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Planning Statement

Bellgrove Stud Farm, Halstow Lane, Upchurch,
ME9 7AB

CLIENT: MR TYE SIMMS

MARCH 2024
JAC/PD/16697



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1	Unaudited Financial Statements (Year ended 31 March 2023) (TO BE REDACTED)
2	Multiple Year Trial Balance (2023-2020) (TO BE REDACTED)

1 INTRODUCTION

1.1 OVERVIEW

- 1.1.1 This planning statement has been prepared by DHA on behalf of Mr Tye Simms ('the applicant'). The Applicant seeks to replace the existing permanent mobile home with a 2-bedroom bungalow at Bellgrove Stud Farm, Halstow Lane, Upchurch, ME9 7AB.
- 1.1.2 We note that planning permission 18/503080/FULL sought to vary condition 4 pursuant to application SW/10/0485, to allow unrestricted overnight use of the mobile home by the applicant, employees and customers of Stud Farm. This was approved by Swale Borough Council on the 7 May 2019.
- 1.1.3 This statement provides an overview of the site, its context, and the relevant planning history, as well as a review of the applicable Development Plan policies, the National Planning Policy Framework and other relevant guidance.

1.2 SUPPORTING DOCUMENTATION

- 1.2.1 This statement should be read in conjunction with the following suite of documents:

REFERENCE	DOCUMENT
	Application Form
JAC/PD/16697	Planning Statement (this document)
	Location Plan
21/2550A	Existing Block Plan
23/3642	Proposed Block Plan
23/3643	Proposed Plans and Elevations
Appendix 1	Unaudited Financial Statements (Year end 31 March 2023)
Appendix 2	Multiple Year Trial Balance (2023-2020)

TABLE 1.1: SUPPORTING DOCUMENTATION

2 SITE CONTEXT

2.1 SITE OVERVIEW (TO BE REDACTED)

- 2.1.1 The application site is located just outside the village confines of Lower Halstow, approximately 140m to the north-west along The Street.

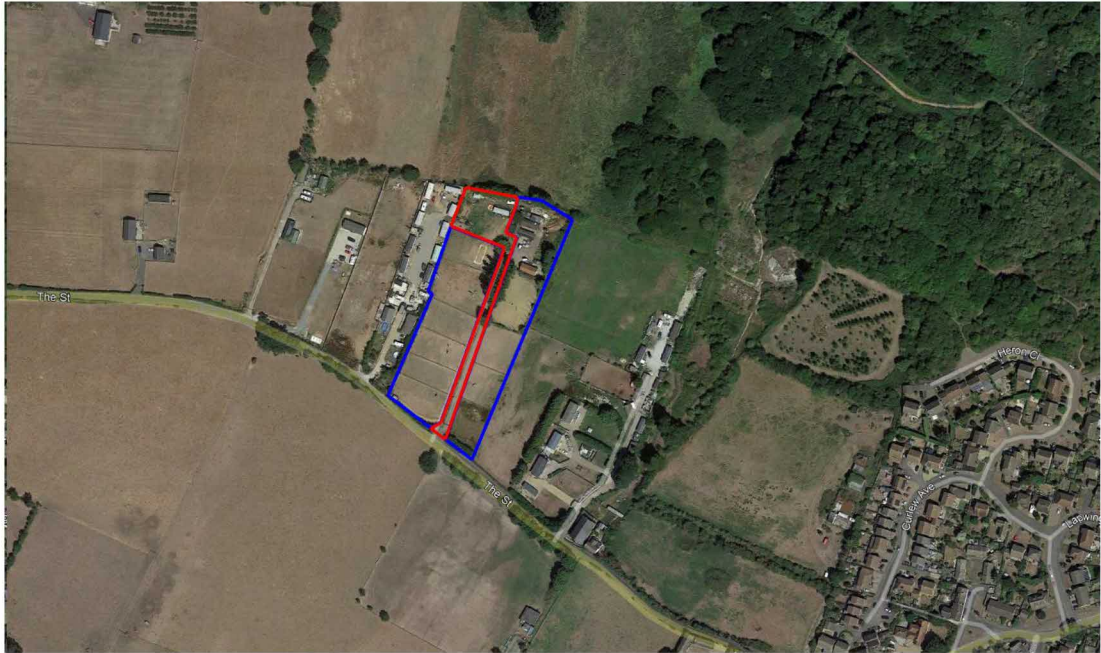
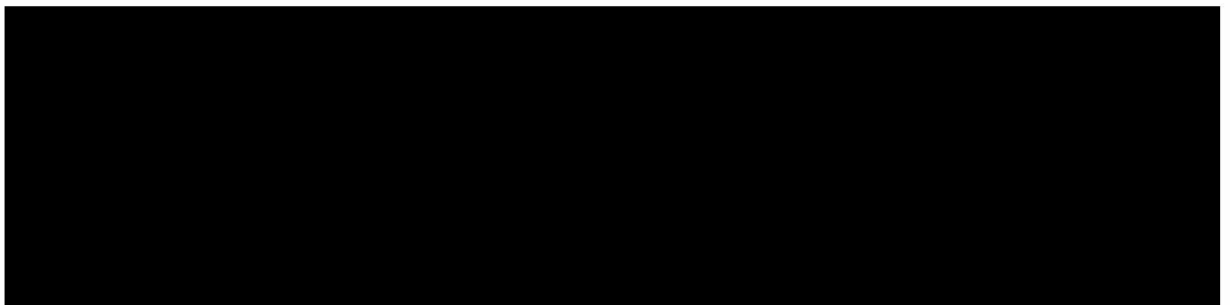
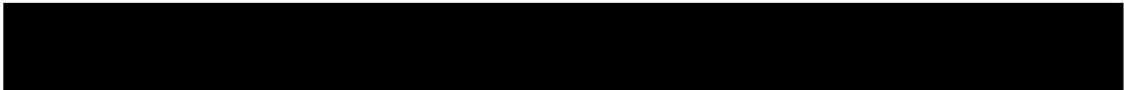


FIGURE 2.1: SITE LOCATION (COURTESY OF GOOGLE EARTH)

- 2.1.2 The wider site is a commercial stud farm which following the grant of planning permissions, now comprises 3no. birthing stables, an insemination laboratory with an ultrasound scanner, 7no. high-quality stables, and paddocks. There is also a sand school area within the wider site where 4-5 riding ponies and horses, including a Stallion, are schooled. Fibre has been installed on the site. The client owns a range of horses and ponies, including a Stallion (brother to a Beijing Olympian horse), a highly valuable asset.

- 2.1.3





2.1.4 The red line area, subject to this application, currently accommodates a caravan for permanent use by the business owner, employees and customers of the stud farm as permitted under the variation of condition 4 application 18/503080/FULL, pursuant to application SW/10/0485. The Applicant lives on the site and the accommodation is also for his young son who lives with him on a permanent basis.

2.1.5 The site is mostly within Flood Zone 1 with the northeastern most corner just located in Flood Zone 2, however there are flood defences to the north.

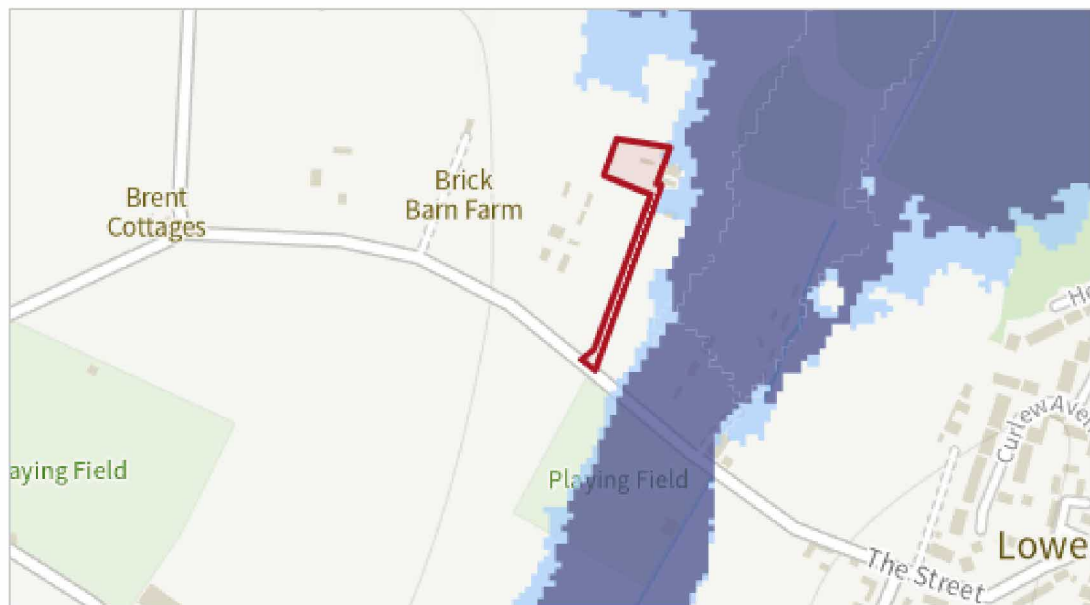


FIGURE 2.2: FLOOD ZONE MAP

2.1.6 The closest heritage asset is the 'Green Farmhouse' Grade II listed building, located over 400m to the southeast of the site.

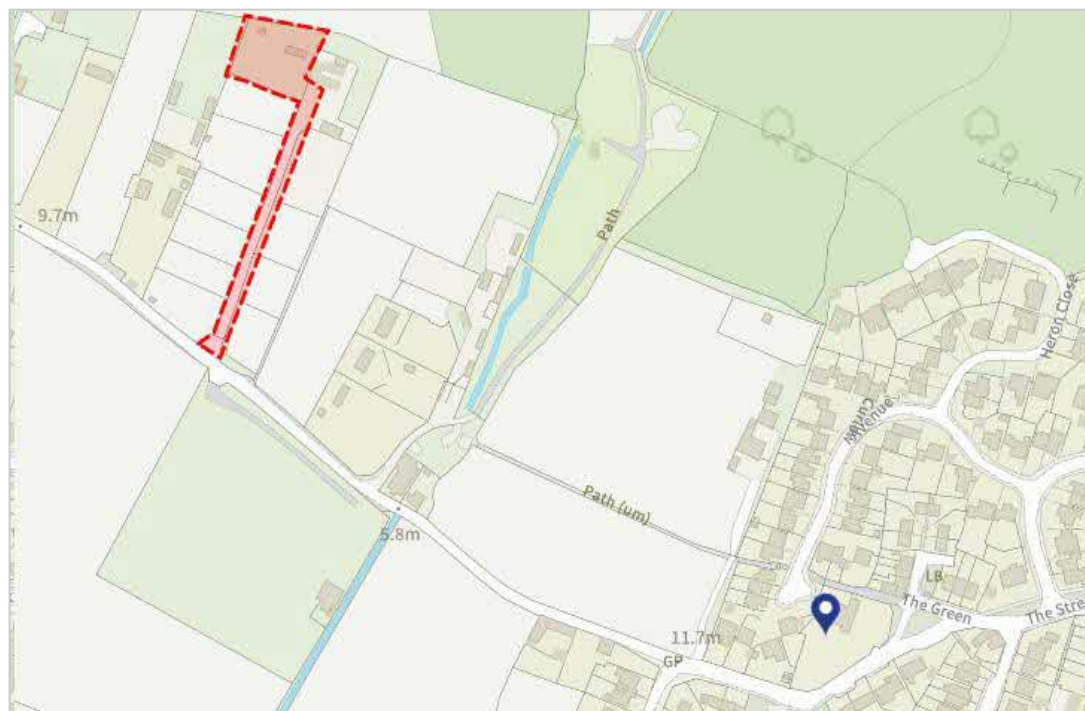


FIGURE 2.3: LOCAL HERITAGE ASSET (HISTORIC ENGLAND)

- 2.1.7 There is a Public Right of Way (PROW) to the north of the site, outside the applicant landownership, under reference 0278/ZR32/3, which runs down the northern side of the site towards Lower Halstow. However, due to the sites tree and hedgerow planting, there are limited views into the developed areas on the site.
- 2.1.8 The site is not located with an Area of Outstanding Natural Beauty (AONB), however it is approximately 380m southwest of the Medway Estuary and Marshes Ramsar site which is also a Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI), in which the site falls within the SSSI impact risk zone for. To the east of the site there is a priority habitat inventory for deciduous woodland. The proposal does not however involve an increase in the residential accommodation at the site.
- 2.1.9 In terms of transport, the site is a 7-minute walk into Lower Halstow, where there are bus stops providing bus services to Rainham, Gillingham, Chatham, Otterham Quay, Snipeshill and Sittingbourne. The nearest train station is Newington Station, south of the site, which is an 8-minute drive.
- 2.1.10 The village of Lower Halstow provides day-to-day local services for residents including a village shop, a church, a primary school, a memorial hall, and a pub, along with local businesses. For a wider range of services and facilities, Rainham

Town is located an 11-minute drive from the site, with local bus routes providing services too.

2.2 PLANNING HISTORY

2.2.1 According to Swale Borough Council's planning history website, the site has been the subject of the following planning history:

REFERENCE	DESCRIPTION	DECISION AND DATE
21/501145/FULL	Removal of a mobile home and erection of 1 No. detached dwellinghouse.	Withdrawn 18/01/2022
19/504375/FULL	Erection of building to house laboratory, equine stock and welfare unit and the erection of 3no. birthing stables.	Granted 28/07/2020
18/503080/FULL	Variation to condition 4 of application SW/10/0485 (change of use from stabling for private use to commercial stud farming and livery) to allow unrestricted overnight use of an existing caravan/mobile home by the applicant, employees and customers of the stud farm.	Granted 07/05/2019
SW/13/1563	Variation of condition 4 of SW//10/0485 to allow unrestricted overnight use of the caravan/mobile home by employees and customers of the stud farm.	Refused 21/02/2014
SW/10/0 485	Change of use from stabling for private use to commercial stud farming and livery to site a caravan on site for use of permanent staff and owners of pregnant mares for 4 nights in any week and all day time use.	Grant of Unconditional (stat 3yrs)
SW/10/0 098	Change of use from stabling for private use to commercial stud farming and livery. To site a caravan on site for use of permanent staff and owners of pregnant mares for 4 nights in any week and all day time use.	Withdrawn 25/03/2010
SW/01/0965	Erection of 5 stables, a tackroom, feedroom and haystore.	Grant of Conditional PP 11/12/2001
SW/01/0901	Erection of a block of 3 stables, a hay store and secure tack room.	Returned 29/10/2009
SW/00/0 956	Horse walker and menage.	Grant of Conditional PP 24/07/2001

SW/00/1127	Erection of 12 stables, a hay store and food store.	Refused 02/08/2001
SW/94/0724	Three-unit stable block & barn for private use.	Grant of Conditional PP 21/11/1994
SW/93/0933	3-unit stable block for private use.	Grant of Conditional PP 31/01/1994

TABLE 2.1: RELEVANT PLANNING HISTORY

- 2.2.2 It is evident from the above permissions, that the site has become a commercial stud farm with provision of stables and paddocks for customer use, along with an insemination laboratory for foaling with birthing stables on site to support this commercial business. The Applicant has now operated this business successfully for a considerable period.
- 2.2.3 In addition, the Applicant has now invested very considerably in both birthing stables, and an insemination laboratory and facility. As a site visit will confirm, both the birthing stables and laboratory/insemination building are very substantially built and of very high quality. These buildings include brick plinths and traditional weatherboarding with good quality, rural appropriate roofing materials.
- 2.2.4 The site Owners/Applicant has been able to construct these buildings while continuing to operate the stud farm business. He has undertaken some works himself, but the level of investment is substantial.
- 2.2.5 Notwithstanding this, he has managed to still operate the business with reasonably good income. It is clear that now that both facilities are constructed, the stud farm can now utilise these facilities to very significantly increase income and profit levels.
- 2.2.6 The reality therefore is that the site accommodates a pursuant, albeit mobile residential home, as well as stud farm facilities that have involved significant investment. This is a matter we return to below.
- 2.2.7 As previously mentioned, planning permission 18/503080/FULL sought to vary condition 4 pursuant to application SW/10/0485, to allow unrestricted overnight use of the mobile home by the applicant, employees and customers of Stud Farm. This was approved by Swale Borough Council on the 7 May 2019. Therefore, in principle, a residential dwelling in connection with the equine business on site, is considered acceptable to provide 24-hour security and management in case of emergencies.

3 THE PROPOSED DEVELOPMENT

- 3.1.1 The Applicant seeks to erect a single storey, 2-bedroom dwelling to replace the mobile home, to provide permanent living for the site and business owner and his son.
- 3.1.2 As previously mentioned, the mobile home has a permanent permission with unrestricted overnight use. This removal of the mobile home, and erection of a bungalow will not alter the use of the site materially. In view of the value placed on the site by the permanent permission for a residential mobile home, there is no realistic prospect that site owners will not continue to site a mobile home.
- 3.1.3 In any event, we note that a mobile home could be up to approximately 20m x 6m, i.e. 120sqm. The proposed bungalow is only 16.46 x 8.626, i.e., approximately 142sqm.
- 3.1.4 We consider that the use of a design and materials to match the existing buildings on site is highly preferable. As a consequence, the visual impact of the proposal will not be materially different to that which can otherwise be placed on the site.
- 3.1.5 In general terms, the layout of the proposed dwelling will remain similar to the existing mobile home that is permanently sited on the plot. We consider the use of traditional materials to match existing structures is beneficial.

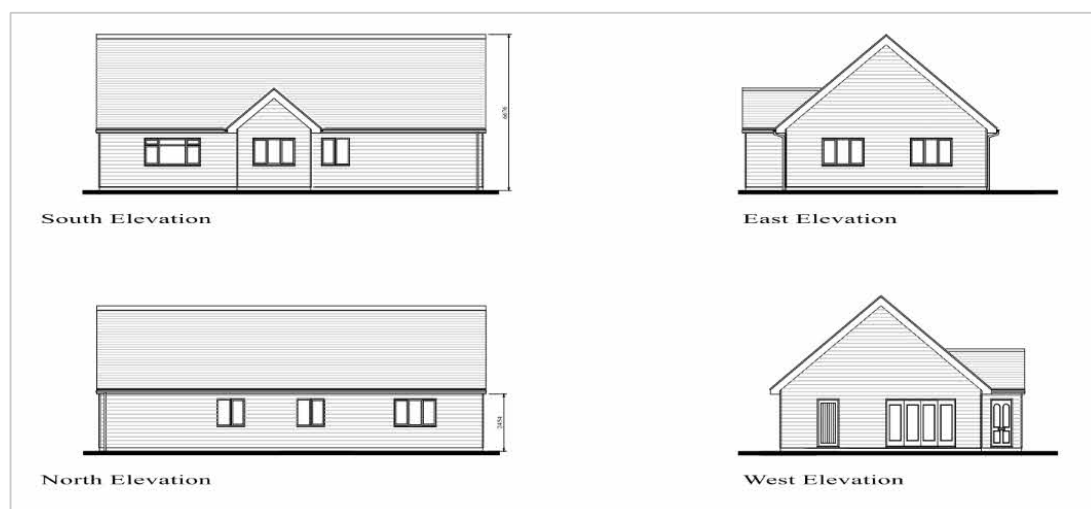


FIGURE 3.1: PROPOSED PLANS AND ELEVATIONS (23/3643)

- 3.1.6 The dwelling will be single storey with a pitched roof to ensure the rural aesthetic is maintained.
- 3.1.7 The external walls of the dwelling will comprise horizontal timber cladding to create a barn like appearance, with a plain tiled roof.

- 3.1.8 On the southern elevation there will be a porch, and three window sets. The northern elevation will also comprise three sets of windows, with the eastern elevation comprising two. The western elevation will comprise three separate doorways; one leading into the porch, and the other two leading into the open plan kitchen/living area.
- 3.1.9 The internal layout of the property will comprise an open plan kitchen/living area, an office, two large double bedrooms and one family bathroom. The internal layout will house the essential living spaces for the applicants to live and work out of to run their Equine business.

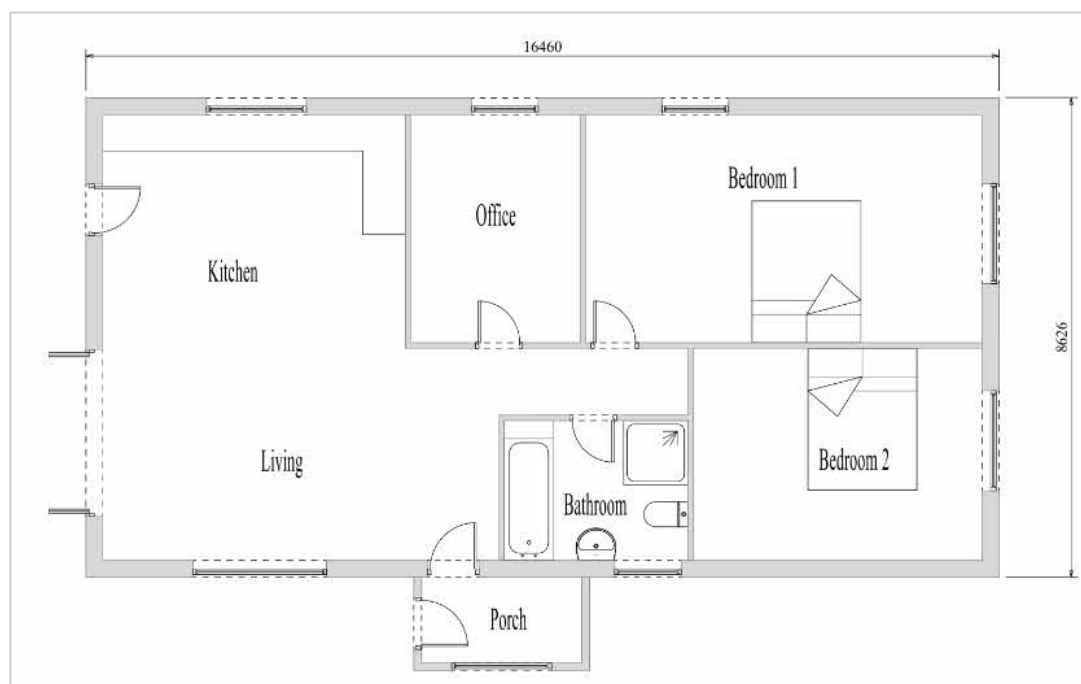


FIGURE 3.2: PROPOSED PLANS AND ELEVATIONS (23/3643)

- 3.1.10 Surrounding the plot of land where the proposed replacement dwelling is proposed, the applicants have over the last few years have planted new native trees to screen the mobile home from the rest of the site for added privacy. This screening will be retained with additional hedgerow and scrub planting along the boundary.
- 3.1.11 The site benefits from its own private access. This access off The Street will be retained for use by the dwelling alongside the wider equestrian business on site.

4 PLANNING POLICY CONTEXT

4.1 OVERVIEW

- 4.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70 of the Town and Country Plan Act 1990 requires planning applications to be determined in accordance with the statutory development plan unless material considerations indicate otherwise.
- 4.1.2 For the purposes of this planning application, the Development Plan for Swale Borough Council is the Bearing Fruits Local Plan (BFLP), adopted in July 2017.
- 4.1.3 In addition to the development plan, the Government's updated National Planning Policy Framework ('NPPF') revised in December 2023 will be considered. The NPPF sets out the Government's requirements and policies for planning in England and must be treated as a material consideration.
- 4.1.4 This chapter highlights the parts of the NPPF and development plan that are relevant to this application and the weight that can be given to the existing adopted policies as a precursor to a review of the development plan.

4.2 DEVELOPMENT PLAN

- 4.2.1 The Swale Borough Council Local Plan: Bearing Fruits 2031 was adopted in July 2017. It is the core document for the Local Planning Authority to set out the vision and strategy for the area from 2014 to 2031. Policies applicable to this proposed development are set out below:
- 4.2.2 Policy ST1: Delivering sustainable development in Swale seeks to deliver sustainable development in Swale, by delivering a wide choice of high-quality homes, achieving good design, and conserving and enhancing the natural environment.
- 4.2.3 Policy CP4: Requiring good design states that all proposals are to be of a high-quality design and appropriate to their surroundings.
- 4.2.4 Policy DM3: The rural economy states that planning permission will be granted for the sustainable growth and expansion of businesses and enterprise in the rural area. Planning permission for residential development will not be permitted where this would reduce the potential for rural employment and/or community facilities unless the site/building(s) is demonstrated as having no demand for such purposes or its use would be undesirable or unsuitable.
- 4.2.5 Policy DM7: Vehicle Parking relates to parking and states until such time as a local Swale Borough Supplementary Planning Document (SPD) can be adopted, the

Council will continue to apply extant KCC vehicle parking standards to new development proposals. When prepared, the Swale Vehicle Parking SPD will provide guidelines for development.

- 4.2.6 Policy DM11: Extensions to, and replacement of, dwellings in the rural area states that the Council will permit the rebuilding of an existing dwelling in the rural area only if the proposed new dwelling is of a similar size and proportion, an appropriate scale, mass and appearance in relation to the original dwelling and location, or where it constitutes the most effective use of the land.
- 4.2.7 Policy DM12: Dwellings for rural workers states that planning permission will be granted for new, permanent, rural worker dwellings in the countryside subject to the following:
- (1) There being a clearly established, existing, essential need for the proper functioning of the enterprise for a full-time worker to be readily available at most times;
 - (2) There being no suitable existing dwelling available nearby or in a nearby settlement;
 - (3) The location, scale and design of the dwelling maintaining or enhancing landscape and countryside character; and
 - (4) The siting of the dwelling should, firstly, explore whether there are suitable buildings available for conversion at the enterprise, or secondly, in the case of a demonstrated need for a new building, that it is located as close as possible to existing buildings on previously developed land at the enterprise, or if this is not possible, within the immediate locality on an acceptable site.
- 4.2.8 Policy DM19: Sustainable design and construction sets out that development proposals should include measures to address and adapt to climate change in accordance with national planning policy and guidance.
- 4.2.9 Policy DM20: Renewable and low carbon energy states that planning permission will be granted for the development of renewable and low carbon energy sources.
- 4.2.10 Policy DM21: Water, flooding, and drainage outlines the criteria needed to be addressed when considering the water-related, flooding and drainage implications of the development.

4.3 WIDER MATERIAL CONSIDERATIONS

National Planning Policy Framework (NPPF) (2023)

- 4.3.1 Achieving sustainable development is the core objective for the planning system and the NPPF is built on the premise that sustainable development should go ahead without delay.
- 4.3.2 Paragraph 8 states that there are three dimensions to sustainable development: economic, social, and environmental. These dimensions give rise to the need for the planning system to perform a number of roles, including, contributing to building a strong, responsive, and competitive economy, and identify and coordinate provisions for infrastructure; support strong, vibrant, and healthy communities; and contribute to protecting and enhancing our natural, built and historic environment.
- 4.3.3 Paragraph 38 relates to ‘decision-making’ and states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 4.3.4 Paragraph 55 states that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.
- 4.3.5 Paragraph 82 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, including proposals for community-led development for housing.
- 4.3.6 Paragraph 84 goes on state that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply (edited):
- (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.
- 4.3.7 Paragraph 123 states that planning policies and 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.
- 4.3.8 Paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates

better places in which to live and work and helps make development acceptable to communities.

- 4.3.9 Paragraph 135 is clear that planning decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'
- 4.3.10 Paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
- (a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
 - (b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 4.3.11 Paragraph 180 states that planning policies and decisions should contribute to and enhance the natural and local environment by (edited):

- (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);
- (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.

Emerging Local Plan

- 4.3.12 Swale Borough Council are in the process of carrying out a Local Plan Review in line with Government requirements. Consultation on the Issues and Preferred Options (Regulation 18) took place between 29th October and 29th November 2021. The Council had intended to go back out to Regulation 19 consultation in early 2022. According to the 'Local Plan Review Update and Next Steps' report which was considered at the Policy & Resources Committee meeting in October 2022, it was recommended that the Council pauses work on the Local Plan until the Levelling Up and Regeneration Bill (LURB) gained Royal Assent.
- 4.3.13 At the Policy and Resources Committee in October 2018, SBC decided to defer any decision as to a timescale for the future stages of the Local Plan Review until such time as the national planning landscape is clearer, but independent of this process, to proceed to develop the evidence base regarding local development need and potential.

Parking Standards SPD (May 2020)

- 4.3.14 Section 4 of the SPD outlines that dwellings with on-plot parking need to have 1 Active Charging Point per dwelling.

Swale Landscape Character and Biodiversity Appraisal SPD (2011)

- 4.3.15 This SPD provides a framework for Development Control decisions on matters of landscape character, this is then brought together with the aim of protecting and enhancing biodiversity of development sites.

Swale Five Year Housing Land Supply Position

- 4.3.16 The 2022 Housing Delivery Test (HDT) confirms that between 2021- 22, the Council had delivered 122% of their housing requirement.
- 4.3.17 NPPF paragraph 76 states, that local planning authorities are not required to provide a minimum of five years' worth of housing for decision making purposes where the adopted plan is less than five years old. As the Local Plan was adopted in July 2017, the provisions of paragraph 76 would not apply.
- 4.3.18 In these circumstances, paragraph 226 of the NPPF states that where an emerging Local Plan has either been submitted for examination or has reached Regulation 18 of Regulation 19 stage, including both a policies map and proposed allocation towards meeting housing need, a minimum of a four-year supply of housing will be required. Whilst the Council consulted on the Regulation 18 Local Plan in 2021, they subsequently decided to pause works on the Local Plan (see paragraphs 4.2.33- 34). Given the time which has passed, and no revised timetable being issued in respect of progressing the Local Plan review, it is submitted that the Council would not comply with NPPF paragraph 226 and would therefore be required to demonstrate a five-year housing land supply.
- 4.3.19 Following publication of the revised NPPF on 19th December 2023 and the 2022 HDT, the Council's published position (as of 3rd January 2024), is that it is able to demonstrate a 4.95-year supply of housing, at a base date of 1st April 2023.

5 PLANNING ASSESSMENT

5.1 INTRODUCTION

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

5.1.2 In determining whether the proposal accords with the development plan, the following issues are considered:

The Principle of Development

Functional and Financial Test

Impact on Character and Appearance of the Area

Flood Risk

Heritage Impact

Highways, Access, and Parking

5.2 PRINCIPLE OF DEVELOPMENT

5.2.1 Policy ST3 of the BFLP states, that the use of previously developed land within defined built up area boundaries, or sites allocated by the Local Plan, will be permitted in accordance with the settlement strategy outline. The site lies between Lower Halstow and Upchurch, both identified as Tier 5 settlements displaying more sustainable characteristics due to their proximity to larger villages/settlements and their facility and services provision. The site is outside the defined built-up area of Lower Halstow and Upchurch.

5.2.2 As the site falls outside of the built-up area, it is considered to be 'open countryside' in planning terms. As such, policy ST3 states that development will not be permitted unless supported by the NPPF.

5.2.3 Set out above, Swale are unable to demonstrate a five-year supply of housing, and the current local plan is now more than five years old which therefore means the policies for housing supply are 'out-of-date'.

5.2.4 Given the above, the weight given to the development location conflict with policy ST3 should be significantly reduced due to the policies being out of date, and therefore the Council should adopt a presumption in favour of sustainable development within locations bought forward.

- 5.2.5 As such, paragraph 11 of the NPPF states plans and decisions should apply a presumption in favour of sustainable development and for decision taking this means:
- (d) where there are not relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.2.6 In addition to the above, paragraph 123 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses.
- 5.2.7 In this respect, the site forms part of the wider commercial equine business, with a permanent mobile home already in place on site for use by the owners for residential accommodation. As such, the site falls under the definition of previously developed land. The fact that the permission for the mobile home is permanent is of significant weight in this case, as is the fact that the Applicant has invested a significant sum in constructing both a 'birthing stables' building and a 'laboratory and artificial insemination' building.
- 5.2.8 The consequence of the permissions and level of investment is that it is now highly unlikely that the mobile home would be removed at sometime in the future.
- 5.2.9 We acknowledge that paragraph 84 of the NPPF seeks to avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker to live permanently at their place of work in the countryside. Given the existing mobile home and permanent use on the site and its proximity to the adjoining built-up area boundaries, adjoining uses, and associated infrastructure, it is submitted that the site is not isolated, and that the removal of the mobile home to provide a well-designed rural worker dwelling, would be well-related and acceptable.
- 5.2.10 Furthermore, as stated, the principle of a rural workers residential use on the site has already been established through the extant planning permission 18/503080/FULL which sought to vary condition 4 pursuant to application SW/10/0 485. This has allowed unrestricted use of the mobile home by the applicant.
- 5.2.11 In terms of connectivity, Lower Halstow is a 7- minute walk which provides access to bus services to Chatham and Sittingbourne which have larger train stations than Newington Station, an 8- minute drive from the site. Lower Halstow also provides

essential day-to-day services with more services and facilities located in larger settlements accessible via bus routes.

5.2.12 Therefore, the site is sustainably located within close proximity to existing and emerging infrastructure, complying with Policy CP2 of the BFLP. In any event, the Applicant has now invested very heavily in infrastructure at the site for his equine business, and notwithstanding the time he has invested in building these facilities has managed to continue to generate profit.

5.2.13 In this respect, we note that Policy DM3 of the BFLP, states that states that planning permission will be granted for the sustainable growth and expansion of businesses and enterprise in the rural area, with residential use not permitted where this would result in reduced employment potential. However, given the existing use of the site being predominantly equestrian commercial use, with a small area utilised for a residential mobile home, it is considered that the redevelopment of this area to provide a dwelling for an already accepted residential use will be acceptable and support this rural employment.

5.2.14 In line with the above, it is also considered that the proposal is in accordance with Policy DM11 given the scale of the proposed dwelling remains very similar to that of the mobile home. Furthermore, policy DM12 states that dwellings for rural workers will be granted permission if the four criteria are met. We consider these in turn below.

(1) There being a clearly established, existing, essential need for the proper functioning of the enterprise for a full-time worker to be readily available at most times.

5.2.15 Given the sites clear use as a commercial stud farm which comprises birthing stables, an insemination laboratory, high-quality stables, paddocks and sand school area, there is a clear established need for a full-time worker to be readily available to manage and secure the horses stabled onsite. Given that there is an insemination laboratory with three birthing stables, the need for the owner to be on site for the majority of 24-hours a day is very important given how quickly births can escalate. Additionally, the high value of horses on site means that on site security is essential, furthermore the customers who stable their horses on site will feel more comfortable with doing so if they know there is someone around for added security of their animals. In this respect, the Applicant also considered the business would benefit from having a dwelling of architectural style and design that closely matches the birthing stables and laboratory. These buildings have brick plinths, timber cladding, and good quality plain tile roofs. The proposed dwelling matches this design and will help to raise the quality of the appearance of the site.

5.2.16 It is considered this is important for a business where customers will pay significant sums for insemination of animals. Having confidence in the soundness of the business is considered important for the success of the business.

(2) There being no suitable existing dwelling available nearby or in a nearby settlement.

5.2.17 Firstly, it is important to note that there is already a permanent dwelling on the site. This proposal is therefore somewhat different to the norm in that it is a “replacement” of an existing facility rather than a new facility.

5.2.18 In addition, it is considered essential to have a full-time presence on the site itself due to the welfare of pregnant horses, newborn foals, horses with illness and due to the clear security needs.

5.2.19 Additionally, even if the applicant could find a property within a nearby settlement, this would still mean the horses are left overnight without someone being their to care for them if needed. The applicant would be making significantly more vehicle trips into and out of the site through a 24-hour period (day and night) to check up on the horses.

(3) The location, scale and design of the dwelling maintaining or enhancing landscape and countryside character.

5.2.20 The design of the dwelling has ensured the countryside character will be respected and enhanced. The design reflects traditional barn and stable style buildings in-keeping with the character of the site. The dwelling will be single storey which will reduce the scale of the development within the surrounding landscape.

(4) The siting of the dwelling should, firstly, explore whether there are suitable buildings available for conversion at the enterprise, or secondly, in the case of a demonstrated need for a new building, that it is located as close as possible to existing buildings on previously developed land at the enterprise, or if this is not possible, within the immediate locality on an acceptable site.

5.2.21 Given the materiality of the existing residential unit, it is not possible to convert the mobile home into a dwelling, therefore the applicant proposes to remove the mobile home and construct a single storey dwelling in the same location as the existing home. The proposed dwelling will provide an office for the owner to use in conjunction with their equine business, and ensure additional security is had on site for the horses, with rapid response time to any emergencies.

5.2.22 While there are two very well constructed buildings on the site, these are the birthing stables and laboratory/insemination unit that justify the need for a dwelling on the site. Other buildings on site are not suitable for conversion. It is considered that this proposal is in accordance with policies ST3, DM3, DM11 and DM12 of the BFLP, and with NPPF paragraphs.

5.3 FUNCTIONAL AND FINANCIAL TEST

Functional Test

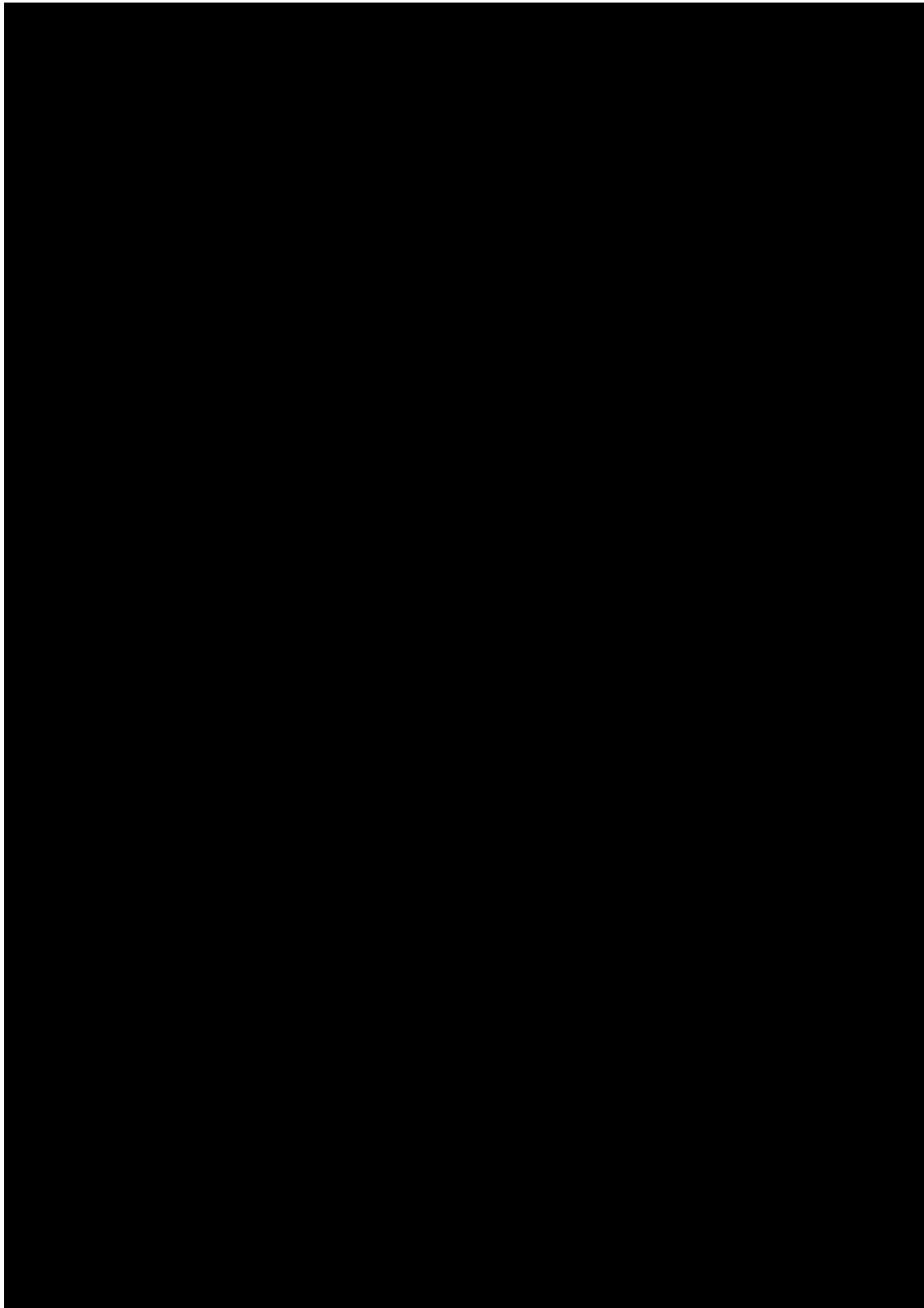
- 5.3.1 This statement provides evidence to demonstrate that a replacement dwelling for a rural worker is justified within the context of the ongoing equestrian commercial stud farm on the site., the level of investment made and the ongoing trading information.
- 5.3.2 The NPPF and local plan do not state whether the worker must be from an agricultural activity or a rural enterprise, therefore this application is for a principal worker of a rural enterprise - that has a clear need to not only be located within a rural area, but specifically on this site.
- 5.3.3 Therefore, the Functional Test has been applied to determine that there is a need for attendance for most of the day and night for the whole year as the applicant has horses under their care for different uses, and they all come with different functional needs.
- 5.3.4 It should be noted that the planning permission granting permanent residence on site through the use of the mobile home is the fallback position if planning permission is unsuccessful. This permission has already established the principle of residential development on site, and it is normally the case that once rural businesses have been operating successfully for a few years, a permanent dwelling is permitted. Again, we reiterate that the current mobile home is subject of a permanent permission.
- 5.3.5 In terms of security, horses require a high amount of protection from intruders or theft, which can also lead to injury, as well as attacks from other animals. In terms of functional need, the labour requirement of the enterprise is taken into consideration. It is important to note that there is no clearly defined threshold of the amount of work that constitutes full time labour. However, labour is usually assessed in terms of 'Standard Man Days'.
- 5.3.6 The full-time labour equivalent of the average person is 275 SMDs per year, at 8 hours per day, 39 hours per week, with an additional 10 hours of overtime per week, which equates to a Standard Man Year of 2,200 Man Hours per year, which takes into account holidays and sickness. Given that the SMD figure of 2,200-man hours is standard and the requirement for around the clock care for animals including horses can be a 24-hour necessity inclusive of weekend working, it is understood that the SMD hours for a rural worker are considerably more. The management of an equine stud business is labour intensive with a need to monitor the horses, especially pregnant mares and young foals. On top of providing security and monitoring of the health and welfare for the horses, the workers ensure their straw and hay are changed every day, their water buckets are topped up, that the horses get out into the paddocks for exercise, and the horses are

checked for health reasons. With the applicants being the sole workers, with occasional part-time workers employed on site to assist in the laboratory.

5.3.7 In this respect, the vast majority of this work is undertaken by the applicant. We conclude that there is a clear functional need for the dwelling in this case.

5.3.8 In addition to the need for the presence on site to take care of the animals, there is also a large amount of equipment on site that needs to be carefully monitored when in use and for theft reasons. As stated previously, the site comprises an insemination laboratory which contains expensive equipment, and therefore the site needs to be secure. This is also necessary for the storage of all the horse tack, riding equipment, horse feed, maintenance equipment and other associated paraphernalia that is stored on site for use by the customers and owners. Given the price of horses and the potential money benefits they can provide, it is essential that they are protected from theft and are kept in clean sterile stables to ensure a healthy environment for the horses.

5.3.9 Given the granted permission in 2020 for 3no. birthing stables, an insemination laboratory, a welfare unit and equine stock, it is clear that the intensity of the business has increased which demonstrates in the first instance the need for the continued presence of the rural worker on site. It also shows the extent of the work which is required, alongside the length of time the owner has stabled their own horses, which then became a commercial business in May 2010. This all demonstrated the case for a higher-quality permanent rural worker dwelling at the site to replace the existing permanent mobile home.



5.4 DESIGN AND LANDSCAPE IMPACT

- 5.4.1 In compliance with BFLP policies CP4, DM11, DM19 and DM20, the proposed design of the dwelling will ensure the development will remain in-keeping with the other development on site which includes stables/laboratory and enhance the surrounding landscape. As mentioned previously, there are limited views into the site which will ensure the dwelling is not visually intrusive within the landscape.
- 5.4.2 The dwelling will be larger than the existing mobile home on site, however, this will not be by a significant amount. The scale and proportion of the dwelling will reflect that of the horse stables on site, utilising the same traditional stable design and materials, including horizontal timber cladding. There will be a modest amount of glazing and openings to the elevations, to ensure the use of the residential unit is in-keeping with the 'stable' design, but to still provide adequate living conditions.
- 5.4.3 The height of the dwelling will be single storey with a pitched roof, which again will reflect the stables on the site, which will maintain the rural aesthetic from the wider site.
- 5.4.4 The dwelling will provide a more sustainable residential unit through better insulation, and energy solutions, which will include the provision of an EV charging pod for vehicle parking, and the use of solar panels on the roof. This will comply with sustainability policies DM19 and DM20.
- 5.4.5 In addition to the above, it is considered that the provision of timber dwelling will improve the visual aesthetic of the wider site and area. The impact a white mobile home has on the character of the area will be more than the impact of a timber single storey dwelling that resembles a barn. From any views outside the site, the dwelling will look to be another rural building within a known equestrian business site.
- 5.4.6 It is noted that the Medway Estuary and Marshes SSSI and SPA is located 380m northeast, however given the residential use on site, and the better quality of built

form on site resulting from the proposal, there is considered to be no visual impact to the SSSI and SPA.

- 5.4.7 Overall, it is considered that the provision of a timber dwelling will be more beneficial to the site, and the visual impact on the surrounding landscape.
- 5.4.8 There will be no perceived increase to residential use within the site, and as a result of the new dwelling, there will be significantly less vehicle trips into and out of the site due to no requirement for the applicant to travel between their existing house and the new dwelling as applicants family will be able to move onsite.
- 5.4.9 Given the above, the proposal will provide a high-quality, well-design dwelling reflecting the traditional stable design, with limited to no impacts to th surrounding landscape.

5.5 OTHER MATTERS

Flood Risk

- 5.5.1 The site is located within flood zone 1, with the northeastern corner of the wider site located just inside a flood zone 2 area.
- 5.5.2 It is considered that due the majority of the site being within flood zone 1 and the small-scale development subject to this application, no Flood Risk Assessment is required, given that there will be limited to no risk from flooding on the plot where the residential property will be sited.

Heritage

- 5.5.3 Given that the closest heritage asset; the Grade II Listed 'Green Farmhouse', is approximately 400m to the southeast of the site, there are considered to be no visual impacts on the listed building resulting from the development. Additionally, given the sites vegetation boundary with the applicants increased tree planting, there are limited views into and out of the redline site where the replacement dwelling is proposed.
- 5.5.4 As such, resulting from the development, there will be no negative impacts on the local heritage assets.

Highways, Access, and Parking

- 5.5.5 The site benefits from an existing access off The Street, which is shared with the wider site. The proposal intends to retain this driveway to reduce the amount of development occurring within the site. There will be little alteration to the existing driveway to ensure the rural farmstead character of the equine business is

maintained. The dwelling will utilise the large area of existing hard standing out the front of the stables with an EV charging pod installed to accord with national planning policy.

- 5.5.6 There are considered to be no reasons for refusal on highway, access and parking grounds, and as such this proposal accords with the national planning policy.

6 CONCLUSION

- 6.1.1 This Planning Statement has been prepared by DHA Planning on behalf of Mr Tye Simms in respect of a full planning application. Planning permission is sought for the replacement of the existing permanent mobile home and the erection of a 2-bedroom, single storey bungalow at Bellgrove Stud Farm, Halstow Lane, Upchurch, ME9 7AB.
- 6.1.2 Considering the above context, we acknowledge that there are sensitive matters, to be balanced, however, the proposal is well-informed and necessary for the sustainable growth of the applicants equine business. The Applicant has a 13-year record of successfully operating the business and has managed to undertake very significant investment in infrastructure for the business, notwithstanding the impact of the COVID-19 pandemic on business. We consider that the circumstances presented clearly justify this high-quality, sensitive, and well-planned development proposal. Consequently, we respectfully request that full planning application is granted without delay.

