

4.4 20/02154/CONVAR Revised expiry date 26 October 2020

Proposal: Variation of conditions 2 and 3 of 17/01309/FUL for proposed relocation of stable block and kennel with amendments to materials and drawings.

Location: Briona Stables, Spode Lane, Cowden KENT TN8 7HH

Ward(s): Cowden & Hever

Item for decision

Councillor Dickins has called the application to Development Control Committee for the reason as to whether the proposal complies with policy LT2 of the Sevenoaks Allocations and Development Management Plan.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location drawing no. 100, Block Plan drawing no. 200-02 Rev B, Plans & elevations of the dog kennel drawing no. 200-03 Rev A and Plans & elevations drawing no. ELSON PLEL 20-01.

For the avoidance of doubt and in the interests of proper planning.

3) The materials to be used in the construction of the development shall be those indicated on the approved plan ELSON PLEL 20-01.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) No external lighting shall be installed on the land without the prior written approval of the local planning authority.

To protect the amenity of the area as supported by policy EN1 of the Sevenoaks District Local Plan, policies SP1 and LO8 of Sevenoaks Core Strategy and the National Planning Policy Framework.

5) The stables hereby permitted shall not be used for any commercial purposes.

To protect the amenity of the area and nearby residents as supported by EN2 of the Sevenoaks Allocations and Development Management Plan.

6) No development shall take place until a scheme for the storage and disposal of manure from the land has been submitted to and approved in writing by the Council. The approved scheme shall be implemented when the stables are first brought into use, and thereafter maintained. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To protect the amenity of the area and nearby residents as supported by EN2 and LT2 of the Sevenoaks Allocations and Development Management Plan.

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

- 1 The application site comprises an area of land sited to the south of Spode Lane in the Parish of Cowden.
- 2 The site currently comprises of several large stable blocks forming an equestrian use. The site also features a large area of hardstanding, an existing access point to Spode Lane and is adjoining open fields used for agriculture and grazing.

Description of proposal

- 3 The application proposes the variation of conditions 2 and 3 attached to the previous permission 17/01309/FUL for the proposed relocation of the existing stable block and kennel.
- 4 Conditions 2 and 3 of the previous permission stated:
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location drawing no. 100, Block Plan drawing no. 200-02 Rev B, Plans & elevations of the dog kennel drawing no. 200-03 Rev A, Plans & elevations drawing no. 101.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

- 5 The proposed alterations include amendments to the external materials and fenestration, as well as the internal layout of the stable block. The proposed internal layout change would allow for a wash and rest area and the external alterations would involve the stable block being finished with a brick cladding and the insertion of two small windows serving the new wash and rest area. The stable block would remain the same size, height, mass and positioning as was previously approved under reference 17/01309/FUL. The scheme has gone from 5 smaller stables to 3 stables and a store/welfare area.

Relevant planning history

- 6 90/01299/HIST - Field shelter open fronted on non-permanent base. GRANT 12/10/1990
- 7 95/01088/HIST - All weather riding manège. (Approx. 40m X 20m). GRANT 17/08/1995
- 8 95/01669/HIST - Retention of open fronted field shelter. (Renewal of planning permission SE/90/1299). GRANT 24/11/1995
- 9 11/01515/LDCEX - Retention of existing stables, dog kennel and use of land for a mixed use of agriculture (grazing) and the keeping of horses. SPLIT 10/01/2012
- 10 12/01177/FUL - The erection of a pole barn, manège and dog kennel (retrospective). GRANT 14/08/2012
- 11 17/01309/FUL - Proposed relocation of stable block and kennel. GRANT 13/12/2017
- 12 20/01805/NMA - Non material amendment to 17/01309/FUL. Amendment material 27/07/2020

Policies

- 13 National Planning Policy Framework (NPPF)
- 14 Core Strategy (CS)
- LO1 Distribution of Development
 - LO8 The Countryside and the Rural Economy
 - SP1 Design of New Development and Conservation
- 15 Allocations and Development Management Plan (ADMP)
- EN1 Design Principles
 - EN2 Amenity Protection
 - EN5 Landscape
 - GB9 Replacement of a Non Residential Building in the Green Belt
 - LT2 Equestrian Development

16 Other

- Development in the Green Belt Supplementary Planning Document (SPD)
- Countryside Character Assessment Supplementary Planning Document (SPD)

Constraints

17 The site lies within the following constraints -

- Metropolitan Green Belt
- High Weald Area of Outstanding Natural Beauty (AONB)
- Nearby public right of way

Consultations

18 Cowden Parish Council -

19 “Members noted that the proposed application does not alter the form and the scale of the stable block. However, the proposed alterations will result in material changes to the external appearance of the building.

20 There would appear to be no requirement or need for windows as included in the plans and would result in an external appearance more akin to a residential dwelling rather than a stable block, which is the stated intention.

21 Policy LT2 states that where stables or associated equestrian buildings are proposed they should be designed or constructed in materials which are appropriate to the rural area and should not be of a size and degree of permanence that they could be adapted for other use in the future.

22 The proposed change within this application to utilise a brick external wall in preference to the approved timber construction, a requirement for a new roof and addition of windows and a wash area would result in the stable block acquiring an increased level of permanence which would allow it to be converted to other uses in the future.

23 Members resolved not to support the application.”

24 Public Right of Way Officer

25 “Public Right of Way Bridleway SR635 runs along outside the northern boundary of the site. There will be a slight adverse impact of the amenity for walkers and riders using the bridleway with the increase in built form adjacent to the bridleway. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information.

- 26 There is also no indication of where the soiled bedding and waste from the stables would be stored. This would need to be at a sufficient distance from the boundary with the public right of way.
- 27 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.
- 28 This means that the Public Rights of Way must not be stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) 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.”
- 29 Environmental Health Officer
- “I have no adverse comments or observations in respect of this proposed variation.”

Representations

- 30 Three public objections were received, raising the following concerns:
- The brick materials and windows akin to a residential building
 - Impact on the rural character and appearance of the area
 - Intensification of the use and traffic and disturbance associated with this
 - Domestication of the site
 - Harm to AONB
 - Harm to Green Belt

Chief Planning Officer’s appraisal

- 31 The main planning consideration are:
- Design and impact on the character and appearance of the area
 - Impact on residential amenity
 - Impact on the Green Belt
 - Impact on the AONB
 - Compliance with Policy LT2
 - Impact on highways safety and parking provision

Design and impact on the character and appearance of the area

- 32 Policy SP1 of the Core Strategy and policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.

- 33 The proposal is to alter conditions 2 and 3 of the previous approval under reference 17/01309/FUL. The changes include the creation of a welfare area for the care of the horses and the external alterations to fenestration and proposed brick cladding.
- 34 The proposed changes would not cause any increase in size, scale or floor space of the proposed stable block and the stable would remain adequately screened from the street scene by the existing mature landscaping on site. The proposal would not be overly prominent or dominating within the street scene or wider landscape and due to the size, scale and nature of the changes proposed, would not be considered as harmful to the character or appearance of the area.
- 35 The insertion of the windows to the wash and rest area would not be considered to harm the equestrian use or appearance of the stable. The external alterations through the use of brick cladding would not be considered to cause a domestication of the stable block and the development would maintain the appearance of a stable block and would therefore be considered acceptable within the context of the site.
- 36 Moreover, other properties and outbuildings within the street scene and wider rural context of the site are constructed from brick. Therefore, the proposed external finish of a brick cladding would not be considered as out of character or harmful to the rural character of the site and the surrounding area.
- 37 Overall, the proposed alterations are considered to be acceptable in terms of the character and appearance of the area and would not be of a design or scale that would appear visually intrusive or prominent within the street scene or wider landscape. The proposal would retain the appearance of a stable block and would reflect the rural character of the site and wider area. Therefore, the scheme is not considered cause harm to the character and appearance of the area and is considered to comply with policy SP1 of the Core Strategy and EN1 of the ADMP.

Impact on residential amenity

- 38 Policy EN2 of the ADMP requires proposals to safeguard the amenities of existing and future occupants of nearby properties.
- 39 The proposed stable would be adequately separated from neighbouring properties. Due to the nature and scale of the proposed amendments, the changes would not be considered to have any increased impact on neighbouring amenity than the existing use and built form currently on the site, and what was approved under reference 17/01309/FUL.
- 40 The proposed alterations to the external finishes and internal layout of the stable block would not be considered to pose any increased harm by way of a loss of light, privacy, outlook or noise disturbance to neighbouring properties. The site is already used for equestrian purposes with several existing stable blocks in use on the site. The proposal would not see an increase in the number of horses kept on the site. As such, the alterations proposed under this application would not be considered to cause an

intensification of the existing use or pose any increased harm to neighbouring amenity.

- 41 The Environmental Health Officer has raised no comments against the alterations proposed and due to the scale and nature of the changes, the scheme would not be considered to result in an increase in excessive noise, vibration, odour, air pollution or vehicle movements to the occupiers of Cobham, Spode Lane and Roughets Spode Lane.
- 42 Overall, the proposed alterations to the previously approved scheme would not be considered to have a detrimental impact upon neighbouring amenity. The proposal therefore complies with the NPPF and policy EN2 of the ADMP in this respect.

Impact on the Green Belt

- 43 As set out in paragraph 145 of the NPPF, the construction of new buildings within the Green Belt comprises inappropriate development, aside from the exceptions listed under (a) to (g). Paragraph 143 states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 44 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.
- 45 Policy GB9 of the ADMP outlines the criteria for the replacement of non-residential buildings within the Green Belt, stating the existing buildings must be lawful and the replacement buildings must not be materially larger than the 'original' building to avoid harm to the openness of the Green Belt.
- 46 Under the previous application, reference 17/01309/FUL, the development was considered as a replacement building and therefore was not deemed as inappropriate development within the Green Belt.
- 47 As was previously stated in the original granting of permission, the stable building would remain adjacent to the main cluster of buildings and due to its size, would not materially harm the openness of the Green Belt through excessive bulk or intrusion beyond the existing.
- 48 The replacement stable block was considered to meet the criteria outlined under policy GB9 and was therefore considered to comply in accordance with this policy, as well as the Green Belt principles of the NPPF.
- 49 Under this application, the alterations of the approved building would not result in any increase in floor space or material enlargement to the replacement stable. As such, the alterations proposed would not be considered as inappropriate development within the Green Belt.
- 50 Due to the nature of the proposed changes, the scheme would not be considered to pose any increased harm to the openness of the Green Belt through excessive scale, bulk or visual intrusion. The site is well screened

from the highway by the existing landscaping and the main grouping of stable buildings is not visible from the public realm. The proposed alterations to the previous approval would therefore not visually intrude in the Green Belt.

- 51 Moreover, the proposed alterations to provide a wash and rest area would not be considered to cause an intensification or domestication of the site that would have an adverse impact on the openness of the Green Belt. The proposed welfare area would be ancillary and directly linked to the use of the stable block and does not form an independent use that would be inappropriate or harm the openness of the Green Belt.
- 52 The proposed alterations would not be considered to conflict with the previous assessment on Green Belt terms, and would be considered to maintain the openness of the Green Belt.
- 53 As such, due to the nature and scale of the amendments, the scheme is considered to still comply with policy GB9 of the ADMP and the Green Belt principles of the NPPF. The alterations to the external finish and internal layout would not be of a size, scale or design that would pose any increased harm to the openness of the Green Belt and are therefore considered to be acceptable in this regard.

Impact on the AONB

- 54 Policy EN5 of the ADMP states that the High Weald Area of Outstanding Natural Beauty and its setting will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 55 In relation to this application, the proposed internal and external alterations to the stable block are considered to be minor in scale and would not be considered to pose any harm to the setting or intrinsic beauty of the AONB.
- 56 As previously stated, the proposed brick cladding would not be considered as out of character when considering the wider grain of development along Spode Lane. Brick is considered to be in keeping with the wider rural character of the area and is a key material in buildings and outbuildings within the wider context of the site. Therefore, the proposed brick cladding would not harm the rural character or setting of the site within the AONB. Due to the design, appearance and scale of the scheme, it would be considered to conserve and enhance this part of the AONB.
- 57 The stable block would be adequately screened from the street scene due to the existing mature landscaping and would not appear as prominent within the landscape. Overall, the alterations would not be considered to harm or detract from the landscape or intrinsic beauty of the area and would therefore conserve and enhance the setting of the AONB.

Compliance with Policy LT2

- 58 Policy LT2 outlines the criteria under points (a) to (d) that proposals regarding equestrian development must comply with.
- 59 The previous scheme approved under reference 17/01309/FUL was assessed against this policy and was considered to comply. The alterations proposed under this application will also be assessed against this policy.
- 60 Regarding criteria (a), the proposed internal and external amendments would be considered appropriate in scale to their setting, the changes would not result in an increase in floor space or bulk of the replacement stable block. The proposal would remain closely related to the other existing buildings associated with the equestrian use of the site and would be adequately screened from public view.
- 61 In relation to criteria (b) and (c), the application site would retain sufficient access to grazing land and off road riding areas and the arrangements regarding the manure storage and disposal would continue as existing. The manure is stored at a sufficient distance from neighbouring residential houses and the applicant advised on the site visit that it is removed from site at regular intervals. The proposed amendments would not alter the existing grazing land or manure arrangements.
- 62 With regards to criteria (d), the proposed changes would not result in harm to the character of the landscape or the ecological value of the area. The changes are considered to be minor in scale and would not lead to an increase in built form on the site or an intensification of the use of the site. The changes would involve a welfare area for the care of the horses and the external finish of brick cladding opposed to timber. The site would remain well screened from the public realm and would not appear overly prominent within the landscape, therefore complying with this criteria.
- 63 Policy LT2 stipulates that proposals in the Green Belt will be permitted where the scale of development is appropriate and does not harm the openness of the Green Belt. As stated above, the scheme is considered to be appropriate development within the Green Belt and would not be considered to harm the openness of the Green Belt through excessive scale, bulk or visual intrusion.
- 64 Moreover, LT2 also goes on to state that equestrian buildings should be designed and constructed in materials appropriate to a rural area and should not be of a size and degree of permanence that they could be adapted for other use in the future.
- 65 The proposed alterations to the previous granting of permission are considered to be appropriate when considering the rural character of the area. The external alterations to the fenestration and the brick cladding are considered to reflect the specific character of Spode Lane and the wider context of the site. There are several other buildings and outbuildings within the wider context of the site that are constructed and finished with brick. Therefore, the brick finish would not be considered as harmful to the

rural character of the site and would not be considered to create a degree of permanence that would be harmful to the area.

- 66 The brick cladding would reflect the rural character of the area and would not be considered to represent a level of harm that could warrant a reason for refusal. Despite the changes proposed, the development would retain the appearance and design of a stable block and would not be considered to represent a degree of permanence that could be adapted for other uses.
- 67 Members will be aware that we have to consider the application before us, rather than judging an application on what might happen in the future. Full planning permission would be required to change the stable block into another use in the future. Therefore any future use of the site is merely speculation and cannot form a consideration as part of this specific planning application.
- 68 Overall, the proposed alterations do not deviate from the equestrian use of the site and are considered acceptable in terms of materials, scale, design and permanence. Considering this, the proposed development is in accordance with Policy LT2.

Impact on highways safety and parking provision

- 69 The existing access from Spode Lane and the on-site parking provisions would be maintained. The proposed alterations to the previous permission would not be considered to impact upon the existing parking provisions or access to the site. The proposal therefore complies with the NPPF and policy T2 of the ADMP in this regard.

Other issues

- 70 Public Right of Way

The public bridleway runs adjacent to the northern boundary of the site along Spode Lane. However, the proposed alterations to the previous approval would not impede upon this public right of way and therefore the application is considered acceptable in this regard.

Conclusion

- 71 As highlighted in the report above the proposed development accords with the NPPF and our adopted development plan.
- 72 It is therefore recommended that this application is GRANTED.

Background papers

Site and block plan

Contact Officer(s): Anna Horn: 01732 227000

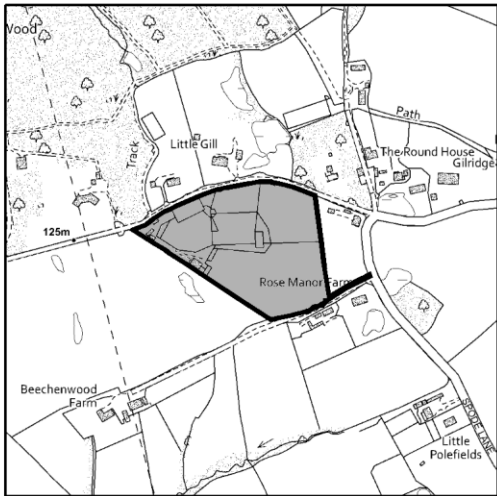
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QE6SAJBKHPW00>



Site Plan

Scale 1:2,500

Date 26/09/2020



DISTRICT COUNCIL

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Ordnance Survey 100019428.

BLOCK PLAN



BLOCK PLAN scale 1:500