

**Application No:** Y18/0011/SH

**Location of Site:** Land Adjoining Jesson Court Caravan Park,  
Jefferstone Lane, St Marys Bay

**Development:** Change of use of agricultural land to the keeping of horses together with the erection of a stable block.

**Applicant:** Mr Keith Pope

**Agent:** Mr Nigel Seymour  
29 Hardy Road  
Greatstone  
New Romney  
Kent  
TN28 8SF

**Date Valid:** 29.01.2018

**Expiry Date:** 26.03.2018

**PEA Date:** 30.04.2018

**Date of Committee:** 24.04.2018

**Officer Contact:** Paul Howson

## **SUMMARY**

This report considers whether planning permission should be granted for a change of use of agricultural land to the keeping of horses together with the erection of a stable block. The report recommends that planning permission be granted as it is considered that the proposal complies with saved policy CO22 which is the principle planning policy consideration for applications regarding the keeping of horses. It is considered that the proposed stable block is suitably proportioned for the keeping of approximately three horses for private 'family' use, and that the layout and design minimises the impact on the locally designated landscape, and local residents' amenity. Jefferstone Gardens is an unadopted road, and it is considered the proposed equestrian use can be adequately serviced without resulting in adverse highway safety issues. As such, it is considered that with suitably worded conditions to protect neighbour amenity and the local landscape, the application is acceptable.

**RECOMMENDATION:** That planning permission be granted subject to the conditions set out at the end of the report and any additional conditions the Head of Planning Services considers to be necessary.

## **1.0 THE PROPOSAL**

- 1.1 This application is for a change of use of agricultural land to the keeping of horses together with the erection of a stable block.
- 1.2 The proposed 'L' shaped stable block includes three stables and a hay/ feed store, and would be sited close to the garden perimeter of 9 Jefferstone Gardens. The proposed timber stables would be finished in shiplap

cladding, with black 'Onduline' roof panels, and translucent roof panels to provide natural light to the individual horse boxes and hay store. Each horse box would also be served by a timber window and stable door. Access would be via a recently constructed entrance at the end of the private road known as Jefferstone Gardens. The parking area would be located directly in front of the entrance and slightly to the north-west, with a further access gate from it to the stables and surrounding field. The parking surface and area in front of stables would be EcoPark Polypropylene units infilled with soil and grass, with a concrete path in front of the stables. The grazing area within the paddock comprises 9357sqm of managed grassland.

- 1.3 The application is accompanied by a Design and Access Statement, a flood risk assessment (FRA), and plans of the site and the proposed stable block. Plans have been amended during the course of the application to remove an LPG tank from the scheme, to include a concrete path in front of the stables, and to extend the use of the Eco Park units.

## **2.0 SITE DESIGNATIONS**

- 2.1 The following apply to the site:

- The site is outside of any settlement boundary.
- The site is within a Local Landscape Area.
- It is within an Area of archaeological potential.
- The site is within Flood Zones 2 & 3 on the Environment Agency maps, and is shown to be at low-moderate risk from flooding on the Council's SFRA when allowing for climate change in 2115.

## **3.0 LOCATION AND DESCRIPTION OF SITE**

- 3.1 The site is a relatively flat agricultural field enclosed by post and wire fences and drainage ditches. The field is featureless with managed grass cover across the entire field. New metal gates have been installed in the north eastern corner of the field connecting to the adjacent farmland, and in the centre of the northern perimeter to provide access from Jefferstone Gardens. Jefferstone Gardens is an unmade private road (approximately 3.8m wide) which provides the site access to the public highway (Jefferstone Lane).

- 3.2 Abutting the site on the north eastern side is a roughly rectangular cluster of 27 dwellings within a sharp bend on Jefferstone Lane. Jefferstone Gardens dissects the cluster into approximately two halves, and serves 8 of the 27 dwellings to the rear of the building line along Jefferstone Lane. The other three boundaries are adjacent to arable fields.

## **4.0 RELEVANT PLANNING HISTORY**

- 4.1 There is no relevant planning history. An application for residential development of the land was refused in 1976.

## **5.0 CONSULTATION RESPONSES**

- 5.1 Consultation responses are available in full on the planning file on the Council's website:

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below.

- 5.2 St Mary in the Marsh Parish Council  
Object on grounds that the logistics are unacceptable.  
Access road is unsuitable, impact on residential properties is not acceptable, and the development is not appropriate in a rural area.
- 5.3 Environmental Health  
No objection subject to no burning of straw bedding or manure on site.
- 5.4 Environment Agency  
No objection subject to an informative regarding fuel, oil and chemical storage.
- 5.5 Romney Marsh Internal Drainage Board  
Has not commented on the proposal.

## **6.0 REPRESENTATIONS**

- 6.1 Representation responses are available in full on the planning file on the Council's website:

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below:

- 6.2 9 letters/emails have been received objecting on the following grounds:

- The access (Jefferstone Gardens) is narrow and cannot be accessed by utility or emergency vehicles, or provide turning areas.
- Tight turning area for access from Jefferstone Lane.
- The road is unmade and not suitable for increased vehicle movements from riders, vets, horse boxes, hay/feed deliveries, manure removal, and LPG fuel deliveries.
- It is a private (unadopted) road, the maintenance of which is the responsibility of residents.
- Jefferstone Gardens belongs to the residents not the applicant.
- Increased vehicle movements would exacerbate damage to the road surface of Jefferstone Gardens.
- Increased risk of damage to resident's boundary walls from large vehicles backing down the lane (due to no large vehicle turning area).
- Odour from manure storage.
- Fire risk from LPG storage tank.
- Concern wash off from stables will be directed to drainage ditches around the site.

- Culvert erected at site entrance is causing back-filling of ditch, impacting neighbouring property.
- The stable block and associated activity would cause noise and disturbance to nearby residents.
- Visual impact of stables on residents.
- Impact of increased vehicle movements on residents' amenity.
- Keeping horses will impact negatively on the landscape.

6.3 1 Letter of support has been received stating that:

- They understand there will not be an increase in traffic or big lorries
- The stables will be near the applicants house
- Horses do not make much noise
- Look forward to seeing the horses in the field

## **7.0 RELEVANT POLICY GUIDANCE**

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1 and the policies can be found in full via the following links:

<http://www.shepway.gov.uk/planning/planning-policy/local-plan>

<https://www.shepway.gov.uk/planning/planning-policy/documents-and-guidance>

<https://www.gov.uk/government/collections/planning-practice-guidance>

7.2 The following policies of the Shepway District Local Plan Review apply: SD1, BE1, CO1, CO5, CO22, TR11, TR12, U4, U15

7.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, CSD3, SS3

7.4 National Planning Policy Framework

Paragraph 7 – Achieving sustainable development

Chapter 7- Requiring good design

Chapter 10 – Meeting the challenge of climate change, flooding and coastal change.

## **8.0 APPRAISAL**

### **Relevant Material Planning Considerations**

8.1 The relevant issues for consideration with regard to this current application are the principle of the change of use and compliance with saved policy CO22; design and layout of the stable block and parking surface; visual impact on the local landscape; residential amenity of neighbouring occupiers; protected archaeology; highway issues; flooding; and other issues raised in the representations.

## **Principle of the change of use**

8.2 The keeping of horses is considered to be an appropriate use of land in the rural environment, and routinely sits side by side with agricultural land in the Kent countryside. Core Strategy policy CSD3 states that equine development is an acceptable use in the countryside. Therefore, planning applications relating to equestrian use are considered to be appropriate in principle where proposals meet the criteria of saved policy CO22. The criteria as set out in Policy CO22 are addressed in the relevant sections of the report below. Saved policy CO1 seeks to protect the countryside more generally.

## **Design and Layout**

8.3 The timber clad stables are considered to be of an appropriate design and material palette to minimise the impact on the landscape, and the proposed roof material enables a low pitch roof to diminish the bulk and massing of the building to the minimum practical for the proposed function. The preamble to saved policy CO22 suggests that individual stables should be no larger than 13.3sqm and should not exceed 3.4m in height. The proposed stable block would be approximately 3.1m high and each stable would be approximately 12sqm, well within the aforementioned guidelines. As such, the proposed stable block is considered to be sufficiently low level and modestly scaled to not be visually intrusive, and the design would be considered to be appropriate for the proposed equine use and the rural location. EcoPark panels would be set in the ground to provide the parking area, and to stabilise the land in front of the stables. As they allow the grass to grow through, they are considered to be more conducive to the natural environment, and are preferable to an alien concrete hardsurface which would visually jar within the landscape. The proposed layout and relationship of the proposed stables with the parking area is considered to be logical for the proposed use, and keeps the active area clustered around the site entrance to avoid spread of development into the open countryside. Overall, the scheme is considered to have been well thought out in terms of minimising visual impact, and would be of a suitable form and proportions for the rural character of the locality.

## **Local landscape**

8.4 The site is located within a Local Landscape Area (The Romney Marsh Local Landscape Area) which is protected by saved policy CO5. This landscape area is deemed to have particular landscape value, contributing to local environmental identity. The land the subject of this application is undeveloped agricultural land, which is fairly level and roughly rectangular. The overriding principle in the siting of new buildings for equestrian use is to utilise existing features in the landscape to screen them. With this in mind, the built up area of dwellings would screen the proposed development from the public highway to the north. Roadside hedges along Jefferstone Lane would provide partial screening from the highway to the west, and hedges to the east field boundary would screen views of the development from Jefferstone Lane to the east and from the Caravan Park. There are no public footpaths from where the proposed development would be visible. In wider views where the lane wraps around the site, the modest stable block

would be relatively inconspicuous against the backdrop of the bungalows in Jefferstone Gardens. The surrounding land is defined by being flat and relatively featureless, and as such siting the proposed stables out on the extremities of the site, would not be appropriate as it would result in a visually prominent structure, which would visually jar in the characteristically expansive, open, flat Romney Marsh landscape. This would compromise the distinguishing uninterrupted long distant views across the marshland, which is one of the landscape characteristics that have been identified as making it distinctive and being worthy of protection by saved policy CO5. As such, by keeping the proposed development close to the cluster of residential dwellings on Jefferstone Lane, the proposed stable block and associated vehicles would be seen in the context of the backdrop of the bungalows, where it would be in-line with 9 Jefferstone Gardens. It would not be considered appropriate to have a spread of large vehicles and caravans onto the open field, as this would exacerbate the visual impact of the proposed development, and this should be restricted to the residential curtilage of 9 Jefferstone Gardens by planning condition. In conclusion, it is considered that by having the proposed stables close to the existing built area against the backdrop of the residential dwellings, the proposed development would have very little impact on the character and appearance of the locally designated rural landscape, and as such would protect the landscape character in accordance with saved policies CO5 and CO22.

## **Residential Amenity**

8.5 The closest neighbouring property is 9 Jefferstone Gardens, which is under the ownership of the applicants. The two other closest dwellings are 8 and 9a Jefferstone Gardens, both houses being approximately 40m away from the proposed stable block (although the curtilage of 8 Jefferstone Gardens runs right up to the entrance of the application site). Although views are not a planning consideration, this is considered to be sufficiently far away to not blight the views of the respective occupiers. Consideration needs to be given to the impact on neighbours from the noise and disturbance from equestrian activity, and potential odours generated from the waste products associated with the activity. It is considered that as the use is for private use only (which can be secured by planning condition) and the number of horses would be limited by the capacity of the stables (which can also be secured by planning condition), it would not be an over-intensive use that would generate excessive noise and disturbance to neighbouring occupiers. Equally, location of manure storage can be controlled by planning condition to ensure impact to residential occupiers is minimised. Furthermore, details can be requested by planning condition to secure an appropriate system is in place for dealing with wash off and drainage from the active area around the stables, which can be extended to encompass not interrupting the existing drainage ditches. Finally, neighbours have raised concern about disturbance from increased traffic movements. It is considered that as the proposal is for private use and not for commercial equestrian use, the amount of additional vehicle movements (if any) would be minimal, and therefore potential disturbance from vehicles would not be considered to be significant. Overall, it is considered that neighbours' concerns can be mitigated by appropriately worded planning conditions to control the nature of the equestrian use and that the proposal is acceptable in terms of impact on neighbouring amenity.

## **Archaeology**

8.6 The site falls within an archaeological protection zone. KCC Archaeology have not replied to the consultation on this application, however, it is considered the nature of the proposed development would not disturb any buried remains which may exist.

## **Highway Issues**

8.7 The proposed change of use would utilise the private road Jefferstone Gardens to access the site, over which the applicant has right of way by virtue of being a resident of Jefferstone Gardens. It is acknowledged that Jefferstone Gardens is a very narrow road with an uneven surface. The site visit revealed that the applicant already has a horse box and caravan in situ within the residential curtilage, and as such turning space is available within the front curtilage (under the control of the applicant) for such vehicles to safely access the public highway (Jefferstone Lane) in forward gear, and there is sufficient width for such vehicles to navigate this rigidly straight road without causing damage. Deterioration of the road surface would be a civil matter between residents which is not a material planning consideration. However, as a resident the applicant would presumably be liable for contributions for its up-keep. Notwithstanding the above, the applicant has confirmed that hay would be delivered monthly in a small pick-up, and vehicle movements would actually decrease, as the applicants presently makes twice daily visits to another site where the horses are currently kept. In light of the above there would be no detrimental impact on the public highway, and no planning reason on highways grounds to warrant refusal of the application.

## **Environmental Impact Assessment Regulations 2017**

8.8 In accordance with the EIA Regulations the site does not fall within a sensitive area and the development is below the relevant thresholds, and therefore does not need to be screened under these regulations.

## **Flooding**

8.9 The Environment Agency has raised no objection to the proposal. Horse keeping is not listed in the flood risk vulnerability classification, however the closest comparable use listed are agricultural buildings, which are classified as a less vulnerable use. Less vulnerable uses are considered to be appropriate uses of land in flood zones 2&3. This, combined with the fact that the site is at a reasonably low risk of flooding (low-medium) according to the Council's Strategic Flood Risk Assessment (SFRA), the proposed change of use and erection of stables is considered to be acceptable in terms of flood risk. In this case there is no need to apply the sequential or exceptions test as these do not apply to applications for change of use, and the size of the stables is within the minor development threshold.

## **Other Issues**

8.10 The matters raised by neighbours are covered in this report. The proposed LPG tank has now been removed from the application.

- 8.11 The application states that only three horses will be kept in the field, and the number of horses can be restricted by condition. It is considered the field comfortably provides sufficient space for private equestrian use, and for the welfare of the horses to be catered for without excessive deterioration of the field in accordance with criteria d. of saved policy CO22.

### **Local Finance Considerations**

- 8.12 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. This application is not liable for the CIL charge.

The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. Under the scheme the Government matches the council tax raised from new homes. New Homes Bonus payments are not a material consideration in the determination of this application.

### **Human Rights**

- 8.13 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

- 8.14 This application is reported to Committee due to being called in by Cllr Roger Wilkins raising concerns that Jefferstone Gardens is a narrow private road of 3 meters in width, (emergency services and public utilities are unable to get into the road). Concern is also expressed over highway safety, loss of amenity (noise and disturbance), flooding and drainage; and, due to the views of the Parish Council (paragraph 5.2 above).

## **9.0 BACKGROUND DOCUMENTS**

- 9.1 The consultation responses set out at Section 5.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).



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**RECOMMENDATION – That planning permission be granted subject to the following conditions and any additional conditions the Head of Planning Services considers to be necessary:**

1. Standard time condition
2. Approved plans
3. Materials as stated in application
4. Restriction to private use only (restriction on number of horses to 3)
5. Details of disposal of run-off and drainage to be submitted for approval
6. Jumps and other paraphernalia to be removed when not in use
7. Stable block shall be removed when use ceases
8. Details of manure storage to be submitted for approval
9. No permanent sub-division of the land
10. No horse boxes, horse transporters, trailers or caravans shall be stored on the land (restricted to curtilage of 9 Jefferstone Gardens)
11. No burning of straw bedding or manure on site
12. Details of lighting to be submitted

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Decision of Committee

Y18/0011/SH  
Land adjoining Jesson Court Caravan Park  
Jefferstone Lane  
St Marys Bay

