

Delegated Report

Householder Planning Application

Planning Application No: 20231324

Location: Land South Of Gravesend Road Shorne Gravesend

Description: Change of use of land from agricultural to equestrian and erection of stable building with tack room and a detached barn.

Applicant: Mr B Pawar

Site Visit Date: Various

Submitted Documents/Plans

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

Relevant Planning History

20231126	Application for a Proposed Lawful Development Certificate in respect of erection of stable building with tack room and a detached barn.	Certificate refused	14.12.2023
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

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- C17 – Horse Riding and Stables
- T1 – Impact of Development on the Highway Network
- T5 – New Access onto Highway Network

Other material considerations

Paragraph 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving well-designed and beautiful places
- Section 13 – Protecting Green Belt land

Supplementary Planning Guidance

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

Consultations, Publicity and Representations

Consultees

KCC Public Rights of Way Officer

Public Right of Way Footpath NS159 lays to the west of the site and should not be affected by the proposed stable building and tack room. I enclose a copy of the Public Rights of Way network map showing the line of the path for your information.

The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs.
- The duration of the closure is kept to a minimum.
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

KCC Biodiversity Officer

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that further information is sought from the applicant with regards to the potential for ecological impacts to arise.

It is noted that the proposals are relatively small in scale. However, from the information provided, it has not been possible to fully assess the likelihood of any constraints relating to ecology. Based on our review of aerial photographs (most recent dated May 2022), the site appears to comprise of grassland/scrub mosaic which is bordered by mature hedgerows and an area of broadleaved woodland designated as habitat of principal importance/priority habitat. There are records for badger, reptiles and great crested newt (GCN) within the site vicinity – although the site lies within a green zone for GCN.

To establish the potential for protected species presence that must be taken account of in the planning decision, in the first instance we advise that high quality, labelled, photographs of all land within the red-line boundary are provided. These will include boundary vegetation, the proposed building footprint and the full extent of the construction zone. These can then be reviewed by KCC EAS to determine whether further ecological assessment is required. We wish to highlight that where photographs are inconclusive or indicate potential for impacts on protected species and/or protected/priority habitats, further ecological assessment may be advised.

The above is in line with paragraph 99 of ODPM 06/2005 which states “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.

Shorne Parish Council

This is a reapplication of lapsed planning application Ref 20190717, permitted by GBC despite Parish Council objections. That previous application has not been mentioned in the applicants supporting statement.

Our previous representations are included as an Appendix below as we consider that all the same aspects are still relevant and we would be grateful if they could all be carried forward to this application.

The reasons and concerns stated previously remain valid, and we therefore have to again OBJECT to the application.

It should be noted that the previous application 20190717 was discussed at the Regulatory Board with the result that modified plans were required that preserved the historic wooded area on the site, that conceals a former quarry.

However, the applicant has presently submitted their original plan and not that actual previously agreed plan as shown below.

A revised plan as shown needs to be resubmitted to supersede that presently provided.



Plan agreed previously following the Regulatory Board discussion (GRC-A-P1 Revision 1 (site layout) received 05 February 2020)

The Parish Council again OBJECTS to this application for the following additional reasons/comments (please see also our previous representation reproduced below):

1) Use of the land:

The land has not been used for grazing in the intervening time period since 2019 and no horses have been seen there. Therefore the justification for building a stable is not entirely clear.

2) Quantum of development on the Applicant's land; Additional impact:

Since 2019 the Courtlands house and site has been redeveloped with very considerable increase in built forms, this proposal would further reduce openness in the Green Belt and extend built forms as ribbon development westwards on the Gravesend Road.

3) Reiteration of points previously raised:

As well as all the points that we raised previously, we remain particularly concerned about the welfare of the animals if 4 horses were to be kept on such a small piece of land.

In view of the small size and inherent unsuitability of the plot for keeping horses we OBJECT particularly to the proposed change of use which seems inappropriate as well as unnecessary, the land should remain agricultural.

4) Conditions to be attached:

We request that at least all the same conditions as in the previous decision notice 20190717 should be attached to any new permission.

We do not agree that there would be lack of adverse impact on biodiversity of the site and request that a Condition should be added to ensure this through the fencing off of the wooded/biodiversity area from the horses.

We request also that if Officers should somehow be minded to permit the application based on the current layout plan, then we request that the application should once again be called in to the Regulatory Board for full member discussion. GBC Councillors for Higham and Shorne Ward have been informed of our concerns.

Dickens' Country Protection Society

The Society is concerned that his proposal could be used as a device in an attempt to circumvent Green Belt Policy. No evidence has been submitted of any exiting or proposed equestrian activity. The proposed buildings would significantly impact on the openness of the Green Belt. If permitted and used, traffic turning in and out of the site could present a traffic hazard on the A226 Gravesend Road.

Neighbouring properties

The application has been advertised by site notice, press notice and letters to two neighbouring properties. No letters of representation have been received.

Officer's Analysis

Background

Planning application 20190717 sought permission for the erection of a stable building with tack room and detached barn. This was approved by planning committee once a revised plan (GRC-A-P1 revision 1) was submitted showing no impact on the public right of way and the woodland on the site.

Change of use of land from agriculture to equestrian within the Green Belt

The application site is located along Gravesend Road within the Green Belt and the Shorne Woodland Landscape Character Area.

The application site extends approx. 2.2ha and seeks permission to change the use from agricultural to equestrian for the keeping of the applicants own four horses.

If the horses are simply grazing on the land, they will fall within the legal definition of "agriculture" and a change of use does not occur. However, this application goes beyond simply grazing as it involves the erection of stables.

The NPPF states (at paragraph 155) that other forms of development are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land in it. This list includes any material change of use of land.

The applicant has acknowledged that this is a change of use and has included this within the application description.

The Council's Agricultural Consultant was consulted on the previous application for the same development and raised no objection. However it is noted that the previous permission, proposing equestrian use of the application site, did lead to the view being given that the 1m fencing height was inadequate. As the development now proposed would involve a more intensive level of equestrian activity on site, it is considered to be appropriate to secure a moderately increased height boundary enclosure. A condition is recommended to control this.

It is concluded that the change of the use of the land from agricultural to equestrian is acceptable in principle and will have no adverse impact on the openness of the Green Belt.

New buildings within the Green Belt

Policy CS02 of Gravesham Core Strategy states that development in the Green Belt will be supported where it is compatible with national policies for protecting Green Belt. The NPPF states that within the Green Belt inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This goes on to state that the construction of new buildings should be regarded as inappropriate development unless they are for a specified range of uses/activities.

Para. 154 of the NPPF states that the construction of new buildings within the Green Belt are inappropriate. Exceptions to this include:

(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.
5.10

Para. 155 outlines certain other forms of development that are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This lists (e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) as an exception. It is considered that the keeping of horses can fall within the category of outdoor recreation. Therefore the principle of a change of use of the land and erection of stables in this location can be acceptable subject to an assessment of the impact that the development has on the openness of the Green Belt in terms of its scale, siting and design.

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. It goes on to say that stables and horse shelters should be properly designed and constructed of sound materials appropriate to the countryside and to be in an acceptable location within the site.

To reduce the impact on the openness of the Green Belt, the built form of this development has been located close to (though not immediately abutting) the eastern boundary of the site which results in the built form being located close to the curtilage of the adjacent dwelling and close to the road behind vegetation. This will mitigate any potential encroachment into the countryside. The buildings are considered modest, of 'sound materials' and appropriate for their proposed use. Due to their size, use and location they are not considered to have a significant adverse impact on the openness of the Green Belt.

As such it is considered that the proposed development would not have a significant adverse impact on the openness of the Green Belt, according with the contents of Policy CS02 of Gravesham Core Strategy (2014), Policy C17 of the Gravesham Local Plan 1994 and Section 13 of the NPPF.

Landscape Character

With regard to the impact on the landscape, the site is located within the designated landscape area of Shorne Woodland Landscape Character Area. The guidelines serve to promote conservation and reinforce existing attributes and value. Included in this is the desire to manage access arrangements to balance the need for recreation whilst controlling unauthorised access and anti-social uses, and respecting ecological sensitivity. The proposed plans introduce a recreational use which already has its own access. Such a use is not considered to have a negative impact on the landscape character area.

Neighbouring Amenity

Due to the isolated nature of the site and the fact this is not a commercial use, there will be no significant impact on the amenities of the surrounding properties. No conflict with Policy CS19 of Gravesham Core Strategy (2014).

Parking and Highways

The access point previously approved on this site was subject to consultation with the Gravesham and County Council highway advisors. No adverse impact on highway safety is therefore considered to arise through the use of that access for the purposes now proposed.

Conclusion & Recommendation

The proposed change of use to equestrian and erection of stables is a use that is appropriate to the countryside and Green Belt and, due to the positioning of the stables, is not considered to result in an adverse impact on the openness of the Green Belt. The proposed development is located away from any neighbouring properties and already has vehicular access. The proposal therefore accords with the objectives of Policies CS02, CS12, CS13 and CS19 of the Core Strategy 2014, Policy C17 of the Gravesham Local Plan 1994, para. 135 and section 13 of the National Planning Policy Framework

The proposal is therefore considered to comply with local and national planning policy it is recommended for approval.

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

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	20 May 2024	Dated:	21st May 2024