

SECTION '2' – Applications meriting special consideration

Application No : 11/00259/FULL1

Ward:
Darwin

Address : Land Known As Blue Field Berrys
Green Road Berrys Green Westerham

OS Grid Ref: E: 544015 N: 158519

Applicant : Mrs C Slater

Objections : YES

Description of Development:

2 single storey buildings comprising 3 stables, feed store and tack room
RETROSPECTIVE APPLICATION

Key designations:

Special Advertisement Control Area
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
Sites of Interest for Nat. Conservation
Tree Preservation Order

Proposal

Retrospective permission is sought for the following:

- stable building comprising 3 stables and an additional room for the storage of hay/bedding/feed. It is constructed of brown painted wood panels with a monopitch corrugated roof
- the stable building measures approximately 14m long x 3.5m wide x 2.7m high
- tool shed constructed of green metal with a shallow pitch roof and measures approximately 2.3m x 3m in area with a 2.1m high dual-pitched roof.

The field included in this application is used for grazing and there is a post and rail fence on the southern boundary and a stock fence on the northern and eastern boundaries. The applicant has submitted information to support the application as follows:

- land has always been used for grazing of animals

- grazing area is within the guidelines of the British Horse Society, that is to provide 0.4 – 0.6 ha per horse
- use is for private use only
- proposal is an 'appropriate use' in line with PPG2
- many examples of similar development and land use exist in the locality
- bulk, footprint and location of stable block do not detract from the openness of the Green Belt
- dense hedge provides a natural screening for most the year
- horses need stabling on veterinary advice
- internal division of the field is with green electric tape to reduce visual impact
- the site was purchased in June 2006 and stables were erected in August 2006. These were stolen in March 2007 and replaced in summer 2007 with the current stables.

Location

The application site is approximately 4.2 acres in area and is located approximately 250m north of the junction of Berry's Green Road on the eastern side of this road.

The stable building and tool shed are located close to Berry's Green Road, well-screened with shrubbery. There is an existing single access to the field which is immediately adjacent to the vehicular access to the adjoining field, which is also used for grazing by a separate party.

Comments from Local Residents

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

Objections:

- worried about further development without planning permission
- surface water running onto road causing flooding
- land was acquired as grazing land
- over-development of green belt land
- small plots not suitable for many horses to be homed or liveries to operate.

Support:

- application should be permitted
- keeping of horses on land is part of countryside
- land is well kept and always tidy
- people should be allowed to enjoy more outside activities.

Comments from Consultees

The Council's Environmental Health Officer raises no objections to the proposal.

The Council's Highway Officer raises no objections to the proposal.

Planning Considerations

The site lies within the Green Belt where 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. Furthermore, the openness and visual amenity of the Green Belt shall not be injured by any proposals for development within or conspicuous from the Green Belt which might be visually detrimental by reasons of scale, siting, materials or design.

The application site is also within a site of for nature conservation (SINC) in the Unitary Development Plan.

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- BE3 Buildings in Rural Areas
- G1 The Green Belt
- G10 Development Related to Farm Diversification
- L3 and L4 Horses, Stabling and Riding Facilities
- NE2 Development and Nature Conservation Sites
- NE7 Development and Trees
- NE9 Hedgerows and Development
- T18 Road Safety

In strategic terms the most relevant London Plan policies are:

- 3D.8 Realising the value of open space and green infrastructure
- 3D.9 Green Belt
- 3D.14 Biodiversity and nature conservation
- 3D.18 Agriculture in London
- 4A.14 Sustainable Drainage

There are a number of relevant national policy documents that are relevant to the consideration of this application. These include:

- PPS1: Delivering Sustainable Development
- PPG2: Green Belts
- PPS7: Sustainable Development in Rural Areas

Planning History

Planning permission was recently refused retrospectively under ref.10/01728 at the site for the stable building and tool shed. The reason for refusal was:

The use of the land for the keeping and grazing of horses and the operational development which has taken place on site to support that use

has been resulted in an overdevelopment of the site and an unacceptable overintensive use of this sensitive Green Belt site, contrary to Policies G1 and BE1 of the Unitary Development Plan.

It should also be noted that permission has been granted for stables in the immediate vicinity as follows:

- Detached single storey stables with machine/food store and tack room. Permission was granted for this development in May 2010 (ref 09/02996) and the site lies immediately to the north of the application site. A condition restricts the number of horses to no more than 7.
- Formation of access track and use of land for keeping and grazing of horses. Permission was granted for this development in July 2008 (ref 08/00123) and this site is located at the junction of Berry's Green Road and New Barn Lane. A condition restricts the number of horses to no more than 8.
- Use of land for keeping and grazing of horses plus erection of 7 stables to include tackroom/feedroom and creation of access track. Permission was granted for this development in January 2007 (ref 06/02578) and the site lies immediately to the east of the application site. A condition restricts the number of horses to no more than 6.

Conclusions

The main issues relating to the application are the impact of the proposal on the Green Belt, including whether or not the development is appropriate, and the effect that it would have on the openness and visual amenity of the Green Belt. The effect it would have on the local highways network is also an important consideration.

Policy G1 of the Unitary Development Plan and Planning Policy Guidance 2 advise that the construction of new buildings within the Green Belt is inappropriate unless for specified purposes. These purposes include essential facilities for outdoor sport and recreation, examples of which include "small stables for outdoor sport or recreation".

It is considered that the stables and toolshed on this site would not in themselves be inappropriate. With regard to the impact on the openness and visual amenity of the Green Belt, the stable block and toolshed are located close the boundary with Berry's Green Road and are well screened from view by an established hedge. The materials used for the stables are discreet, although the toolshed is a green/cream metal structure. The internal field boundaries are post and tape to reduce visual impact.

With regard to the highways impacts, the access has been in existence for some time and is shared with the adjacent field, which has permission for stables for 6 horses. In terms of traffic movements the applicant advises that she visits her 2 horses twice a day, a farrier visits every 5-6 weeks and a farmer delivers hay every few weeks. Given the stables are already in situ, it is unlikely that there will be a

significant increase in traffic movements as a result of granting planning permission for the development.

In conclusion, the siting of the structures has been carefully considered to minimise the impact on open countryside and this is a modest application for stabling for 3 horses. In view of this, and in the context of recently determined applications for stabling in the immediate vicinity, Members may consider that the development would be appropriate and would not be harmful to the character and visual amenities of the Green Belt, provided it was used solely for recreational use by the owners of the site and not developed into a commercial venture. A condition is therefore recommended, should permission be granted, which restricts the use of the facilities to the owner of the buildings and permits no more than 3 horses on the site at any time.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/01728 and 11/00259, excluding exempt information.

as amended by documents received on 09.03.2011

RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED

- 0 D00002 If Members are minded to grant planning permission the following conditions are suggested:
- 1 ACJ14 Restriction to private stables
ACJ14R J14 reason
- 2 ACJ28 Restriction on no. of horses (1 insert) 3
ACJ28R J28 reason
- 3 Unless otherwise agreed in writing by the Local Planning Authority there shall be no storage of vehicles, horseboxes, caravans, plant or equipment on the site.

Reason: In order to comply with Policy L3 of the Unitary Development Plan and in the interests of visual amenities and openness of the Green Belt and the amenities of nearby properties.

- 4 Within 2 months of the date of this permission details of a scheme for the storage of manure on the site (to include periodic clearance) shall be submitted to and approved in writing by the Local Planning Authority and such provision shall be completed within 2 months of the date of approval of this condition and permanently retained thereafter. No burning of manure or other stable waste shall take place on the site at any time.

Reason: In order to comply with Policy L3 of the Unitary Development Plan and in the interest of the amenities of nearby properties.

Reasons for granting permission:

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

BE1 Design of New Development

BE3 Buildings in Rural Areas
G1 The Green Belt
G10 Development Related to Farm Diversification
L3 and L4 Horses, Stabling and Riding Facilities
NE2 Development and Nature Conservation sites
NE7 Development and Trees
NE9 Hedgerows and Development
T18 Road Safety

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

- (a) the character of the development in the surrounding area
- (b) the impact on the amenities of the occupiers of adjacent and nearby properties
- (c) the relationship of the development to trees to be retained
- (d) the safety of pedestrians and motorists on the adjacent highway
- (e) the transport policies of the development plan
- (f) the recreational open space policies of the development plan
- (g) sustainability issues
- (h) the environmental protection policies of the development plan
- (i) the adjoining owners concerns raised during the consultation process

and having regard to all other matters raised.

D00003 If Members are minded to refuse planning permission the following grounds are suggested:

- 1 The use of the land for the keeping and grazing of horses and the operational development which has taken place on site to support that use has been resulted in an overdevelopment of the site and an unacceptable overintensive use of this sensitive Green Belt site, contrary to Policies G1 and BE1 of the Unitary Development Plan.

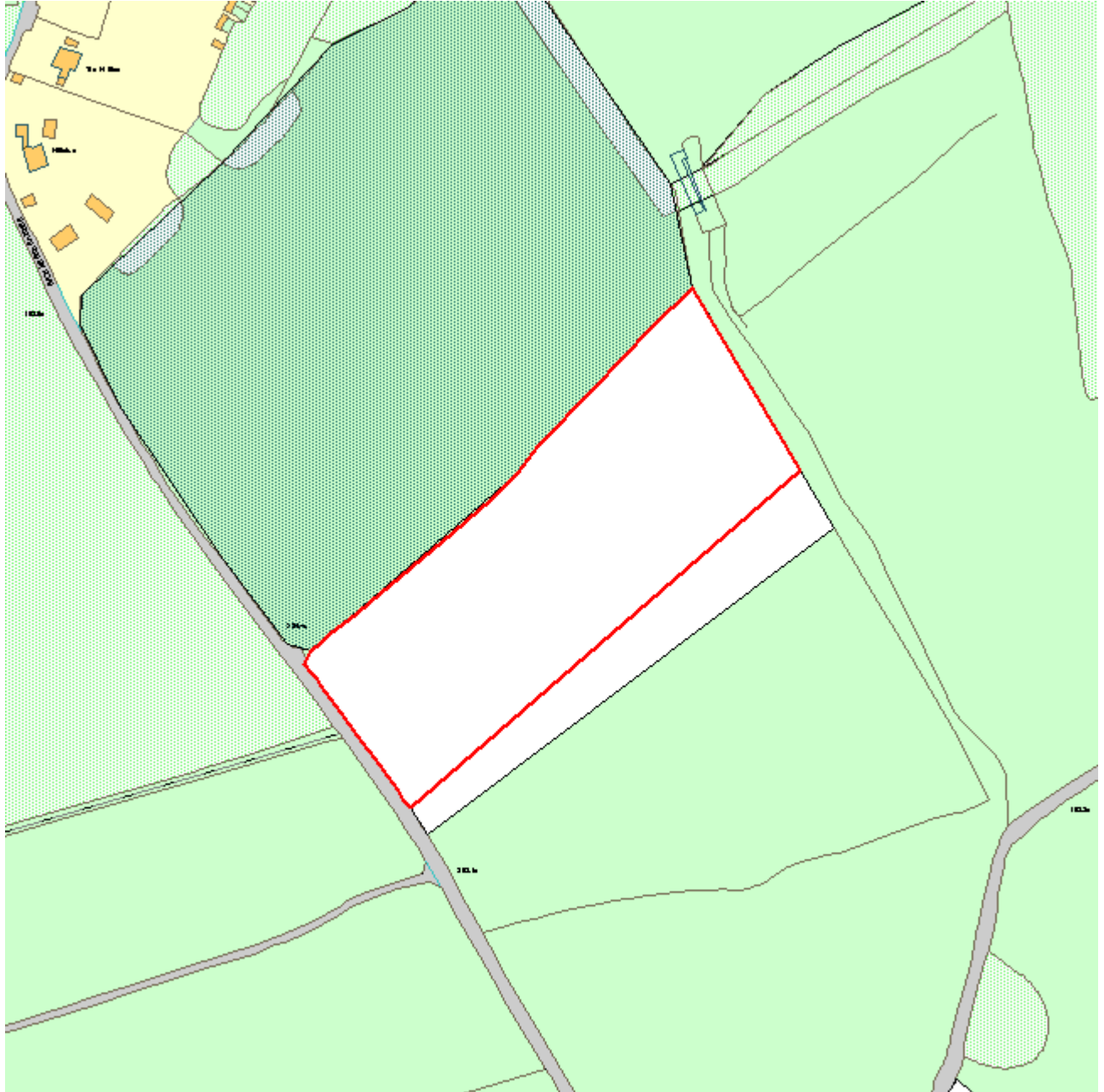
Further Recommendation:

Enforcement action be authorised to secure the removal of the unauthorised stable block and tool shed.

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