

SECTION '2' – Applications meriting special consideration

**Application No :** 10/02808/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 cattle and horses and use of land for agriculture and grazing of horses PART RETROSPECTIVE

**Proposal**

The application is for a block comprising stables, a double foaling and calf rearing box and storage rooms.

At the time of writing the applicant is in the process of selling The Paddocks, an 8.5 ha smallholding which lies to the east of Court Cottages. It is anticipated that it will have been sold by the date of the sub-committee meeting. The applicant developed the smallholding 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 remained 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 for 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 7 stables and a small hay store. The stables currently accommodate 17 horses in total; 10 horses owned by the applicant, including rescued ponies, mares (including 4 broodmares) and riding horses; 4 DIY liveries and 3 horses under training. The livery clients use the stable facilities whilst the rescued ponies live out all year.

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. An L-shaped stable block is proposed at Meads Pleasure to accommodate some of 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 3m high flat roof. The building will incorporate:

- (i) 3 stables measuring 3.3m x 3.5m
- (ii) 3 stables measuring 3m x 3.7m
- (iii) 1 double foaling box (also suitable for calf rearing) measuring 6.2m x 3.7m
- (iv) feed and tack store measuring 3.3m x 4.9m
- (v) general store room measuring 3.3m x 5.1m.

The building will be fronted by a 2.8m wide concrete apron and will be sited approximately 10m from the residential curtilage of Court Cottages and 3.5m from the roadside hedge.

The applicant has submitted supporting statements which include the following points:

- proposal has been discussed with neighbours who are satisfied
- building will not be visible from public realm
- building is critical in terms of animal welfare – Meads Pleasure will be sold at end of October and most of the horses are used to a stable and could not survive a winter without extreme detriment to their health and wellbeing – farm is 600ft above sea level and is very exposed to high wind, rain and driving snow making shelter essential
- purchase of The Paddocks has involved large mortgage and the land must generate an income – proposal is essential for livelihood
- earlier concerns over size of building and access arrangements have been addressed – proposal now involves a smaller L-shaped block with a flat roof
- builder is leaving for Australia at end of November and building must be complete by this time.

## **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:

- smell from manure heaps will be blown to south affecting nearby properties – stables should be located further to the north

- applicant may intend to extend riding school facilities resulting in greater use of site access from Cudham Lane South.

A number of letters of support have been submitted which can be summarised as follows:

- applicant does not run a riding school or equestrian centre – she has her own riding and competition horses and takes on rescued horses and those requiring training or rehabilitation as part of her business
- most of applicant's livery horses are horses that have been rehabilitated and feel safe and secure in her hands
- rescue of horses and ponies is a result of dedication and selflessness
- animals require shelter and refusal of planning permission will harm animal welfare
- farrier is entitled to additional clean stable in which to work
- Council should understand that horses need stables before bad weather sets in
- purchase of Meads Pleasure required large mortgage and loans and continuation of business is required to repay them
- long delay has resulted in unnecessary financial and emotional stress
- scheme will not harm rural character of area and will not be visible from nearby houses or the public realm
- local children benefit from unique learning experience involving care for animals, riding, organic farming and animal husbandry – this develops responsibility, patience and experience of working with adults whilst keeping children off the streets
- smallholding is one of only ones in the area and offers locally produced chicken, lamb, eggs, honey and vegetables
- applicant will be left unemployed if permission is not granted
- proposal is not an attempt at profiteering
- snow last winter emphasises importance of proper facilities for animals.

### **Comments from Consultees**

It has not been necessary to carry out statutory or non-statutory consultations on this application.

### **Planning Considerations**

Reading Agricultural Consultants (RAC) have advised that:

- land available is sufficient to support the proposed level of activity
- proposal 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

- application seeks provision of 6 stables and a double foaling box which is broadly in line with the existing facilities at The Paddocks
- 2 stores for feed, tack and general storage appears reasonable for an enterprise of this nature
- stables will be required if equine enterprise at Meads Pleasure is to continue as planned - stabling is therefore essential for its long term stability but only if the use is considered acceptable.

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

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.’

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

- impact of the proposal on the amenities of the occupants of nearby residential properties.

Work on the development has commenced with the ground being levelled and the laying of foundations and some blocks. Works ceased at the end of August pending the outcome of this planning applications following discussion between the applicant and officers.

### **Planning History**

Planning permission was refused in November 2009 for 2 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 (ref. 09/02456). The grounds of refusal were as follows:

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.

Planning permission was refused in July 2010 for a single storey building for accommodation of sheep, cattle and horses, and the use of land for agriculture and the grazing of horses on the same grounds as above (ref. 10/00649).

### **Conclusions**

RAC advise that the proposed building is required if the enterprise that took place at Meads Pleasure is to continue as planned. The enterprise will involve sheep and cattle farming, and buildings related to such agricultural uses are considered appropriate in the Green Belt. The building will partially relate to an agricultural use but will also be used for the keeping of horses, and as it cannot be considered 'small stables' it will be inappropriate development in the Green Belt. Stables are not an unusual feature in the Green Belt and the building has been substantially reduced in size following earlier applications. This is a balanced case but in view of the mixed use and the limited scale of the impact on the openness and visual amenities of the Green Belt it may be considered that the proposal can be treated as an exception to Green Belt policy.

Views of the building from Cudham Lane North will be limited given the topography of the land and the hedging to the site boundary and it can be considered that the reduced scale of the building is sufficient to overcome the previous ground of refusal regarding impact on the adjacent Conservation area.

The proposal should not result in any undue harm to the residential amenities of nearby properties.

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |   |        |                    |
|---|--------|--------------------|
| 1 | ACC04  | Matching materials |
|   | ACC04R | Reason C04         |

### **Reasons for granting planning approval:**

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- 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

The development is considered to be satisfactory in relation to the following:

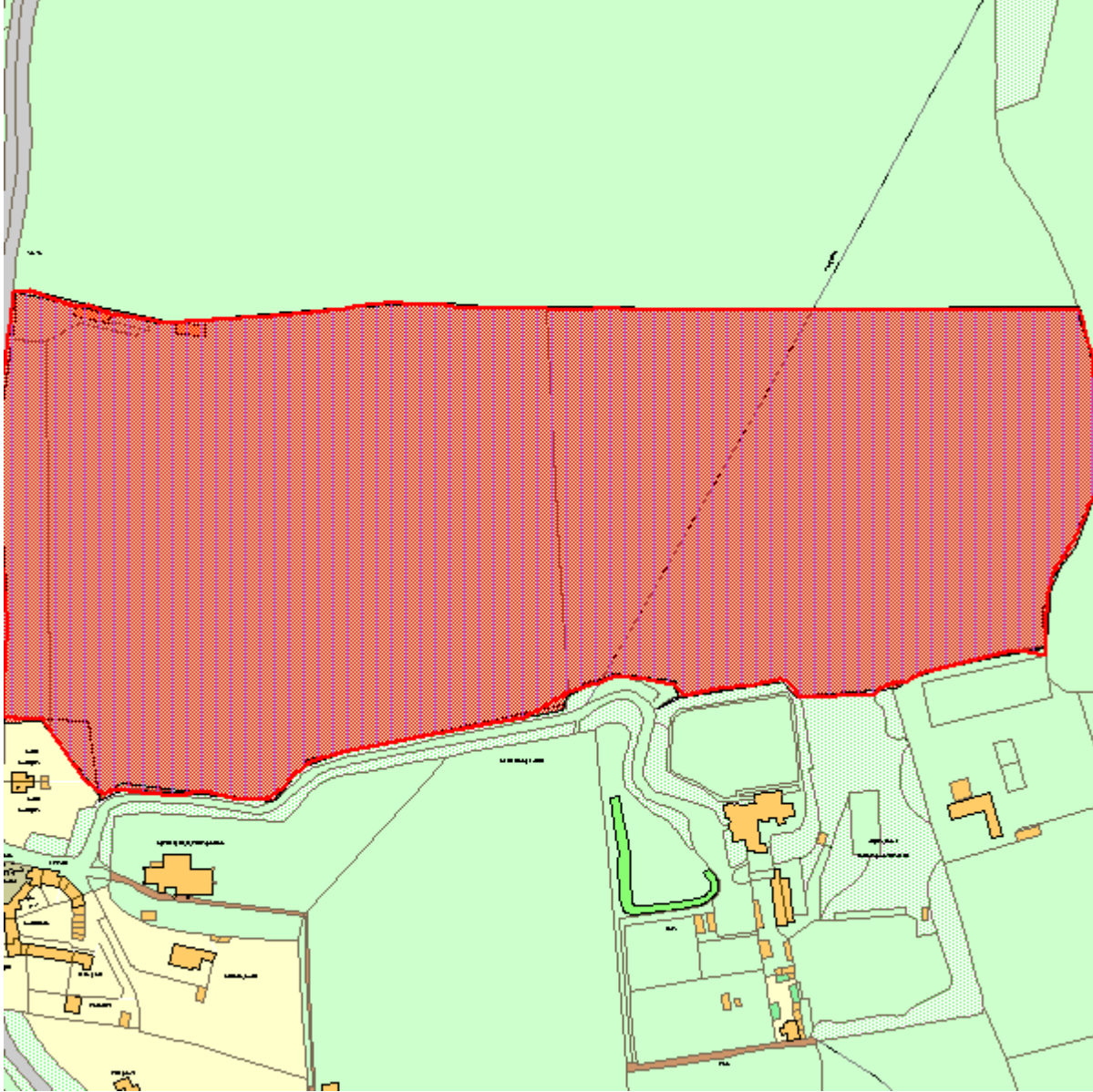
- (a) the appearance of the development in the street scene
- (b) the relationship of the development to adjacent property
- (c) the character of the development in the adjacent Conservation Area
- (d) the openness and visual amenities of the Green Belt
- (e) the safety of pedestrians and motorists on the adjacent highway
- (f) the design policies of the development plan

and having regard to all other matters raised.

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