

SECTION '7' – Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 10/00649/FULL1

**Ward:
Darwin**

**Address : Land North East Of Summer Shaw
Cudham Lane North Cudham
Sevenoaks**

OS Grid Ref: E: 544551 N: 160123

Applicant : Mrs F. Crompton

Objections : YES

Description of Development:

Single storey building for accommodation of sheep, cattle and horses, and use of land for agriculture and grazing of horses

Proposal

The application is for a block comprising stables, foaling boxes and storage rooms.

The applicant is currently the joint owner of The Paddocks, an 8.5 ha holding, which lies to the east of Court Cottages. Access to the holding is north of Cacketts Lane, approximately 1km drive from Court Cottages. The applicant developed a smallholding at the Paddocks from 1987 with livestock including ewes, beef cattle, goats, horses and a variety of geese, ducks and chickens. Personal circumstances restricted development of the holding from 1994 and the land remains in the joint ownership of the applicant and her ex-husband. The livery business has developed over time and it is understood that it now includes the rescue of horses and ponies, riding lessons to local children and training of problem horses for owners. There are a number of buildings available at The Paddocks including an L-shaped stable block incorporating seven stables and a small hay store. The stables currently accommodate 17 horses in total; ten horses owned by the applicant, including rescued ponies, mares (including 4 broodmares) and riding horses; four DIY liveries and 3 horses under training. The livery clients use the stable facilities whilst the rescued ponies live out all year.

A court order has been prepared to force the sale of The Paddocks. The 10 ha of land adjoining Court Cottages and The Paddocks, known as Meads Pleasure (the application site), was purchased by the applicant and her current husband in April 2008. The land can be accessed directly from the applicant's property (No. 1 Court

Cottages) with an additional access point and parking area in the north-western corner of the land from Cudham Lane. It is understood that the applicant wishes to further develop the smallholding to a maximum of 15-20 horses, 150 sheep (including ewes and lambs), 4 beef cattle, 50 chickens and 6 beehives. A U-shaped stable block is proposed at Meads Pleasure to accommodate the increased numbers and to provide for the animals once the land and buildings at The Paddocks are sold and no longer available.

The block will measure 20m x 20m, with a ridge height of 4m and an eaves height of 3m. The building incorporates:

- i) three stables measuring 3.3m x 3.5m
- ii) five stables measuring 3m x 3.7m
- iii) three foaling boxes measuring 3.3m x 4.9m
- iv) feed and tack store measuring 3.3m x 4.9m
- v) general store room measuring 3.3m x 5.1m.

The yard area within the U-shape of the stable block would be left as grass with a mesh underlay and a concrete apron measuring 2.8m deep would be provided in front of the stables. The building would be sited approximately 10m from the residential curtilage of Court Cottages and 3.5m from the roadside hedge.

Location

The site is open Green Belt land to the north of Cudham Village and lies adjacent to Cudham Conservation Area, a Site of Interest for Nature Conservation and a proposed World Heritage Site. The surrounding area predominantly comprises open countryside.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- size, scale and bulk of building would harm character and appearance of Conservation Area and openness of the Green Belt
- inappropriate development in the Green Belt and no very special circumstances have been demonstrated
- building has been re-sited following earlier refusal of planning permission but remains unacceptably close to residential properties and Conservation Area
- scheme should be amended so that building is closer to NW entrance and car park and not the joint residential access and church car park which will be likely to be used
- access via Court Cottages is a residential access only and not suitable for business use

- condition should be attached to any planning permission restricting use of residential access for farm or business related activities
- increased traffic
- proposed access will be unsafe, particularly for inexperienced horse riders
- important that muck heap is located away from residential properties
- close proximity to residential properties will result in visual impact, noise, smells and loss of privacy
- facility is for leisure activity of horse riding which is already well catered for in the surrounding area
- drainage problems.

Comments from Consultees

There are no objections in terms of Environmental Health.

Reading Agricultural Consultants (RAC) have commented that:

- 10 ha of land available at Meads Pleasure along with the inclusion of additional rented land is sufficient to support the proposed level of activity
- proposed development of eleven stables at Meads Pleasure could not be considered as 'small stables' and would therefore be inappropriate development in the Green Belt
- the equestrian enterprise has operated for a number of years at similar equine numbers as currently and it is clear that the provision of seven stables and a small hay store at the Paddocks has been sufficient to support the enterprise
- number of livery clients has dropped from six to four since the previous planning application and from these horse numbers it is difficult to conclude that the proposed eight stables are essential for the enterprise
- three foaling boxes for the four foaling mares appears to be an over-provision for the requirements of the number of mares as it would be highly unusual for them to foal at the same time and it is usual to move mares and foals out of stables to grass as soon as possible
- it is proposed to use the stables to house the calves but this would only be once in every eighteen months when the new calves are purchased
- plan also includes two stores for feed and tack and general storage, which appears reasonable for an enterprise of this nature.

RAC also comment that there would be a requirement for stabling for the horses using the facilities at The Paddocks should it be sold to a third party, however it would appear to be entirely reasonable to include a 'changeover period' within the contract of sale. This would enable the applicant to secure any necessary permission for stabling at a time when it was certain that there were no other buildings available for use by the existing enterprise. This is standard practice amongst farmers.

RAC conclude that:

'...whilst the buildings at The Paddocks remain available to Mrs Crompton, it is not possible to conclude that there is an additional requirement for the proposed stable building at Meads Pleasure. The outcome of any future sale remains uncertain. It is clear that the buildings remain, today, available to the applicant, albeit that the long-term availability of these buildings is uncertain.

In addition, even if the buildings at The Paddocks were not available for use by the applicant, I am of the opinion that the proposed stabling could not be considered as 'small stables' and would therefore be inappropriate development in the Green Belt. No very special circumstances have been demonstrated to overcome the presumption against this development in the Green Belt.'

Planning Considerations

Two single-storey buildings for use as a barn and the accommodation of sheep, cattle and horses and the use of land for agriculture and grazing of horses was proposed under planning application ref. 09/02456. The application was refused on 24 November 2009 on the following grounds:

1. The proposal, by reason of its height and scale, will be harmful to the openness and visual amenities of the Green Belt and will constitute inappropriate development and the Council sees no very special circumstances to justify the grant of planning permission as an exception to Policy G1 of the Unitary Development Plan.
2. The proposal, by reason of its height and scale, would be harmful to the character and appearances of the Cudham Conservation Area, contrary to Policy BE13 of the Unitary Development Plan.

The proposal falls to be considered primarily with regard to the following policies:

UDP

- G1 The Green Belt
- BE1 Design of New Development
- BE3 Buildings in Rural Areas
- BE13 Development adjacent to a Conservation Area
- NE2 Development and Nature Conservation Sites
- NE6 World Heritage Site
- L3 Horses, Stabling and Riding Facilities

Policy G1 of the Unitary Development Plan states that:

Within the Green Belt permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm.

The construction of new buildings or extensions to buildings on land falling within the Green Belt will be inappropriate, unless it is for the following purposes:

- (i) agriculture and forestry (unless permitted development rights have been withdrawn);
- (ii) essential facilities for outdoor sport and outdoor recreation and open air facilities and other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it...'

Planning Policy Guidance Note 2 expands on appropriate uses in the Green Belt at paragraph 3.5:

Essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include...small stables for outdoor sport and outdoor recreation.

Earth was being moved by diggers when the case officer visited the site which would constitute an engineering operation requiring planning permission. At the time of writing the Council's Planning Investigations team are looking into the matter.

The main issues to be considered in this case are as follows:

- whether very special circumstances have been demonstrated to justify inappropriate development in the Green Belt
- impact of the proposal on the openness and visual amenities of the Green Belt
- impact of the proposal on the character and appearance of the adjacent conservation area and World Heritage Site
- impact of the proposal on the amenities of the occupants of nearby residential properties.

In particular, consideration should be given to whether the amendments to the earlier scheme and the change in circumstances since planning permission was refused are sufficient to overcome the previous grounds of refusal.

Conclusions

The previous application was determined on the basis that the proposed buildings were needed at Meads Pleasure prior to the sale of The Paddocks, so that livestock could be transferred to the new facilities on completion of the sale of the buildings at The Paddocks. RAC advised that, whilst the buildings at The Paddocks remained available to the applicant, it could not be concluded that there was an additional requirement for the proposed buildings at the application site. The applicant has now provided two court orders to RAC dated 12 December 2009 and 21 May 2010 relating to the sale of The Paddocks. The orders state that The Paddocks is to be marketed for sale until 19 November 2010 when, if the property remains unsold, it shall be sold

by auction. If the property is sold at auction then both parties shall be entitled to bid. It therefore remains that there is no certainty that the buildings at The Paddocks could not continue to be available to the applicant. Even if the buildings were not available to the applicant the proposal is inappropriate development in the Green Belt because it cannot be considered 'small stables' and RAC have advised that the development would be excessive given the size and nature of the enterprise. The applicant has not put forward any very special circumstances which might justify the grant of planning permission as an exception to Policy G1.

The scheme previously refused planning permission has been amended with the removal of a pole barn whilst the stable block will be located approx. 10m north of the previously identified location. The stable block will remain a substantial structure and it is considered that the amendments to the scheme do not overcome earlier concerns regarding the openness and visual amenities of the Green Belt. Views of the building from Cudham Lane North will be limited given the topography of the land and the hedging to the site boundary. However, given that the building will be approximately the same distance from the adjacent conservation area it cannot be considered that the earlier ground of refusal regarding the impact on the conservation area has been successfully overcome.

RECOMMENDATION: PERMISSION BE REFUSED

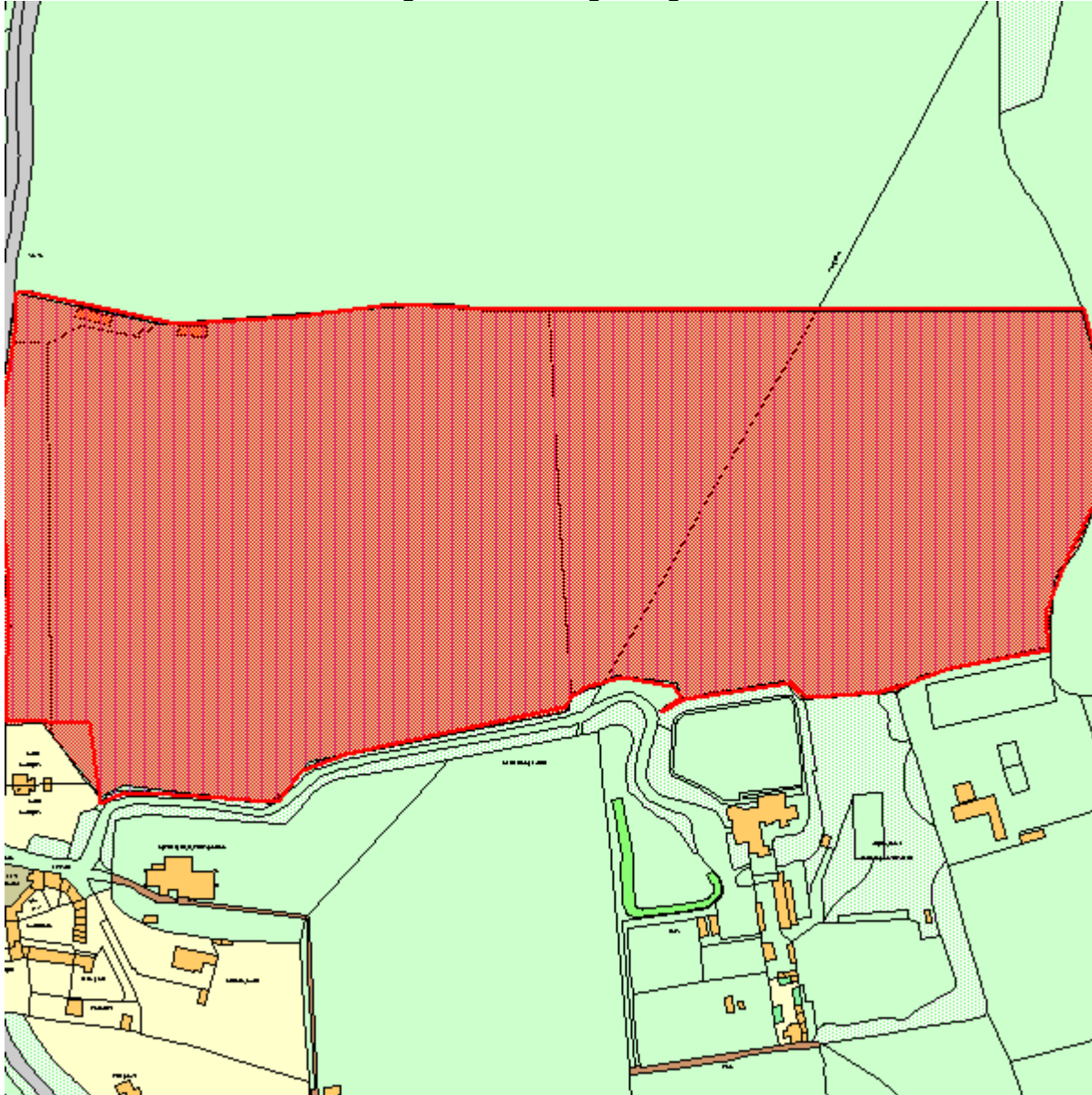
The reasons for refusal are:

- 1 The proposal, by reason of its height and scale, will be harmful to the openness and visual amenities of the Green Belt and will constitute inappropriate development and the Council sees no very special circumstances to justify the grant of planning permission as an exception to Policy G1 of the Unitary Development Plan.
- 2 The proposal, by reason of its height and scale, would be harmful to the character and appearance of the Conservation Area contrary to Policy BE13 of the Unitary Development Plan.

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