

DCL/19/07

Application No: Y18/1033/FH

Location of Site: The Paddocks, Dengemarsh Road, Lydd

Development: Erection of a two-storey dwelling related to proposed equestrian facility, together with installation of a mobile home for users of the equestrian facility, the formation of a sand school, erection of a tack/feed shop, associated car parking and proposed commercial storage of horse boxes and lorries.

Applicant: Mr & Mrs James

Agent: Mr Mark Hall
Cyma Architects Ltd
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Folkestone
Kent
CT20 1RN

Date Valid: 20.11.18

Expiry Date: 15.01.19

PEA Date:

Date of Committee: 02.07.19

Officer Contact: Louise Daniels

SUMMARY

The application proposes an equestrian business on the site together with a residential dwelling for occupation by the owners for security of the proposed business. It is not considered that this site is suitable for such a business due to its unsustainable location. Notwithstanding this, the business has not yet been established and no evidence has been submitted as to whether there would be sufficient demand for the business to make it financially viable sufficient to be able to justify granting planning permission for the proposed structures or for a dwelling or that there is a need for a dwelling on site for animal welfare reasons. Therefore there is no planning policy justification or reason why a new dwelling on this site would be permitted when national and local planning policies seek to resist development in the countryside in unsustainable locations. The proposal does not meet the sequential test in terms of flood risk. The change of appearance of the site that would result from the development is also considered to impact negatively upon the character and appearance of the countryside and Local Landscape Area which is characterised by its low lying open appearance with sparse vegetation.

RECOMMENDATION: That planning permission be refused for the reasons set out at the end of the report and that delegated authority be given to the Chief Planning Officer to add any additional grounds for refusal if necessary following the receipt of comments from Natural England.

1.0 THE PROPOSAL

- 1.1 This application is for the erection of a two storey dwelling and stationing of a static mobile for use as a tea room/rest room and toilets by the users of the proposed equestrian facility, together with the construction of a sand school and erection of a tack and feed shop and associated car parking.
- 1.2 The applicants purchased the site in 2016 and have kept their own horses on the site for personal use. Now they propose to create a small business on the site to provide an equestrian service to the local community. A brief explanation on how the business would operate is provided within the D & A Statement. It states the proposed equine business would offer sand school hire, horse transportation for 2 horses/ponies at a time to and from the site, horse trailer/lorry storage for up to 5 units, a shop for equine tack and feed purchase as well as livery for 2 horses. The D&A Statement states that the projected turnover for the business would be £2,000 per month. Once the equine centre has been established, it states they would also offer horse and rider training on site.
- 1.3 There are 5 existing stables, a storage unit and tack room on site as well as 3 stable shelters in the fields. These have no planning permission however from aerial photography it can be seen that these appear to have been in place for longer than 4 years and therefore it is likely that they are immune from enforcement action and these do not form part of this application.
- 1.4 It is proposed to raise the land on which the dwelling would be located by 60cm. The proposed dwelling would be two-storeys and would have a pitched roof. The submitted D&A Statement states that the dwelling has been designed to have the appearance of a converted agricultural building. The elevations would be untreated oak weatherboard over brick plinth, with a slate roof. An oak frame porch is proposed to the west elevation and 3 parking spaces are proposed in front of the dwelling, to the side of the proposed porch.
- 1.5 The D&A Statement goes on to explain the reasons why the applicants want to have a dwelling on the site, which are as follows:
 - Stables and equine equipment stored in remote locations such as this are always vulnerable to theft and vandalism.
 - The business is small scale, with the primary work carried out by the applicants so a permanent on site presence will ensure the viability of the business and maintain the offer of the facilities to the public.
 - The applicants currently live in Lydd and want to create a new family home in close proximity to their horses within their home community and this site presents the perfect opportunity.
 - The relocation of the applicants to the new property will also result in the vacation of their existing property in New Romney, which will

effectively increase the number of properties available in the area, increasing the housing supply.

- 1.6 The proposed tack and feed shop would be located to the west of the proposed dwelling, on the west side of the access road at the northern end of the site, near the entrance. The building would be single storey with a pitched roof. It is stated within the D&A Statement that it would have the appearance of an agricultural building, of a similar style to the proposed dwelling with matching materials.
- 1.7 Parking spaces are proposed to the west side of the access road into the site, with 3 spaces to the north of the tack and feed shop and 9 spaces between the proposed tack and feed store and the existing stable block. These spaces are also proposed to be used for the commercial storage of horse boxes and lorries. Opposite the tack and feed store would be an area for deliveries and turning. All new hard standing for parking and turning areas would be surfaced with a water permeable gravel finish.
- 1.8 The proposed static caravan would be located to the south of the proposed dwelling and would be used for a tea room, rest room and toilets. The static caravan would be raised up on blockwork plinths, with a small raised decking area to the east side.
- 1.9 The proposed sand school would be positioned to the south of the static caravan, opposite the existing stables, and would be formed from one of the existing paddocks. The sand school would measure approximately 36m by 26m and would be surrounded by timber post and rail fencing.
- 1.10 The application is accompanied by ecological, archaeological, contamination reports, a design and access statement and a flood risk assessment (FRA). However, the application is somewhat lacking in information and evidence to justify why the development is required on this site and could not be accommodated in a more sustainable location or why the dwelling is needed, other than for security reasons and the applicants wish to live on the land that they have purchased.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Outside the settlement boundary
- Area of archaeological potential
- Environment Agency Flood zones 2 and 3
- Strategic Flood Risk Assessment (SFRA) year 2115 hazard rating – significant
- Local Landscape Area (LLA)
- Dungeness, Romney Marsh and Rye Bay RAMSAR, Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA) directly opposite the site to the west.

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 Dengemarsh Road is characterised by flat agricultural land with surrounding waterbodies and the road is lined with vegetation along sections of the road. The site is flat and roughly triangular, covering an area of approximately 1.8 ha. The site is on the east side of Dengemarsh Road, opposite the Water Sports Centre. There are stables within the middle of the site, situated adjacent to and parallel with Dengemarsh Road which provides stabling for 5 horses. There is vegetation along the west boundary of the site, between Dengemarsh Road and the access road into the site.

4.0 RELEVANT PLANNING HISTORY

- 4.1 There is no planning history on the site however pre-application advice was sought from the Council by the applicant in March 2017 for the erection of a house in the countryside to be associated with the keeping of horses and possible future equestrian business. The advice that was given at the time was that the proposal would not be supported as the site is outside the settlement boundary, in a significant flood risk area and that even when associated with an existing operational business, it would need to be demonstrated that that business is financially viable such as to be able to support a dwelling and that the need for a dwelling on the site was essential.
- 4.2 Despite this advice the current application was submitted.

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 Lydd Town Council
Support

- 5.3 Environment Agency
No objection providing conditions are imposed on any permission granted to secure the ground floor finished floor level, that sleeping accommodation is only located on the first floor and that the mobile home shall not be used for sleeping accommodation. A remediation strategy as well as a verification report shall also be conditioned due to the controlled water location. Groundwater is anticipated to be shallow at this location and every precaution should be taken to prevent any pollution of groundwater.

- 5.4 Natural England
Awaiting response.

- 5.5 KCC Ecology

No objection subject to a condition requiring the submission of an ecological management plan. No lighting has been proposed which could have a negative impact on the adjacent designated sites therefore no further assessment of time impacts of the proposed development is required.

5.6 KCC Archaeology

No archaeological measures are required.

5.7 Contamination Consultant

The submitted Phase 1 Contamination Land Desk Study does not fulfil the requirements of the first part of the Councils standard land contamination condition and a desk study/site walkover is required to be submitted.

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 03.01.19

6.2 Site Notice. Expiry date 04.03.19

6.3 Press Notice. Expiry date 14.02.19

7.0 REPRESENTATIONS

7.1 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:

7.2 1 representation received making comments on the proposal, neither objecting nor supporting:

- Rain water from the slope will naturally seek a lower level to go and therefore put the adjacent fields at greater risk of flooding, a soakaway should be placed along the dividing boundary or a ditch created to stop this happening.
- The jointly owned access area is not built to cope with likely rise in traffic and extra use, it is a dirt track. It would need to be made more robust with better drainage to cope with the proposed use.
- Security would improve for neighbouring yard.

8.0 RELEVANT POLICY GUIDANCE

8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

8.2 The following saved policies of the Shepway District Local Plan Review apply: SD1, HO1, LR3, BE1, BE16, U1, U4, U10a, U15, TR5, TR11, TR12, CO1, CO5, CO11 and CO22.

- 8.3 The following policies of the Shepway Local Plan Core Strategy apply:
DSD, SS1, SS3, SS5, CSD3, CSD4 and CSD5.
- 8.4 The following policies of the Places and Policies Local Plan Submission Draft apply:
HB1, HB2, HB3, HB7, E3, T2, T5, NE1, NE2, NE3, NE4, NE5, NE7, CC2, HE2,
- 8.5 The following paragraphs of the National Planning Policy Framework 2018 apply:
7, 8, 9, 10 – Achieving sustainable development
11 – Presumption in favour of sustainable development
47 – Determining applications
79 – Rural housing
83, 84 – Supporting a prosperous rural economy
127 – Achieving well-designed places
149, 150 – Planning for climate change
158 – Sequential test
155, 163 – Planning for flood risk
170, 171, 173 – Conserving and enhancing the natural environment
174, 175, 176, 177 – Habitats and biodiversity
178, 179, 180 – Ground conditions and pollution

9.0 APPRAISAL

Relevant Material Planning Considerations

- 9.1 The main issues for consideration are the acceptability of the principle of the uses and development on this site in planning policy terms, given its isolated countryside location outside of the designated settlement boundary, as well as visual impact, flood risk and drainage, ecology, highways and transportation, impact upon the amenities of local residents, archaeology and contamination.

Sustainability of Equestrian Business

- 9.2 Paragraph 83 of the NPPF supports “the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings”. This is not an existing business and so does not meet the aims of national planning policy in this regard. Although equestrian businesses such as livery yards or riding schools are associated with the countryside by their very nature, they are usually located on existing sites which already have built forms such as barns, stables or adjacent to existing dwellings. This minimises the impact of the use. This site is isolated away from existing residential development to the south of the town of Lydd, within the open countryside and with no public transport serving the site. Therefore, it is not considered to be a sustainable location.
- 9.3 Policy CSD3 of the Core Strategy states that recreation uses will be allowed within defined settlements in the Settlement Hierarchy. Where sites are unavailable within these settlements they may be acceptable on the edge of Strategic Towns and Service Centres, and failing that, Rural Centres and

Primary Villages. Lydd is classed as a District Centre within the Core Strategy and therefore the policy allows for some provision on the edge of the town. However, the application site is outside any settlement boundary and neither is it adjacent to the settlement boundary. Paragraph 4.62 of the Core Strategy states that the Settlement Hierarchy provides a framework for the planning system to concentrate development in selected locations across the district, and can maximise efficient use of existing infrastructure and support business and community facilities.

- 9.4 Therefore, the site is considered to be isolated in relation to the main settlement and in an unsustainable location and as such is not supported by local policy as there would likely be other sites in more sustainable locations which could accommodate this type of recreational activity and equestrian shop.
- 9.5 The sequential approach for locating visitor attractions is further echoed in the emerging policy E3 in the Places and Policies Local Plan Submission Draft which states that planning permission will be granted in or on the edge of centres in the settlement where the location is well related to the highway network and is accessible by a range of means of transport, including walking and cycling and by public transport. The policy further states that new attractions in the countryside will only be permitted in exceptional circumstances where it can be demonstrated that available sites within or on the edge of settlements are not suitable, and that the development is viable and will have significant economic and other benefits to the locality to outweigh any harm.
- 9.6 No justification has been provided as to why the business cannot be located on the edge of an existing settlement other than the application owns the land. This is not sufficient justification for not complying with planning policy. The proposed equestrian business is new and is not even relocating from an existing site. No business plan or other evidence has been submitted with the application to demonstrate that there is a genuine demand for such a business in this location and that it would be viable.
- 9.7 Paragraph 83 of the NPPF goes on to state that support will be given to “sustainable rural tourism and leisure developments which respect the character of the countryside”. However, this is not considered to be a sustainable location, adjacent to European protected sites, away from existing built form in a visually prominent location due to the surrounding flat landscape.
- 9.8 There is no public transport serving the site and no pedestrian footpath and therefore all visitors and clients would be dependent on a private car, representing an unsustainable form of development in the countryside.
- 9.9 The NPPF states that in these circumstances the development should provide opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The NPPF states that use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where

suitable opportunities exist. No provision is made in the application to improve the sustainability of the site in terms of its location and the proposal is not considered to be well-related to existing settlements.

9.10 The D&A Statement states that the projected turnover for the business would be £2,000 per month. No evidence has been provided to demonstrate how this figure has been arrived at and in any event this amount would not be sufficient to maintain the business, pay the bills and pay the wages of the 3 staff and support the construction of a dwelling.

9.11 It is acknowledged that paragraph 84 of the NPPF states that there should be recognition that to meet local business and community needs in rural areas, sites may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. However, no evidence has been provided to demonstrate how the proposal is meeting local business and community needs. As such, if permitted there is a significant concern that business would not succeed and the proposal would result in unnecessary development in the countryside.

Acceptability of a New Dwelling to Support a Proposed Equestrian Business

9.12 As explained above, a viable business case has not been successfully demonstrated and, as such, there is no functional need for a dwelling on this site.

9.13 The site is within the open countryside outside of any settlement boundary where there is a general presumption in favour of protecting the countryside. Paragraph 79 of the NPPF 2018 seeks to prevent isolated new homes in the countryside, unless there is an essential need for a rural worker. This is echoed within policy HB7 of the PPLP which applies to proposals for new dwellings to support rural-based enterprise (where a rural location is essential) if special circumstances can be demonstrated by meeting the following criteria:

- There is a clear existing functional need for one or more workers to be readily available at most times;
- The enterprise has been established for at least three years and is, and is likely to remain, financially viable;
- There is no other accommodation within the site, holding or nearby which is currently suitable and available, or could be made available and suitable through conversion and change of use;
- A dwelling or building suitable for conversion to a dwelling within the site or holding has not been sold on the open housing market without an agricultural or other occupancy condition in the last year; and
- The proposed dwelling is no larger than that required to meet the reasonable needs of the enterprise;

9.14 The applicant's case is that on-site accommodation is required for security reasons to protect their horses and the proposed trailer storage that would be stored on the site in the future. However, there are many horses kept in fields that do not have surveillance from a residential dwelling being close by

and whilst the Council is sympathetic to the applicants situation in terms of security for their horses, this is not a reason to grant permission for a residential dwelling which would otherwise be refused, particularly when the trailer storage is part of the business proposal which does not exist yet. Other options for the security of the site have not been explored and discounted as unsuitable such as CCTV, security officer etc.

9.15 The proposal does not satisfy any of the criteria in policy HB7. It is therefore considered that the proposal fails this policy as the business has not yet been established on site or relocated from elsewhere therefore it has not been demonstrated that the business would be financially viable in any case. Policy HB7 goes on to say that where it cannot be demonstrated that the enterprise has been established for at least three years and is financially viable, or where it is a new enterprise, the siting of a temporary dwelling may be permitted for up to three years where the other criteria are met, and in addition there is clear evidence demonstrating:

- A firm intention and ability to develop the enterprise;
- That the enterprise has been planned on a sound financial basis;
- That the functional need cannot be fulfilled by another existing building on the site or holding or any existing accommodation; and

9.16 The ability to develop the enterprise has not been demonstrated and, as no business plan or evidence other than a statement estimating a monthly turnover of £2,000 has been provided, it has not been demonstrated that the enterprise has been planned on a sound financial basis. Therefore, there is no planning policy justification for permitting a new dwelling on this site, which otherwise would be refused for being outside the settlement boundary and within an unsustainable location.

9.17 It is therefore considered that the proposal would fail policy CSD3, policy HB7 of the PPLP as well as paragraph 79a) of the NPPF: 2018, as it has not been demonstrated that there is an essential need for a rural worker to live permanently on site to justify permitting an isolated house in the countryside.

Visual Impact and Design

9.18 The Romney Marsh Character Area is identified by the Core Strategy, amongst other things, as an area where landscapes are to be protected. The site is also within the Local Landscape Area (LLA) and adjacent to the Dungeness, Romney Marsh and Rye Bay RAMSAR, Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA).

9.19 Although the site contains some existing buildings/units, these are low scale with the stables running along the road boundary adjacent to vegetation which largely screens them from the wider landscape.

9.20 The proposed dwelling would be two storeys with a ridge height of 8m, on top of the land being raised by 60cm, together creating a building that is 8.6m higher than the surrounding land. Whilst the eaves would be dropped slightly, it is considered that the introduction of a two-storey dwelling together with associated residential paraphernalia such as the proposed

residential garden, within this sensitive flat landscape designated as a Local Landscape Area for its local landscape importance, would have a detrimental impact upon the character and appearance of the area. The area is fairly open with sparse vegetation and there is little in the way of natural screening such as trees and vegetation. Therefore the proposed dwelling would be very visually prominent in the landscape.

- 9.21 In addition, the introduction of further hardstanding for the parking of up to 5 horse trailers, customer parking and parking for the dwelling, proposing a total of 15 parking spaces, together with the formation of a sand school with timber fencing surrounding, and the introduction of a mobile static caravan and the erection of a further single storey building to provide the equestrian shop, would change the character of the site from the current grazing land with low scale stables to being more developed and built up. This would impact negatively upon the character and appearance of the landscape.
- 9.22 Therefore it is considered that the proposed dwelling and the buildings, structures and hard surfacing associated with the equestrian use would be unduly prominent in the landscape to the detriment of the visual amenity of the area and would be unacceptable in positioning, scale and appearance, contrary to policies SD1, BE1 and CO5 of the Local Plan Review and policy NE3 of the PPLP.

Flood Risk and Drainage

- 9.23 The site is located within the Environment Agency tidal flood zones 2 and 3, where in accordance with the NPPF, the sequential and exceptions test should be applied based on the Strategic Flood Risk Assessment (SFRA) and Environment Agency flood risk zones due to the type of development being considered a 'more vulnerable' use.
- 9.24 According to the Shepway District Council Strategic Flood Risk Assessment, the site falls within an area of significant risk in 2115 (taking into account climate change and sea level rise). When applying the sequential test and considering alternative sites, there are considered to be safer areas of lower flood risk. As such, given that the demand for the business and its viability have not been demonstrated, the sequential test has been carried out on the basis of a new dwelling (as opposed to a functional rural dwelling) and it is highly likely that there are alternative sites of lower flood risk available within the character area of Romney Marsh and the proposal is therefore considered to fail the sequential test.
- 9.25 In terms of surface water disposal there is no public sewer to discharge to and owing to the ground conditions and shallow water table, it would not be possible to discharge surface water to a soakaway as the applicant has indicated on their application form. Therefore a condition would be necessary to require details of a suitable drainage scheme.
- 9.26 For foul drainage, similarly there are no public sewers within the area to connect to, therefore it is proposed for the foul drainage to be discharged to

a private storage and treatment plant which will also need separate consent from the Environment Agency and can be controlled by condition.

Ecology and biodiversity

9.27 The site is located within the Dungeness, Romney Marsh and Rye Bay SSSI which is a national designation and adjacent to the European sites of the Dungeness, Romney Marsh and Rye Bay RAMSAR and Special Protection Area (SPA). KCC Ecology have been consulted and raise no objection to the proposals subject to a condition being attached to any approval requiring an ecological enhancement plan to be submitted.

9.28 The sites have been designated for their bird interest and as the application site is regularly grazed by horses it is unlikely that the site provides functionally linked habitat and therefore KCC Ecology are satisfied that there is no requirement for wintering/breeding bird surveys to be carried out. Natural England have been consulted on the application in terms of the impact of the proposal on the adjacent European sites and their comments are awaited.

9.29 No information regarding lighting has been provided, and as lighting can have a negative impact on the designated sites, details would need to be required by condition.

9.30 As such it is therefore considered that, subject to the views of Natural England, there would be no significant impact upon the European nature conservation sites adjacent to this development in accordance with saved Local Plan Review policies SD1 and CO11, and NE1 and NE2 of the PPLP and the NPPF.

Highways and Transformation

9.31 The existing vehicular access would be utilised and parking is proposed on site, and whilst there would be an intensification in use, it is not considered that the additional traffic associated with the dwelling and proposed business would have an unacceptable impact on the local highway network or highway safety. As such the proposal is in accordance with saved Local Plan Review policies SD1, TR11 and TR12.

Residential Amenities

9.32 The development site is located within an isolated rural area where there are no residential dwellings nearby. .

Archaeology

9.33 KCC Archaeological Officers have advised that no archaeological measures are required.

Contamination

- 9.34 Due to the previous agricultural use of the land, prior to the grazing of horses, it is recommended that the standard contamination condition is applied to any grant of planning permission.

Environmental Impact Assessment

- 9.35 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Local Finance Considerations

- 9.36 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.
- 9.37 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. The CIL levy in the application area is charged at £0 per square metre for new residential floor space.
- 9.38 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district [for a four year period](#). The New Homes Bonus funding regime is currently under review and is anticipated to end. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £1,337 for one year and £5,349 for 4 years when calculated on the basis of the notional council tax Band D on which NHB is based. If an authority records an overall increase in new homes in any one year, but this increase is below the 0.4% threshold, the authority will not receive any New Homes Bonus funding relating to that particular year.

Human Rights

- 9.39 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.

9.40 The application has also been called in by Cllr Goddard.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 5.0 and any representations at Section 7.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be refused for the following reasons and that delegated authority be given to the Chief Planning Officer to add any additional grounds for refusal if necessary following the receipt of comments from Natural England.

1. The submitted planning application has failed to demonstrate that there is a demand for the proposed business or that the business would be viable and as such it would result in unnecessary development in the countryside. Therefore, no functional need for a dwelling on the site has been established and the proposed dwelling would result in an unacceptable and unsustainable residential development in the countryside outside the confines of an existing town, village or rural settlement, eroding the established rural character of the area. As such, the proposal would result in unsustainable development, contrary to saved Shepway District Local Plan Review policies SD1, CO1 and HO1, Shepway Core Strategy Local Plan policies DSD, SS1, SS3 and CSD3 and draft policy HB7 of the Places and Policies Local Plan
2. The proposed development has failed to demonstrate that there are no other available sites within or on the edge of settlements that are not suitable for the proposed equine business and that this open countryside location within the sensitive low lying land is essential to accommodate this proposal, as such, the proposed development would result in a recreational facility that is in an unsustainable location within the open countryside contrary to policies CSD3 of the Local Plan and draft policy E3 of the Places and Policies Local Plan Submission Draft and paragraph 83 of the National Planning Policy Framework, which seek to protect the countryside by requiring new recreational facilities to be located in sustainable places which are well related to the highway network and are accessible by a range of means of transport, including walking and cycling and by public transport.
3. There are suitable alternative sites within the New Romney character area where the proposed development could be located that are at a lower risk of flooding. The proposal therefore fails the Sequential Test as set out in paragraph 158 of the NPPF which states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. As such, the development is considered to be unsustainable development that would result in an unacceptable risk of flooding both to property and to life,

contrary to paragraphs 157 and 158 of the NPPF and Core Strategy policy SS3.

4. The proposed development, which would introduce a new dwelling in addition to formal parking provision/ external storage, hardstanding and further structures in the form of a single storey building, static mobile and sand school, would be unduly prominent within the landscape to the detriment of the visual amenity of the area given the flat lying nature of the surrounding land. As such, the proposal would result in harm to the character of this rural area, contrary to policies SD1, BE1 and CO5 of the Local Plan Review and draft policy NE3 of the Places and Policies Local Plan.

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