

PLANNING COMMITTEE – 21 JULY 2022**PART 3**

Report of the Head of Planning

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

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| 3.1 REFERENCE NO - 22/502148/FULL | | |
| APPLICATION PROPOSAL Proposed new stone wall and electric gates to entrance. New field access gates. | | |
| ADDRESS Callum Park Basser Hill Lower Halstow Sittingbourne Kent ME9 7TY | | |
| RECOMMENDATION Refuse | | |
| SUMMARY OF REASONS FOR REFUSAL The application proposal is considered to be out of keeping with the rural character of the surrounding area, such that it would have a detrimental impact upon the Area of High Landscape Value and the character of the adjacent designated rural lane. The proposal would appear visually incongruous in its context, contrary to the aims and objectives of Policies CP4, DM24 and DM26 of the Swale Local Plan 2017. | | |
| REASON FOR REFERRAL TO COMMITTEE Cllr Clark has elected to call the application to be determined at the Planning Committee. | | |
| WARD Bobbing, Iwade And Lower Halstow | PARISH/TOWN COUNCIL Lower Halstow | APPLICANT Master Knowles Developments AGENT Kent Design Studio Ltd |
| DECISION DUE DATE 04/07/22 | PUBLICITY EXPIRY DATE 05/07/22 | |

RELEVANT PLANNING HISTORY

17/503274/FULL - The demolition of existing buildings (totalling 2,637 sqm); the removal of 14,600 sqm of impermeable surfaces including 3 x riding arenas and car parking (overall 37% reduction of impermeable surfacing); and the erection of nine detached custom build eco houses and garages with home offices/studios (totalling 1,995sqm) (overall 24% reduction in built footprint) and associated SUDS ponds, cycle/walking paths, landscaping and wildlife planting and ecological enhancement; along with a sand school and estate/equestrian building for personal use and estate management, and associated access road - Refused Decision Date: 13.10.2017

20/501002/OUT - Outline application (all matters reserved except for access) for the demolition of a large equestrian centre and construction of a smaller facility enabled by 9no. custom-build homes with associated landscape enhancements - Approved Decision Date: 07.08.2020

22/501873/OUT - Section 73 - Application for variation of condition 1 (details of layout, scale and appearance), condition 5 (verification report), condition 7 (management of open space), condition 8 (electric vehicle charging facilities), condition 16 (parking and garaging), and condition 17 (cycle parking), to allow each part of the development to commence after details of that part have been provided, pursuant to 20/501002/OUT for - Outline application (all matters reserved except for access) for the demolition of a large equestrian centre and construction of a smaller facility enabled by 9no. custom-build homes with associated landscape enhancements - Pending Consideration Decision Date: N/A

1. DESCRIPTION OF SITE

- 1.1 The application relates to a vehicular access serving Callum Park, an equestrian and riding centre. The application site is restricted to an area of land around the site entrance, and which currently comprises an existing set of low-level metal field gates providing access on to Basser Hill. The front of the site contains a small triangular grass verge and large tree and a dual access onto the highway. The site is enclosed with post-and rail timber fencing and hedging.
- 1.2 The land affords access to the equestrian facilities to the south and west of the application site. Callum Park riding centre is made up of a complex of stable blocks and other associated buildings. The equestrian facilities at the site include extensive paddocks, an indoor riding arena, associated offices, classrooms, a spectator area, a café and retail area, and riding arenas.
- 1.3 Outline planning permission was recently obtained under application ref: 20/501002/OUT for the demolition of parts of the equestrian centre to facilitate the erection of a small development of residential homes to the south west of the application site and the application site will serve as the entrance to the development.
- 1.4 The site is located in a rural area, approximately 0.6 miles from the built-up area boundary of Lower Halstow village. Basser Hill is a designated rural lane. The site is also located within an Area of High Landscape Value.

2. PROPOSAL

- 2.1 The development proposal relates to the replacement of the existing low-level metal entrance gates with new high-level electric entrance gates constructed in wrought iron with brick piers on either side. The proposed replacement entrance gates will measure approximately 2.1 metres in height and the associated piers will measure approximately 3 metres in height. The brick piers are designed with sandstone caps, plinths and cast stone decorative finials. Two sections of wall are to be constructed on either side of the brick piers in sandstone and they will be joined to sections of 1.2 metre estate fencing, which is to be installed in the place of the existing post-and-rail fencing. The new proposed gates are to be installed with an associated CCTV system for security purposes.
- 2.2 A metal field entrance gate is also proposed to the south-west of the entrance gates, which will provide access into a field to the south.

- 2.3 The driveway area to the front of the proposed electric gates is to be resurfaced with new tarmac and new edging kerbs. Granite setts are also to be laid at the junction with the highway. The existing triangular grass verge is to be retained and enlarged, and a stone bollard is to be installed at one corner of the verge to prevent parking.

3. PLANNING CONSTRAINTS

- 3.1 The site constraints are as follows:

SSSI Impact Risk Zones
Area of High Landscape Value
Designated Rural Lane
Great Crested Newt Risk Zone – Amber
Within the buffer area of a designated Explosives site
Area of Archaeological Potential

4. POLICY AND CONSIDERATIONS

- 4.1 National Planning Policy Framework 2021
- 4.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017:
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| ST1 | Delivering sustainable development in Swale |
| ST3 | The Swale Settlement Strategy |
| ST5 | The Sittingbourne Area Strategy |
| CP4 | Requiring good design |
| DM7 | Vehicle parking |
| DM14 | General development criteria |
| DM24 | Conserving and enhancing valued landscapes |
| DM26 | Rural Lanes |
- 4.3 Swale Borough Council Parking Standards 2020
- 4.4 Swale Landscape Character and Biodiversity Appraisal 2011

5. LOCAL REPRESENTATIONS

- 5.1 Five local representations have been received in respect of the application. Two of the local representations expressed support for the proposal, on the basis that the proposal is only marginally over permitted development thresholds, is appropriate to its surroundings, and that other poorer forms of entrances are evident in the locality. The remaining three representations have raised objections to the proposal on the grounds that the proposal would be out of keeping with the rural character of the area and lead to the further urbanisation of the site.
- 5.2 Cllr Clark supports the application, on the basis that the gates are small, set well back from the road and would not cause any demonstrable harm to the area or streetscene. He also states that there are many massive walls and gates in and around this area.

6. CONSULTATIONS

- 6.1 **Lower Halstow Parish Council** – Support the proposal on the basis that the scheme meets with the intent of the village planning strategy

6.2 **Kent County Council Archaeology Team** – No objection, no archaeological measures would be required.

6.3 **Health and Safety Executive** – No comment

6.4 **Natural England** – No comments received

7. BACKGROUND PAPERS AND PLANS

7.1 Please refer to the existing and proposed plans provided.

8. APPRAISAL

Principle of Development

8.1 Policy ST3 of the Swale Local Plan 2017 sets out the settlement strategy for the borough. The policy states that the principle of new development located on sites within the urban confines of existing settlements will generally be supported. However, development will not be permitted on land which falls outside of the defined built-up area boundaries of established towns and villages in the borough, unless the development proposal is supported by national policy and the development would contribute to protecting and enhancing the character of the rural setting.

8.2 The application site falls outside of the built-up area boundary of Lower Halstow on land which forms part of the countryside. However, the erection of certain types of boundary treatments in the countryside is permitted under national policy. In addition, the proposed new gates and associated fencing will replace existing gates and fencing in the same location. Accordingly, the principle of replacing the existing entrance gate, field gate and fence on the site is acceptable in policy terms.

8.3 However, notwithstanding the above, given the rural character of the surrounding area, the acceptability of the replacement gates and fencing will depend upon the visual impact of the proposal and whether it is considered to protect and enhance the character of the rural setting, including the character of the designated rural lane and Area of High Landscape Value.

Impact on Visual Amenity

8.4 Policy CP4 of the Swale Local Plan 2017 requires development proposals to be of high-quality design and to be in keeping with the character of the area. It states that particular regard should be paid to the scale, height, materials, detailing, mass, bulk, articulation and site coverage of any future proposals.

8.5 Policy DM24 of the Swale Local Plan 2017 relates to the conservation and enhancement of valued landscapes. The policy states that Areas of High Landscape Value (Kent and Swale Level) are designated due to their significance to Kent and Swale respectively, and where planning permission is granted, it will be subject to the conservation and enhancement of these landscapes and subject to the avoidance, minimisation and mitigation of any adverse landscape impacts as appropriate. The policy states that where significant adverse impacts remain, in order to be considered, the social and/or

economic benefits of the proposal should significantly and demonstrably outweigh harm to the Kent or Swale level landscape value of the designation concerned.

- 8.6 Policy DM26 of the Swale Local Plan 2017 aims to conserve designated rural lanes in the borough due to their key contribution to rural amenity, nature conservation and to the character of the landscape. The policy states that planning permission will not be granted for development that would either physically, or as a result of traffic levels, significantly harm the character of rural lanes.
- 8.7 The application site is located adjacent to a designated rural lane and it lies within an Area of High Landscape Value. According to the Swale Landscape Character and Biodiversity Appraisal 2011, the site lies on the edge of the Upchurch and Lower Halstow Fruit Belt character area. The area is characterised as a complex mixture of truly rural landscapes and more transitional or fringe landscapes associated with the rural settlements. The land use in the area is varied and it includes mature and newly planted orchards, pasture and arable production, and grazing marshes west of Ham Green, together with some equine and golf course development. The key characteristics of the area include its small to medium-scale rural landscape and strong sense of enclosure, its undulating landscape affording occasional long views to north and south, its fragmented structure of mature hedgerows and shelterbelts surrounded by orchards, pasture and arable fields, and its predominantly narrow winding lanes.
- 8.8 The area is considered to be moderately visually sensitive. The guidance set out in the SPG acknowledges that the influence of urbanisation, including equine and golf course development, in the area, has altered the quality of the natural landscape at the urban fringe and the historic character of the settlements. It further states that at the outskirts of settlements fields are frequently subdivided, often by a variety of fencing types, to accommodate horse pastures, allotments and other urban related land uses, which has reduced the coherent rural character of the fringe landscapes. As a consequence, the guidance recommends that, where possible, the distinctive landscape and historic character formed at the coastal edge and eastern road approaches to Lower Halstow should be conserved.
- 8.9 In my opinion, Basser Hill displays strong rural characteristics. Although the equestrian development at Callum Farm has brought some elements of built form into the landscape, these are relatively subtle as buildings are located well away from the lane and existing gates and fencing are sympathetic to the rural surroundings. The road leading to the site entrance is predominantly enclosed by mature hedgerows. The existing site entrance is wide and fairly open, affording some views of the surrounding fields. The existing entrance gates are set back from the road and are aligned with two sections of post-and-rail fencing which run along the existing field boundaries to the road. Due to the site topography, the entrance gates are sited in a slightly elevated position and, due to the lack of development in the immediate surrounding area, they appear fairly isolated. The existing gates are modest in their height and appearance and their simple design is in keeping with the rural surroundings.
- 8.10 The proposed resurfacing and hard landscaping works to the front of the site and the replacement of the existing post-and-rail fencing with 1.2 metre high estate fencing is

considered to be acceptable as it will not significantly impact the character of the site or the rural lane and the site entrance will retain its open character.

- 8.11 However, with regards to the proposed replacement entrance gates, whilst it is acknowledged that the erection of taller gates may be permissible in this location under permitted development, and that there may be a reasonable requirement for a more modern gated system in the place of the existing, the proposed entrance gates and associated piers are not considered to be appropriate in the context of the rural location by virtue of their design and appearance. In the first instance, the new proposed gates are significantly taller than the existing gates and they will appear more prominent in scale. The use of inappropriate materials such as wrought iron and the introduction of substantial brick piers with decorative stone caps and finials to the site is fussy and more characteristic of those more commonly erected within housing developments in urban areas. Whilst this type of boundary treatment might be appropriate when erected at the entrance to substantial detached house in a suburban area, however owing to the isolated nature of the site, the distance of the entrance gates from the recently approved outline housing development, located by a designated rural lane and within an Area of high Landscape Value, it is considered that the proposed gates are likely to appear out of place in their context. The gates will be viewed against the backdrop of the surrounding open fields and they will appear visually obtrusive in this location. The character and appearance of the proposed gates is such that they are likely to have an urbanising effect upon the rural character of the road. The proposed entrance gates are not considered to conserve the character of the landscape and their likely impact upon the surrounding landscape is further exacerbated by the difference in land levels.
- 8.12 With regards to the proposed new field gate to the south west of the site entrance, whilst there is no objection to the design and appearance of the proposed field gate, a similar new field gate was approved in close proximity to the site of the proposed field gate under application ref: 20/501002/OUT and this is outlined on the existing block plan. The existing block plan provided by the applicant also outlines the location of a further new gate along the field boundary. The purpose and necessity of the multiple field accesses is unclear, but ultimately I do not consider this element to be unacceptable..
- 8.13 In light of the above, it is considered that the proposed new entrance gate would be out of character in the context of the rural area and its design is contrary to the aims and objectives of policies CP4, DM24 and DM26 of the Swale Local Plan 2017.

Impact on Neighbouring Amenity

- 8.14 Policy DM14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas. Due to the nature of the development proposal, and the isolated nature of the site, the scheme is not considered to impact neighbouring amenity in a negative manner.

Highways

Policies DM6 and DM14 seek to ensure that developments provide safe access routes. The proposed entrance gates will replace existing entrance gates in the same location and they are sufficiently set back from the road to avoid causing congestion for other road users.

The proposed landscaping works to the front of the site and the replacement of the existing post-and-rail fencing with 1.2 metres high estate fencing should not impact the existing sight lines on to the highway.

Other Matters

- 8.15 The site is located within an area of archaeological potential. However, owing to the nature of the proposed works, no archaeological measures will be required. I have consulted with Kent County Council Archaeology team, who have raised no objection to the proposal.

9. CONCLUSION

- 9.1 The design and appearance of the new proposed entrance gates in this sensitive rural location is such that they are likely to appear overly dominant and out of character in the context of the rural setting, contrary to the aims and objectives of the Swale Local Plan 2017. Although permitted development rights enable the erection of gates up to 2 metres in height without permission, the proposal would exceed such tolerances.

10. RECOMMENDATION

REFUSE for the following reasons:

- 1) The proposed entrance gates and associated piers, by virtue of their design, height and location in a sensitive rural area, would cause demonstrable harm to the character and appearance of the area, within an Area of High Landscape Value and adjacent to a designated rural lane, in a manner contrary to policies CP4, DM24 and DM26 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

INFORMATIVES

N/A

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 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.

