

4.5 21/01756/FUL

Revised expiry date 10 September 2021

Proposal:

Construction of a stable block and an associated path.

Location:

Mobile Home At, Robertsons Nursery, Goldsel Road
Swanley KENT BR8 8BF

Ward(s):

Crockenhill & Well Hill

Item for decision

The application was referred to Development Control Committee by Councillor Waterton on the basis that the very special circumstances surrounding the site and situation outweigh the harm to the Green Belt.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:

The proposal would be inappropriate development in the Green Belt and would not preserve the openness of the Green Belt, contrary to the National Planning Policy Framework and policy LT2 of the ADMP. The very special circumstances submitted do not clearly outweigh the harm to the openness of the Green Belt.

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 currently comprises of a parcel of land located on the eastern side of Goldsel Road and which contains a mobile home. There are neighbouring properties located to the west of the site, with the parish of Crockenhill.

Description of proposal

- 2 Construction of a stable block and an associated path. The new stable block would measure 11.57m by 15.2m.

Relevant planning history

- 3 16/032/46/FUL- Planning permission was granted on 18th January 2017 for the permanent siting of a mobile home on the site. The permission was personal to the applicants and a condition of the permission required the site only to be occupied by those who meet the definition of Gypsies and Travellers.

Policies

- 4 National Planning Policy Framework (NPPF)
- 5 Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.
- 6 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
 - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
 - Footnote 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 7 Core Strategy (CS)
 - LO1 Distribution of Development
 - SP1 Design of New Development and Conservation
 - SP11 Biodiversity
- 8 Allocations and Development Management (ADMP)
 - SC1 Presumption in Favour of Sustainable Development
 - EN1 Design Principles
 - EN2 Amenity Protection
 - LT2 Equestrian Development

Constraints

9 The following constraints apply:

- Metropolitan Green Belt

Consultations

10 Crockenhill Parish Council- Support

11 Natural England - No comments

Representations

12 We received one letter of comment relating to the following comments:

- Increase in footprint on the site would be greater than when permission was first granted;
- Precedent for future development on the site.

Chief Planning Officer's Appraisal

13 The main planning considerations are:

- Impact on the Metropolitan Green Belt
- Impact on the character of the area
- Impact on neighbouring amenity

Impact on the Green Belt

14 As set out in paragraph 149 of the NPPF, new buildings in the Green Belt are inappropriate development.

15 Paragraph 147 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.

16 Paragraph 148 of the NPPF advises we should give substantial weight 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, is clearly outweighed by other considerations. Therefore, the harm in principal to the Green Belt remains even if there is no further harm to openness because of the development.

- 17 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.
- 18 In this case, the existing mobile home on the site is not considered to be a building. Therefore, the provisions of NPPF paragraph 149b) are relevant. This states that an exception to inappropriate development can be:
- b) the provision of appropriate facilities 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.
- 19 The proposals are understood to be for use in connection with the keeping of horses, which is outdoor recreation. It therefore falls to be considered whether the proposals would preserve the openness of the Green Belt.
- 20 At a local level, Policy LT2 of the ADMP states that proposals for equestrian buildings, facilities and activities which would meet the following criteria will be permitted:
- a) Buildings would be appropriate in scale to their setting and would be closely related to existing farm buildings or other groups of buildings that are well screened from public view
 - b) For proposals that involve new facilities for the keeping of horses, sufficient grazing land and off road riding areas would be available and would not harm the amenities of surrounding residents
 - c) The proposal would not have an unacceptable impact on the water environment and sewage disposal and
 - d) The development would not result in harm to the character of the landscape or the ecological value of the area in which it is situated.
- 21 Proposals for equestrian development in the Green Belt will be permitted where the scale of the development is appropriate to a Green Belt setting and where the cumulative impact of other buildings does not harm the openness of the Green Belt.
- 22 Where stables or associated equestrian buildings are proposed they 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.

Assessment against policy and impact on openness

- 23 The application site is surrounded by soft landscaping along the boundary, with a low level of soft landscaping along the south boundary of the site. There are currently no buildings located within the application site, only the mobile home and paraphernalia associated with that residential use.

- 24 Part a) of the criteria in policy LT2 confirms that buildings would be potentially acceptable as long as they are of an acceptable scale to their setting and would be related to existing buildings on the site. There are currently no buildings on the application site, in which the stable will be related to. The existing mobile home is not a building and the conditions of its permission require that the mobile home is removed and the use of the land for that purpose cease when the applicants vacate the site. This condition was imposed to protect the openness of the Green Belt.
- 25 The proposed stable is approximately 176sqm in footprint (measuring 15.2m by 11.6m) and would include a pitched roof rising to a maximum height of just under 4.5m. This is a large building in terms of scale and bulk and would be harmful to the openness of the Green Belt. The proposal would, by virtue of the building's presence in otherwise open land, fail to assist in safeguarding the countryside from encroachment. As a result of the above, the proposal would detrimentally harm the openness of the Green Belt.
- 26 The proposal would therefore not comply with Policy LT2 of the ADMP, the NPPF and the Development in the Green Belt Supplementary Planning Document. The development would constitute as inappropriate development within the Green Belt and cause harm to openness.
- 27 The applicant has made a claim for very special circumstances. This issue is considered in more detail later in this report.

Design and impact on the character of the area

- 28 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.
- 29 The proposed stable would minimally impact the street scene as it would not be directly visible from the highway due to the considerable vegetated boundary treatment between the stable and Goldsel Road and the change in ground levels. Therefore, the proposal would not harm the character of the street scene.
- 30 The stable would consist of four foaling boxes, medical supplies, equipment and food store room, a stock room and a hay and bedding room. The stable would be of a large scale and the applicant has confirmed within the planning statement that the stable is to be used to accommodate the applicant's business.
- 31 In addition to the above, the proposed materials would respect the character of the area and would be acceptable in this location.
- 32 The proposal would therefore comply with Policy EN1 of the ADMP and SP1 of the Core Strategy

Impact on Neighbouring Amenity

- 33 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 34 There are neighbouring properties located to the west of the site. The proposal would be located at a significant distance from these neighbours and therefore would have a minimal impact on their residential amenity.
- 35 Therefore, the proposal complies with Policy EN2 of the ADMP.

Assessment of any Very Special Circumstances

- 36 Para 148 of the NPPF states that when considering any planning application, we 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 is clearly outweighed by any other considerations.
- 37 Possible very special circumstances - these can be summarised as:
- The requirement of the proposed for their business and benefits to the economy
 - The lack of space within the district
 - Sustainable Travel

Assessment of very special circumstances:

- 38 The harm in this case has been identified as:
- The harm in principal from inappropriate development in the Green Belt, which must be given significant weight.
 - The harm to the openness of the Green Belt which is also given significant weight.
- 39 In reviewing the proposed very special circumstances, all of the circumstances submitted would hold minimal weight as benefits which would outweigh the harms identified.
- 40 While there would be a benefit to the applicant's business, this is not considered to clearly outweigh the Green Belt harms which the government require us to give significant weight. It is also acknowledged that the proposals would reduce the needs of the applicant to travel, however similarly this is not considered to be of a sufficient benefit to clearly outweigh the Green Belt harms.

- 41 The applicant's statement says that there is no other location suitable for this development within the District. This also holds minimal weight as we have to determine whether the proposal would be acceptable in this proposed location and not whether there are other locations available or acceptable. Each application is assessed on its own merits however it is not accepted that other locations in the District would not be acceptable for this purpose. The use of other sites, for example, may not have such a harmful impact on openness as this proposal.

Community Infrastructure Levy (CIL)

- 42 This proposal is not CIL liable.

Conclusions

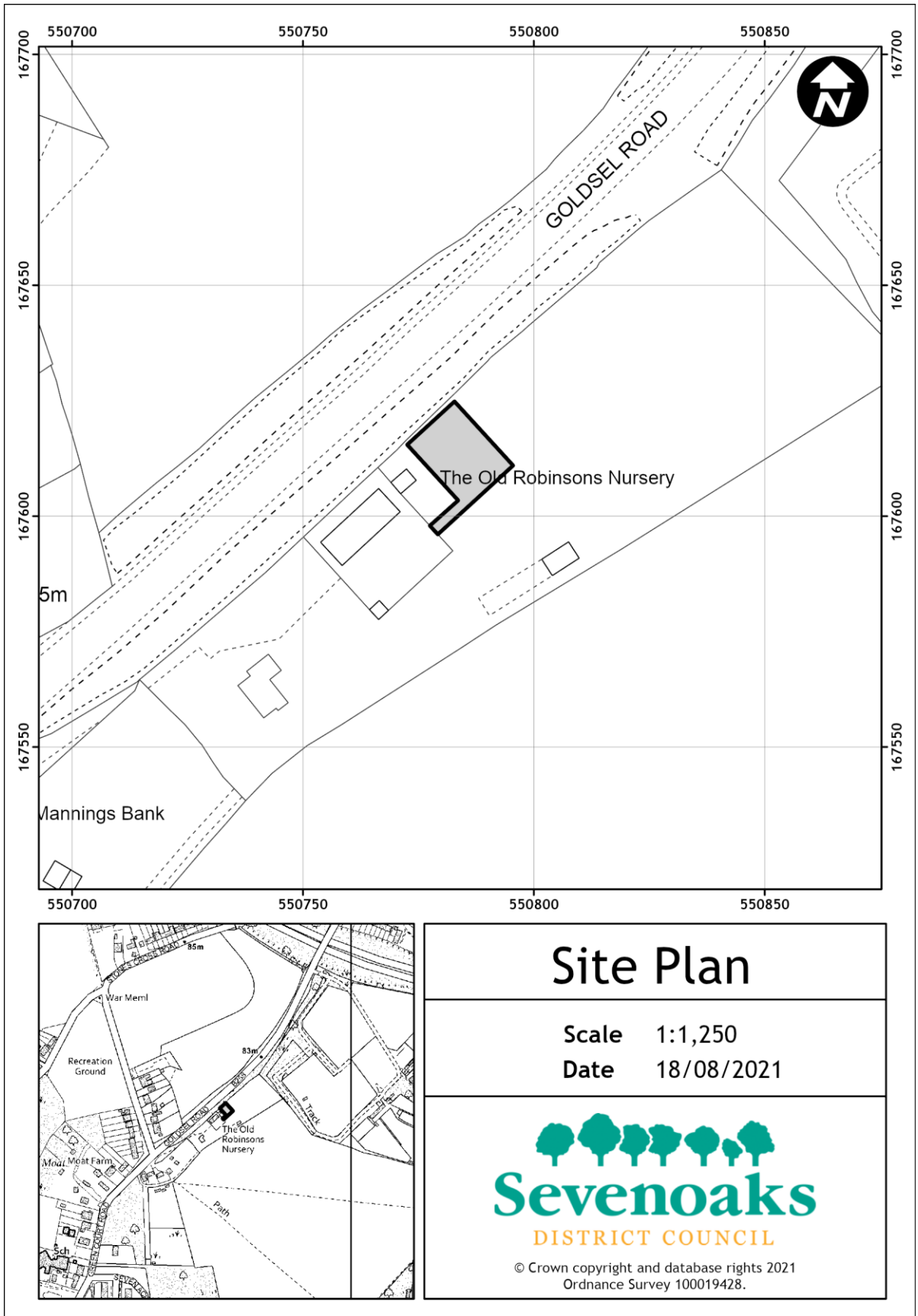
- 43 In reviewing the extent of harm and the potential very special circumstances, it is concluded that the proposed stable would not clearly outweigh the harm to the Green Belt.

Contact Officer(s): Louise Cane: 01732 227000

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Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:1,250
 Date 18/08/2021



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 Ordnance Survey 100019428.

BLOCK PLAN

