

OUR REF: PR3721/SC

PLANNING, DESIGN & ACCESS STATEMENT

WARREN FARM SWILLERS LANE SHORNE KENT DA12 3ED

1 INTRODUCTION

- 1.1** This statement is prepared in support of a planning application submitted on behalf of Mr K Gozzett seeking permission for the following development:

Change of use of part of existing holding to a mixed use for agriculture and the keeping and exercising of horses and construction of a sand-school

The development is proposed for land at Warren Farm Swillers Lane Shorne DA12 3ED.

2 SITE CONTEXT

- 2.1** Warren Farm is located approximately 160m east of the junction of Swillers Lane and Tanyard Hill/The Street. The application site is located to the east of the developed area of Shorne Village that is inset from the Green Belt. The farm itself is within the Green Belt and also part of a larger Local Wildlife Site.
- 2.2** The land within the farm rises towards the north from Swillers Lane to a point approximately 86m AOD. Swillers Lane falls gently eastwards towards the A226 Gravesend Road. The boundary with the application site is marked by a steep wooded embankment. At the eastern boundary of the applicant's land, Swillers Lane become Public Footpath NS159 connecting to Gravesend Road just west of Higham. The land's eastern boundary adjoins Public Footpath NS156, which connects Shorne Ridgeway northwards to the A226 Gravesend Road east of the Shorne Crossroads.
- 2.3** Within the farm itself, the land north of the steep embankment along Swillers Lane is in the form of a relatively level plateau between approximately 60 and 65m AOD. It is on this level area accessed directly from Swillers Lane at a point some 150m east of the main farm access that the proposed sand-school is to be sited. The application site extends to approximately 0.18ha (including the access to Swillers Lane), the Warren Farm holding extends to approximately 6.3ha overall.

3 PROPOSALS

- 3.1** It is proposed to construct a 60m x 30m sand-school within the land at Warren Farm. The sand-school would be bounded by a 1.5m high post and rail fence and include gated access. No lighting is proposed.
- 3.2** The sand-school would be sited on a level area of ground and accessed via an existing secondary access to Warren Farm located directly off Swillers Lane some 150m east of the main farm access. The land is currently grazed by livestock and the grass sward is low as a result. No trees would be lost as a result of the development.

4 PLANNING HISTORY

- 4.1** Previous planning history relating to the site relates to the conversion of a barn on the western side of the holding close to the main farm access to provide a dwelling via a prior notification procedure, the dwelling is occupied. Applications [20150470](#) and [20150925](#) refer.

4.2 Other applications are as follows

- [20140706](#) : Determination as to whether prior approval is required for the erection of a replacement agricultural barn: PRIOR APPROVAL NOT REQUIRED (not implemented)
- [20150989](#) : Temporary stationing of caravan on the land: APPROVED TEMPORARY (Expired 30/05/2017)
- [20160159](#) : Consultation for use of land as a caravan club site: NO OBJECTIONS
- [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 REQUIRED AND REFUSED
- [20211422](#) : Application for determination as to whether prior approval is required for the proposed change of use of the agricultural barn to a dwelling with associated building operations under Class Q (a) and (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015: PRIOR APPROVAL REQUIRED AND REFUSED

4.3 A stable building located to the east of the converted dwelling as indicated on drawing 3721.02 has been completed for more than 4 years. It is clearly indicated on Google Earth images dated 02/07/2017 and 05/05/2018 and is therefore now lawful through the passage of time having been completed for more than 4 years.



Google Earth Image dated 05/05/2018

5 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless

material considerations indicate otherwise. The Court of Appeal has clarified that for a decision maker this means establishing whether a proposal is in accordance with the development plan as a whole. The question of compliance with one policy should not dictate the outcome of a proposal in the absence of considering compliance with all other relevant policies. Decision makers are therefore tasked with identifying and understanding all relevant policies and material considerations in order to reach a properly informed planning judgment on a proposal, and to avoid an irrational or vulnerable decision that may be subject to criticism in a public law challenge.

- 5.2 Paragraph 2 of the National Planning Policy Framework ('the Framework') reiterates what is said in Section 38(6), whilst paragraph 12 of the Framework is clear that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise
- 5.3 Paragraph 38 of the Framework encourages local planning authorities to approach decisions on proposed development in a positive and creative way. It also encourages working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, adding that decision-makers should seek to approve applications for sustainable development where possible.
- 5.4 Annex 1 of the Framework confirms that for the purposes of decision-taking, the policies in the plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. It adds that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with greater weight being given to those policies that are closer to the policies in the Framework.

Development Plan

- 5.5 In terms of the Development Plan for Gravesham Borough Council (GBC), this comprises of the following documents that are relevant to this application:
- Adopted Core Strategy 2014 (CS)
 - Saved Policies of the Local Plan 1994 (LP)
- 5.6 The only potentially relevant Core Strategy policies are CS01 Sustainable Development which advises that proposals which accord with the Development Plan will be approved without delay, CS02 which seeks to advise on the scale and distribution of development and CS19 (Development and Design Principles), which are attached at **Appendix One**. Policy CS19 sets out criteria against which proposals for new development will be judged including impact on the character of the surrounding area.
- 5.7 Saved LP policy C17 (attached at **Appendix One**) advises that in respect of horse related development 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 this Plan. Where proposals are acceptable in principle, the Borough Council will expect stables and horse shelters to be properly designed and constructed of sound materials appropriate to the countryside and to be in an acceptable location within the site.

6. PLANNING ISSUES

Green Belt

6.1 In terms of the impact of the proposed sand-school development on the purposes of the Green Belt, it is apparent that:

- It will not add to the sprawl of a large built up area.
- It will not result in neighbouring towns merging into one another.
- It will have a very limited impact on the countryside in terms of encroachment due to the existing activity and its location.
- It will not have any impact on the setting and special character of a historic town.
- It will not have any impact on urban regeneration because this development needs to be located in the countryside.

6.2 The proposed sand-school development is in support of open-air recreational use, and should therefore be regarded as an appropriate form of development that accords with Paragraphs 149(b) and 150(e) of the NPPF. The proposals also accord with policy CS02 of the Core Strategy.

6.3 The proposed sand-school will have limited impact on the openness of the Green Belt. The proposed post and rail fencing will have some impact in that it will represent a new element in the landscape. However, this impact will be minimal given that the sand-school will be situated on a raised and level piece of ground above the adjacent highway/public footpath from where it will be screened by the existing hedge and trees along the site boundaries. Furthermore, post and rail fencing is already found along the more open site boundaries and within the site on the western parts of the holding closer to the village as well as on other nearby residential properties on Swillers Lane.

6.4 The proposed development will require minimal works to construct the school other than the provision of the surface of the exercise area surface given that the land where it is proposed is essentially level and no significant, if any, 'cut-and-fill' will be needed.

6.5 It is not therefore considered that there will be any undue impact on the purposes of the Green Belt or the openness of the Green Belt sufficient to warrant and justify permission being withheld.

Visual impact and impact on residential amenity

6.6 In landscape terms as stated above, the proposals will have a very limited impact on the character and appearance of the surrounding area. No lighting is proposed.

- 6.7** The proposed sand-school will be located approximately 120m from the existing dwelling at Warren Farm and approximately 150m from Barndale Court on the south side of Swillers Lane. Given this degree of separation, it is considered that the use the sand-school will not result in any unacceptable loss of amenity for the occupiers of the two closest residential properties.

Biodiversity

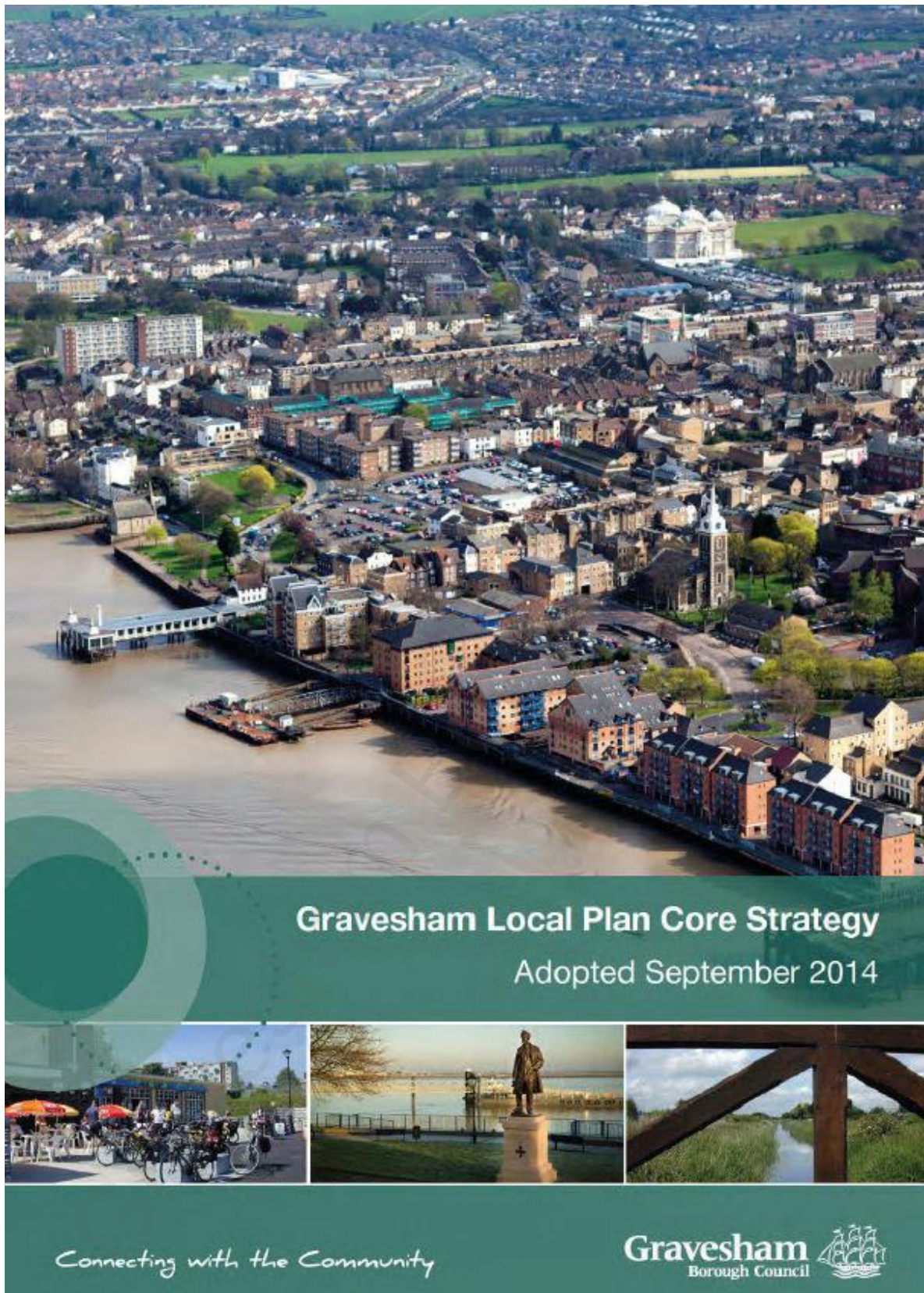
- 6.8** It is acknowledged that the application site is part of a Local Wildlife Site. The LWS designation covers farm holding (around 6.3ha in total) and extends to the east along Swillers Lane beyond the applicant's land. The application site comprising the proposed sand-school including the existing access track from Swillers Lane extends to 0.18ha, a small proportion of the overall area of the LWS.
- 6.9** The proposed sand-school would be sited on land that is grazed and also currently used for the storage of plant/machinery. It is not considered that the construction of the proposed sand-school would adversely affect biodiversity within this area of the wider LWS site. The existing boundary hedges and trees would be retained as would the scrub on the slope immediately to the north of the proposed sand-school and which would not be affected by the development.

7. CONCLUSIONS

- 7.1** The proposals constitute appropriate development in the Green Belt that will not have an adverse impact on its openness.
- 7.2** The proposed location of the sand-school has been chosen to ensure that the existing form and topography of the land within Warren Farm are respected and that no extensive engineering operations or cut and fill works will be required to construct the sand-school. The fencing around the sand-school will not be intrusive and its design and appearance are acceptable in the context of the immediate area and existing fencing. There is substantial separation from the proposed development to the existing dwelling within Warren Farm and to the other dwellings further west that are served by Swillers Lane.
- 7.3** The proposals are therefore considered to have no unacceptable adverse impact on the overall character of the area, or the amenities of the occupiers of nearby dwellings.
- 7.4** The development as proposed is therefore considered to be fully in accordance with and therefore appropriate in terms of national and local policy. The Council are respectfully requested to grant planning permission for the development as applied for.

APPENDIX ONE

DEVELOPMENT PLAN POLICIES



Policy CS01: Sustainable Development

4.1.6 Planning applications that accord with the policies in the development plan for Gravesham will be approved without delay, unless material considerations indicate otherwise.

4.1.7 When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and in this Core Strategy. It will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

4.1.8 Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- **Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or**
- **Specific policies in that Framework indicate that development should be restricted.**

Policy CS02: Scale and Distribution of Development

4.2.24 The development strategy for the Borough is to retain and improve the existing stock of housing and suitable employment land and to make provision for the Borough's objectively assessed need for at least 6,170 new dwellings delivered at a variable rate as follows; at least 325 dwellings per year for 2011/2012 – 2018/2019, at least 363 dwellings per year for 2019/2020 – 2023/2024, at least 438 dwellings per year 2024/2025 – 2027/2028, and at least 186,490 sq m gross employment floorspace (within use classes B1, B2 and B8) during the plan period.

4.2.25 Development will be distributed throughout the Borough as follows: around 3,890 new dwellings and around 186,490 sq m gross employment floorspace (within use classes B1, B2 and B8) will be provided in the Opportunity Areas at Northfleet Embankment and Swanscombe Peninsula East; Gravesend Riverside East and North East Gravesend; Ebbsfleet (Gravesham) and Gravesend Town Centre and on land at the Coldharbour Road Key Site; around 2,280 new dwellings will be provided on other sites in the urban area and rural settlements inset from the Green Belt.

4.2.26 The strategy prioritises development in the urban area as a sustainable location for development. This will be achieved by:

- **Promoting regeneration by prioritising the redevelopment and recycling of underused, derelict and previously developed land in the urban area. This will be principally through redevelopment of former industrial sites in the Opportunity Areas of Northfleet Embankment and Swanscombe Peninsula East, and Gravesend Riverside East and North East Gravesend to create new residential neighbourhoods and employment areas;**

- The continued development of a new sustainable mixed use community in the Ebbsfleet (Gravesham) Opportunity Area, which will include the provision of high quality employment floorspace;
- Revitalising the Gravesend Town Centre Opportunity Area as a focal point for retail, leisure, cultural and tourism facilities and small scale office provision to serve the needs of the Borough whilst preserving and enhancing its character as a riverside heritage town; and
- Bringing forward a range of suitable sites in other parts of the urban area for residential and employment development, including Land at Coldharbour Road Key Site.

4.2.27 In the rural area, development will be supported within those rural settlements inset from the Green Belt and defined on the Policies Map. Development outside those settlements, including affordable housing and proposals to maintain and diversify the rural economy, will be supported where it is compatible with national policies for protecting the Green Belt and policies in this plan. The extent of the Green Belt is defined on the Policies Map. A strategic Green Belt boundary review will be undertaken to identify additional land to meet the housing needs up to 2028 and to safeguard areas of land to meet development needs beyond the plan period, while maintaining the national and local planning purposes of the Green Belt.

Policy CS19: Development and Design Principles

5.15.14 New development will be visually attractive, fit for purpose and locally distinctive. It will conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards. The design and construction of new development will incorporate sustainable construction standards and techniques, be adaptable to reflect changing lifestyles, and be resilient to the effects of climate change. This will be achieved through the criteria set out below:

- Using the collaborative approach advocated in Building for Life 12 and in line with the guidance set out in Kent Design, the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. Account will be taken of the scale, height, building lines, layout, materials and other architectural features of adjoining buildings. Account will also be taken of the wider site context, including strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place;
- New development will encourage sustainable living and choice through a mix of compatible uses which are well connected to places that people want to use, including the public transport network, local services and community facilities; encourage sustainable travel; enhance Green Grid links and encourage healthier lifestyles;

- New development will be located, designed and constructed to:
 - safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land;
 - avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution, and land contamination; and
 - not pose an unacceptable risk or harm to the water environment, including the quality and/or quantity of ground waters, surface waters, wetlands and coastal water systems;
- The design and layout of new residential development, including conversions, will accord with the adopted Residential Layout Guidelines;
- New development will be designed in an inclusive way to be accessible to all members of the community;
- New development will provide appropriate levels of private and public amenity space;
- New development will include details of appropriate hard and soft landscaping, public art, street furniture, lighting and signage and will ensure that public realm and open spaces are well planned, appropriately detailed and maintained so they endure;
- Car parking will be well related to the development it serves
- New development will protect and, where opportunities arise, enhance biodiversity and the Borough's Green Infrastructure network. Support will be given to environmental enhancements where opportunities arise;
- New development will be fit for purpose and adaptable to allow changes to be made to meet the needs of users;
- The design and layout of new development will take advantage of opportunities to build in resilience to the effects of climate change. This will include protection against flood risk, where relevant, delivering carbon reduction, provision for low carbon and renewable energy, and minimising energy consumption and water use;
- New development will incorporate appropriate facilities for the storage and recycling of waste; and
- The layout of new development will create a safe and secure environment and provide surveillance to minimise opportunities for crime and vandalism.



Policy for the Use of Land for Horse-riding and the Erection of Stables

- 9.44 These may be associated with land fragmentation. Whilst the use of land for the riding of horses is appropriate to the open recreation functions of the Green Belt, it can be detrimental to landscape and agricultural policies. The location of the Borough is such that there is considerable pressure for such activities. The erection of stables and horse shelters can, unless well designed and properly sited, be detrimental to the appearance of the countryside. The provision of jumps and other structures can look unsightly. Vehicles and trailers visiting the premises and inexperienced horse-riders on the public highway can be detrimental to road safety. The policy is designed to recognise the demand for such facilities but to carefully control their location and appearance.

Policy C17

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 this Plan. Where proposals are acceptable in principle, the Borough Council will expect stables and horse shelters to be properly designed and constructed of sound materials appropriate to the countryside and to be in an acceptable location within the site.