 2 inbound and 2 outbound trips, and the same for PM peak demand of 2 additional inbound and 2 outbound journeys. Thus the proposals will result in a negligible impact on traffic flow on the surrounding highway network.
- 2.19 The applicant has also provided further details on how the equestrian competitions and events held at Willow Farm are set up and this helps to understand the situation at the site.
- 2.20 Willow Farm holds approx. 100-120 equestrian events a year, on Saturdays and Sundays with the occasional weekday competition, the number and attendance being weather dependent. Parking is provided informally within the hard surfaced farm yard area. It is the industry norm for the “Jumping Events” competitors to not book and as such it is a somewhat precarious event to put on. The event involves the jumping height of the bars on the jumps to be set very low (for kids) and the bar height then increasing throughout the day. Once the competitor has reached their jumping limit they leave, so in reality they are rarely on site for very long. The indoor arena and the grassed field (area for the proposed sand school) are both used during the day.
- 2.21 For the dressage event all competitors must pre-book. There is a turn around time of approximately 7 minutes per competitor, with intervals and breaks, which enables about 7 rides per hour on average. On a normal dressage competition day they would see between 35-55 competitors, some of which would stay and “compete” more than once.

- 2.22 The applicant has stated that they have found that each event has been seeing approximately 75 riders and 40 vehicles over a maximum 12 hour period. On average over the last eight years they have found that around 40 vehicles are attending per day, given the extensive use of shared vehicles.
- 2.23 The applicant does not intend to see the number or length of events increase from the current situation and argues that a maximum of 120 shows per year would enable the competitions to be continued to be offered and be financially viable. With a set time limit of 8am-8pm this would, given the competition is time dependant, restrict the number of competitors.

3. PLANNING CONSTRAINTS

3.1 Area of Outstanding Natural Beauty KENT DOWNS

Article 4 Swale Article 4 directive

Section 52 Agreement

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) in paragraph 83 states that a positive approach should be taken to sustainable development to promote a strong rural economy and that the support of all types of rural businesses and tourism developments can be achieved through conversion of existing buildings and well-designed new buildings. Additionally, sustainable rural tourism and leisure developments which respect the character of the countryside should be supported.
- 4.2 In paragraph 172 of the NPPF the advice is that great weight should be given to conserving and enhancing the natural beauty of the AONB. The National Planning Policy Framework (NPPF) paragraphs 8 (objectives for sustainable development) and 11 (presumption in favour of sustainable development) are also relevant to this proposal.
- 4.3 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies: ST1 (Delivering sustainable development in Swale), ST3 (The Swale settlement strategy), CP1 (Building a strong, competitive economy), CP4 (Requiring good design), DM3 (The rural economy), DM6 (Managing transport demand and impact), DM14 (General Development Criteria) and Policy DM 26 (Rural lanes)
- 4.4 Policy DM3 is of particular relevance stating:

Planning permission will be granted for the sustainable growth and expansion of business and enterprise in the rural area. Planning permission for residential development will not be permitted where this would reduce the potential for rural employment and/or community facilities unless the site/building(s) is demonstrated as having no demand for such purposes or its use would be undesirable or unsuitable.

Development proposals for rural based employment will:

1. For all proposals:

a. in the case of larger scales of development, be located at the rural local service centres and urban areas as defined by Policy ST3 and in accordance with Policy CP1;

b. firstly 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;

c. retain or enhance the rural services available to local communities and visitors without undermining or resulting in the loss of existing services unless demonstrated to be unviable for the existing use or other employment/community use;

d. for new buildings and ancillary facilities, the design and layout will need to be sympathetic to the rural location and appropriate to their context;

e. result in no significant harm to the historical, architectural, biodiversity, landscape or rural character of the area; and

f. avoid scales of traffic generation incompatible with the rural character of the area, having regard to Policy DM 6 and Policy DM 26.

2. For tourism and leisure:

a. in the case of green/sustainable tourism proposals, be demonstrated by reference to their principals;

b. provide for an expansion of tourist and visitor facilities in appropriate locations where identified needs are not being met by existing facilities in the locality or where able to increase facilities available to local communities as well as visitors; and

c. where relating to holiday parks, proposals are also in accordance with Policy DM 4

4.5 Policy DM24 states in relation to the AONB (and I stress part 1d which I have underlined);

The value, character, amenity and tranquillity of the Borough's landscapes will be protected, enhanced and, where appropriate, managed.

Part A. For designated landscapes areas:

Within the boundaries of designated landscape areas, as shown on the Proposals Map, together with their settings, the status given to their protection, enhancement and management in development decisions will be equal with the significance of their landscape value as follows:

1. The Kent Downs Area of Outstanding Natural Beauty (AONB) is a nationally designated site and as such permission for major developments should be refused unless exceptional circumstances prevail as defined by national planning policy. Planning permission for any proposal within the AONB will only be granted subject to it:

- a. conserving and enhancing the special qualities and distinctive character of the AONB in accordance with national planning policy;*
- b. furthering the delivery of the AONB's Management Plan, having regard to its supporting guidance documents;*
- c. minimising the impact of individual proposals and their cumulative effect on the AONB and its setting, mitigating any detrimental effects, including, where appropriate, improving any damaged landscapes relating to the proposal; and*
- d. being appropriate to the economic, social and environmental wellbeing of the area or being desirable for the understanding and enjoyment of the area.*

5. LOCAL REPRESENTATIONS

- 5.1 Responses from local residents were received from the original submission and the comments are summarised below.
- 5.2 A petition was received from 13 owners of static mobile homes sited at Willow Farm Caravan Site. They state they object to the construction of the access road (to the agricultural storage barns to the north of the site) and its use by vehicles at all hours and the fumes, dust and pollution it produces – NOTE: This is not part of this planning application. They are concerned of a risk of collision between cars and pedestrians leaving the site as drivers are driving at excess speed, and they state they had to complain about disco noise in the early hours from equestrian events. They fear an increase in these intrusions can only impact negatively on our quiet enjoyment of the park
- 5.3 The owner of Willow Farm Caravan Site has objected to the application on the following summarised grounds:

The access road, does not benefit from planning consent

The caravan park relies on peace, tranquillity and security and its rural location for its functioning

The noise intrusion, light pollution, traffic use fumes, dust from the road will be significant and irreversible harm to the business model of the caravan site.

There are a number of bridal ways but these are disjointed and require extensive road work

The proposal lacks financial data and given the expected costs of the building versus relatively low returns would not appear to make commercial sense.

There is a legal agreement in place to restrict the annual number of horse shows to 15 and a preferred access route avoiding Water Lane this would limit any improved income stream

The field is agricultural land and in the AONB

The scale size and bland materials of the holiday lets are not in keeping with the local vernacular

Design of the lets and stables show a lack of understanding of equestrian needs: the stables should be kept away from the dwellings due to smell, flies, rats and muck

Gravel frontage needs to be drained concrete so the horses can be washed down and kept clean

What is the advantage of an Olympic size sand arena when the equestrian centre is well equipped already

Lack of information

How will it be connected to mains drainage?

Many of these comments are repeated in a letter of objection from the owner of a caravan at the caravan park.

- 5.4 Swale Footpaths Group say that footpath ZR 670 is nearby, but it does not seem it would be affected.

6. CONSULTATIONS

Ospringe Parish Council

- 6.1 The Parish Council has commented on this application alongside the (currently undetermined) application 19/502848/FULL for retail and office/storage space, and they strongly object to both applications, although I will only present the comments relevant to this application below.
- 6.2 They considered both applications have the potential to very significantly increase traffic movements on the local road network which is not suited to further increases in traffic levels. They consider that the new sand school could be a significant generator of both participants and spectators.
- 6.3 They argue that neither of the Design and Access Statements gives any meaningful information on the likely types and numbers of additional vehicles, nor timings or frequency, and there is little useful traffic data or analysis to assist. It is specified that 'levels of local traffic and assessment of capacity' and 'width, curvature and dimensions of streets' have both been considered. They argue these assessments would indicate that this location is entirely unsuitable for the volume of traffic that this venture would produce given that it would greatly increase the volume of traffic on the narrow lanes with the parish.
- 6.4 They complain about the current situation regarding the existing businesses at Willow Farm which they determine puts great stress on the parish road infrastructure. They contend that the Gillet Cook vans use the narrow lanes as cut throughs to the main arterial routes, rather than using the larger classified roads. Horse trailers and boxes travelling to Willow Farm also tend to use the most direct routes from the A2 and A251 which takes them down the same narrow lanes. They believe the width of these vehicles damages the road verges and wildlife in the hedgerows. There are few passing places and these types of vehicles are difficult to reverse or manoeuvre into a layby which further exasperates this issue.
- 6.5 They believe that additional equestrian facilities will further increase all of these traffic problems, which when considered with the increase in traffic from the existing neighbouring new developments, makes this entirely unsustainable from a traffic perspective.

- 6.6 The proposed new sand school does not allow for much new parking, nor does it provide details of anticipated traffic movements as stated above, despite it having the potential to generate large traffic numbers
- 6.7 Likewise, the sand school is shown as being constructed on an area of currently open grassland, resulting in further “building up” of the area, already exacerbated by the recently constructed large warehousing buildings just to the north. The whole of the application site is in the Kent Downs AONB where special protection measures should apply.
- 6.8 External floodlighting of an outdoor sand school would be intrusive in this semirural area.
- 6.9 They would be concerned to ensure that any holiday lets, whether built as part of the current application or separately applied for, were subject to appropriate restrictions limiting their usage to very short term individual holiday occupation only e.g. 14 days maximum, with no “cycling” of occupants to circumnavigate this restriction and thereby facilitate long term occupancy by the same persons.
- 6.10 Following the submission of a Transport Statement and a revised Design Statement, all original consultees and those who had commented were reconsulted and the Parish Council further commented that they did not find the Traffic Assessment to be a credible document.
- 6.11 They commented that it contained a number of material errors and incorrect information within the body of the Assessment which they considered must affect the accuracy and credibility of the conclusions it seeks to draw. Amongst these errors and inaccuracies are statements and assertions they stated that:
- 6.12 There are only “occasional equestrian events” at present (para 2.2). In fact, events are held on a very frequent basis throughout the year and more so during the summer months.
- 6.13 That the “only route for the larger vehicles (e.g. horse boxes) to access Willow Farm...is via Brogdale Road (Para 2.10). In fact, significant numbers of horse boxes use (and attempt to use) Water Lane and other routes
- 6.14 That “when Willow Farm hosts equestrian events, the demands are marginally higher than the day to day demands” (para 2.40). On event days – of which there are many throughout the year, there is a significant increase in the levels of traffic in the lanes around and giving access to Willow Farm
- 6.15 The Parish Council considered that the traffic assessment failed to deal adequately or at all with several important issues. Such as, it did not touch upon the HGV traffic generated by the numerous existing uses and users of Willow Farm, nor recognise that these will be increased by the proposed developments there.
- 6.16 They considered the Traffic assessment was also very narrow in its evidence base, relying on just two days of video survey, rather than more substantial analysis and data collection. This they considered greatly affected the accuracy of its assertions, summary and conclusions.
- 6.17 The Traffic Assessment asserts that the new competition sand school will only attract at most the same number of trip movements as the existing indoor school – this is difficult

to accept and if true would cast doubt on the commerciality of an investment of this sort. In conclusion they did not agree with the methodology of the traffic assessment.

Highways England (HE)

- 6.18 HE commented following the submission of the Transport Statement stating they will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly the M2 between and including Junctions 5, 6 and 7. Having reviewed the supporting Transport Statement (dated 07/10/19) they did not agree with the methodology used and considered that there appeared to be a number of consistency issues throughout. The Transport Consultant communicated via email (dated 05 February 2020 regarding planning application 19/502484) that the scale and frequency of events held at Willow Farm are not likely to increase given the granting of planning permission and HE assume that this applies across the whole venue. On this basis and having undertaken their own assessment they considered that the traffic impacts likely to result from the proposals in the AM and PM peak periods is unlikely to materially affect the safety, reliability and / or operation of the SRN. Therefore they do not offer any objections or requirements relating to the proposal.

The Kent Downs AONB Management Unit

- 6.19 The Unit originally commented that they were concerned that the proposed holiday chalets and stables were poorly located to the existing built form at Willow Farm. While they noted that permission had been granted for buildings adjacent to the M2, some distance from the main buildings, it was considered that the proposed site of the buildings would exacerbate the harm resulting from the siting of these recently permitted buildings. As recommended in the AONB Unit's Landscape Design Handbook and Farmsteads Guidance, new buildings should be grouped together following a locally traditional layout.
- 6.20 They stated they had no objection in principle to modern design, but they also considered the original design of the new buildings with their large overhanging eaves and shallow roof pitch to be wholly inappropriate to the sensitive setting within the AONB, failing to be complimentary to the local character and distinctiveness of the Kent Downs AONB.
- 6.21 They considered that locating the development in the proposed location would further extend the expansive development that has taken place here in an inappropriate sporadic manner that wholly fails to either conserve or enhance the AONB and fails to comply with Kent Downs AONB Design Guidance (both the Farmsteads Guidance and the Landscape Design Handbook) that advocates clustering new buildings with existing.
- 6.22 They further considered that even though Willow Farm is not an historic farmstead layouts that are characteristic of the locality should still be used to help maintain and strengthen the historic and locally distinctive character of the locality. They considered that the design should fit neatly with and compliment valued traditions, forms and patterns of the past, but instead the proposed location and design built on inappropriate past modern development that failed to achieve this.
- 6.23 They acknowledged the site is relatively contained within the wider landscape and the development may not affect wider long distance views, although this is not the sole test for acceptability of development in an AONB. The AONB is a wide and large expanse of

area and any development which significantly detracts from elements which contribute to that wider natural and scenic beauty would not conserve or enhance it.

- 6.24 Taking the above into account, they considered that the proposal would fail to conserve or enhance the special qualities and distinctive character of the AONB, and would be contrary to the Kent Downs AONB Management Plan and in particular policies MPP2, SD1, SD2, SD3 and SD9 of the Kent Downs AONB Management Plan, and that the proposal would weaken the characteristics and qualities of natural beauty and landscape character and disregard the primary purpose of the AONB designation, namely the conservation and enhancement of its natural beauty and would be contrary to paragraph 172 of the NPPF as well as the AONB Management Plan and policy DM24 of Swale's Local Plan.
- 6.25 Following revised details and dialogue with the applicant's agent the AONB Unit was reconsulted on the amended scheme with the additional design statement. They considered that the proposed revisions satisfactorily addressed the previous concerns raised regarding the design of the holiday units and were considered a much more appropriate response to the site's context. However, as the location of the holiday lets remained unaltered, their concern regarding the siting of the proposed buildings remains.

Kent Highways (KHT)

- 6.26 KHT originally requested a Transport Statement detailing existing vehicle movements and the potential increase of such under the proposals and to include for the additional retail and office proposal on the wider site proposed under 19/502484/FULL (currently not determined).
- 6.27 Once this was received they further commented that the existing access on Hanslett's Lane would be suitable for the additional number of vehicles generated by these proposed developments. To ensure the existing vehicle visibility is maintained, there should be no obstruction within the visibility splays over 0.9m above the carriageway level.
- 6.28 With regards to the Transport Statement (TS) submitted, they were satisfied that the proposed outdoor sand school will offer improved facilities to an extant use of the site and consequently will not result in a significant number of additional vehicle trips beyond that already experienced. Therefore, they would not expect the additional trips generated by the sand school on either event days or typical operating days to have a severe impact on the highway network.
- 6.29 They were also satisfied that the erection of four equestrian holiday lets will not generate significant additional vehicle trips and will therefore also have little effect on the local highway network.
- 6.30 There are no parking proposals for the proposed sand school, as visitors will continue to use the existing parking area for equestrian use and the parking allocation for the holiday lets of one parking space per let was acceptable. KHT has stated that as these holiday lets are intended for visitors using the equestrian facilities, the parking spaces should be large enough to accommodate a vehicle and trailer and this should be demonstrated on a plan. The submitted drawing was subsequently amended to show

the appropriate spaces, and provided these spaces are secured by condition KHT now offer no objection to the proposal.

The Council's own Economy and Community Services Manager (Culture and Places)

- 6.31 Considered this was a relatively unusual proposition for the area. They are familiar with Coldblow Equestrian Training Centre in Thurnham near Maidstone but did not know whether this is similar in size and scale and visitor offer and was sure that the applicant had undertaken some comparative work and had discussions? They had not seen any business planning information so could not offer an informed opinion as to whether this is a sustainable business operation. Having said that they considered this to be an unusual offer and could prove to be unique and therefore popular.

The Environmental Health Manager

- 6.32 Has noted the limited likely increase in trips generated by the proposal, noted the lack of lighting on the site and offered no objection subject to the conditions recommended being below.

7. BACKGROUND PAPERS AND PLANS

- 7.1 19/502483 and existing plans

8. APPRAISAL

Principle of Development

- 8.1 The site is situated outside of any established built-up area boundary, where policies of rural restraint apply. However, the proposal is to create holiday chalet accommodation, rather than permanent residential development, and the provision of additional facilities in the form of the new larger sand school. Policy DM3 (The rural economy) of the Local Plan suggests that planning permission will be granted for the sustainable growth and expansion of business and enterprise in the rural area and these proposals are presented as a means to ensure the viability and diversification of the equestrian enterprise at Willow Farm. Policy DM24 seeks to protect the natural beauty of the AONB but also allow for its socio-economic needs. I consider that the appearance and quality of accommodation, along with that of the sand school, will both enhance the natural beauty of the AONB and support the rural economy, by helping to sustain its own and nearby businesses and local tourist attractions. As such, I am of the opinion that the proposal is acceptable in principle and in accordance with Local Plan principles

- 8.2 What falls to be further considered under this application, is the acceptability of the submitted scheme in terms of its impact on the AONB area, the impact on the character of the countryside and on residential amenity.

Visual Impact

- 8.3 Willow Farm has a somewhat unusual site ownership boundary and as such the farm and its activities are spread out in a somewhat unconventional arrangement. The farm's indoor equine arena, the attached rural store, farm yard, open farmland and access track wrap around the Willow Farm Caravan Park, which is in the separate ownership of the previous owner of Willow Farm. The farmhouse, storage buildings, and the M2 are all in close proximity and create a "dog leg" ownership land parcel. Therefore Willow Farm

can be described as having a modern rather than traditional farm yard arrangement, and as such I consider that it is somewhat inappropriate to seek to apply traditional farmyard design standards to this site.

- 8.4 Views of the proposed buildings from outside the site are likely to be limited from the west along Hansletts Lane which is the most visible, as views here are interrupted by established, although patchy in places, native hedgerows. Additionally, upon coming closer to the site, the dominant view is, and would remain so, the predominantly white caravans and mobile homes of Willow Farm Caravan Park.
- 8.5 A proposed 5m wide ecological “buffer” is proposed immediately to the west of the new holiday chalets, in addition to the existing native beech hedgerow on the west side of the access track. This screening is not unusual in the locality where there are other such vegetation screening exists. This new “buffer”, with the appropriate native species, would be a biodiversity net gain when planted and maintained properly, and I have recommended conditions to enable this.
- 8.6 Even from the M2 to the north any potential views of the site are interrupted by the sporadic but established vegetation.
- 8.7 The location of the proposed holiday chalets ensures the horses and any noise, smell or disturbance would be kept away from Willow Park Caravan Park, which would also remain screened by its own extensive and established landscaping along the northern boundary.
- 8.8 This also ensures that the chalets are close to the proposed outdoor sand school and the existing access track so no additional hardsurfacing is required.
- 8.9 Following consultation with the AONB unit the holiday chalets were redesigned and, whilst they remain single storey, they have been revised from the original very modern appearance to a more traditional form of architecture. The stable building redesign followed suit, and the more traditional stable block conversion form of appearance is considered more appropriate. This redesign resulted in the proposed scale and mass being reduced by 48m².
- 8.10 The use of traditional redbrick brick base with a feather edged timber weather boarding above is commonly found in the Kent Downs AONB, and the stable like openings will help to give the appearance of an outbuilding that has been converted. The proposed materials are all thought to be of a high quality, and it is now proposed to have a high quality metal roof as part of this application, the final choice of materials can be secured by condition. The redesign has met with the approval of the AONB unit and I consider the appearance of the buildings to be appropriate in the context of the locality.
- 8.11 I note however the continued concern over the location of the holiday chalets by the AONB unit, and whilst I acknowledge this proposal will result in a change to the current situation, I do not consider it can be judged to “significantly detract” from the elements that contribute to the AONB’s value. The location of the proposed equine and tourist facilities essentially requires a rural location and this site offers the ability to provide both in a fairly well screened position. The mitigation of the new building design, high quality materials, and the landscaping benefits all weigh in favour of the proposal, and the permitted historic expansion of the site, in its farm yard and the caravan park requires the site to be considered in its current context.

8.12 Sand schools are a feature of many rural landscapes, and in this instance the impact will be mitigated by the proposal's level design with floor level edging and the lack of the usual fencing and lighting that generally draws attention to such development. As such I consider the proposal would not result in a significant or considerable impact on the character of the site nor would harm the area as a whole.

Residential Amenity

8.13 I note the concerns raised by the visitors/ owners of caravans from Willow Farm Caravan Park with regard to possible issues adversely affecting their residential amenity. However, most of the concerns appear to refer to the existing use of the access road/track which leads to the approved agricultural storage area to the north of the site, and which is not part of this planning application.

8.14 This application is simply for four holiday chalet units and a sand school, and the debate is regarding the impact of these proposals, not reconsidering what has previously been approved/constructed. The application confirms, and the Transport Statement assessed on this basis, that the access to both the sand school and the holiday chalets will be via the existing main access to Willow Farm. So, as is the current situation, all vehicles will use this wide and established access.

8.15 The site is in a relatively isolated position and as such the nearest residential properties are located adjacent to Hansletts Lane, the closest being over 200m away from the site with the intervening Caravan Park, being 50m away. As such the positioning of the holiday chalets ensures they are some distance from any residential properties as fields intervene and surround the site. I further consider that the measures outlined above including the existing and the proposed native screening will serve to mitigate and screen the buildings to an acceptable degree, to not cause harm to the residential amenity of any nearby residents.

8.16 I further do not consider that the vehicle movements to and from the four new accommodation units would be to any degree to cause harm to those holidaying at the caravan park particularly given they would be using the main Willow Farm access, set away from the Caravan Park access and units. Nor indeed that they would be greater than the movements to and from the caravan park currently.

8.17 Conditions have been recommended to ensure a restriction on the number and the timing of those events to ensure that there is no increase in the current situation and to ensure that it would protect the amenity not just of those in the immediate vicinity, at the caravan park, but also that of permanent residents.

Highways

8.18 The access to the holiday chalets and new sand school is to be provided via the existing main access to Willow Farm. Comments have been made referencing use of the historic agricultural track to the west of the main farmyard, adjacent to Willow Farm Caravan Park, which continues on to the agricultural buildings to the north of the site. I note the western access is referred to by an objector as an "*unauthorised road*" and that it "*does not benefit from planning consent*".

8.19 Significant time was spent by Enforcement Officers investigating these claims in 2018 and in 2019 and it became clear that the evidence showed that the track had existed for many years and that, whilst the new farm buildings close to the M2 had been approved

and the planning permission (16/504755/FULL) restricted their use to agricultural purposes, the planning permission did not restrict which access route can be used to access them. The applicant was therefore free to use this track or the main farm driveway to access his land and his buildings. Furthermore, as the track had previously been used, and continues to be used, for agricultural purposes on agricultural land, there are wide ranging permitted development rights to construct such a road. This is not the proposed access to the current proposals, and I do not see this issue as material to the assessment of the current application.

- 8.20 I note the concerns of the Parish Council and other objectors regarding their view of the impact the current proposals would have on the local road network, although I note the main body of the objections appear to be the current stresses on the local road network from the use of a variety of vehicles attributed to the site.
- 8.21 What is to be considered with this application is the impact of the vehicle movements likely to arise from the development being proposed. In terms of the four holiday chalets, and in my view it is reasonable to consider these are unlikely to be significant. In relation to the new sand school (and the undetermined application for separate commercial development), a detailed Transport Statement has been submitted and reviewed by the relevant statutory consultees.
- 8.22 With regard to the Parish Council not finding the Transport Statement a “credible document” the Transport Statement provides evidence of traffic movements for typical operational days at the site, which is common practice for Transport Statements and Assessments. Owing to the nature of the site and its mixture of uses, I am advised that a site-specific methodology is appropriate in this instance and appears robust enough in the view of the Kent Highways engineers to predict the additional trips generated.
- 8.23 The assumption made for linked trips with other site uses was acceptable in the view of Kent Highway engineers, and additionally Highways England were also content that the proposal would not create sufficient traffic to warrant objecting to the proposal.
- 8.24 It must be remembered that the equine events are an already established use of the site and have been for many years, and the Transport Statement informs us that event days are not due to increase and there is no counter evidence for me to have cause to doubt this.
- 8.25 This application only needs to demonstrate that the impact of any additional traffic generation is not severe. The site already holds horse shows, amongst other things, and it is not proposed that there will be a change to the current number of events being held. There will be the four holiday accommodation units that will provide any additional traffic to the site than currently exists. Trip generation for holiday chalets is generally accepted to be a little lower than permanent dwellings for e.g. four dwellings would produce approximately two vehicle movements in the peak traffic hours. These additional movements would not in my view constitute a severe impact.
- 8.26 In terms of the proposed sand school, the applicant has stated that this facility is being provided to ensure the business can provide a sand school to a higher standard. The current indoor arena is not up to a full size, and cannot be extended due to the land ownership boundary, so the new facility is intended to accommodate riders who are at a competitive level so high they are now having to leave Willow Farm to go to other equestrian centres offering this higher level of facility. The riders currently use the field

at the site and its replacement with a sand base is proposed to be an upgrade which will be key to the long-term success of Willow Farm. As such, I consider that conditions to restrict the number and timings of the competitions will be sufficient to ensure the conclusions reached by the Transport Statement are adhered to, and additionally a Section 106 agreement, would be appropriate and should state :

- 1) That in any publicity relating to use of the new sand school the preferred route to gain access to and from the aforesaid school shall be shown as via Brogdale Road and then Painters Forstal, and at the same time any such publicity shall request that no vehicular access to or from the site shall be via Water Lane Ospringe.

8.27 With these conditions and such an agreement in place it would ensure the sand school does not result in more events than currently take place and that the vehicles attending the events utilise the most efficient and appropriate route to and from the venue.

Landscaping

8.28 There is existing established landscaping in and around the site, but of note is the proposed additional 5m ecological landscape buffer zone. This will screen the holiday accommodation buildings predominantly but also the sand school from short and long range views from the west.

8.29 With native landscaping and other species appropriate for the area this should provide an ecological benefit to the area and I have included conditions to ensure and protect it.

Other matters

8.30 This proposed offer of high quality holiday chalet accommodation and associated equine facilities is unique and as such is an enterprise which could prove not only a success for Willow Farm but for the Borough's tourism and leisure activity offer on a wider scale.

9.0 CONCLUSION

9.1 The proposal would enable Willow Farm to make an offer of unique equestrian linked holiday accommodation which increases the tourism offer that the Borough is able to promote. I have taken into account the potential impact of this proposal on the character and appearance of the countryside and AONB, and to the comments of local residents and the Parish Council. I am of the view that the impact on the countryside and AONB has been mitigated and would be minimal compared to the benefits it would bring to the Borough. Furthermore, conditions have been recommended below to ensure the development has a minimal impact on visual and residential amenities as is possible.

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.

This Appropriate Assessment has been undertaken without information provided by the applicant. The application site is located within 6km of The Swale Special Protection Area (SPA) which is a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats. The proposal thus has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

In considering the European site interest, Natural England (NE) advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, the proposal is unlikely to have significant effects on these sites.

The recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, "it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site." The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group (NKEPG).

NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the (NKEPG) and that such strategic mitigation must be in place before the dwelling is occupied. Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (to be secured by either s106 agreement or unilateral undertaking on all qualifying developments) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others.

- 10 **RECOMMENDATION** - GRANT Subject to the following conditions, collection of SAMMS mitigation payments and signing of the Section 106.

CONDITIONS

- (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 approved drawings A21-210, A21-400, 405, 406, 410, 411, 412, 413, 414, 415, 416, 417 and A21-100 Rev P5

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 samples of external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character and appearance of the conservation area.

- (4) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works, to include new hedging, 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 and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, including proposed gates, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (5) 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.

- (6) All hard and soft landscape works shall be carried out in accordance with the approved details and shall be retained in perpetuity. 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.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (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.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (8) The holiday chalets hereby approved shall be constructed and tested to achieve the following measure:

At least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended). No development shall take place until details of the measures to be undertaken to secure compliance with this condition have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

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

- (9) The holiday chalets hereby approved shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the chalets shall not be occupied unless the notice for the chalets of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability

- (10) The windows and external doors to be used in the approved development shall be constructed of timber.

Reason: In the interest of preserving or enhancing the character and appearance of the conservation area.

- (11) The area shown on approved drawing A21-100 Rev P5 including the car parking spaces shall be kept available for such use at all times and no permanent 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 the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the first occupation of the holiday accommodation hereby permitted.

Reason: Development without adequate provision for the parking of cars is likely to lead to car parking inconvenient to other road users.

- (12) Prior to the first use of the stables hereby permitted a scheme for the disposal of run-off from the stables, hardstandings, manure heaps, stable washings and hay soaking areas shall be submitted to and approved by the Local Planning Authority and these arrangements shall be implemented and maintained during use of the stables.

Reason: In the interests of the amenities of the area.

- (13) Prior to the first use of the stables hereby permitted, details of where and how manure is stored and ultimately disposed of, shall be submitted to and approved by the Local Planning Authority and all manure arising from the stables hereby approved shall be

stored in accordance with the approved details. No manure or waste materials shall be burned upon the land within the application site.

Reason: In the interests of the amenities of the area

- (14) The holiday accommodation hereby permitted shall be used solely for the purpose of holiday accommodation; shall not be used by any person or persons as their sole or main residence and shall not be occupied by any person or group of persons for more than four weeks in any calendar year.

Reason: As the site lies outside any area intended for new permanent residential development and as the permission is only granted in recognition of the applicants intention and the Local Planning Authority's wish to encourage suitable provision of holiday accommodation in this attractive rural area.

- (15) 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:

- A statement of why lighting is required and proposed the hours of illumination.
- A site plan showing the area to be lit
- The type, number, mounting height and alignment of the luminaries.

All lighting must be installed and operated in accordance with the approved details.

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

- (16) No further development permitted by Classes A, C, or D of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), shall be carried out.

Reason: In the interest of conserving the character and appearance of the conservation area.

- (17) Equestrian events using either the existing indoor arena at Willow Farm, the existing outdoor sand school at Willow Farm, or the outdoor sand school hereby permitted shall take place on not more than a 120 days in any calendar year.

Reason: In the interests of the amenities of the area.

- (18) The outdoor sand school hereby permitted shall not be used for equestrian events other than between the hours of 8 am to 8 pm on any day.

Reason: In the interests of the amenities of the area.

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.

In this instance:

The applicant/agent was provided with formal pre-application advice.

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.

