



---

## Appeal Decision

Site visit made on 4 June 2019

**by Rajeevan Satheesan BSc PGCert MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> July 2019**

---

**Appeal Ref: APP/E2205/W/19/3220961**

**The Priory Home Farm, Priory Road, Bilsington, Kent TN25 7AU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr D Watson against the decision of Ashford Borough Council.
  - The application Ref 18/00922/AS, dated 18 June 2018, was refused by notice dated 6 December 2018.
  - The application sought planning permission for the change of use of surplus farm buildings to provide 36 livery stables with associated facilities and improved access without complying with a condition attached to planning permission Ref 04/01120/AS, dated 2 November 2004.
  - The condition in dispute is No 3 which state that:  
*"The use hereby permitted shall be for livery stables and their associated use only. The site shall not be used for the staging of the equestrian events without the further consent of the local planning authority."*
  - The reason given for the condition is: *"In the interests of highways safety"*.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters and background

2. Since the planning application was refused, the Local Development Framework Core Strategy, 2008 (Core Strategy), and policies contained within it, has been replaced with the Ashford Local Plan 2030 (LP), which was adopted in February 2019. Therefore, this must now be given full weight in the decision making process. The Council have provided copies of the relevant recently adopted LP policies and the appellant has been given the opportunity to respond, and so has not been prejudiced. I have therefore not assessed the proposal against the policies of the superseded Core Strategy.
3. This appeal seeks consent to develop an outdoor sand school and to modify condition 3 of Planning Permission Ref: 04/01120/AS to allow a limited number of competitions at Bilsington Priory Equestrian. The appellant states<sup>1</sup> that the proposal is partially retrospective in so far as monthly dressage competitions have been held without incident at Bilsington Priory since July 2017. It is proposed to hold up to 20 dressage competitions per year<sup>2</sup> and implement a

---

<sup>1</sup> Taken from Paragraph 3.12 of the Design and Access Statement and Paragraph 2.4 of the Transport Statement.

<sup>2</sup> Taken From the appellants final comments.

revised one-way system and car parking arrangement on the site for events<sup>3</sup> in addition to the outdoor sand school.

### **Main Issue**

4. The main issue is the effect that varying the condition 3 to allow a limited number of competitions at Bilsington Priory Equestrian would have on the free movement of vehicles and highway safety in the vicinity of the site.

### **Reason**

5. The highway network leading to the site is served by relatively narrow and unlit country lanes with soft verges and relatively few dedicated passing places with poor forward visibility in sections. Both parties have submitted their views on the likely level of trip generation associated with the pre-existing use for 36 livery stables and the proposed use of the site for up to 20 dressage competitions per year. Whilst the Transport Statement outlines that many of the competitors are already based at Priory Home Farm, it is proposed that the maximum number of competitors that are not based at the appeal site is limited to 25 on any one competition day<sup>4</sup>.
6. Notwithstanding the comments within the submitted Transport Statement and the Supplementary Highway Report regarding the previous trip generation of the site for the 36 Livery stables and the pre-booking of competitions, it is likely that the proposal would generate an increase in traffic on competition days. In particular, equestrian competitions would be likely to generate an increase in the number of vehicle movements within a set period of time, with a larger proportion of those vehicles being large enough to transport horses. From my observations during my site visit, Priory Road is not of a sufficient width to allow 2 such larger vehicles to pass each other safely, and there are insufficient numbers of suitable passing bays along Priory Road. I also observed that in certain parts of this road, forward visibility is restricted in places.
7. Furthermore, the junction of Priory Road and Frith Road has very poor visibility to the right, when exiting Priory Road, due to the location of the Public House built on the corner of this junction. As such, given the nature of the rural road network in this location, the proposal would therefore give rise to significant conflict with additional vehicle movements and volumes on competition days, which would result in an unacceptable increased risk in highway safety.
8. Whilst the details in the submitted Transport Statement seek to establish a one way routing system for vehicles and nominate alternative routes for competitors travelling to and from the events, to reduce the likelihood of vehicle conflict, there is no effective legal mechanism to secure the broad measures identified before me. Moreover, even if an agreement were to be in place the measures set out would be reliant on the co-operation of visitors/competitors of the venue rather than the appellant. Though the Transport Statement intentions are commendable, which includes the proposed use of signage and high kerbs, I am not persuaded that they would be sufficiently robust to ensure that all visitors/competitors would arrive and depart on the routes recommended and that they would not all arrive and depart at a similar time. Nor is it within the appellant's control what type of

---

<sup>3</sup> Taken from the appellants transport statement.

<sup>4</sup> Taken from appellants final comments.

vehicle would be used to transport horses to and from the appeal site for competitions.

9. The recent accident data along Priory Road is noted and the appellant contends that monthly dressage competitions have been held without incident at Bilsington Priory since July 2017. However, as the proposed use is a relatively new use, I do not consider that this evidence concludes that the proposal would not preclude highways safety harm in the future.
10. The current proposal for new vehicular access arrangements into the site would be in a similar position to the previous access which was previously approved in 2004<sup>5</sup>. Whilst I note that the Council request that a further speed survey is carried out to determine the distance required for the visibility splays in both directions of the site access, as this previous application has been implemented, the earlier approved access could still be implemented which is a material consideration. Therefore, I do not consider it is necessary to carry out further speed surveys in relation to this and raise no objection to the principle of the new site access proposed. However, a lack of objection to this issue does not overcome the highway safety objection raised above.
11. Consequently, I find that varying the condition 3 to allow a limited number of competitions at Bilsington Priory Equestrian would result in the additional free movement of vehicles which would result in unacceptable pressure on an inadequate road for this type of proposed use. I therefore conclude that the development leads to an unacceptably increased risk to highway safety in the vicinity of the site. This would conflict with LP Policies SP1 and TRA7, which amongst other things, states that proposals which would generate levels and types of traffic movements, including heavy goods vehicle traffic, beyond that which local roads could reasonably accommodate in terms of capacity and road safety will not be permitted. The proposal would also fail to meet paragraph 108 of the National Planning Policy Framework (the Framework) which requires that safe and suitable access to the site can be achieved for all users.

### **Other Matters**

12. The proposals also include the provision of outdoor sand school. The Council raised no objection to this given the existing lawful use of the site and the advice contained within the council's SPD entitled 'stables' and its position away from neighbouring residential properties. As such I have no substantive evidence before me to disagree with the Council's conclusions in this regard.
13. I have considered the contents of the appellant's statement referring to the Framework, which supports the sustainable growth and expansion of all types of business and enterprise in rural areas and that the proposal would support the local and wider Kent economy by providing jobs and a high quality unique leisure facility where there is a shortage of such venues. The letters of support for a high quality venue for equestrian training and events, and the appellant's expertise in this area are also noted. However, these benefits of the proposal are clearly outweighed by the harm identified above to highway safety. I therefore conclude that the proposal would not be in accordance with the policies of the development plan or the Framework.

---

<sup>5</sup> Council Ref: 04/01120/AS for the change of use of surplus farm buildings to provide 36 livery stables with associated facilities and improved access.

**Conclusion**

14. For the reasons set out above, the appeal is dismissed.

*R Satheesan*

INSPECTOR