

**A02**

**F/TH/23/0850**

PROPOSAL: Change of use of land from agricultural to the keeping of horses; formation of access routes for horses and agricultural vehicles, sand school, lunge, vehicle parking area and bunds.

LOCATION:

Little Cliffsend Farm Chalk Hill RAMSGATE Kent CT12 5HP

WARD: Cliffsend And Pegwell

AGENT: Mr. John Elvidge

APPLICANT: Mr. I P A Smith

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 23/626/JG/PL02 received 23/06/2023, 23/626/JG/PL01 Rev C and, 23/626/JG/PL03 Rev E received 22/09/2023, and the site location plan received 12/07/2023.

**GROUND;**

To secure the proper development of the area.

2 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

**GROUND:**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.

3 The sand school and lunge hereby approved shall only be available for use Monday-Sunday between the hours of 7am-9pm

**GROUND:**

In the interests of the amenity of the area, in accordance with Policies QD02 and QD03 of the Thanet Local Plan.

4 Prior to the installation of any external lighting a lighting plan shall be submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Show how and where external lighting will be installed
- b) Details of the types of lighting to be used including their fittings, illumination levels and spread of light

All external lighting shall be installed in accordance with the specifications and locations set out in the lighting plan and these shall be maintained thereafter in accordance with the strategy.

**GROUND:**

To protect the landscape character area, the characteristics of this countryside location, and wider amenity, in accordance with the aims of policies SP24, SP26, QD02 and SE08 of the Thanet Local Plan and the advice as contained within the NPPF.

5 Within 12 weeks of the date of this approval a landscaping plan shall be submitted to the Local Planning Authority for its written approval. The plan shall demonstrate that the approved earth bunds will be planted with a species rich grassland mix, and shall provide details of how the grassland within the bunds will be established (including timeframes for doing so), managed, and maintained. The plan shall be implemented as approved.

**GROUND:**

To ensure biodiversity net gain, in accordance with the aims of Policy SP30 of the Thanet Local Plan and paragraphs 174 and 180 of the NPPF.

**INFORMATIVES**

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

Please be aware that your project may also require a separate application for Building Control. Information can be found at:

<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

Guidance from the Environment Agency sets out that manure stored within Source Protection Zone 1 (which covers roughly 1/3 of the red line boundary) must be done so with an impermeable base and sealed drainage. There can be no temporary storage of manure in these areas. The applicant has indicated they have enough land to store manure 'without the need to store waste in the source protection zone'. To clarify, the whole of the farm site is covered by a source protection zone. The applicant may store manure in temporary heaps in source protection zones 2 and 3, but not zone 1. If further clarification is required the applicant is advised to contact the Environment Agency directly.

## SITE, LOCATION AND DESCRIPTION

The Chalk Hill area comprises mainly agricultural land, with open fields to the north and south, paddocks to the southeast, and a farm complex to the southwest. Beyond this are the salt marshes and coastal areas. The site sits within the identified Wantsum North Slopes Landscape Character Area.

The proposal relates to land adjacent to the existing farm complex. The site area is around 7.5 hectares and runs north and then east towards Royal Harbour Approach. The land here forms part of the agricultural holding for Little Cliffsend Farm and sits above an area of existing paddocks, formerly approved under application F/TH/20/0876.

## RELEVANT PLANNING HISTORY

F/TH/23/0235 - Change of use of the land to the siting and storage of containers, materials, plant and machinery and for the parking of vehicles (Retrospective). Granted 03/05/2023.

CON/TH/21/1574 - Application for approval of conditions 2 (Drainage) and 4 (Ecological Enhancements) of planning permission F/TH/20/0876 for the retrospective application for the change of use of agricultural land to land for the keeping of horses. Granted 01/12/2021.

F/TH/20/0876 - Retrospective application for the change of use of agricultural land to land for the keeping of horses. Granted 21/06/2021.

F/TH/16/1417 - Erection of 2 new Industrial Units for B8 use for Storage and Distribution, together with creation of new access route and ground profiling to provide landscape shielding of access way and development. Granted 20/06/2017.

F/TH/00/0213 - Change of use of surplus farm buildings to light industrial (use class b1) together with the provision of associated vehicle parking. Granted 28/09/2000.

## PROPOSED DEVELOPMENT

This application seeks part-retrospective permission for the change of use of land from agriculture to the keeping of horses, the formation of access routes for horses and agricultural vehicles, a sand school and lunge, a vehicle parking area, and earth bunds.

The change of use has already taken place and the area is currently occupied by horses contained within paddocks divided by post and rail fencing (this does not form part of the application). The access track is already in place and is stated to be for horses only, not vehicles, to allow them to move safely. The other tracks proposed are also already in place. Earth bunds have been formed, however at the time that Officers last visited, the sand school and lunge area were still under construction, along with the vehicle parking area and some of the southern bunds. Horses were being exercised in the field adjacent which appeared open (to the north).

The applicant's agent has provided information setting out that the intended number of horses to be kept on the site will be around 40, that these will be in connection with the farm holding, but that the horses will be owned and maintained by private individuals coming and going. All horses across the site (including those in the adjacent fields to the south), would have access to the lunge and sand school. There are no proposed physical elements to the lunge, however a 1.5m post and rail enclosure is intended. It is stated that the horses are being rehoused from Crumps Farm owing to closure. The access track formed is for the use and safe movement of horses and not vehicles, and parking will be provided for up to 60 cars (20 with horse boxes).

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2020**

SP24 - Development in the Countryside  
SP26 - Landscape Character Areas  
SP28 - Protection of International and European Designated Sites  
SP29 - Strategic Access Management and Monitoring Plan (SAMM)  
SP30 - Biodiversity and Geodiversity Assets  
SP35 - Quality Development  
SP36 - Conservation and Enhancement of Thanet's Historic Environment  
E16 - Best and Most Versatile Agricultural Land  
HE01 - Archaeology  
HE03 - Heritage Assets  
QD01 - Sustainable Development  
QD02 - General Design Principles  
QD03 - Living Conditions  
TP06 - Car Parking  
SE04 - Groundwater Protection Zones

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers, a site notice posted close to the site and an advert was posted in the local paper. No representations have been received.

**Ramsgate Town Council:** Ramsgate Town Council cannot make a comment on this application and seeks further clarification of detail i.e. how many horses will be accommodated on the site.

**Cliffsend Parish Council:** Raised concerns about the information contained in the application form and made the following comments:

- The works that have already been undertaken should be in a separate application (formation of access routes)
- There is hazardous and dangerous material being stored that is not in the application
- Unlimited number of horses
- Environmental impacts and impact on water sources from manure
- Highway safety and cycle safety

- Slow moving vehicles could represent a risk using the main turn onto Chalk Hill
- Hours of use and movement could represent a risk in the dark and should be conditioned
- Unclear whether the car park would be a separate use
- No materials for hard surfaces have been provided
- The height, length and provision of trees grown on the bunds needs to be limited
- Development should comply with Policy SP26 of the Thanet Local Plan
- The location for storing manure is not appropriate or lawful

## CONSULTATIONS

**Environment Agency:** “We object to the application as submitted because the location and type of development proposed is likely to result in a significant risk to groundwater resources from which supplies of potable water are obtained. We recommend that planning permission should be refused on this basis.

The site is located within a Source Protection Zone 1 area where we carefully monitor development proposals of all types. Source Protection Zones are designated by us to identify the catchment areas of sources of potable water (that is high quality water supplies usable for human consumption) and show where they may be at particular risk from polluting activities on or below the land surface. Source Protection Zone 1 areas are designated closest to the source of potable water supplies and indicate the area of highest risk to abstracted water quality.

In this instance the proposed development would threaten potable water supplies from potential effluent runoff / leachate from manure heaps stored on site for the following reasons:

- Equestrian developments have the potential to produce large quantities of environmentally damaging effluent from stable washings contaminated with foulings, water which has been used for hay soaking and leachate from manure heaps.
- Controlled waters are sensitive in this location as the proposed development is located within a Source Protection Zone 1, upon a Principal aquifer.
- No clear detail has been provided within the application as to the volume of manure expected to be produced, or how the manure is to be stored, or how leachate runoff is to be managed.
- The site is situated within a Nitrate Vulnerable Zone and A Drinking Water Groundwater Safeguard Zone.

Under the storage of silage, slurry and agricultural fuel oil guidance (Storing silage, slurry and agricultural fuel oil - GOV.UK ([www.gov.uk](http://www.gov.uk))), you must inform the us if you intend to construct new storage facilities and ensure that the surrounding environment, including controlled waters such as groundwater, are not polluted as a result of the activity. As the site is located in a Nitrate Vulnerable Zone there are additional rules, including for the storage of solid manures. Storage should either be in a container, on a waterproof base where runoff can be collected, or in a roofed building.”

Following amendments and reconsultation the Environment Agency made the following comments:

“We have reviewed the submitted documents and consider that it satisfactorily addresses our earlier concerns.

Subject to the condition below, we therefore withdraw our previous objection, KT/2023/130865/01-L01, dated 03 August 2023.

#### Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved.

#### Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.

#### Informative

Since our previous response we understand the applicant has received manure storage guidance from us. This guidance clearly states that manures stored within Source Protection Zone 1 (which covers roughly 1/3 of the red line boundary) must be done so with an impermeable base and sealed drainage. There can be no temporary storage of manure in these areas.

The applicant has indicated they have enough land to store manure 'without the need to store waste in the source protection zone'. To clarify, the whole of the farm site is covered by a source protection zone. The applicant may store manure in temporary heaps in source protection zones 2 and 3, but not zone 1.

The current 'Proposed area for storing manure' documents on the planning portal (uploaded 05/09/23) indicate the manure will be stored in source protection zone 1. Provided these plans are no longer applicable, and the applicant adheres to the guidance provided on manure storage, we do not object to this application subject to the aforementioned condition.”

**TDC Environmental Health:** “Environmental Health are concerned that no detail has been provided regarding storage and removal of manure. Burning manure is not an acceptable method of disposal as it is controlled waste and can harm the environment and cause smoke nuisance. If consent is granted the following condition is recommended:

#### STABLE – MANURE STORAGE/BURNING

Prior to the commencement of the development, details of where and how manure is to be stored and ultimately disposed of shall be submitted to and approved in writing by the Local

Planning Authority. Once the use commences, this shall be carried out in accordance with the approved details. No manure or waste materials shall be burned upon the land within the application site.”

Following amendments and reconsultation Environmental Health made the following comments:

If the Environment Agency do not object we are satisfied.

**TDC Conservation Officer:** “Following a review of the proposed application I would consider there to be minimal implication to the nearby listed gun placements, as such I do not object to the proposed.”

**KCC Highways:** “The proposal seeks to provide an area for horses, formation of an access route, sand school, lunge and vehicle parking. An access route is proposed adjacent to an existing access off Chalk Hill.

Vehicle tracking is required at the junction with Chalk Hill to illustrate that vehicles with horse boxes can enter and exit the site without obstructing or damaging the existing public highway.

I shall be grateful for the submission of further details to enable additional comments to be provided.”

**KCC Public Rights of Way:** “No comment”.

**KCC Biodiversity and Ecology:** “No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that the proposed development has limited potential to result in significant ecological impacts. We have taken this view as the site is an intensively managed grassland field limiting the potential for protected/notable species to be present As such, we are satisfied that there is no requirement for an ecological survey to be carried out at this time.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2021, biodiversity should be maintained and enhanced through the planning system.

The proposal includes the creation of bunds. We recommend that the bunds are planted with a species rich grassland mix and managed to enable the grasses and plants to flower and set seed. If the bunds are planted with a species rich grassland mix and it is actively managed it’s likely that that the proposal can achieve a net gain.

If planning permission is granted we recommend that landscaping plan is submitted as a condition of planning permission demonstrating that the proposed bunds will be designed to benefit biodiversity and in particular planted with a species rich grassland mix. We recommend the following condition:

Prior to works commencing within the site a landscaping plan must be submitted to the LPA for written approval. It must demonstrate that the bunds will be planted with a species rich grassland mix and provide details of how the grassland within the bunds will be established and managed. The plan must be implemented as approved.”

Following amendments and reconsultation KCC made the following comments:

"We have reviewed the updated information and we advise that the following advise provided in August 2023 is still valid.

**NO INFORMATION – NO FURTHER INFORMATION REQUIRED**

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that the proposed development has limited potential to result in significant ecological impacts. We have taken this view as the site is an intensively managed grassland field limiting the potential for protected/notable species to be present. As such, we are satisfied that there is no requirement for an ecological survey to be carried out at this time.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2021, biodiversity should be maintained and enhanced through the planning system.

The proposal includes the creation of bunds. We recommend that the bunds are planted with a species rich grassland mix and managed to enable the grasses and plants to flower and set seed. If the bunds are planted with a species rich grassland mix and it is actively managed it's likely that that the proposal can achieve a net gain. We understand that the applicant has concerns with the management of the bund if it is planted with a grassland meadow mix. But we highlight that a flowering lawn mix can be planted and that will enable a grassland with a reduced sward height mix to be established on site and therefore can be cut more regularly but still benefit biodiversity.

Information has been provided confirming that native species hedgerows will be planted within the site.

If planning permission is granted we recommend that landscaping plan is submitted as a condition of planning permission demonstrating that the proposed bunds will be designed to benefit biodiversity and in particular planted with a species rich grassland mix. We recommend the following condition:

Prior to works commencing within the site a landscaping plan must be submitted to the LPA for written approval. It must demonstrate that the bunds will be planted with a species rich grassland mix and provide details of how the grassland within the bunds will be established and managed. The plan must be implemented as approved."

**KCC Archaeology:** No response.

COMMENTS

This application is reported to Planning Committee at the request of Cllr Davis in order for Members to consider whether any harm is caused to the environment, specifically contamination to groundwater, as raised by the Environment Agency, as a result of the works.

**Principle**



This application is part-retrospective and seeks consent for the change of use of agricultural land to the keeping of horses, along with associated access routes, sand school, lunge, vehicle parking and bunds. The site is located outside the urban confines and is therefore within the countryside. Policy SP24 of the Thanet Local Plan sets out that development on non-allocated sites in the countryside will be permitted for either:

- 1) the growth and expansion of an existing rural business;
- 2) the development and diversification of agricultural and other land based rural businesses;
- 3) rural tourism and leisure development;
- 4) the retention and/or development of accessible local services and community facilities; or
- 5) the redevelopment of a brownfield site for a use that is compatible with its countryside setting and its surroundings.

All development proposals to which this policy applies should be of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics. Any environmental impact should be avoided or appropriately mitigated.

The keeping of horses is considered to be a use that is compatible with a land based rural business, and the growth and expansion of businesses is supported by paragraph 84 of the National Planning Policy Framework (NPPF). It is also noted that this has been found to be an acceptable use of land in this location, with planning permission given for the keeping of horses to the southern fields extending eastwards (application F/TH/20/0876 refers).

No specific policies exist for equestrian uses in the 2020 Local Plan. Policy SR16 of the former 2006 Local Plan generally supported equestrian uses in the countryside subject to certain criteria being met. This included the nature and scale of the equestrian use, and the impact of any built development on the character of the countryside, the cumulative effect of similar uses in the countryside, whether suitable arrangements have been made for disposal of waste, drainage provision, whether a suitable vehicular access can be provided, the impact upon traffic levels, among other considerations. There was no in-principle objection to the keeping of horses.

Policy E16 of the current Local Plan sets out that for major development planning permission will not be granted for significant development which would result in the irreversible loss of best and most versatile agricultural land, save for where the following apply:

- 1) the benefits of the proposed development outweigh the harm resulting from the loss of agricultural land,
- 2) there are no otherwise suitable sites of poorer agricultural quality that can accommodate the development, and
- 3) the development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land.

The proposal would see a change to an equestrian rather than agricultural use, however this would not be likely to interfere with the aims of the above policy. Whilst the land appears to constitute best and most versatile agricultural land from the Natural England provisional agricultural land classification GIS mapping, the proposed works would not result in an

irreversible loss, as it would be possible to return it to an agricultural use again by removing the horses.

The proposed development is, therefore, considered to be acceptable in principle, subject to the assessment of all other material planning considerations, including the impact on the character and appearance of the surrounding area, the living conditions of neighbouring occupiers, archaeology, ecology and biodiversity, highway safety, and other matters.

### **Character and Appearance**

Paragraph 130 of the National Planning Policy Framework (NPPF) states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Paragraphs 174-175 set out that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land. Development should, wherever possible, help to improve local environmental conditions such as air and water quality. It goes on to say that plans should distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in the Framework.

Policy QD02 of the Thanet Local Plan outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme. Policy SP24 sets out that proposals for development in the countryside should be of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics. Any environmental impact should be avoided or appropriately mitigated.

The proposed change of use would see the further expansion of fields for the keeping of horses. Of itself this would not be likely to materially alter the character of the wider area, with the adjacent fields already in use for this purpose, and notable field shelters and structures, along with boundary treatments separating paddocks.

In terms of the appearance of the area, the site sits within the identified Wantsum North Slopes Landscape Character Area as designated under Policy SP26 of the Thanet Local Plan. Both policies SP24 and SP26 of the Thanet Local Plan seek to protect special landscapes and the rural character of the countryside by requiring development proposals to be of a form, scale, and size which is compatible with, and respects the character of, the

local area, and seeks to avoid skyline intrusion that would harm the openness of the landscape or prevent wide and long views across the the Wantsum Channel.

The Landscape Character Assessment identifies the Wantsum North Slopes in the following way:

This landscape is characterised by sloping topography, which forms fairly steep south facing slopes rising above and forming the North Shore of the Wantsum Channel. It comprises regular arable fields and the settlements of former 'port' villages.

A regular, rectilinear field pattern, with few defining boundary features between the fields creates a large scale, open landscape. Large fields of asparagus on the eastern slopes create a distinctive seasonal landscape. Localised areas of trees occur around isolated farm buildings and roadside dwellings, and some hedgerows run along the straight roads that connect the villages.

The document goes on to identify key qualities and sensitivities within the area, including long uninterrupted views from the south facing slopes across the flat landscape of the adjacent marshes and over Pegwell Bay and the sea, the sparsely settled landscape (outside the villages) with trees situated around villages and farmsteads which provides a rural agricultural backdrop to the marshes, and the role it has in providing a rural backdrop and largely undeveloped ridgeline and slopes to the adjacent marshes.

Despite some associated structures, a sense of openness would be retained here. Animal movement and the absence of other physical built form, along with the need to graze and the continued presence of green pastures, would retain an element of openness across the landscape. The use is considered to be compatible with the agricultural operations of the wider farm complex and countryside location, and therefore there is not considered to be any harm to the character and appearance of the area.

It is noted that a number of earth bunds have been formed to the southwestern part of the site. These comprise, and when finished are proposed to form, one long bund running eastwards towards a new access track that would sit adjacent to a 'U-shaped' bund facing north, east, and south. Another bund would sit between the car parking area and lunge. Finally a long bund would run across the southern part of the site covering the area for vehicle parking, the lunge, and the sand school. The following dimensions are given as maximum measurements for each:

- Single western bund north of car park - 77.3m long x 19.5m wide and up to 3m high
- Top of U-shaped bund north of sand school - 69.6m long x 20.8m wide and up to 3m high
- Middle of U-shaped bund east of sand school - 25m long x 19.5m wide and up to 3m high
- Bottom of U-shaped bund south of sand school - 62.3m long x 9.5m wide and up to 2m
- Southern bund along the bottom - 155m long x up to 11m wide and up to 2m high
- Additional bund added - 38.6m long x 18m wide and up to 3m high

The proposed sand school and lunge area would be open internally, though screened by the bunds. These features may create a more formalised appearance when compared with the adjacent paddocks, however views into the area would be likely to be limited from public vantage points owing to the height and length of the earth bunds and it is not considered uncommon to find facilities like these in countryside locations. Horses from the adjacent lower fields would be able to use and access these facilities and areas. It is stated by the applicant that the bunds are required to provide seclusion and separate movements between horses using this area and those in the adjacent areas, including vehicle movements. It is stated that the horses are sensitive to their surroundings, movement, and noise.

The bunded areas here would sit in line with an existing embankment lined with trees along the northern perimeter of the farm complex, where there is significant drop in land levels to one side. This existing embankment, given the additional tree coverage over it, blocks views across the coastal edge, and out to sea. The proposed bunds do not extend any further than this line, and the current planting scheme agreed by the applicant with KCC would be for a species rich grassland mix to be managed and is a recommended condition by KCC. Views from the entrance track off of Chalk Hill indicate sporadic tree coverage along the cliff top, and some structures. The bunds therefore do not appear to materially alter or harmfully intrude upon the skyline or openness of this area. They have been grassed/become self-seeded and blend with the landscape to a degree. The works would be reversible and the bunds could be levelled if no longer required later. Therefore, on balance, they are not considered to be significantly harmful or to conflict with the overall aims of policies SP24, SP26, or QD02 of the Thanet Local Plan or the aims of the NPPF.

Although it is not considered necessary or reasonable to condition the hours of use given the keeping of live animals and animal welfare considerations, there could be an impact from the use of the sand school and lunge in terms of lighting and darker days or evening activity which could have a landscape impact. As a result it is considered appropriate to require a lighting design condition in connection with the aims of policies SP26, QD02 and QD03.

The proposed new tracks create a more formalised arrangement and cut into otherwise open fields. Given the otherwise green space retained, along with the need to access paddocks and move horses, the principle of the tracks are considered to be acceptable. It was raised with the applicant that the existing access track that has been formed appears wider than may be necessary and justification for this was sought. The applicant's agent has set out that large vehicles associated with the farm holding use the existing access tracks, and that there is a level of movement associated with the businesses within the farm courtyard and distribution units there. It is set out that at times vehicles take up a larger amount of the track width and the proposed new track has been designed to allow for a larger space to avoid conflict between horses and commercial or agricultural vehicles. Whilst the currently proposed access track appears to be larger than required, it is not considered significantly harmful enough as to refuse the application. This track, along with the others proposed, could be removed if no longer needed later, and is viewed in the context of the intended land use.

Finally a parking area is proposed to the southwestern corner of the site. This will be comprised of Type 1 material and hold up to 60 vehicles. It is likely that the use will be

intermittent and not at full capacity the majority of the time, with individual horse owners attending at varying times. Formalised parking at this level would create a change in the overall appearance of the site, and could lead to a change in character, however given that the resulting change of use and other development have been considered to be acceptable, parking would be expected here. The majority of the parking would be obscured from Chalk Hill and surrounding public access paths by the northwest bund, and on balance, the works are not considered significantly harmful enough as to refuse the application.

To the south of the site there are two Grade II listed WW2 Gun Emplacements. Paragraphs 199 and 202 of the National Planning Policy Framework (NPPF) advise that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation. In determining applications great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Policy SP36 sets out that the Council will support, value and have regard to the historic or archaeological significance of Heritage Assets by protecting the historic environment from inappropriate development. Policy HE03 sets out that the Council supports the retention of local heritage assets, including structures, features and gardens of local interest. Proposals that affect both designated and non-designated heritage assets will be assessed by reference to the scale of harm or loss of the significance of the asset in accordance with the criteria set out in the NPPF. In this case the Council's Conservation Officer has reviewed the scheme and raised no objections to the impact of the works on the listed assets.

Given the site's location, change in land levels, previous planning history, and the above, the proposed works are not considered to result in any significant harm.

### **Living Conditions**

Paragraph 119 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 130 states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for future users. Policy QD02 of the Thanet Local Plan outlines that new development should be compatible with neighbouring buildings and spaces, and should be inclusive in its design for all users. It should improve people's quality of life by creating safe and accessible environments and promote public safety and security. Policy QD03 outlines that new development must not lead to unacceptable living conditions through overlooking, noise, vibrations, light pollution, overshadowing, loss of natural light or a sense of enclosure.

The change of use of land would be likely to create a more active and perceivable use in this location. However, the site area is set away from neighbouring property occupiers and is therefore unlikely to result in any perceivable harm. To the south east with Coastguard Cottages, the site would be some 250m north of residential properties in this location. Although there could be more comings and goings and associated noise from increased numbers of horses across the wider area, the separation distances concerned, along with the access from Chalk Hill to the northwest point of the site, are likely to mean that no new

harm would occur. Although there are properties to the northwest along Sandwich Road, these are over 260m away and located south of the access point on to Chalk Hill. As a result there is not likely to be any harm to occupiers in this location. The proposal would see an intensification of the wider area for the keeping of horses and this may generate more overall noise and movement, as identified above. Within the farm complex there are some residential buildings. These are set within the envelope of an existing agricultural business and associated rural activities, like the keeping of horses, would not be uncommon or unexpected in such a location and therefore given the surrounding environment and location, the works are not considered likely to result in harm.

In terms of the impact on the commercial farm operations, the keeping of horses is an already established practice here. There are mixed uses on the wider farm site already, including storage and distribution, and separate parking arrangements / access points have been provided.

The Environment Agency initially raised an objection to the proposal, setting out that the site lies within a Source 1 Protection Zone and the potential effluent run-off / leachate from manure heaps stored on site are likely to result in a significant risk to ground water resources from which supplies of potable water are obtained (high quality water supplies usable for human consumption). They identified that:

*“Equestrian developments have the potential to produce large quantities of environmentally damaging effluent from stable washings contaminated with foulings, water which has been used for hay soaking and leachate from manure heaps.*

*Controlled waters are sensitive in this location as the proposed development is located within a Source Protection Zone 1, upon a Principal aquifer.*

*No clear detail has been provided within the application as to the volume of manure expected to be produced, or how the manure is to be stored, or how leachate runoff is to be managed. The site is situated within a Nitrate Vulnerable Zone and A Drinking Water Groundwater Safeguard Zone.”*

The Thanet Local Plan provides some useful background information in relation to groundwater protection in the district and states that:

*“Thanet's groundwater is of poor quality and is vulnerable to contamination due to Thanet's thin soils and cracks in the chalk rock, which means pollution would soak through quickly to the groundwater ..... (para 16.12)*

*..... Once the chalk and groundwater is contaminated at a site by a substance it can take decades to clean-up. The Council and the Environment Agency have worked hard to prevent contamination by consistently applying Groundwater Protection policies to any proposed land use changes in Thanet to reduce potential future impact. (para 16.14)*

Under the Water Framework Directive (WFD), the 'Kent Isle of Thanet Groundwater Body' has been classified as poor status for the groundwater quality and quantity. The groundwater is impacted by nitrates, pesticides, solvents and hydrocarbons at levels that are of concern. Thanet's groundwater is currently a candidate Water Protection Zone (WPZ). These zones

are used in areas identified as being at high risk as a 'last resort' when other mechanisms have failed or are unlikely to prevent failure of WFD objectives..... (para 16.15)

..... The poor groundwater quality cannot be attributed to just one source. In Thanet there are considerable risks to the groundwater from both urban and rural activities. These risks are intensified by the compact nature of the district.” (para 16.16)

Policy SE04 of the Thanet Local Plan seeks to address these concerns and sets out that proposals for development within Groundwater Source Protection Zones will only be permitted if there is no risk of contamination to groundwater sources. If a risk is identified, development will only be permitted if adequate mitigation measures can be implemented.

The applicant’s agent has set out that manure has been stored within the agricultural holding for two decades. Previously planning permission was given in respect of the same development to the south of the site, and a manure storage area was agreed between land at the A299 and Sandwich Road. The manure is stated to be stored and then spread on the farmland and the applicant therefore submits that no licences are required from the EA and states:

“This situation remains unchanged, and there is more than adequate capacity to accommodate the additional waste generated by the proposed change of use, a significant degree of which has already been implemented due to the desperate need to meet the unmet demand for horse grazing generated by the closure of Crumps Farm but without resulting in any adverse environmental conditions.”

The EA responded by setting out that no permit had been applied for because there was not formerly a proposal for storing manure within the Source Protection Zone (1). Subject to manure being stored outside of the Source Protection Zone, the EA confirmed that there would be no objection.

The applicant shared with the Council information and maps that had previously been discussed by them with the EA directly in relation to the whole farm holding and areas across it that fell outside of Zone 1. The EA were asked separately by the Council to comment further on the potential for storing manure within the wider holding but outside of Zone 1 and they confirmed that two thirds of the holding fall outside of Zone 1 and could be used to store manure. As the lead authority for this matter the EA have not required the LPA to condition the location for storage but have asked that an informative be added to any potential approval to remind the applicant of the suitable areas in which to store manure. The Council’s Environmental Health Team have reviewed the application and raise no further objections following discussions with the EA.

The EA have requested an unsuspected contamination condition. The Parish Council have raised concerns about how such a condition would be discharged and dealt with. If contamination is found on site, the applicant would be able to make the relevant application to the Council who would consult with the EA and the Council's own Contamination Officer within the Environmental Health Team. An agreed upon approach would then be found.

Given the above, the proposal is, therefore, considered to comply with the aims of policies QD02, QD03 and SE04 of the Thanet Local Plan and the guidance of the NPPF.

## **Archaeology**

Thanet is an area rich in archeology, with a long history of trade, settlers and invasion and defence given its former island status and proximity to Europe. Paragraph 190 of the NPPF sets out that LPAs should avoid or minimise any conflict between a heritage asset's conservation and any aspect of a proposal. Policy SP36 of the Thanet Local Plan sets out that the Council will support, value and have regard to the archaeological significance of heritage assets by protecting the historic environment from inappropriate development. Policy HE01 sets out that the Council will promote the identification, recording, protection and enhancement of archaeological sites, monuments and historic landscape features and that development proposals adversely affecting the integrity or setting of Scheduled Monuments or other heritage assets will normally be refused. Where development would be likely to affect a site of archaeological importance, preservation in situ will be sought. If this is not possible or justified appropriate investigation and recording will be required.

Having regard to Kent County Council's (KCC) environment map for this area, there is the potential for significant finds. Records include pillboxes, neolithic pits, crop marks, the recording of an anti-invasion defence site, iron age coins, and the possible location of a Grubenhous (timber building from 5th-8th centuries based around a sunken hollow). The same records seem to indicate that most of these had gone by the 1960s.

KCC have not responded to requests for comments on this application, however the proposal does not involve any below ground works of significance, with excavations stated to be a maximum of 0.6m below ground, and therefore no mitigation is currently considered necessary.

## **Ecology and Biodiversity**

Paragraph 174 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and



f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Policy SP30 of the Thanet Local Plan sets out that development proposals will be required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets through the restoration / enhancement of existing habitats, the creation of wildlife habitats, the creation of linkages between sites to create local and regional ecological networks, the enhancement of significant features of nature conservation value, the protection and enhancement of valued soils, and by providing mitigating against the loss of farmland bird habitats. It goes on to set out that for sites where important biodiversity assets, including protected species and habitats including SPA functional land, or other notable species, may be affected, an ecological assessment will be required to assess the impact of the proposed development on the relevant species or habitats. Planning permission will not be granted for development if it results in significant harm to biodiversity and geodiversity assets, which cannot be adequately mitigated or as a last resort compensated for, to the satisfaction of the appropriate authority.

KCC have reviewed the application and site history and state that no ecological information or mitigation is required based on the limited potential for protected/notable species to be present on the site. However they have requested that the proposed earth bunds be planted with a species rich grassland mix and to ensure this is appropriately managed to help achieve a net gain. A condition is recommended to achieve appropriate landscaping.

The suggested condition wording by KCC would be a prior to commencement condition, however given that the works are part-retrospective this would not be appropriate. The applicant's agent has requested that consideration be given to a minimum period of 12 weeks to prepare the necessary information to comply with the condition owing to the pending Christmas period and difficulty obtaining the services of qualified ecologists in the wake of the formal introduction of biodiversity net gain requirements expected from January. Given the current circumstances a 12 week period is considered to be acceptable by Officers.

## **Highways**

Paragraph 104 of the NPPF requires that transport issues be considered at the earliest stages of plan-making and development proposals. 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.

Policy QD02 outlines that new development proposals should incorporate a high degree of permeability for pedestrians and cyclists and provide safe and satisfactory access for pedestrians, public transport and other vehicles. Policy TP06 outlines that proposals for development will be expected to make satisfactory provision for the parking of vehicles. Suitable levels of provision are considered in relation to individual proposals, taking into account the type of development proposed, the location, accessibility, availability of opportunities for public transport, likely accumulation of parking and design considerations.

There is a public right of way immediately north of the site, running along Chalk Hill. Kent County Council (KCC)'s Public Rights of Way Team have raised no objections in relation to the proposal.

Parking is proposed for up to 60 vehicles and 20 horse boxes. There is an existing access track to allow movement to the proposed parking area, and unmarked space for ad hoc parking. In terms of vehicle and pedestrian movements to and from the site, KCC Highways have requested additional information in relation to vehicle tracking at the junction from Chalk Hill. The applicant has responded to this by setting out that the track is for horses only, to separate out their movements and vehicles, and that vehicle movements are intermittent, and not all owners will attend the site at the same time. They state that *"The existing paddocks and stables have operated, without any incident on Chalk Hill or at the junction with Sandwich Road, for more than two decades, and there is no reason to assume that any such incidents would now arise. Indeed, Kent Highways have raised no objection, only seeking to clarify turning arrangements at the Chalk Hill junction, but, as has been pointed out in previous correspondence, this junction has operated successfully for over 20 years and there is clearly no need to demonstrate that adequate room is available for the turning of vehicles, whether or not horse boxes are being towed."*

The applicant went on to set out that:

*"In addition to the points previously made, not only has the junction of Chalk Hill with Sandwich Road been used by cars towing horse boxes and transporters for the past 20 years, it has also been used by commercial vehicles for more than 20 years in connection with lawful B1 and B8 purposes, and for far longer by very substantial agricultural vehicles. In fact, planning consent was granted under F/TH/16/1417, without being considered as 'non protocol', for 2,170 sq m of B8 floorspace, giving rise to unlimited and uncontrolled movement of HGV's at this junction, and to which no objections were raised and no swept path analysis was required to demonstrate that such movements could be accommodated. The requirement for such analysis in connection with the additional movement of exactly the same type of horse use related vehicles which have operated for two decades is therefore entirely without any foundation, when the vehicles involved are smaller than those associated with the commercial units, and there is absolutely no evidence of any problems with the use of the junction in question by articulated vehicles.*

*With regard to vehicle parking, the proposed area has been clearly identified on the submitted plan. The spaces have not been shown as being marked out, simply because they will not be marked out on the ground, as the surface is a Type 1 material. However, there is no question that an area measuring around 30m x 40m can accommodate at least 40 vehicles. In this respect, experience has shown that not all horses are tended at the same time, and even at peak times, the area identified will be of sufficient size. This has been confirmed by the use of the previously approved parking area, relative to the extent of the area approved under 20/0876 for paddocks and grazing, and, proportionally, the parking area now proposed far exceeds that previously approved. In addition, horse boxes that are towed and horse transporters are only used when horses are moved to and from the paddocks, which is far less frequently than the single cars which visit in order for owners to care for their animals on a regular basis."*

KCC were asked for further comments but none have been received. In the absence of any further representations and on the basis of the existing relationship with farm and commercial vehicles, along with the slower anticipated movements of horse boxes, there is no considered to be sufficient justification as to refuse the application on highway grounds.

Concerns have been raised that slow moving vehicles joining or exiting the main highway network could result in harm to highway users, and that damage has been caused to the fabric road surfaces. Given the agricultural use of the site there is an expectation that larger or slower moving vehicles would be using the access track and the highway network and, therefore, there would not be considered to be any increased adverse impact on highway safety in the surrounding area.

### **Other Matters**

In addition to the above considerations, concerns have been raised by Cliffsend Parish Council regarding the sufficiency and accuracy of information presented, whether retrospective works should form a separate application, the storage of hazardous materials that aren't in the current submission, hours of use, and whether the car park would form an independent use.

The Council has sought further information and clarification on a number of areas concerned and is satisfied that there is sufficient information between this and a site visit to be able to consider the application.

There is no requirement to separate out retrospective and prospective works into separate applications.

Matters outside of the application can be directed to the Council's Planning Enforcement Team or Environmental Health Team which cause concern.

The applicant has confirmed that they have not proposed any specific restricted times for the use of the site in the event of a medical emergency or one of the horses requiring care and attention. It would be unreasonable to impose a condition that horses could not be kept on the land at certain times or that they could not be tended to. Given the countryside location and distance from neighbouring dwellings, it is not considered necessary to impose a condition restricting hours of use and is unlikely to be enforceable.

The proposed car park is stated to be in connection with the change of use of the site. If this was used independently of the site then enforcement action could be considered.

### **Conclusion**

The proposed change of use would assimilate with the agricultural use of the land, without causing harm to the best and most versatile agricultural land, or the aims of Policy SP26 of the Thanet Local Plan or Policy QD02. Although initial concerns were raised about the impact of storing manure on the site in relation to public health and the source protection zone, the EA and the applicant have agreed that there are areas across the wider farm

holding where manure can be safely stored and all objections surrounding this matter have been withdrawn. The proposal includes measures to provide biodiversity net gain and no objections have been received in relation to any highway impacts sufficient as to refuse the application. Therefore, on balance, the application is recommended for approval. Enter Text here

**Case Officer**

Vicky Kendell-Bryant

TITLE:

F/TH/23/0850

Project

Little Cliffsend Farm Chalk Hill RAMSGATE Kent CT12 5HP

