

Delegated Report

Planning Application

Planning Application No: 20230017

Location: Warren Farm, Swillers Lane, Shorne, Gravesend DA12 3ED

Description: Construction of sand school.

Applicant: Mr K Gozett

Site Visit Date: 27 February 2023

Submitted Documents/Plans

Application form
Covering letter
Planning Design and Access Statement
Drawing no. 02 rev A (proposed block plan)
Drawing no. 01 rev A (site location plan and existing block plan)

Relevant Planning History

20230274	Demolition of existing barn and erection of a new barn for storage including three stables and a tack room.	Permission	17.05.2023
20171312	Application for determination as to whether prior approval is required for the proposed change of use of an agricultural building for the storage of agricultural vehicles to a three bedroom single dwellinghouse under Class Q(a) and (b) with associated building operations of the Town and Country Planning (General Permitted Development) (Order) 2015.	Prior approval is required and is refused	29.01.2018
20160159	Consultation for use of land as a caravan club site.	No objection	10.03.2016
20150989	Temporary stationing of caravan on the land.	Temporary consent	02.12.2015
20150925	Application for determination as to whether prior approval is required for the design, external appearance and exterior works associated with	Prior approval not required	03.11.2015

the proposed conversion of the barn to residential use under Class Q(b) of the Town and Country Planning (General Permitted Development) (Order) 2015.

20150470	Application for determination as to whether prior approval is required for the proposed change of use of the agricultural brick barn to a dwelling under Class Q(a) of the Town and Country Planning (General Permitted Development) (Order) 2015.	Prior approval not required	01.07.2015
20140706	Determination as to whether prior approval is required for the erection of a replacement agricultural barn.	Prior approval not required	24.09.2014
20130682	Application for prior approval for change of use of former agricultural building to Class C1 bed and breakfast facility.	Inappropriate procedure	25.10.2013
20120033	Conversion of agricultural building into a four bedroom dwelling.	Refused, appeal dismissed	16.03.2012
20080920	Conversion of agricultural building into a dwelling and alterations and extension to the agricultural barn to the south-east to provide implement and general farm storage, animal shelter and three open car parking spaces.	Refused, appeal dismissed	19.01.2009
19880395	The erection of a brick built single storey agricultural building for use in apple grading and packing, storage, honey extraction and hive repair, toilet and washing facilities and general agricultural activities, more particularly described in the application form and the submitted plan	Prior approval not required	08.07.1988
19870618	Section 53 determination as to whether planning permission is required for erection of a wooden sectional building measuring 1500 sq ft and the erection of a purpose built brick building	Refused	16.11.1987

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 - Transport
- CS12 – Green Infrastructure
- CS13 – Green Space, Sport and Recreation
- CS18 – Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- C17 – Horse Riding and Stables
- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 8 – Promoting healthy and safe communities
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006);
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Consultees

Dickens' Protection Society

The Society has no objection to the construction of the sand-school but is concerned at any change of use of the land. In the event that the sand-school is no longer required the land should return to agriculture. We would request that conditions be imposed to control the erection of any building lighting, etc to protect the openness of the Green Belt, and that it should be used for personal use only.

Shorne Parish Council

The Warren and Warren Farm are classified by the Wildlife Trust as a local wildlife site but that does not provide it any protection in planning terms.

The Parish Council overall has no objection in principle to this proposal but has the following comments and significant concerns with objections to aspects where stated.

1. Landscape impact:

- The proposed location will have landscape impact from higher ground and negatively affect the ambience of the unmaintained part of Swillers Lane.

2. Plans and drainage:

- The documents and plans submitted do not include a detailed plan of the sand school (including peripheral plantings to screen jumps etc from view) or of land topography and drainage, these need to be provided and include information about the proposed drainage installations and outfall, and the surfacing materials proposed. There are concerns due to the proximity to the Swillers Lane aquifer. Permission will be needed from the Environment Agency over drainage.
- The plans do not show all the land in the ownership of the applicant and therefore do not convey the relationship of the proposal to the entire southern boundary.

3. New access:

- The Parish Council OBJECTS to the proposed new access shown. We question the need for this (either temporarily or permanently) as the existing access points should be adequate and the site can and should be accessed through the applicant's own land, especially post-construction.
- Permission would be needed from the Kent County Council Highways dept and other affected landowners (presently St John's College, Cambridge) regarding the proposed additional new access point.
- Swillers Lane is very narrow and not suitable for additional traffic save during construction.
- The unmaintained part of Swillers Lane is largely used as a footpath and bridle path, care must be taken during construction and the surface condition must be reinstated to a safe condition after construction is completed.

4. Size, use and change of use:

- The proposed size of the sand school at 60x30m is larger than the average domestic installation which is most commonly only 40m by 20m. Supporting reasons for the particularly large size need to be provided given that there are very few resident horses.
- If the sand school is 60m by 30m and occupies the entire land in the red line boundary, save for the suggested access route, it is unclear as to whether it is the same land that is the subject of the proposed "change of use of part of existing holding to a mixed use for agriculture and the keeping of horses". This should be clarified as horses would not normally be kept on a sand school.
- The Parish Council OBJECTS to the proposed change of use, which does not seem necessary or desirable. If no longer required as a sand school the land should revert to agricultural use.

5. Stable and other buildings:

- The applicant's comments about a small stable building having been erected in 2017 are noted, however we are unclear whether the "4y rule" applies to a non-residential building on agricultural land. A certificate of lawfulness may be needed in either case.
- No other stable buildings are needed or proposed on the site.

6. Lower Thames Crossing proposals:

- Swillers Lane and its northern bank are within the National Highways "Red Line Boundary" for the Lower Thames Crossing proposals, so they will also need to be consulted.

Suggested standard Conditions:

- No exterior lighting is proposed, there should be a fresh planning application should lighting be considered subsequently.
- No other buildings are proposed. In order to protect openness of the Green Belt, none are permitted without a planning application.
- Any temporary access must be closed off after construction and the non-maintained part of Swillers Lane reinstated to its pre-existing condition.
- The permission for the sand school is personal to the applicant and only in connection with Warren Farm and its occupants, for private use by the applicant and immediate family, and cannot be used by non-resident horses. When no longer required, the land should revert to agricultural use.
- The sand school should only be used for the practice and training of horses permanently kept at Warren Farm and not used or hired out for other purposes or as a training business.
- The sand school and site equestrian facilities cannot be used to operate a business or for competitions, commercial riding events or gymkhanas, and for no other commercial purposes such as a livery or riding school.

Neighbouring properties

The application has been advertised by site notice and individual letter to one neighbouring property. No letters of representation have been received.

Officer's Analysis

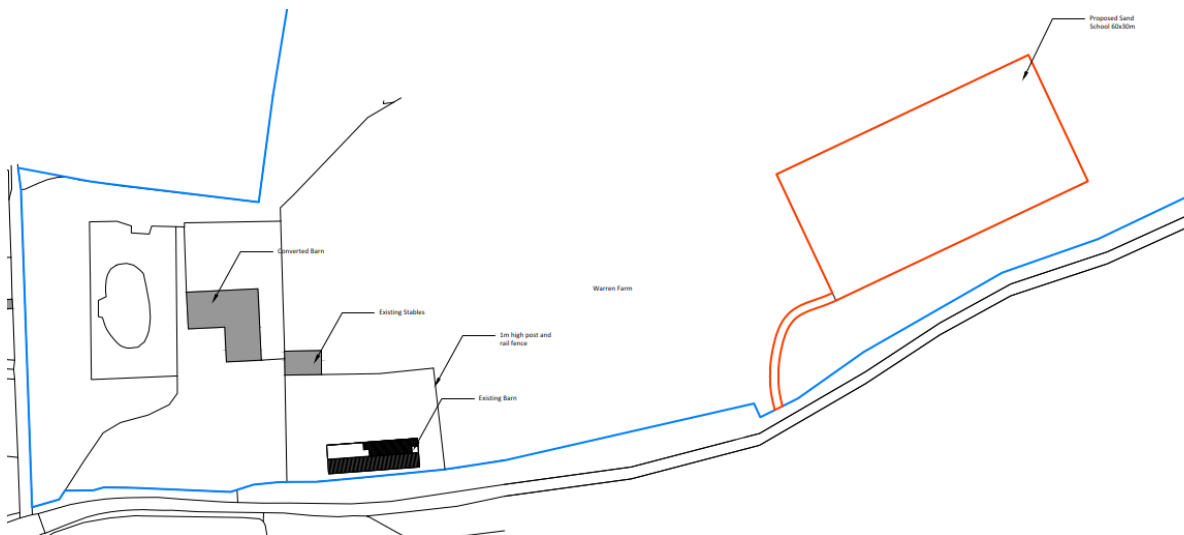
Procedural Note

Sand schools are usually found on land in equestrian use however, the land known as Warren Farm is in agricultural use. The horses kept on site graze the land.

For clarity, section 336 of the Town and Country Planning Act 1990 act defines agriculture as including 'horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly'. Annex F of the now withdrawn PPG7 summarises the position: 'land can be said to be used for grazing if horses are turned onto it with the purpose of feeding them from it, but not if they are kept on it for some other purpose (such as exercise or recreation) when grazing is seen as completely incidental and inevitable. A planning application is normally required for the use of land for the keeping of horses and for equestrian activities unless they are kept as livestock or the land is used for grazing'.

Proposal

This application seeks planning permission for the construction of a sand school. It will be approx. 30m wide and 60m long and will be accessed via Swillers Lane:



The site is within the Green Belt, Shorne Woodland Landscape Character Area and a Local Wildlife Site.

Green Belt

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Para. 147 of the National Planning Policy Framework 2021 (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para. 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Para. 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt with the exception of (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

This exception applies to this application as it relates to outdoor recreation. The plans contain no details regarding the use of materials or boundary treatments to the sand school however it is accepted that sand schools do not add any volume of development themselves and the boundary treatment can be conditioned to ensure no significant impact on openness.

The proposal therefore accords with policy CS02 of the Gravesham Core Strategy 2014 and Section 13 of the NPPF.

Design, Character and Appearance

The application site is a farm that currently accommodates a small flock of alpacas and a larger flock of sheep as well as some land having been divided and fenced-off for horse grazing. It extends to 6.3ha in area. The proposal is for a sand-school of 60m x 30m. The standard size for a dressage/show jumping arena is 20m x 60m. The justification given for this is that the applicant is a professional show jumper. The council have no reason to dispute this and the additional 10m in width in this location if not considered to have a significant impact on character and appearance over and above a 60m x 20m sand school.

Saved Policy C17 of the Gravesham Local Plan 1994 states that proposals for the recreational use of land in the countryside for horse-riding, riding schools and the erection of stables will only be permitted if they are compatible with the agricultural, landscape and transport policies of the plan.

The application site is located on a flat piece of land to the east of the existing barn. There are mounds with planting to the north which screen this part of the farm:



The proposed sandschool would be located west of the stables on a discreet area of the plot which has the appearance of underuse. The land sloped downwards to the south where there is access from Swillers Lane.

The sand school will be surrounded by an approx. 1.5m high post and rail fence which is typical in rural areas and no objection is raised to this.

The proposed sand school therefore accords with the objectives of policy CS19 of the Gravesham Core Strategy 2014, C17 of the Gravesham Local Plan 1994 and para. 130 of the National Planning Policy Framework 2021.

Landscape Character

The application site is located within the Shorne Woodlands Landscape Character Area where the key characteristics include undulating topography, chestnut coppice woodland and traditional village greens. There is a varied building style and age. The condition is good and sensitivity moderate. The guidelines are to conserve and reinforce. The sand school will not have a significant impact on the landscape character as it does not add any volume to the site. The post and rail fence is appropriate in this location. The proposal therefore accords with policy CS12 of the Gravesham Core Strategy 2014.

Neighbouring Amenity

The nearest property is 117m away from the site of the proposed sand school. Due to the nature of the sand school being on flat land and the distances from neighbouring properties there will be no detrimental impact in terms of loss of amenity to any neighbouring dwelling.

The proposal therefore accords with policy CS19 of the Gravesham Core Strategy 2014 and para. 130 of the NPPF in this regard.

Parking and Highways

The proposal will not result in any significant additional vehicular movements. The access is existing and will not change; therefore no objection is raised on highways grounds. A condition is however recommended that the sand school is for personal use only to ensure that there are no adverse impacts from increased traffic to the site.

Conclusion

The proposed sand school will have no significant impact on the Green Belt, local landscape, amenities, parking or highway safety and therefore accords with the above-mentioned policies and is recommended for approval.

Recommendation:

Permission

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Alison Webster	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	17 May 2023	Dated:	17 May 2023