
Appeal Decision

Site visit made on 10 August 2021

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2021

Appeal Ref: APP/X2220/W/20/3247253

The Paddock, Ferne Lane, Ewell Minnis, CT15 7FF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Derek Beaney against the decision of Dover District Council.
 - The application Ref 19/01186, dated 21 September 2019, was refused by notice dated 14 November 2019.
 - The development proposed is erection of stables.
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Decision

1. The appeal is allowed and planning permission is granted for erection of stables at The Paddock, Ferne Lane, Ewell Minnis, CT15 7FF in accordance with the terms of the application, Ref 19/01186, dated 21 September 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing no TP PA 01 B.
 - 3) No development above slab level shall take place until samples of the external materials to be used in the construction of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
 - 4) The building hereby permitted shall only be used for the stabling of two horses, a feed store and tack room and for no other purpose.

Preliminary Matter

2. The National Planning Policy Framework was revised in July 2021. Other than re-numbering, most of the paragraphs referred to by the parties are unchanged. Where alterations to the Framework have been made these do not materially affect the outcome of the appeal.

Main Issues

3. The effect of the proposal on the character and appearance of the Kent Downs Area of Outstanding Natural Beauty (AONB), whether adequate provision would be made for the safety and comfort of horses and whether the proposal would be suitably located having regard to managing travel demand.

Reasons

4. The appeal site is roughly triangular shaped and about 1 hectare in size. Two mobile homes are stationed on the land. It is located on a plateau above the north slope of the attractive Alkham Valley. There are existing equine uses in the vicinity and some other buildings but in general the area is open and undeveloped with areas of woodland and hedgerows. Together with the narrow lanes the overall impression is of deep and quite remote countryside.
5. An appeal decision last year quashed an enforcement notice and granted temporary planning permission for a mixed use comprising the keeping of horses and a caravan site involving the residential occupation and stationing of caravans and operational development (Ref: APP/X2220/C/18/3199973). At the same time an appeal against the refusal of planning permission for the use of land as a caravan site for residential gypsy occupation was dismissed (Ref: APP/X2220/W/18/3199968).
6. The Inspector considered that a permanent planning permission would be unacceptable but allowed the use to continue for 3 years to enable a further assessment to be made of the medical needs of a child living at the site. Residential occupation should therefore cease after June 2023. As the proposed stables would remain after that date it is reasonable to assess them on the basis that there is no associated residential occupation of the land. However, it was common ground at that appeal hearing that the site has a lawful planning use for the keeping of horses.
7. A previous application for an L shaped stable building was refused and, in response, the proposal has been located away from the public footpath across the site and scaled down in size. Whilst a tack room and feed store remain the previous hay barn has been omitted so that the floor area of the ancillary spaces has been reduced. There would now be two stables rather than three. Nevertheless, my assessment is not governed by a comparison between those proposals but rather by the effect of this proposal in its own right.

Character and appearance of the AONB

8. The Framework establishes that great weight should be given to the conservation and enhancement of the AONB. This has the highest status of protection in relation to landscape and scenic beauty. Policy DM16 of the Core Strategy of 2010 limits development that would harm the character of the landscape and Policy DM15 protects the countryside generally.
9. The proposed building would replace a shed and would be sited close to the boundary with Ferne Lane. From this direction it would be hidden by the dense and tall hedge that runs along the road. Such is its density that this screening would also be likely to be effective in winter months and there is no reason to suppose that it would be removed. Furthermore, because of its location the stables would not be glimpsed through the site entrance.
10. The entry to the footpath was overgrown at the time of my visit. Views of the stables would nonetheless be possible from along its route. However, these would be of a relatively modest structure, designed for a purpose befitting its location and seen against the backdrop of the hedge. The materials of boarding with a slate roof would provide a suitably rural appearance. As a result the proposal would fit comfortably into its setting and would not spoil the

important qualities of the AONB. Its character and appearance would not be harmed and therefore there would be no conflict with Policies DM15 and DM16 or with the Framework.

Safety and comfort of horses

11. Policy DD21 of the Local Plan of 2002 confirms that horse-related development will be granted subject to certain provisions including one relating to the safety and comfort of horses. In this regard there is sufficient land for grazing two animals when judged against the guidelines of the British Horse Society. A condition can be imposed to limit the number of horses stabled in the proposed building. There is no policy requirement for a residential presence associated with horse grazing to provide surveillance and security.
12. The Council accepts that there would be access to suitable riding country and the findings above indicate that the character or appearance of the countryside would not be adversely affected. These and the other requirements of Policy DD21 are therefore complied with and the proposal would make adequate provision for the safety and comfort of horses. Indeed, constructing a stable building is likely to ensure that care for horses on the land would be improved. There is no requirement to demonstrate a need for the proposed development.

Managing travel demand

13. As Policy DD21 is generally supportive of equestrian related development this justifies travel to the site outside the urban boundaries and rural settlement confines as required by Core Strategy Policy DM11. In any event, given that the use of the land for keeping horses is lawful the construction of the proposed stables would be unlikely to make much material difference to the amount of car journeys undertaken. Therefore there would be no significant increase in travel demand and Policy DM11 would not be breached.

Conditions

14. The approved plans should be specified in the interests of certainty. Further conditions are required to ensure that the materials used are compatible with the surroundings and so protect the appearance of the AONB. To ensure horse welfare and that the land is not over-grazed the number of horses kept in the building should be limited to that applied for.

Conclusion

15. No harm would be caused to the character and appearance of the AONB, the safety and comfort of horses would be provided for and there would be no significant increase in travel demand. As development is justified by other policies there would be no conflict with Core Strategy Policy DM1. Indeed, the proposal would accord with the development plan and there are no material considerations to the contrary. Therefore, for the reasons given, the appeal should succeed.

David Smith

INSPECTOR