

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 14/02868/FULL2

Ward:
Cray Valley East

Address : Waldens Farm Crockenhill Road
Swanley BR8 8EP

OS Grid Ref: E: 548811 N: 167231

Applicant : Second Chance Animal Rescue
(Mr John Ranger)

Objections : YES

Description of Development:

Continuation of use of land as an animal rescue centre
RETROSPECTIVE APPLICATION

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding

Proposal

- The existing use utilises the land as an animal rescue centre. The site hosts several permanent structures to facilitate the daily running of the site as an animal rescue centre i.e. reception and bathrooms, as well as a plethora of stables, hutches and cages to host approximately 200 animals. Three caravans were also on site at the time of the site visit, two touring caravans and a larger static caravan.
- The agent stated that the use operates with approximately 5 vehicles visiting the site daily. The opening hours of the site are stated as being between 10am-2pm with all staff on site being volunteers.
- The site was previously used for rough grazing and was overgrown as noted from aerial photography.
- Vehicle access to the site will be provided via the right of way from Crockenhill Road.

Location

The site is located to the far western end of Crockenhill Road within close proximity to Swanley. The site is hidden from the main highway and is accessed along a public right of way past the eastern elevation of 1 Waldens Farm Cottage on land

once belonging to Waldens Farm. The larger site was previously split into approximately 800 smaller plots of land in the late 1970s and sold to various buyers. The applicant states that the animal rescue centre has been established for approximately four years occupying plot 31 and adjacent land in respect of which the owners are unknown.

Plot 31 and adjoining land relating to this application is sited within the Green Belt and is subject to an article 4 direction prohibiting some forms of permitted development.

Consultations

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

- The land is designated as Green Belt and is for agricultural use only
- The openness of the Green Belt has remained relatively intact except for this development
- The plot of land the applicant is leasing does not correspond with the location plan
- The applicant is using more than the two plots he owns and is clearing trees and hedges which are an important part of the local landscape
- If planning permission is approved it will set a precedent for all other forms of development on the site
- There is insufficient sanitation on site
- The track to the farm is not built to withstand a large volume of cars, vans and lorries making deliveries to the site
- The links to the farm are not sustainable which encourages further vehicle trips
- Vehicles arrive on site from 8am and leave late into the night
- The rescue centre is particularly busy at the weekends when most people want to walk through the farm
- Since the Animal Rescue Centre has been using the site the security has been compromised to the farm
- There is no mention within the application of health and safety or public liability insurance
- There is no mention within the application of emergency vehicle access, sight lines onto Crockenhill Road or the provision of a public car park
- There is no mention within the application of inspections of pens to prevent animals turning loose onto the land, installation of quarantine facilities or waste disposal methods
- Granting planning permission would set a precedent
- No very special circumstances have been made to warrant approval
- The structures cause a loss of openness
- The plots are protected by a covenant and Article 4 direction which should be applicable to all
- The track onto Waldens Farm is for leisure not commercial use
- Neighbours are subject to noise from the increasing numbers of vehicles and family privacy is compromised

- Mr Ranger is doing an excellent job however the land is not suitable for the type of business
- The site is over a very large area and keeps spreading out harming the openness of the Green Belt

Comments from Consultees

Highways - No objection due to the average number of daily trips.

Designing Out Crime Officer - No objection due to the application relating to the continuation of the use of land.

Environmental Health Officer - 'Further to our conversation and the photos received I understand that planning permission would allow lawful use of the full site for the boarding of dogs if this were desired in the future. If this is the case I would have concerns about the future potential for noise that granting planning permission would provide (we have received limited complaints to date about noise from animals on this site).

I have also discussed the site with the Licensing team who advised as this is animal rescue rather than paid boarding this would not be licensable and therefore you should be aware that if permission is granted there could be no further control on noise through the animal boarding establishment licensing regime'.

Planning Considerations

The Waldens Farm Site has an extensive planning history relating to various plots of which the most recent is:

05/03025 - retention of three mobile homes, three touring caravans and three sheds (Plots 473-474) - Refused

05/02805 - siting of one mobile home and one touring caravan - refused

05/02623 - Retention of one mobile home and one touring caravan - refused

05/00102 - Siting of two mobile homes and two caravans for a period of two years - refused

04/04568 - Placement of hard standing, siting of one mobile home and one touring caravan and retention of portable buildings - refused

04/04454 - Siting of four mobile homes/caravans and one day room - refused

Conclusions

The main issues relating to the application are the effect that it would have on the rural character and openness of the Green Belt and the impact that it would have on the amenities of the occupants of surrounding residential properties.

The NPPF states inappropriate development within the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. A Local Planning Authority should regard the construction of new buildings as inappropriate development except buildings for agriculture and forestry, outdoor recreation that preserves the openness of the Green Belt, small extensions or alterations to existing buildings, the replacement of a building provided that the new building isn't materially larger, limiting infilling in villages or the redevelopment of previously developed sites.

Policy G1 of the UDP states the material change of use of the land within the Green Belt will be inappropriate unless they maintain the openness and do not conflict with the purposes of including land in 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.

Principle of development

In this case, the proposal includes a large sprawling site with various permanent structures to facilitate an animal rescue centre. An office and bathroom facility located within a wooden cabin is found close to the entrance of the site with stables, pens and hutches located to the rear of the entrance inter dispersed with mature trees. Although there was no hard standing in place at the time of the site visit, the centre benefits from established footpaths around the site and also from full utilities evident from the water taps found in use throughout the area. Three caravans were also located to the rear of the application site, two touring caravans and one static caravan. Vehicle tracks were present from Crockenhill Road through to the site. It is noted from existing aerial photographs that the siting of the animal rescue centre has been facilitated by the clearance of mature trees and hedges.

The site is a well established animal rehoming centre which has been in situ approximately four years. Over that time the animal sanctuary has grown exponentially, consequently spreading out onto adjoining plots. It is not considered that the site maintains the openness of the Green Belt by virtue of the scale of the development that has occurred and the multitude of built structures on the site. Members may find the use of the land and the structures found within the site inappropriate development within the Green Belt. On this basis the use of the land as an animal rescue centre impacts detrimentally on the rural character and openness of the site and the wider area contrary to policy G1 and the National Planning Policy Framework.

The applicant has not claimed that the use of the land merits very special circumstances with regards to development within the Green Belt however it is noted that the applicant has provided evidence stating the importance of the site in terms of benefitting the locality by rehoming ill and unwanted animals and working closely with various charities and work experience students. Whilst the work of the rescue centre is appreciated, members may not consider that this constitutes a very special circumstance with regards to development within the Green Belt and

as such this does not sufficiently outweigh the harm the development causes on the openness and visual amenity of the surrounding countryside.

Impact on Residential Amenity

The proposal site is located a significant distance from neighbouring properties however the access track to the animal rescue centre runs adjacent to the dwellings at 1 and 2 Waldens Farm Cottages. From visiting the site the nearest dwellings (1 and 2 Waldens Farm Cottage) are located approximately 10m from the access track. It is noted however that the right of way is not solely used for the animal rescue centre alone and is also used to access factories at the far northern end of the Waldens Farm site. Comments from the Environmental Health Officer state that there has only been one complaint of noise from the site within the four years it has been open. By virtue of the average number of vehicular trips to the centre on a weekly basis and the absence of complaints to Environmental Health, Members may not consider that the site has an adverse impact upon neighbouring residential amenity.

Highways

The Highways Officer has not raised any objections to the scheme by virtue of the stated average number of vehicular trips to the site on a weekly basis being relatively low. Members may not consider that the site has an adverse impact upon highway safety.

Having had regard to the above it was considered that the development in the manner proposed is not acceptable in that it results in a detrimental impact on the rural character of the Green Belt. It is therefore recommended that Members refuse planning permission.

Background papers referred to during production of this report comprise all correspondence on the file ref. 14/002868, set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

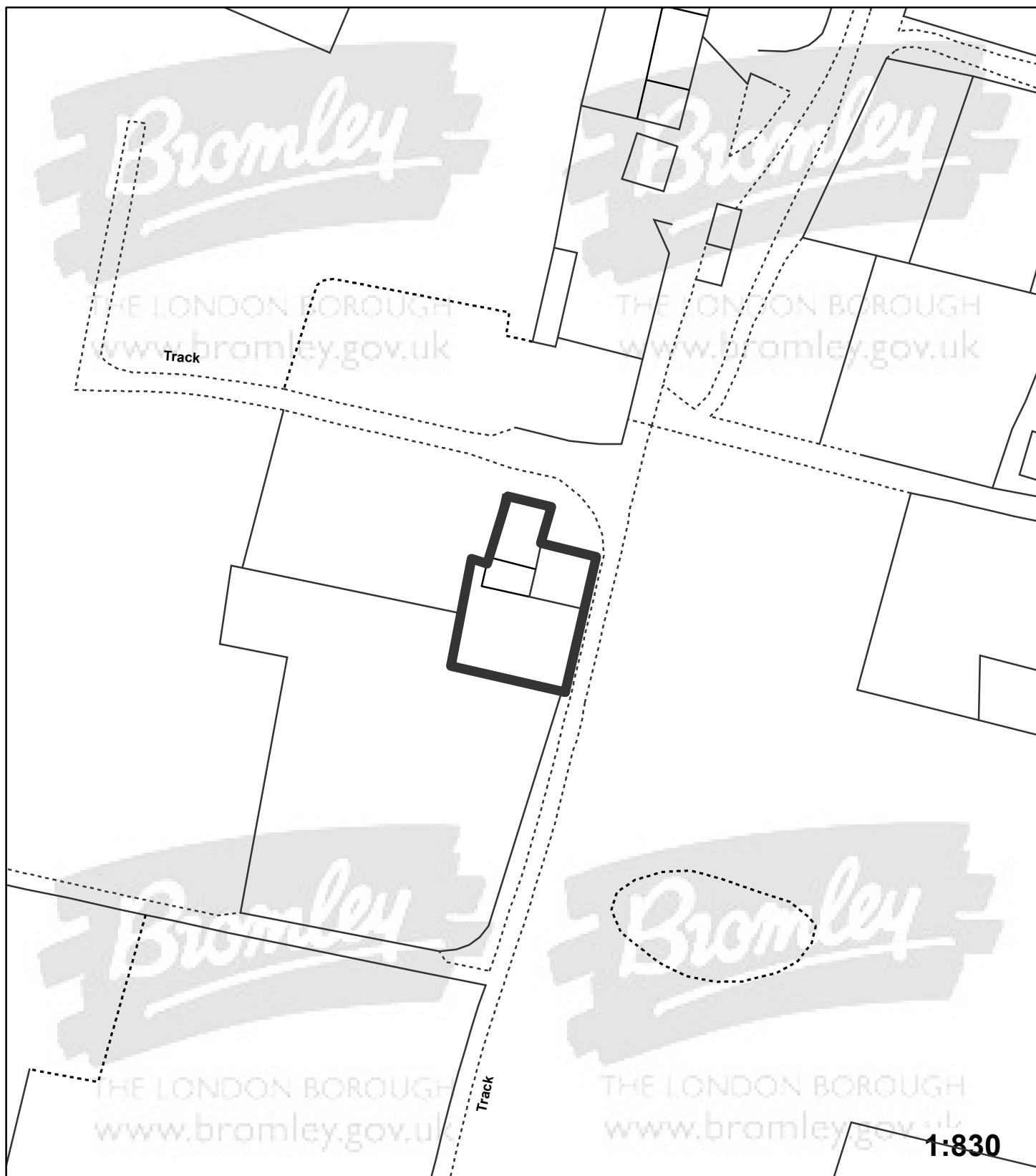
The reasons for refusal are:

- 1 The site is located within the Green Belt wherein there is a general presumption against inappropriate development. No very special circumstances have been demonstrated to justify an exception to local plan policy and it is considered that the application is contrary to Policy G1 of the Unitary Development Plan and National Planning Policy Framework.
- 2 The proposal constitutes an undesirable form of development within the Green Belt, harmful to the openness and visual amenities of the area contrary to Policy G1 of the Unitary Development Plan and National Planning Policy Framework.

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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