

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20231126
Location	Former Courtlands Gravesend Road Shorne Gravesend
Proposal:	Application for a Proposed Lawful Development Certificate in respect of erection of stable building with tack room and a detached barn.
Applicant:	Mr B Pawar
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form
Supporting Statement
Drawing no. 001 rev A (block plan and location plan)
Drawing no. 002 rev A (floor plans)
Drawing no. 003 rev A (sections and elevations)

Property Type

The property comprises an agricultural field adjacent to Courtlands.

Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Relevant Planning History

20190717	Change of use of land from agricultural to equestrian and erection of stable building with tack room and a detached barn.	Permitted	19.02.2020
20160216	Creation of a vehicular access onto A226 Gravesend Road and installation of post rail fencing and a field gate.	Permitted	16.11.2016

Consultees

As this is an application for a proposed lawful development certificate it is not necessary to consult publicly however, the application is included on the weekly list and Shorne Parish Council have made representation.

Shorne Parish Council

The application site is incorrectly described as it is actually “Land West Of Courtlands”, a field west of (and not part of) the existing Courtlands residential curtilage.

This application is a re-application of the expired full planning application ref 20190717 but the area of retained vegetation that was agreed in the approved revised plans is shown smaller again - this needs to be re-corrected.

Application ref 20160216 (to create a vehicular access onto the A226 Gravesend Road and installation of post rail fencing and a field gate) is also noted, the vehicular access has not been created and we are uncertain now about the date of installation of the field gate.

The Parish Council objected to application ref 20190717 but it was permitted by GBC with Conditions. The field does not appear to have had any equestrian use since the previous application.

Please see below for the text of our previous representation, we would be grateful if you could please apply the same points to this present application. The reasons and concerns stated previously all remain valid, and we therefore have to again OBJECT to the application.

We also OBJECT to the application being in the form of a Lawful Development Certificate as the land is not part of the residential curtilage of Courtlands and the proposal is not therefore incidental to the enjoyment of the dwellinghouse. We consider that a full planning application is instead required, particularly so that the same or greater protective Conditions as set out in the 2019 decision notice can be attached again.

Previous objection:

The Parish Council wishes to OBJECT to this proposal, with the following reasons/comments:

1. Previous application: The applicant previously applied under reference 20160216 to install a double-width field gate, which was permitted by GBC. This does not appear to have been implemented except that a small length of the hedge (not as wide as the proposed field gates) was recently cut down. At the time of the previous application no indication was given that any buildings might be desired or concerning the number of horses to be accommodated on the plot.
2. Structural aspects: The submitted plans do not make clear the exact nature of the walls of the buildings, i.e. whether the brickwork goes up to roof level. The external walls appear from the plans to be at least 25cm thick which suggests double-skin cavity walling. Overall the proposal is for a robust structure, more so than is usual for stable buildings, which are usually prefabricated and more like garden sheds in construction. The buildings are large (nearly 20m by 6.5m and 7m by 5m) and there is also a large area of hardstanding of nearly 20m by 7m.
3. Location on the plot: Given how small the field is and the number of horses to be accommodated, the proposed location on the site and orientation of the proposed building is wasteful of space. Stable buildings are usually placed at the edges of fields. We suggest that the building should be relocated on the site so that it is side-on to the Gravesend Road or with its back to the dividing fence, i.e. in the north-east corner of the field. This would also reduce its visual impact and improve its accessibility from Courtlands. No access gate is shown in the dividing fence. The field gate already permitted but not constructed might be better located further east, and together this suggestion would reduce the amount of “driveway” that is needed, also maximising the equestrian land use.

4. Vehicles and traffic: The application does not discuss whether vehicles will be kept at the site apart from mention of loading manure onto a trailer for weekly removal (the amount of manure and soiled straw, bedding etc produced by four horses within a week will be considerable) and moving the horses to the other land stated as being owned by the applicant for proper pasture/exercise, which does not appear to be contiguous with the land that is the subject of the present application. Any turning movements by slow moving vehicles are of concern as traffic on Gravesend Road is often moving at 50mph and above.

5. Services to the site: The plans also do not indicate likely services to be supplied to the stables/field (we would assume water and electricity) or any security lighting, which could introduce light pollution. Drains and sewer connection will not be needed.

6. Animal welfare: We remain concerned about the welfare of the horses if four are to be accommodated on such a small piece of land, constrained by woodland, and request expert input into the suitability of the proposed arrangements. Overall, we suggest that the stable might be better located on the other fields owned by the applicant, which are apparently larger, rather than adjacent to a busy and noisy A road. For the previous application 20160216, and as was supported in the comments by Rural Planning, we commented that the proposed fencing was too low at 1.0m to ensure that the horses were safely contained but the proposed low fencing was permitted by GBC without amendment. The consequences of any of the horses escaping onto the A226 could be very serious, for both the horses themselves and passing vehicles. The height of the fencing is not stated on the latest application so we make the same comment again, that the fences should be approximately 1.5m high.

7. Planning restrictions, hedges and woodland: The site is in the Green Belt where new buildings would not normally be permitted, and this building if permitted would detract from its openness. The proposed recreational use does not appear to be a valid exception, especially as outside of the residential curtilage. The site is bounded by mature hedges and also includes (described and shown separated off in the 20160216 approved OS and site plan but not shown in that presently submitted which does not include the true OS plan or the entire plot) a significantly large area of mature scrub/woodland, possibly related to a former chalk pit, which adjoins the footpath NS159. These should all be retained and protected from the horses by fencing, in order to maintain the biodiversity on the site.

8. Suggested Conditions: If permitted we suggest that conditions should be imposed that the building is only ancillary to the Courtlands property and cannot be used for any commercial use or any recreational purpose except for keeping of horses, nor any residential purposes or as a separate dwelling. We are very concerned that this application might lead on in the future to a subsequent application for residential conversion, as the proposed structure and layout could easily be imagined as being a bungalow. We would be grateful therefore if any permission could be strongly conditioned to prevent future residential conversion, perhaps by requiring demolition and return to agriculture once the land is no longer required for keeping horses, or that the permission is temporary and/or personal to the applicant.

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	N

The applicant has applied for a Lawful Development Certificate under Class E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The area of land to which the application relates is not located within the curtilage of a dwellinghouse and therefore Class E does not apply and planning permission is required.

As a side note, the proposal was granted permission under reference 20190717 but this has expired and was not implemented. There is therefore no extant permission on the site.

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	13th December 2023	Dated:	13 th November 2023