

Delegated Report

Planning Application

Planning Application No: 20230977

Location: Swift Farm, Dean Lane, Harvel, Gravesend

Description: Construction of a detached stable block to the rear of the residential dwelling to provide 2 No. loose boxes, a tack/feed store and a hay/straw store, with associated landscaping of yard area for private equestrian use.

Applicant: Ms Tracey Marshall

Site Visit Date: Desktop

Submitted Documents/Plans

Application form
Preliminary Ecological Appraisal
Local map of equestrian facilities
Land Registry Map
Design and Access Statement
Proposed land levels section drawing
OS Plan
Proposed plan
Proposed elevations
Proposed block plan

Relevant Planning History

20150506	Erection of a two storey front extension to form entrance hall, living room with balcony and kitchen over a lower ground floor double garage and demolition of a corrugated metal faced garage/garden shed and replace with a timber garden shed, relocated on the site.	Permitted	31.07.2015
20010024	Demolition of existing lounge and erection of a two storey front extension to form garage at lower ground floor level with lounge and balcony over.	Permitted	23.03.2001
19970430	Retention of agricultural building for wormery.	Refused, appeal dismissed	10.09.1997
19960532	Application for lawful development	Split decision	01.07.1997

certificate in respect of storage, repair and maintenance of machinery, plant, tractors & implements, wood products being logs & woodchips.

19820346	Formation of a utility and store room in the sub floor area of the dwelling	Permitted	21.07.1982
19810253	Erection of single storey rear extension to form 3 bedrooms bathroom and wc and erection of a porch and covered way at the side	Permitted	18.05.1981
19540313	Erection of bungalow in connection with farmholding	Permitted	06.10.1954

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- C13 – Extensions to dwellings in the Countryside
- C17 – Policy for the Use of Land for Horse-riding and the Erection of Stables

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

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);

- Householder Extensions/Alterations Design Guide (2021); and
- Gravesham Landscape Character Assessment (2009).
- The Kent AONB Management Plan 2021-2026

Consultations, Publicity and Representations

Consultees

KCC Heritage

The site lies within an area of multi-period archaeological potential. However, I consider it unlikely that these proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

KCC Biodiversity

SUMMARY - SUFFICIENT INFORMATION PROVIDED

We have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided at this time. We have taken this view due to a Preliminary Ecological Assessment (Arbtech, August 2023) having been completed which shows limited potential for impacts on protected or priority species within the proposed construction area. In addition, the habitat management proposals outlined within the Design and Access Statement (Marshall, August 2023) provide information regarding potentially beneficial management of the adjacent Local Wildlife Site which lies within the site ownership/management. While we acknowledge that considerable detail has been provided, we advise that the submitted information is enlarged upon and provided as a separate Habitat Management Plan (HMP), to be secured by condition. Further botanical information is required to inform the HMP, as detailed within the ecological report; these surveys can also be secured by planning condition.

If planning permission is granted, we advise that the informative and conditions below are included.

HABITAT MANAGEMENT PLAN FOR LOCAL WILDLIFE SITE AREA LYING WITHIN SITE OWNERSHIP/MANAGEMENT

The proposals include provision of stables for a horse and pony, which will access the field to the north for grazing. As detailed in our previous response, the field lies within Strawberry Hill, Pasture & Woodland Local Wildlife Site (LWS, Ref. GR6), designated for unimproved chalk grassland and chalk scrub, ancient woodland and diverse communities of associated butterflies, snails and birds. The location of the LWS relative to the proposed construction site is shown on the map at the end of this letter.

LWS are important for the conservation of wildlife at the county level. These are non-statutory designations which are generally recognised by local authorities and given weight and protection by inclusion in development plan policies. The site also lies within the Medway Gap and North Kent Downs Biodiversity Opportunity Area and includes calcareous grassland, listed as a priority habitat (or Habitat of Principal Importance) under Section 41 of the NERC Act 2006.

In accordance with Policy CS12 of Gravesham Borough Council's Local Plan Core Strategy (2014), the proposals have potential to restore and enhance habitats within the LWS, subject to appropriate grazing management. Outline management proposals have been included within the D&A Statement. We advise that these are detailed further within a Habitat Management Plan, which will include clear, annotated site plans, and a five-year management schedule. The botanical survey recommended within the PEA will provide baseline information for the Plan and should be used to assess management outcomes and any requirement for an alteration in the grazing regime. A copy of the citation for the LWS should be referred to, this will need to be obtained from Kent Wildlife Trust¹. We advise that the HMP is secured by condition attached to any approved planning permission. Suggested wording:

Within six months of commencement, a Habitat Management Plan (HMP) will be submitted to, and approved in writing by, the local planning authority. The content of the HMP will be based on the information included within Section 9 of the Design and Access Statement, Tracey Marshall, August 2023, and include the following:

- Description and evaluation of all habitats to be managed within the owned/managed area of the Local Wildlife Site, informed by a botanical survey undertaken by a suitably qualified ecologist during the optimum survey season as detailed within the Preliminary Ecological Appraisal (Arbtech, August 2023);*
- Aims and objectives of habitat management;*
- Constraints that might influence management;*
- Map of all habitat management areas;*
- Detailed management proposals for the grassland, scrub and woodland habitats;*
- Details of any precautionary measures required for protected species during habitat management, including breeding birds, reptiles and hazel dormouse;*
- Preparation of a management schedule (including an annual work plan capable of being rolled forward over a five-year period);*
- Details of the persons, body or organisation responsible for implementation of the plan, and*
- A schedule for annual monitoring by the site owner/manager and details of potential remedial measures to be implemented (including amendment of the grazing schedule) where required.*

1 Local Wildlife Sites | Kent Wildlife Trust

The Plan will include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured. The approved plan will be implemented in accordance with the approved details. Suggested condition wording will be provided.

BIODIVERSITY METHOD STATEMENT

The PEA and D&A Statement include appropriate precautionary mitigation recommendations to be implemented during site clearance and construction for breeding birds, amphibians, reptiles, hedgehog and hazel dormouse. We advise that additional measures are required for the protection of the adjacent Local Wildlife Site and Roman Snail, as this species occurs within chalk grassland habitat and could potentially hibernate within the bare ground areas of the site. We advise that all measures are detailed within a Biodiversity Method Statement, to be secured by a condition attached to any planning permission. Suggested wording:

BIODIVERSITY METHOD STATEMENT

No development works shall take place (including any site clearance), until a biodiversity method statement has been submitted to, and approved by, the local planning authority.

The content of the method statement will be based on the recommendations within the Preliminary Ecological Appraisal report, Arbtech, August 2023, and will include:

- Proposed precautionary mitigation works to protect the adjacent Local Wildlife Site and avoid/mitigate potential impacts on reptiles, amphibians, hazel dormouse, breeding birds, hedgehog and Roman snail;*
- Working method(s) necessary to achieve stated mitigation;*
- Contingency plans should a protected species be encountered;*
- The extent and location of proposed construction and mitigation works shown on appropriate scale maps and/or plans; and*
- Details of persons responsible for implementing mitigation works.*

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

LIGHTING AND BIODIVERSITY

Details of a limited degree of external lighting have been included within the D&A Statement. We advise that implementation is secured by condition. Suggested wording:

Low temperature (<3000K), downward facing, LED lighting will be installed within the stable block as detailed within the Design and Access Statement, Tracey Marshall, August 2023. Lighting will be switch

operated and limited to c. 1 hour during the morning and evening; no lights will remain switched on overnight. No additional external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority.

BIODIVERSITY ENHANCEMENTS

Prior to completion, the ecological enhancement measures detailed in Section 9 of the Design and Access Statement, Tracey Marshall, August 2023, will be implemented and maintained thereafter.

ADDITIONAL COMMENTS

We wish to highlight the following within the PEA report. Paragraph 3.1 states: “Details of any statutory designated sites within 2km radius of the site, including their reasons for notification, are provided in Table 2 below. Non-statutory sites could be present in the vicinity but can’t be confirmed within biological data.”

The locations of non-statutory sites in Kent are publicly available on K-LIS. We advise that the consultant makes themselves familiar with this resource for future applications (for other sites) in order that a fully informed ecological impact assessment can be carried out.

GBC Environmental Protection

The comments made with regards to the previous (withdrawn) application are reiterated.

No information regarding storage or removal of manure from the stables has been included in this application. We do receive complaints regarding storage and burning of manure piles associated with stables, so it will be important to ensure that manure/waste is stored and dealt with appropriately to ensure that there is no detrimental impact on the amenity of the neighbourhood in terms of odour, flies etc. Bearing in mind the size of the site, providing a suitable distance from the curtilage of neighbouring properties for storage shouldn't be an issue.

The applicant must be made aware that if horses are to be let out on hire for riding; or are to be kept for the purpose of their being used, in return for payment for instruction in riding, then the premises must be licensed under The Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018.

In addition, it's noted that the Design and Access Statement refers to the site having been previously excavated and filled with various materials including general waste, plastics, glass and metal. In view of this, a contamination assessment will be required, and I would advise that bearing in mind the comments made in the Design and Access Statement, that intrusive sampling will be required.

The following conditions and informatives are recommended:

Contamination

No development approved by this permission shall be commenced prior to a contaminated land assessment (in accordance with the CLEA guidelines and CLR 11 methodology) and if necessary an associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval.

a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

c) A site investigation report detailing all investigative works and sampling on site, together with the results

of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance). If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

f) Where applicable, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period of time, and the provision of reports on the same, must be prepared and approved in writing by the local planning authority.

Following completion of the measures identified in that scheme, and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the local planning authority.

Code of Practice on Construction and Demolition:

Please apply as appropriate to minimise the impact on nearby premises during the groundworks and construction phases.

Lighting:

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

Storage and disposal of waste:

Prior to the commencement of the development, details of where and how manure/waste is to be stored and ultimately disposed of shall be submitted to and approved in writing by the Local Planning Authority. Once the use commences, this shall be carried out in accordance with the approved details. No manure or waste materials shall be burned upon the land within the application site.

GBC Highways Officer

I have no objections to the proposal, providing its use is restricted to ancillary to the occupation of the main dwelling and it cannot be used for commercial purposes.

Looking at the Google Street View and Satellite images an approved car parking provision would be beneficial to ensure adequate space is provided to park a horse box clear of the highway, but I cannot think of any policy that would support this, it would be a matter of highway safety. If you agree perhaps a condition requiring a parking plan can be submitted clearly showing the car parking and a horsebox parking space, with the actual access/driveway kept clear to ensure unhindered access to all spaces. The clear driveway can then be used for deliveries and waste removal as required.

Neighbouring properties

The application has been advertised by site notice and individual letters to four neighbouring properties. No letters of representation have been received.

Officer's Analysis

Proposal

This application seeks planning permission for the construction of a detached stable block to the rear of the residential dwelling to provide 2 No. loose boxes, a tack/feed store and a hay/straw store, with associated landscaping of yard area for private equestrian use.

The proposed stable will be approx. 11m wide and between 4m and 6.8m deep in an 'L' shape. It will be approx. 4.4m high with a pitched roof.

Internally there will be two loose boxes, a hay/straw store and a tack and feed store. Grazing will be provided on the adjacent land owned by the applicant's brother.

Procedure Note

Horses require 1.5 - 2 acres each to be sustained by the land. The grazing land identified on the plan is approx. 1.1 acres but is not shown within the red-line boundary. It is also not clear what use this land is in. If it is agricultural land it would require a change of use to equestrian as it is not large enough sustain a horse and pony without supplementary feed being brought in.

Without this land it is not possible to condition any consent to ensure this land is provided for the horses.

Principle

Green Belt

The proposed stable block is located within the Green Belt where inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para. 152 of the NPPF 2023).

Para. 153 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. 154 states that new buildings in the Green Belt are inappropriate and lists seven exceptions. In this case, the applicant has referred to point (b) which says:

'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'.

The proposal is located within a residential garden and therefore is not 'outdoor recreation' as intended by this paragraph. The applicant has not applied to change the use of the land adjacent to the site or included it in the red-line boundary; the provision of facilities for outdoor recreation within a residential garden is not appropriate. Notwithstanding this, the re-profiling of the land and construction of the stables will impact on the openness of the Green Belt and therefore does not meet this exception.

Policy C13 – Extensions to Dwellings in the Countryside

It is appropriate to have regard to saved Local Plan First Review 1994 Policy C13 which relates principally to extensions to dwellings in the countryside, as well as proposals for domestic outbuildings. This policy (part vii) states that domestic outbuildings will be considered on their individual merits, but will be required to be well designed, discreetly sited and subservient to the scale of the main dwelling. While criteria (vii) of this policy is not entirely in line with national planning policy, it does provide factors to take into consideration when considering the question of any other harm. Within the 2015 planning report the Case Officer made reference to the 1981 and 1982 applications adding 240% floorspace to the existing sub-standard dwelling. The 2015 application was essentially a renewal of the 2001 application and added a further approx. 44sqm. In summary, the dwelling has already been extended far beyond the one-third limit set by this policy and therefore the proposed stables cannot be considered a subservient addition to the property. The building located on an excavated slope is not considered to be discreetly sited and therefore does not accord with this policy even though this policy could be regarded to be out of step with the NPPF.

Policy C17 – Use of Land for Horse-riding and the Erection of Stables

Despite the property being within the residential curtilage of Swift Farm the building is still going to be used as a stable. This is covered by Saved Policy C17 of the Gravesham Local Plan 1994 which expects 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.

In this instance the proposed stables are to be constructed from cast concrete and concrete blocks. External finishes will be of dark-stained timber weatherboarding. The external doors will be dark-stained timber and slate tiles will be used on the roof. The building is located within a residential garden within an excavated steep hill and therefore will be highly visible and the impact on the landscape will be significant. The proposed stables are not considered to be in an acceptable location.

Very Special Circumstances

The applicant has not put forward any details of 'very special circumstances' and therefore none exist.

'Suva'

The applicant has made reference to a similar application that was approved under reference 20150275 at 'Suva'. This application was for the retention of a donkey stable building. The Officer's report is clear that the development included new buildings and therefore was inappropriate and 'very special circumstances' would be required. It was considered that 'very special circumstances' did exist because the building was to replace a set of existing stables that were located in a more prominent location further up the hill.

Design, Character and Appearance

The application site is a residential garden located within the countryside. The land slopes up sharply to the rear as can be seen below:



The scale and location of the proposal on a slope where the land has been reprofiled results in a dominant form of development out of character with this countryside location. As the red-line only extend around the residential site the horses would have just the garden to exercise and graze. The garden is not large enough to sustain a horse and pony and such an intensive use would further impact negatively on the character and appearance of the area.

National Landscape (formerly Area of Outstanding Natural Beauty)

Section 15 of the NPPF highlights the importance of conserving and enhancing the natural environment, one aspect of which is the protection and enhancement of valued landscapes. Policy CS12 of the Gravesham Local Plan Core Strategy (2014) states that the overall landscape character and valued landscapes within the Borough will be conserved, restored and enhanced and, that proposals will take account of the Gravesham Landscape Character Assessment.

In May 2009 the Local Planning Authority published the Gravesham Landscape Character Assessment which identified 11 distinct areas within the borough. The application site falls within Harvel Wooded Downs landscape area.

The Gravesham Landscape Character Assessment demonstrates the qualities which make the landscape area special and undermines Policy CS12 of the Gravesham Local Plan Core Strategy (2014) which seek to conserve and enhance its quality.

The introduction of a horse and pony into what is essentially a residential garden will intensify the site in such a way that it would impact negatively on the surrounding landscape. The land has been reprofiled and the stables cut into the steep slope which undoubtedly has an impact on the surrounding landscape albeit quite localised. The excavation, stables and intense use of the land will neither conserve nor enhance the quality of the landscape.

The proposals therefore conflict with the objectives of policies SD2 and SD3 of the Kent Downs AONB Management Plan 2021-2026, policies CS12 and CS19 of the Gravesham Core Strategy 2014 and para. 180 of the National Planning Policy Framework 2023.

Amenity of Future Occupiers

The use of the residential land for horses would dominate the outside amenity space. This is likely to result in less than sufficient amenity space of the future occupiers of the plot. However, it is noted that this is the

choice of the applicant and clearly the intention is to exercise and graze the horses on a field adjacent to the site but this cannot be considered within the application as it is outside the red line boundary.

Neighbouring Amenity

The proposed stable is a sufficient distance away from neighbouring properties in terms of causing loss of outlook, sunlight, daylight or privacy. However, the keeping of horses on residential land will result in odours from feed storage and animal waste. No information has been provided in terms of the storage or collection of waste from the site. If the application were to be allowed at appeal this could be controlled by condition.

Ecology and Biodiversity

Sufficient ecological information has been provided and shows limited potential for impacts on protected or priority species. If an application is allowed at appeal a condition would be recommended to ensure that the submitted information is expanded upon and provided as a Habitat Management Plan.

In accordance with Policy CS12 the Core Strategy (2014), the proposals have potential to restore and enhance habitats within the LWS, subject to appropriate grazing management. Outline management proposals have been included within the D&A Statement but should be detailed further within a Habitat Management Plan.

The PEA and D&A Statement include appropriate precautionary mitigation recommendations to be implemented during site clearance and construction for breeding birds, amphibians, reptiles, hedgehog and hazel dormouse. Additional measures are required for the protection of the adjacent Local Wildlife Site and Roman Snail, as this species occurs within chalk grassland habitat and could potentially hibernate within the bare ground areas of the site. If permission is granted a condition is recommended that all measures are detailed within a Biodiversity Method Statement

Details of a limited degree of external lighting have been included within the D&A Statement. If permission is granted a condition is recommended to control lighting in the stable block and prohibit lighting outside.

Parking and Highways

The site is not large enough to sustain a horse and pony and therefore feed will need to be brought onto site and waste taken away (even in the event of the adjacent grazing land being included in the application boundary). No details of this have been included with the application.

With the proposed development further concern arises from the inadequate and impractical access (having to pass through the garden) to access the stables along with the grazing to the rear (which is outside the redline plan).

Conclusion

The proposed stable, due to its size and location, would result in inappropriate development within the Green Belt and residential garden and is therefore contrary to policy CS02 of the Gravesham Core Strategy 2014, policies C13 and C17 of the Gravesham Local Plan 1994 and para. 154 of the National Planning Policy Framework 2023.

The proposed stable and keeping of horses on this site would result in an intensification of the land to the detriment of the surrounding countryside, landscape character and National Landscape contrary to policy CS12 of the Gravesham Core Strategy 2014, Section 15 of the National Planning Policy Framework 2023 and policies SD02 and SD03 of the Kent AONB Management Plan 2021-2026.

Recommendation:

Refuse.

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

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	27 February 2024	Dated:	1st March 2024