

REPORT SUMMARY

REFERENCE NO - 22/01411/FULL
APPLICATION PROPOSAL Change of use to land from agricultural/grazing to use as dog kennels
ADDRESS Pastheap Farm, Hastings Road, Pembury, Tunbridge Wells, Kent, TN2 4BL
RECOMMENDATION to GRANT planning permission subject to conditions (please refer to section 11.0 of the report for full recommendation)
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none">- The principle of development is acceptable.- The proposal does not constitute inappropriate development in the Green Belt.- The proposed change of use is acceptable and an appropriate re-use of the existing agricultural building in the High Weald Area of Outstanding Natural Beauty (AONB), Green Belt and within the rural landscape.- The proposal would not have a detrimental impact on the openness of the Green Belt.- The proposal would preserve the site's setting within the AONB.- The development would respect the amenities of nearby properties.- The proposed change of use would have no impact upon the significance of surrounding heritage assets.- There would be no significant impact on traffic or detrimental impact upon highway safety.- The proposed change of use would respect the context of the site.- The proposed boundary treatments and hardstanding are generally acceptably but can be adequately controlled through condition.- The proposal would not result in a significant increased risk in flooding in the area.
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL <p>The following are considered to be material to the application:</p> <p>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking): N/A</p> <p>Net increase in numbers of jobs: N/A</p> <p>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A</p> <p>The following are not considered to be material to the application:</p> <p>Estimated annual council tax benefit for Borough: N/A</p> <p>Estimated annual council tax benefit total: N/A</p> <p>Estimated annual business rates benefits for Borough: N/A</p>
REASON FOR REFERRAL TO COMMITTEE <p>The application has been called into the planning committee by Councillor Hayward for the following reasons:</p> <ul style="list-style-type: none">• The site is located within the High Weald Area of Outstanding Natural Beauty.• Issues such as the quality of the building, the flooring, the drainage and the waste disposal do not appear to have been addressed.• Noise could be an issue to neighbouring properties.• <i>*Two previous applications are under enforcement procedures; there has been a lack of co-operation with planning officers on site visits.</i>

**Please see appraisal section below. For the avoidance of doubt, the enforcement procedures referred to relate to a separate site, also called Pastheap Farm, which is in different ownership.*

WARD Pembury	PARISH/TOWN COUNCIL Pembury Parish Council	APPLICANT Riaan Kruger & Tish Garland AGENT Mr Patrick Gould	
DECISION DUE DATE 27/09/22 (EOT 14/12/22)	PUBLICITY EXPIRY DATE 11/11/22	OFFICER SITE VISIT DATE 30/08/22	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No.	Proposal	Decision	Date
01/01795/AGRIC	Article 3 Submission- Erection of implement store and storage building.	Planning Permission / Consent Required	16/10/01
<u><i>Adjoining Dwelling (Pastheap Farm)</i></u>			
80/00939/FUL (dwelling to the west (Pastheap Farm))	Extension to form porch & link to barn	Permitted	10/10/80
84/01256/FUL (dwelling to the west (Pastheap Farm))	Two storey side and rear extension for garage and games room.	Permitted	05/11/84
85/00516/FUL (dwelling to the west (Pastheap Farm))	Single storey side and rear extension.	Permitted	13/06/85
85/00521/FUL (dwelling to the west (Pastheap Farm))	Detached triple garage.	Refused	09/07/85
89/00775/FUL (dwelling to the west (Pastheap Farm))	Double garage.	Permitted	24/07/89
<u><i>Adjoining Land</i></u>			
86/01167/FUL (two dwellings to the west of Pastheap Farm)	Conversion of barn to two dwellings with detached garages	Permitted	24/10/86
99/01827/FUL (access track along western boundary, and to the east of the site, to access agricultural land to the south-west)	Reclamation of disused pit for agricultural land	Withdrawn	29/02/00
00/00705/COUNTY (land to the south-west)	County Matter - Reclamation of disused sunken land for agricultural purposes	Objections	05/07/00
02/01649/AGRIC (access track along western boundary of site)	Article 3 submission - Upgrading a track and constructing a hard standing surface	Prior Approval Required	22/08/02

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is situated to the south of the A21 Pembury by-pass and Hastings Road in the Pembury Parish of the borough. The application site comprises the north-western corner of a wider site (which expands toward the south-east) which together have historically been in agricultural use. The application site currently includes a timber-framed and boarded former goats stable (understood to have been constructed during late 20th century and more recently altered) along with hardstanding and fencing surrounding it. The site, including the wider area of land to the south-east (which includes an equestrian exercise paddock), has more recently been used for equestrian uses/the keeping of horses with part of the existing barn now being used as a dog kennels. The change of use of the land from agricultural to equestrian (which extends beyond the application site boundary) and a dog kennels, as well as the hardstanding and fencing/gates, are all currently unlawful and require planning permission. The elements which this application seeks to address are outlined in the proposal section below. The application site itself is approximately 0.11 hectares in size, whereas the wider site (which it forms part) is approximately 3.6 hectares in size. The application site as well as the wider site generally slopes down toward the south/south-west corner of the wider site, increasing in steepness further toward the south/south-west.
- 1.02 The site is accessed from Hastings Road (the former A21 carriageway), which is now effectively a cul-de-sac serving the site and a small number of dwellings and other rural uses. This road is accessed directly from the current A21 Trunk Road, with the access (which is gated) to the application site being immediately located to the south of this access from the A21 (approximately 40m south of the main A21 access point). It is added that there is a separate pedestrian wicket gate in the hedge between the application site (on its western boundary) and the adjoining dwelling, Pastheap Farm. There is substantial, dense screening of the application site from the A21 by virtue of existing vegetation (tall trees and hedgerows). The boundary of the wider site is generally similar along the full northern, eastern, and southern boundary, although the western boundary is primarily post and rail fencing along with sparsely located trees. The site is located within a rural location which is relatively sparsely developed.
- 1.03 The site is located outside the Limits to Built Development (LBD), within the Green Belt (GB) and an Area of Outstanding Natural Beauty (AONB). The woodland to the south and east of the wider site is Ancient Woodland as well as protected by a Tree Preservation Order (which extends to the woodland on the northern boundary of the application site). To the west of the site lies the Historic Farmstead of Pastheap Farm. To the east/south-east of the site is also Bayham Woods, a Local Wildlife Site. There is also a Public Right of Way toward the east of the wider site (WT236). The property of Pastheap Farm, which is also under the applicant's ownership, is Grade II Listed.

2.0 PROPOSAL

- 2.01 This application seeks permission to change the use of the land from agricultural (grazing) to use as a dog kennels. This application is in response to a recent enforcement investigation.
- 2.02 While the applicant has erected new hardstanding and fencing/gates, as per the applicant's submitted Design and Access Statement and correspondence with the

case officer, this application solely relates to the proposed change of use of the site and minor alterations to the existing building. Detailed landscaping works including fencing and hardstanding would be subject to a further application (subject to approval). It is added that part of the barn building within the application site would also be retained as equestrian use (which also relates to the wider site which the application site forms part) which would also require planning permission (as the equestrian use is understood to go beyond agricultural/grazing). Therefore, only part (approximately 1/3rd) of the barn is proposed to be used as a dog kennels, with the remainder as horse stables. As above, this application also proposes small internal and external alterations to the barn (former goat stables) to allow for its part use as a dog kennels and part use as a horse stables.

- 2.03 Internally, the building formerly was in agricultural use and had two separate rooms (one for the keeping of goats and a larger room used as storage). As proposed, the former goat stable element of the barn is now proposed to be used as a reception and workshop (as well as for the keeping of dogs during the day), with the larger room subdivided into two separate stables along with a storage room. A small external dog kennel, which is mobile in nature and not fixed in position, is currently positioned immediately to the south of the barn located on some recently erected hardstanding (adjacent to the southern entrance/exit door). The intended purpose of the external dog shelter, however, is to be determined by MidKent Environmental Health prior to the granting of any licence (see below for further commentary on the licencing at the site).
- 2.04 The external alterations proposed includes the infilling of one door and the erection of a set of windows on the northern elevation of the barn. The large double-barn doors and one set of windows are to be retained. The southern elevation includes the removal of one set of windows and the addition of three separate doors (serving the reception room and the two stable rooms) along with the retention of an existing set of windows. There are no changes on the side elevations. The building's existing building materials (timber weather boarding, timber barge boarding, corrugated asbestos, and cement board roof) are to be retained. It is noted that these internal and external alterations are retrospective.
- 2.04 While there was a caravan unlawfully positioned on site, this has been later removed and does not form part of this application (as confirmed on a site visit on 30 August 2022 and as confirmed in writing by the agent).
- 2.05 The proposal is to utilise the site's existing access arrangements (the existing access through a gate on the site's northern boundary). As above, additional hardstandings would be subject to a further submission of details application (subject to approval).
- 2.06 It is also noted that, as confirmed with the MidKent Environmental Health Team on 18 January 2023, the domestic premises (Pastheap Farm to the west of the application site) currently holds a licence for providing home dog boarding for up to 6 dogs at any one time (in addition to 2 resident dogs). The day care licence, which is currently pending subject to the outcome of this application, would relate to the application site only and would not include any element of overnight boarding. The pending licence is for 10 dogs, although it is understood that the proposed converted barn/kennels would have capacity for only 9. This will be confirmed subject to a further full site inspection by MidKent Environmental Health, including an assessment of staffing levels against the relevant regulations. This licence would be in addition to the day care licence but would not apply to the domestic premises. The external kennels will be clarified further by MidKent Environmental Health in relation to its

intended purpose, the heating arrangements, and how dogs will be monitored in it, etc. (subject to gaining planning approval).

- 2.07 As above, this application follows a recent enforcement investigation. However, it is important to note that this site is a different site, in a different ownership and location, to that of Pastheap Farm (which has the same name) to the west of the application site which is subject to separate enforcement and planning application procedures (as such, the matters referred to by Pembury Parish Council and Councillor Hayward relate to a separate site which is unrelated to this application site).

3.0 SUMMARY INFORMATION

	Existing and Retained Barn
Max Eaves Height (Approx.)	2.85m
Max Height Including Roof (Approx.)	3.41m
Max Length (Approx.)	9.14m
Max Width (Approx.)	5.50m

4.0 PLANNING CONSTRAINTS

- Outside the Limits to Built Development (LBD)
- Area of Outstanding Natural Beauty (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*) - designation affects the entire site
- Metropolitan Green Belt (GB)
- Agricultural Land Classification Grade 3
- Biodiversity Opportunity Areas
- Historic Farmstead – Pastheap Farm (65m to the west)
- Grade II Listed Building – Pastheap Farm (33m to the west) (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Ancient Woodland (133m to the south/south-west and 90m to the east/south-east)
- Tree Preservation Order (Immediately adjoining the northern boundary of the application site, which also extends to the area designated as Ancient Woodland)
- Public Right of Way (WT236, 16m to the east at its closest point)

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2021 National Planning Practice Guidance (NPPG)

Tunbridge Wells Borough Local Plan (LP) 2006:

Policy MGB1: Metropolitan Green Belt

Policy LBD1: Development Outside the Limits to Built Development

Policy EN1: General Development Control Criteria

Policy EN8: Outdoor Lighting

Policy EN13: Tree and Woodland Protection

Policy EN25: Development Control Criteria for all Development Proposals affecting the Rural Landscape

Policy TP4: Access to the Road Network

Policy TP5: Vehicle Parking Standards

Tunbridge Wells Borough Core Strategy (CS) 2010:

Core Policy 1: Delivery of Development

Core Policy 2: Green Belt
Core Policy 3: Transport Infrastructure
Core Policy 4: Environment
Core Policy 5: Sustainable Design and Construction
Core Policy 14: Development in the Villages and Rural Areas

Supplementary and Other Planning Documents:

Landscape Character Area Assessment: Bayham Wooded Farmland
Rural Lanes SPD
Farmsteads SPD
AONB Management Plan
Green Belt Study 2017

Tunbridge Wells Borough Submission Local Plan 2020-2038:

Policy STR 1: The Development Strategy
Policy STR 2: Place Shaping and Design
Policy STR 6: Transport and Parking
Policy STR 9: Green Belt
Policy PSTR/PE 1: The Strategy for Pembury Parish
Policy EN 1: Sustainable Design
Policy EN 2: Sustainable Design Standards
Policy EN 5: Heritage Assets
Policy EN 8: Outdoor Lighting and Dark Skies
Policy EN 12: Trees, Woodland, Hedges, and Development
Policy EN 14: Green, Grey, and Blue Infrastructure
Policy EN 18: Rural Landscape
Policy EN 19: The High Weald Area of Outstanding Natural Beauty
Policy EN 20: Agricultural Land
Policy EN 21: Air Quality
Policy EN 22 Air Quality Management Areas
Policy EN 27: Noise
Policy TP 1: Transport Assessments, Travel Plans, and Mitigation
Policy TP 3: Parking Standards

6.0 LOCAL REPRESENTATIONS

- 6.01 Site notices were displayed on 5 August 2022 at one location immediately fronting the application site (on the entrance gate).
- 6.02 No comments have been received.

7.0 CONSULTATIONS

Pembury Parish Council [25 August 2022]

- 7.01 *"The Parish Council has asked Borough Cllr David Hayward to call in this application for the following reasons:*
- It is in an AONB*
 - Issues such as the quality of the building, the flooring, the drainage and the waste disposal don't appear to have been addressed*
 - Noise could be an issue to neighbouring properties*
 - Two previous applications on the site are under enforcement procedures and the Planning Committee should be made aware of this. There is also the issue of the lack of co-operation with planning officers when visiting the site."*

National Highways [25 August 2022]

- 7.02 Recommendation that the Council should not determine the application (other than a refusal) because of the potential for harm to the strategic road network; planning permission should therefore not be granted for a period of 3 months, expiring on 25 November 2022 to allow time for the applicant to provide information as set out in attached National Highways Planning Response. The following further details were requested:

- Clarification on the maximum number of vehicles expected to park at any give time and how it can be ensured that the parking will not interfere with the A21 Hastings Road / Hastings Road priority junction.
- Identification of the parking locations on the site plan and to demonstrate which areas of the site are to be kept free for use by turning vehicles to enable vehicles to exist in forward gear.
- Provision of details of future vehicular trips associated with the development to allow the impact on the SRN to be understood.

National Highways [30 September 2022]

- 7.03 Following additional information received directly by the applicant [see Applicant's Supporting Comments section below], National Highways offer no objection to the proposal:

"On 30 August 2022, the applicant provided further information to us. Given the identified anticipated vehicular trip generation of the site and details of parking arrangements provided our potential concerns have been satisfactorily allayed.

Accordingly a no objection response is now appropriate as this application will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 para's 9 & 10 and MHCLG NPPF 2021 Paras 110-13), in this location."

Kent County Council Highways and Transportation [12 August 2022]

- 7.04 *"It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements."*

TWBC Environmental Protection [24 August 2022]

- 7.05 Before *"the Environmental Protection recommends approval of this application the following points will need to be addressed.*

The development is approx. 90m from the nearest residential neighbour but dog vocalisations (barking, whining, howling, yelping etc...) have the potential to cause nuisance to neighbours as these noises can be unpredictable, intermittent, intrusive and can travel long distances. While this department has not yet received any noise complaints from this licensed premises, I note the change of use of the land allows for further changes from any subsequent owners of the property. To ensure the noise emissions do not affect residential amenity in the future, I would consider it prudent to review a noise management plan prior to determination of the application. This should include the anticipated capacity of dogs, hours of operation, operational arrangements (e.g. times of feeding, locations of walking, timings of any delivery vehicles used etc...), noise control measures in place, procedures to complaints from nearby residents and a review mechanism to justified complaints.

The applicant should be aware that if this information is not received in sufficient time before the determination date of this application to allow me to fully review it the default position of the Environmental Protection Team is to recommend refusal on the grounds of insufficient information. The Planning Officer alone may decide at their discretion to extend the determination period. While I am happy to speak to the

applicant or their consultant to discuss this issue directly all submitted information must be to the Planning Officer, this may be copied to me, but it is essential that it primarily is submitted to the Planning Officer.

Further information requested:

- *Noise management plan which addresses*
 - o *Hours of operation*
 - o *Capacity of kennels*
 - o *Anticipated noise from internal/external activities*
 - o *Any mitigation to reduce potential for noise nuisance*
 - o *Procedures if complaints are received*
 - o *Mechanism to review the plan in response to justified complaints*

If the further information requested above is not received by the end of the consultation, please assume that the Environmental Protection Team is recommending refusal of this application/submission on the grounds that sufficient information required has not been submitted."

TWBC Environmental Protection [24 November 2022]

- 7.06 On submission of a Noise Management Plan on 19 October 2022, TWBC Environmental Protection had the following comments:
- NMP is acoustically vague (e.g., "noise can travel up to 800m – nuisance risk within 100m". NMP notes that there is a property 100m (and two others within 200m) but no indication of levels, etc. No real indication of what is being done to contain this and not very "acoustic professional" noise propagation.
 - Internally boarded walls, double glazing and shiplap cladding provides heat loss and noise insulation. No indication of how much and how this reduces noise. It is suspected that dog runs and outside areas are probably as important and are unaddressed. Questioned whether dogs will really be kept inside.
 - The complaints procedure was good, as was the communication.
 - Noise levels will depend on indoors or outdoors, screening, noise propagation, and times of the day/night (presumed daytime only). Behaviour measures could be applied. Did not feel that the NMP completely addressed the full issues.

TWBC Environmental Protection [31 January 2023]

- 7.07 "COMMENTS
I have reviewed the submitted noise management plan which is comprehensive and includes achievable measures to minimise noise impacts and a complaints/review procedure.

RECOMMENDATIONS:

No objections subject to comments above plus conditions below

REQUESTED CONDITIONS:

Noise management plan: The proposed development shall be operated in accordance with the approved noise management plan (dated 10th January 2023). Any subsequent variations should be submitted to the local planning authority for written approval prior to implementation."

TWBC Conservation Officer [30 August 2022]

- 7.08 "Further to your request for heritage advice regarding the above application, our view is that specialist advice from the Built Heritage Team is not, in this case, necessary for the determination of this application."

TWBC Conservation Officer [18 November 2022]

- 7.09 *“The application is for a change of use of agricultural land and does not impact the heritage assets around it.”*

MidKent Environment Health (Licencing) [18 January 2023]

- 7.10 Following the correspondence with the applicant regarding licencing details at the site, the following points were clarified by Midkent Environmental Health:
- Last inspection on site (relating to the pending licence) was March 2022; there may have been significant changes since then and therefore a further full inspection would be required prior to the granting of any licence.
 - The current licence is granted or providing home boarding for 6 dogs. This includes care of the dogs in the domestic premises either during daytime hours or for daytime and overnight boarding. At the time of the licence being granted, the applicant also had 2 resident dogs so the licence permits a maximum of 8 dogs on site (maximum of 6 for boarding and 2 resident dogs).
 - The domestic premises will be the only premises used for overnight boarding.
 - The pending day care licence for 10 dogs would be in addition to the granted licence for 6 boarding dogs at the domestic premises (16 in total). However, the pending licence for 10 dogs would only be permitted if staffing levels for example comply with the animal licencing regulations for both activities.
 - Based on the March 2022 inspection, the proposed converted goat shelter on site, due to the size of the indoor area, is likely to accommodate a maximum of only 9 dogs (thus the licence would likely only permit a maximum of 9 dogs, rather than 10). However, this is subject to a further review of measurements taken on a further full inspection.
 - With regard to the kennel outside (which the submitted revised NMP implies will be used for anxious dogs), MidKent Licencing will need to clarify the kennel further with the applicant as to its intended use. The kennel would not be permitted to be used for dogs to ‘come and go’ as the indoor space available does not meet minimum space requirements as per the Regulations and the kennel is not enclosed by another barrier so poses a risk of escape. However, it may be able to be used for short term isolation/separation of a dog, but this will need to be clarified further, including the heating arrangements in this kennel and how dogs are monitored if in here, etc..

8.0 APPLICANT’S SUPPORTING COMMENTS

- 8.01 See information submitted in supporting Design and Access Statement.

- 8.03 Response to case officer email clarifying application proposal [19 August 2022]:
“The initial portal planning application was for change of use only from agricultural to dog kennels leaving the details of new fences, yards and alterations to the existing building as ancillary matters to be dealt with at a later date and to be shown as conditions on the grant of any planning permission. The extent of the land subject to this change of use is limited to the area edged red on the planning application drawings and does not include any parts of the adjoining land and fields.

At the request of your validation team the application was changed to a FULL application. At their request I submitted a Full Application form with further drawings showing the proposed alterations to the existing building and new fences, yards etc. I am happy to proceed on the basis you suggest for change of use and alterations to the existing building only to be included in this application with details of hardstanding and fencing to be dealt with at a later date as conditions in the grant of any planning consent. There is no intention to use the caravan parked on the site for permanent residential purposes and no reference to the caravan is included in the planning application.”

- 8.03 Response to National Highways' initial comments [30 August 2022]:
Provision of three supporting documents:
1. "21-020 202220506 Pastheap Farm Pembury-A3 Location Plan 001 REV A shows minimum 4 available on road car parking spaces in yellow. We anticipate no more than 2 required at any one time.
2. 21-020 20220704 Amended planning drawing-A3 Site Plan 002 REV B shows 3 car parking spaces (blue, green and orange), each able to do a 3 point turn to face forward on exit. We anticipate no more than 2 required at any one time.
3. Table attached showing predicted non-zero vehicle movements as requested."
- 8.04 Response to case officer query regarding caravan on site [5 October 2022]:
"I confirm that the caravan has been removed from the application site."
- 8.05 Clarification points following correspondence between case officer and applicant regarding licencing details [18 January 2023]:
- Existing granted licence for the overnight boarding of 6 dogs relates only to the dwelling (named Pastheap Farm), not the application site to the east.
- Licence is sought for the application site for the day care of 10 dogs (no overnight boarding). This decision on this licence will not be made until the determination of this application.
- There is currently one large crate indoors and a single kennel outdoors. Capacity is, in the applicant's view, in accordance with DEFRA guidance. Noted that this is subject to licencing.

9.0 BACKGROUND PAPERS AND PLANS

- Application Form
- Design and Access Statement
- Drawing No.: 21-020 002 04052022 - Existing Site Plan
- Photograph 1, 2, & 3
- Additional Vehicle Movements
- Drawing No.: 21-020 001 A 04052022 - Location Plan (On Road Parking Arrangements)
- Drawing No.: 21-020 002 B 04072022 - Site Plan (Access/Parking Arrangements)
- Drawing No.: 21-020 002 A 11102022 - Revised Proposed Site Plan
- Drawing No.: 21-020 003 B 11102022 - Revised Barn Plans
- Drawing No.: 21-020 001 B 10102022 - Revised Site Location Plan
- Revised Noise Management Plan (Dated 10 January 2023)

10.0 APPRAISAL

Principle of Development, Impact on the Green Belt and Visual Impact

- 10.01 This application site is within the countryside and lies outside of the defined LBD of Pembury where Policy LBD1 of the Local Plan (LP) states development will only be permitted where it is in accordance with all other relevant LP policies. The site is also situated within the Metropolitan Green Belt and within an Area of Outstanding Natural Beauty (AONB).
- 10.02 Paragraph 137 of the NPPF sets out that "*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*" Paragraph 147 goes on to state that "*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*"
- 10.03 Paragraph 149 of the NPPF comments that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt but lists a

number of exceptions where such new built development may be acceptable. In addition to this, Paragraph 150 sets out that other certain forms of development are not inappropriate in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it. These include material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) as well as the re-use of buildings provided that the buildings are of permanent and substantial construction. The proposal for a change of use of the land from agricultural to dog kennels, and the reuse of the former goat stables to dog kennels, is considered to fall under these criteria and would therefore not constitute inappropriate development in the Green Belt provided it preserves its openness.

- 10.04 Policy MGB1 of the Local Plan also sets out that the material change in use of land and the reuse of an existing building can be considered acceptable provided that it maintains the openness of the Green Belt. The proposal is therefore also considered to comply with this Policy. In addition, Core Policy 2 of the Core Strategy sets out that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Any new development should accord with the national planning provisions which, in this case, is Paragraph 149 of the NPPF. As the proposal is considered to comply with the provisions of the NPPF, the proposal is not considered to be contrary to Core Policy 2 of the Council's Core Strategy.
- 10.05 "Openness" is the absence of development such as buildings, hard surfacing and the residential use of land. It is essentially free from operational development and relates primarily to the quantum and extent of development and its physical effect on the application site. It is a different consideration to 'visual impact' as the openness of the GB has a spatial aspect as well as a visual aspect. The absence of visual intrusion does not in itself mean that there is no impact on the openness of the GB as a result (for example) of constructing a new or materially larger building there or new hardstanding.
- 10.06 Paragraph 48 of the National Planning Policy Framework (NPPF) sets out that "*Local planning authorities may give weight to relevant policies in emerging plans*". The Council submitted its proposed Local Plan (Submission Local Plan) to the Inspector in November 2021, upon which examination has recently concluded and the Inspector's decision letter has subsequently been received suggesting some modifications (on 14 November). At this time, moderate weight is attached to the Submission Local Plan.
- 10.07 Policy STR9 of the Council's Submission Local Plan sets out that development in the Green Belt shall be regarded as inappropriate unless it meets the exceptions set out in the NPPF (July 2021), Paragraph 149. As set out above the proposal is considered to meet the exceptions set out within this paragraph.
- 10.08 Given that the Council's Local Plan, Core Strategy and the NPPF support such a change of use and reuse of existing buildings in rural areas, the proposal can be considered acceptable in principle. The issues in this case are the visual impact on the locality, including from any landscaping/boundary treatments, and the impact on the character of the countryside.
- 10.09 Local Plan Policy EN25 requires proposal to have a minimal impact on the landscape character of the locality, to not have a detrimental impact on the landscape setting of settlements, to not result in an unsympathetic change to the landscape and new buildings to be located adjacent to existing buildings or well screened by vegetation.

Core Policy 4 of the Council's Core Strategy sets out that the Borough's built and natural environments are rich in heritage assets, landscape value and biodiversity, which combine to create a unique and distinctive local character. It goes on to state that the borough's urban and rural landscapes, including the AONB will be conserved and enhanced. Core Policy 14 sets out that the countryside will be protected for its own sake and a policy of restraint will operate in order to maintain the landscape character and quality of the countryside.

- 10.10 Core Policy 14 also states that the rural economy will be strengthened, and its long-term sustainability safeguarded by providing opportunities for commercial activities that utilise rural buildings and resources appropriately, including rural buildings that are no longer required or suitable for agricultural use; as such, employment uses related to the land will be encouraged. Paragraph 84 of the NPPF also sets out that planning decisions should enable the development and diversification of agricultural and other land-based rural businesses. Given the proposal to reuse the redundant former goat stables (in agricultural use) to a dog kennels (and stables, to be subject to a separate application), it is therefore considered that the proposal complies with both this Criterion and the NPPF given the reuse of the building for rural employment which would be considered to help support a prosperous rural economy.
- 10.11 Policy EN18 of the Submission Local Plan relates to development within the Rural Landscape and seeks to conserve and enhance the unique and diverse variety and juxtaposition of the borough's landscape and the special features that contribute positively to the local sense of place, including appropriate mitigation to ensure that significant harm to the landscape setting of settlements is avoided, including historic farmsteads and hamlets, and that developments do not result in unsympathetic changes to the character of a rural lane, which is of landscape, amenity, nature conservation, or historic or archaeological importance, and to restore landscape character where it has been eroded and to preserve intrinsically dark landscapes.
- 10.12 In relation to the AONB, Paragraph 176 of the NPPF sets out that "*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*" Policy EN19 of the Council's Submission Local Plan also relates to development within the AONB and requires that all development within, or affecting the setting of, the High Weald Area of Outstanding Natural Beauty (AONB) shall seek to conserve and enhance its landscape and scenic beauty.
- 10.13 The High Weald AONB Management Plan details that the AONB as a whole is "*characterised by dispersed historic settlement, ancient routeways, an abundance of woodland, wooded heaths and shaws, and small irregularly shaped fields. These are draped over a deeply incised and ridged landform of clays and sandstones with numerous gill/ghyll streams, and are closely related to socio-economic characteristics that have roots extending deep into history*".
- 10.14 The proposal seeks to reuse an existing rural barn building (understood to have been constructed during late 20th century and more recently altered) along with hardstanding and fencing surrounding it. The building would in part be used for the

dog kennels with the remainder of the building used for equestrian purposes (which would require separate planning permission). The application site is sited approximately 40m to the south of the A21/Hastings Road where there are two dense lines of trees and hedgerows screening the site from the north. The wider site (which the application forms part) is also very well screened by virtue of the existing vegetation (trees and hedgerows) which makes the application site not particularly visible from any nearby public vantage points, including the Public Right of Way toward the east, particularly given the sloping topography toward the south. It is therefore considered that the proposed development would not appear highly visible or prominent from any public vantage points. While the barn is partially visible from the access point, given the barn was already existing on the site, and that the external alterations proposed are relatively minor (as per the below consideration), it is not considered that there would be any detrimental impact on visual impact over any levels already existing.

- 10.15 The proposed mixed use of the barn includes both internal and external works (retrospectively proposed) which are generally considered to be minor alterations. As such, the proposed alterations are not considered to be of a scale that visually detracts from the rural nature of the building or its setting (the only external changes being the creation of three doors on the southern elevation and the removal of two doors on the northern elevation along with the installation of a new door and set of windows). Such a building, in both its existing and (retrospectively) proposed form, is of a typical agricultural design and appearance and is of such a style of structure that is commonly found in such rural settings. As such, the internal and external changes to the building are not considered to cause a detrimental impact upon the openness of the Green Belt, the site's setting in the AONB, or the countryside that would warrant the application being refused. The benefits of the proposed development to the rural economy would be considered to outweigh the highly limited harm to the wider landscape.
- 10.15 The proposal also incorporates boundary treatments (fencing) within both the site itself as well on the perimeter, in addition to new hardstandings at the access/car parking and turning area, along with hardstandings on the barns' eastern and southern sides. The hardstanding is predominantly made from stone chippings, with the hardstanding on the south/south-eastern side made from concrete. The south-western corner and southern strip of the site, along with the northern boundary/north-eastern corner of the application site are to remain as grass and shrubs. It is understood that the details are not fixed at this stage and, subject to an approval, would be subject to a further submission of details application to ensure that the proposed boundaries, landscaping and hardstanding do not have a detrimental impact on the openness of the Green Belt, the AONB, or the rural landscape/countryside.
- 10.16 From a review of the details submitted as well as a review during the site visit, the hardstanding is generally limited to the immediate confines of the barn/building which doesn't extend to the edge of the application site other than at the entrance. The concrete paving to the south of the barn/building, serving the equestrian use of the barn, is generally typical of stable buildings with a small element of hardstanding at the frontage. The fencing also appears to be shallow mesh fencing. Both the hardstanding and fencing is not considered to be particularly excessive in scale nor visually prominent. Given the application site's location in the north-western corner of a larger site which it forms part, the scale of hardstanding and fencing is generally considered to be small in scale and not visually intrusive in the rural landscape, particularly given the existing extent of screening and lack of public vantage points into the site. It is therefore considered that, both on a visual and spatial scale, the

proposed boundary treatments and hardstanding preserve the openness of the Green Belt, and do not have a detrimental impact on the AONB or the rural landscape. To ensure that full details are submitted, and the proposed boundary treatments and hardstanding are maintained, a condition requiring further details will be applied.

- 10.17 Given the above consideration, the proposed development is considered to be acceptable in principle. In addition, by virtue of the barn's existing and proposed design as well as its location, being well screened from the surrounding area and the level of boundary treatments/hardstanding considered to be relatively limited in scale, the proposal is not considered to be harmful to the openness of the Green Belt, the AONB, nor the surrounding rural landscape in accordance with local and national planning policy and guidance.
- 10.18 While acceptable in principle, the scheme would also need to be satisfactory in all other respects in order to be considered acceptable. In this case, the other main issues for consideration are the impact upon heritage assets, the impact on residential amenity, the impact on highway safety and parking, drainage and waste disposal, along with all other material considerations.

Heritage

- 10.19 The application site is located 33m to the east of Pastheap Farm, a Grade II Listed Building (which is within the applicant's ownership and includes a pedestrian access to the application site via its residential curtilage) and 65m to the east of the Pastheap Farm Historic Farmstead.
- 10.20 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and case law makes it clear that, amongst other things, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.21 Paragraph 199 of the NPPF states that "*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*"
- 10.22 From correspondence with the Council's Conservation Officer, given the application's proposal to change the use of the land from agricultural to dog kennels, the proposal does not impact the nearby heritage assets (and therefore specialist advice from the Built Heritage Team was not considered necessary). Particularly given that the proposal seeks only minor external alterations to the existing barn on site, along with various hardstandings/fencing (the details of which are to be ensured by condition), it is not considered that the proposal poses a detrimental impact to the nearby heritage assets or their settings and is therefore acceptable in this regard.

Residential Amenity

- 10.23 Policy EN1 of the Council's Local Plan (2006) requires, under Criterion 1, that the nature and intensity of the proposed use would be compatible with neighbouring uses and would not cause significant harm to the amenities or character of the area in terms of noise, vibration, smell, safety or health impacts, or excessive traffic generation. Criterion 2 also requires that proposals would not cause significant harm to the residential amenities of adjoining occupiers and would provide adequate residential amenities for future occupiers of the development, when assessed in terms of daylight, sunlight and privacy.

- 10.24 The closest residential property to the application site would be that of Pastheap Farm (approximately 33m to the west), the Grade II Listed Building which is within the same ownership as the applicant. There are also other residential properties further to the west, including East Barn approximately 74m to the west and West Barn approximately 77m to the west. Pastheap Oast is also approximately 103m to the west.
- 10.25 Given the proposed use of the site, the proposal should be assessed in terms of the likely noise impact of the proposal on nearby occupiers (given the likely noise generated from the dogs). Environmental Protection were consulted on this application who provided a number of comments to be addressed within the submission of a Noise Management Plan (NMP). Following the provision of an NMP from the applicant, Environmental Protection requested further information, which was later addressed within a revised NMP (dated 10 January 2023). Following the receipt of the revised NMP, Environmental Protection considered that the NMP was comprehensive and includes achievable measures to minimise noise impacts, along with a complaints/review procedure. They therefore had no objections subject to a condition requiring that the proposed development is operated in accordance with the approved NMP (this has accordingly been applied). Given the above, the proposal is not considered to cause a harmful impact on the residential amenities of adjoining occupiers.

With regard to operating hours, it is noted that the application relates to the day care of dogs, rather than overnight boarding. It is also understood that the applicant does not intend to operate the business on weekends, bank or public holidays. Accordingly, a condition has been applied which restricts the operating hours to 07:00am-18:00pm Monday to Friday only, in the interests of protecting residential amenity in the locality.

Highway Safety and Parking

- 10.26 Paragraph 111 of the NPPF sets out that “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*”
- 10.27 Both Kent County Council (KCC) Highways and National Highways were consulted on this application. While KCC Highways considered the application to fall outside their remit as statutory consultees, National Highways requested further details for clarification given the potential for the proposal to cause harm to the strategic road network (namely the A21 immediately to the north of the application site). The further details requested related to information on vehicle parking capacity and parking locations, the ability for vehicles to turn in and out of the site, and on the future vehicular trips associated with the proposed use.
- 10.28 Following this request for information, the applicant provided further details and plans on the above, following which National Highways offered no objection, considering that their potential concerns had been satisfactorily allayed and that the proposal would not materially affect the safety, reliability and/or operation of the strategic road network. It is therefore considered that the proposal would not have a harmful impact on local highway safety.
- 10.29 The application site seeks to utilise its existing access point on the north-western corner, which itself is accessed off Hastings Road/the A21 approximately 40m to the north. These access arrangements are not proposed to be altered. The site also proposes 3 internal car parking spaces in the north-western corner of the application

site, along with capacity for at least 4 parking spaces on the road (immediately to the north of the application site boundary). The applicant considers it unlikely that more than two parking spaces (within the site or on the road) would be required at any one time. Given the nature of the proposed use, it is considered that these parking arrangements are adequate.

Flood Risk, Drainage, and Waste Disposal

- 10.30 Paragraph 159 of the NPPF sets out that “*inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*”
- 10.31 Local Plan Policy EN18 sets out that within those developed areas identified by the Environment Agency as being at high risk from flooding, built development and conversions will only be permitted where practicable and effective flood protection and mitigation measures would be proposed and maintained, and practicable and effective measures would be included as part of the development proposals to prevent the increased risk of flooding elsewhere.
- 10.32 This site is not designated as being within a Flood Zone by the Environment Agency or a Strategic Flood Risk Area. In addition, given that there are no external changes to the building proposed, the surface water run-off would not result in an increase flood risk beyond the existing level. It is noted that additional hardstanding is proposed, although this is primarily made with permeable material (stone chippings) which is unlikely to cause an increase in flood risk. Accordingly, it is considered that the application does not warrant refusal on such grounds.
- 10.33 With regard to waste disposal, it is noted that the proposal currently does not include details on this (such as the disposal of faecal, bedding, or other waste). As such, it is considered appropriate to apply a pre-operation condition requiring details of waste disposal to be submitted to and agreed in writing by the Local Planning Authority.

Other Matters

- 10.34 Pembury Parish Council's comments are noted. However, it is considered that sufficient information has been submitted in order to fully assess the impact of the development in regard to the surrounding area, AONB and Green Belt. These matters have been discussed earlier within the appraisal.
- 10.35 The Parish Council also referred to two previous applications on the site which are under enforcement procedures. However, it is important to note that these enforcement investigations referred to by the Parish Council relate to a different site (albeit also commonly referred to as Pastheap Farm). In addition, contrary to the Parish Council's comments that there has been lack of co-operation with the applicant and case officer's when visiting the site, this is not the case and the applicants/agent of this site have been cooperative throughout.

Conclusion

- 10.36 Based on the above, the proposal (which has already been completed) is considered to be acceptable in principle and would provide an acceptable reuse of the existing barn building on site which is of an acceptable scale, massing and design in-keeping with the surrounding rural area. The proposed use, by virtue of its relatively low intensity by nature, is not considered to be detrimental to residential amenity or to the significance of nearby heritage assets. It is considered that there would not be a harmful impact on highway safety and that there is sufficient parking provision at the

site to serve the new proposed use. Issues relating to the proposed boundary treatments and hardstanding can be adequately controlled through conditions. It is therefore recommended that this application be approved subject to the conditions set out below.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No.: 21-020 001 A 04052022 - Location Plan (On Road Parking Arrangements)

Drawing No.: 21-020 002 B 04072022 - Site Plan (Access/Parking Arrangements)

Drawing No.: 21-020 002 A 11102022 - Revised Proposed Site Plan

Drawing No.: 21-020 003 B 11102022 - Revised Barn Plans
Revised Noise Management Plan (Dated 10 January 2023)

Reason: To clarify which plans are approved

- 2) The hereby approved development shall be used for dog day care purposes only and no other purpose unless approved in writing by the Local Planning Authority. Should the hereby approved use of the land for the purposes of dog day care cease, then unless the Local Planning Authority have otherwise agreed in writing, the fencing, gates, and hardstanding shall be removed from the land and the land shall be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the Local Planning Authority and the land owner/developer.

Reason: In the interest of visual amenity, to preserve the openness of the Green Belt and to protect the character and appearance of the countryside.

- 3) The approved use of the site as a dog kennels shall not be open to the public or in operation outside the following times: 07:00am – 18:00pm Monday – Friday; nor at any time on Saturdays, Sundays, Bank or Public Holidays.

Reason: In the interests of neighbouring residential amenity.

- 4) Within three months from the date of this decision, details of the fencing, gates, and hardstanding erected at the site shall be submitted to, and approved in writing by, the Local Planning Authority. Fencing, gates, and hardstanding shall be installed in accordance with the approved details, and no further fencing, gates, or hardstanding shall be erected without details having first been submitted to an approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity, to preserve the openness of the Green Belt and to protect the character and appearance of the countryside.

- 5) No external lighting shall be installed on the site without the prior written planning permission of the Local Planning Authority.

Reason: In the interest of visual amenity and to protect the character and appearance of the countryside.

- 6) The proposed development shall be operated in accordance with the approved noise management plan (dated 10th January 2023). Any subsequent variations should be submitted to the local planning authority for written approval prior to implementation.

Reason: To protect the residential amenity of the locality.

- 7) Details of the means of disposal of faecal, bedding or other waste arising from the dogs within the hereby approved dog day care development shall be submitted to and approved in writing by the Local Planning Authority prior to the first operation of the dog day care. Such waste material arising from the animals so housed shall be disposed of solely in accordance with the approved details.

Reason: In the interests of the protection of the amenity of the surrounding area.

INFORMATIVES

- 1) As the development involves demolition and / or construction, it is recommended that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Compliance with this document is expected.
- 2) The applicant must ensure that the necessary dog day care license is granted from the Council's Environmental Health department prior to operation of the site.

Case Officer: Thomas Vint

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.