

Planning Statement

Broomsleigh Park, Styants Bottom Road, Seal, Kent, TN15 0ES

Householder application for erection of replacement & additional 5 No. stables (11 in total) & replacement of existing wash down, tack rooms, hay barn & tearoom

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For: Kariba (UK) Ltd

Project reference: PR4073



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1 Introduction

1.1 This Planning Statement has been submitted in support of a planning application for the following development at Broomsleigh Park, Styants Bottom Road, Seal, Kent, TN15 0ES (hereafter referred to as 'the Site'):

Householder application for erection of replacement & additional 5 No. stables (11 in total) & replacement of existing wash down, tack rooms, hay barn & tearoom

1.2 The following Land Registry titles are affected by the proposed development, all of which are understood to be under the ownership of the applicant:

Land Registry Title	Description
K761202	Broomsleigh Park, Styants Bottom Road, Seal, Kent, TN15 0ES

1.3 The application is accompanied by the following plans and documents:

- 4073-01- Site Location Plan
- 4073-02 – Existing Block Plan
- 4073-03 – Existing Floor Plans
- 4073-04 – Existing Elevations 1
- 4073-05 – Existing Elevations 2
- 4073-06 – Proposed Block Plan
- 4073-07 – Proposed Floor Plans
- 4073-08 – Proposed Elevations
- 4073-09 – Proposed Section A – A

2 Site Context

- 2.1 The Site is located some 2km to the east of the rural settlement of Seal, comprising a large and extended two storey detached property set within extensive grounds. The land title covers an area of about 7.3 hectares (72,966 sqm). Aside from the residential built form, the Site features extensive landscaping and planting, particularly along its perimeter to the southern end, as well as along the 280m long private access road that traverses through the centre of the Site leading to a parking area in front of the dwelling. The access connects to Styants Bottom Road to the south, close to the junction with Pillar Box Lane. Westwards along the former road will lead to the centre of Seal, whilst eastwards leads to a connection on to Sevenoaks Road about 1.2km to the SW (the A25) that continues into Ightham, Borough Green and Wrotham Heath.
- 2.2 The Site is located within the parish of Seal and within the administrative boundary of Sevenoaks District Council (SDC). From a planning constraints perspective, the Site is located within an Area of Outstanding Natural Beauty as well as the Metropolitan Green Belt. The nearest public right of way is SR106, which, at its nearest to the Site, is 110m away to the west. There are no tree preservation orders within the Site.
- 2.3 The Site is bounded by agricultural fields to the west and north, with some, if not all forming part of the agricultural holding that makes up Broomsleigh Farm, whilst generously sized plots of land comprising large, detached dwellings exist to the south and SE, including what appears to be an incidental 880 sqm sand school plus 4 stables at Broomsleigh South Lodge, likely to be that approved following an appeal decision in 1992 (91/01695/HIST). Chart Farm also exists to the east.
- 2.4 Historically, the dwelling appears on Google aerial photography said to be from 1940 and has maintained a park appearance since then. There is no indication that any of the Site has ever been farmed or used in connection with agriculture, hence the name 'Broomsleigh Park' to distinguish it from the farmland that adjoins the Site.
- 2.5 This Site is the subject of the following planning constraints and characteristics:
- Situated in the Metropolitan Green Belt;
 - National Landscape (previously Areas of Outstanding Natural Beauty or AONBs);
 - Flood Zone 1 (low probability of flooding from rivers and the sea).

3 Relevant History

3.1 The following records are understood to be relevant to the Site:

To construct a conservatory style enclosure to cover an existing swimming pool for private recreation use.

Ref. No: g6/02098/HIST | Status: Decision – Granted. This appears to exist to the rear of the dwelling. There are no plans on this record.

Conversion of existing garage to create a residential annexe by raising of the roof to incorporate a first floor.

Ref. No: 19/02611/HOUSE | Status: Decision – Granted. The application site was as per the EN and land title K761202.

Conversion and extension of existing garage to create a residential annexe by raising of the roof to incorporate a first floor.

Ref. No: 20/00068/HOUSE | Status: Application – Withdrawn. The application site was as per the EN and land title K761202.

Construction of an American barn, outdoor arena, and associated works.

Ref. No: 21/00476/FUL | Status: Decision – Refused. The application site was focused on the part of the site to be developed and did not show a connection to a public highway.

Replacement pool enclosure.

Ref. No: 22/00758/HOUSE | Status: Decision – Granted. The application site was as per the EN and land title K761202.

New swimming pool.

Ref. No: 22/00792/HOUSE | Status: Decision – Granted. The application site was as per the EN and land title K761202.

Erection of a single storey stable block with ancillary store and tack rooms, plus the construction of an associated sand school

Ref. No: 22/02564/HOUSE | Status: Decision – Granted

Details pursuant to condition 3 (ecological enhancements) of 22/02564/HOUSE.

Ref. No: 23/00429/DETAIL | Status: Decision – Granted

Details pursuant to condition 5 (light spillage and intensity of illumination) of 22/02564/HOUSE.

Ref. No: 23/00533/DETAIL | Status: Decision - Granted

Details pursuant to condition 7 (soft landscaping proposals and schedule of landscape maintenance) of 22/02564/HOUSE.

Ref. No: 23/00534/DETAIL | Status: Decision - Granted

Enlargement of existing sand school to be used in connection with residential dwelling house.

Ref. No: 23/03315/HOUSE | Status: Decision - Granted

Construction of covered horse exerciser to be used in connection with residential dwellinghouse.

Ref. No: 23/03591/HOUSE | Status: Decision - Granted

4 Proposed Development

- 4.1 The application entails an all new and replacement stable complex to be in brick. Additional stables are required as they will be used to stable different classes of horses that are for different events.
- 4.2 The development proposes 11 stables, a washroom, a tack room, hay stores and a tea/break room for equestrian.
- 4.3 The interior will consist of outdoor rubber garden flooring tiles.
- 4.4 Furthermore, the exterior will consist of clay roof tiles, black plastic gutters and downpipes, red facing brickwork, black weatherboarding, timber stable doors and window shutters.
- 4.5 The proposed would result in a floor area of 378 sqm, equivalent to 0.5% of the entire Site.

5 Planning Policy

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Court of Appeal has clarified that for a decision maker this means establishing whether a proposal is in accordance with the development plan as a whole. The question of compliance with one policy should not dictate the outcome of a proposal in the absence of considering compliance with all other relevant policies. Decision makers are therefore tasked with identifying and understanding all relevant policies and material considerations in order to reach a properly informed planning judgment on a proposal, and to avoid an irrational or vulnerable decision that may be subject to criticism in a public law challenge.
- 5.2 Paragraph 2 of the National Planning Policy Framework ('the Framework') reiterates what is said in Section 38(6), whilst paragraph 12 of the Framework is clear that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 5.3 Paragraph 38 of the Framework encourages local planning authorities to approach decisions on proposed development in a positive and creative way. It also encourages working proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area, adding that decision-makers should seek to approve applications for sustainable development where possible.
- 5.4 Annex 1 of the Framework confirms that for the purposes of decision-taking, the policies in the plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. It adds that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with greater weight being given to those policies that are closer to the policies in the Framework.

Development Plan

5.5 In terms of the Development Plan for Sevenoaks District Council (SDC), this comprises of the following documents that are relevant for this application:

- Adopted Core Strategy 2011 (CS)
- Adopted Allocation and Development Management Plan 2015 (ADMP)

5.6 The CS sets out the general scope for the development in SDC and it reiterates the Government's priority to locate development on the previously developed land. It identifies the focus of new development within the main settlements in the district as set out at Policy LO1. At the other locations development will only take place where it is compatible with policies protecting the Green Belt and National Landscapes (previously AONB's). In this case, the site falls outside both the National Landscape and Metropolitan Green Belt. The relevant policies are as follows:

CS:

- Policy LO8 – The Countryside and the Rural Economy
- Policy SP1 – Design of New Development and Conservation
- Policy SP2 – Sustainable Development
- Policy SP11 – Biodiversity

ADMP:

- Policy SC1 – Presumption in Favour of Sustainable Development
- Policy EN1 – Design Principle
- Policy EN2 – Amenity Protection
- Policy EN5 – Landscape
- Policy EN6 – Outdoor Lighting
- Policy LT2 – Equestrian Development
- Policy T2 – Vehicle Parking

Other Material Considerations

The Framework

5.7 The Framework makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 adds that the objective of such can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own

needs. Sustainable development is described as having three overarching objectives:

- a) Economic (including identifying and coordinating the provision of infrastructure)
- b) Social (to support strong, vibrant, and healthy communities with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing) and
- c) Environmental (to protect and enhance our natural and built environmental, including making effective use of land and helping to improve biodiversity)

5.8 Paragraph 139 states that 'development that is not well designed should be refused.

5.9 Paragraph 142 confirms that the Government attaches great importance to Green Belts and that the fundamental aim is to prevent urban sprawl by keeping land permanently open. Paragraph 143 sets out the five purposes of including land in the Green Belt. Paragraph 154 confirms that the construction of new buildings should be considered inappropriate in the Green Belt unless it is for (amongst others): (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Paragraph 153 directs decision makers to attach substantial weight to any harm to the Green Belt. 'Very special circumstances' shall only exist if the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5.10 Paragraph 180 indicates that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. Paragraph 182 adds that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

5.11 The following additional documents are material considerations:

- Sevenoaks Development in the Green Belt Supplementary Planning Document (GBSPD);
- St Lawrence (Seal) Village Design Statement (April 2019);
- National Design Guide (NDG) (October 2019);
- Kent Downs AONB Management Plan (adopted 2021).

6 Planning Assessment

Key Issues

6.1 The following are considered to be the key issues in the assessment of this application:

1. Appropriate development in the Green Belt
2. Landscape and Character Impact
3. Biodiversity
4. Living Conditions

1. Development in the Green Belt

6.2 Paragraph 154 of the Framework explains that new buildings are inappropriate, but that there are a number of exceptions to this. One of which is the provision of appropriate facilities in connection with either the existing use of land or a change of use for outdoor sport and recreation as long as they preserve openness and do not conflict with the purposes of including land in the Green Belt. The keeping, riding and training of horses is an outdoor sport. SDC has already agreed to this being the case as part of the existing equestrian developments. In the context of the Site as a whole, with a floor area reflective of just 0.5% of the entire Site area, it is considered that what is proposed remains appropriate.

6.3 Paragraph 143 of the Framework lists the five purposes of including land within the Green Belt. An assessment of the proposal against those purposes is set out below:

- a) to check the unrestricted sprawl of large built-up areas – *the proposal would not result in the enlargement of any large built-up areas;*
- b) to prevent neighbouring towns merging into one another – *the proposal will not contribute to the merging of towns;*
- c) to assist in safeguarding the countryside from encroachment – *the proposal is confined to being within the existing maintained plot of Broomsleigh Park, which is previously developed land as it forms part of the residential garden serving this residential property that is not in a built up area. The proposal will also replace existing built form in the same location. The proposal will not result in encroachment into the countryside;*
- d) to preserve the setting and special character of historic towns – *the site will not affect any historic town; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land – *the site is not urban land so will not compromise this purpose.*

- 6.4 Regarding the preservation of openness, the proposed replacement facilities will be low-level as per the existing, with a typical ridge height of 4.4m. They will be closely related to other equestrian facilities within the Site as it will adjoin the sand school to the north and 12m north of the previously approved horse exerciser. The use of all facilities will remain in connection with the lawful use of the entire site. It is expected that a condition could be attached to any permission requiring that the use of the facilities remain incidental to the dwelling.
- 6.5 As is also argued in the National Landscape section below, given the screening already in place around the perimeter of the Site coupled with the lack of views of the proposed development from the nearest publicly accessible areas that includes the highway to the south and the public right of way to the north, it is considered that openness to this part of the Green Belt will not be materially harmed by the replacement facilities.
- 6.6 Policy LT2 of the ADMP also has significant relevance as it specifically relates to forms of equestrian development. The policy sets out a range of criteria that must be achieved when deciding the acceptability of such development. An assessment of that criteria is set out below:
- a) buildings would be appropriate in scale to their setting and would be closely related to existing farm buildings or other groups of buildings that are well screened from public view – *the additional buildings will be of a similar scale to the facilities that are to be replaced as well as the recently approved horse exerciser that has a maximum height of 4.8m. The proposed facilities are proposed to sit between this and the sand school so will remain close related to this cluster of modest, single storey built form. As noted above, the proposed development will benefit from significant screening with very limited views from any public areas, including Styants Bottom Road to the south and public right of way SR106 located some 100m to the west;*
 - b) For proposals that involve new facilities for the keeping of horses, sufficient grazing land and off road riding areas would be available and would not harm the amenities of surrounding residents – *given that the wider plot of land extends to 7.3 hectares there is more than sufficient space to accommodate the riding needs of the owner of the horses, without leading to any amenity harm;*
 - c) The proposal would not have an unacceptable impact on the water environment and sewage disposal – *there is no reason to assume that this would be an issue as was the case with the existing stables or sand school;*

- d) The development would not result in harm to the character of the landscape or the ecological value of the area in which it is situated – *in combination with the response under criterion (a), together with the acceptance of previously supplied ecological information in applications (23/03315/HOUSE) and (23/03591/HOUSE) it is considered that no conflict with this part of policy LT2 can be found. The proposed development is for a minor expansion of the existing equestrian compound and affects lawful residential garden land;*
- e) Proposals for equestrian development in the Green Belt will be permitted where the scale of the development is appropriate to a Green Belt setting, and where the cumulative impact of other buildings, does not harm the openness of the Green Belt – *the existing stables have a minimal effect of the openness of the Green Belt, hence, it is considered that a minor uplift in built form, in consideration of the Site's overall size, the screening along the perimeter of the Site and the continued domestic use of the Site will not have a cumulative harmful impact on the openness of the Green Belt;*
- f) Where stables or associated equestrian buildings are proposed they should be designed and constructed in materials appropriate to a rural area and should not be of a size and degree of permanence that they could be adapted for other use in the future – *the limited depth to the proposed building will make it undesirable for a conversion, however, it appears to the applicant that this clause is to prevent recreational buildings from being converted to other uses, but the lawful use of the proposed will remain residential.*

6.7 It is also important to note, as part of the Green Belt considerations, that no equestrian facility at Broomsleigh Park exists as part of any commercial venture. The proposed facilities will not result in any greater intensity. It will remain as an incidental use connected to Broomfield Park as a residential site.

6.8 The existing facilities are used by the owners' daughter who competes in show jumping events to a high level and has been tipped to become a future Olympic athlete. The applicant's family have been supporters of British Show Jumping for many years from competing themselves and then to become leading owners of world class show jumpers allowing horses to stay in this country and for British riders to have access to top class horses competing at World Class events.

6.9 The family are owners of the legendary bay stallion Big Star who won Team Gold with Nick Skelton at the London 2012 Olympics and also part owned another stallion Cassionato, who was aimed at the Tokyo Olympics 2020.

- 6.10 It is anticipated that this argument will form the basis of a very special circumstances case should SDC be of the view that this proposal would amount to inappropriate development in the Green Belt. Written support could be provided by the applicant, the applicants' daughter and the sport's governing body.
- 6.11 However, the applicant's starting position is that this is appropriate development in the Green Belt and is an acceptable development within what is a very large plot of land used in connection with the ongoing operation of Broomsleigh Park as a residential dwelling.

2. Landscape and Character Impact

- 6.12 As well as the Metropolitan Green Belt, the site also resides within a designated National Landscape (previously known as Areas of Outstanding Natural Beauty or AONBs). This section explores the potential harm to the character of the area with a focus on the Kent Downs National Landscape.

Purpose of National Landscape Designation

- 6.13 Section 85 of the Countryside and Rights of Way Act 2000 places a duty on all public bodies and statutory undertakers to 'have regard' to the 'purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'
- 6.14 Paragraph 2.1.3 of the adopted Kent Downs AONB Management Plan replicates the purpose of AONB designation as set out in 'Areas of Outstanding Natural Beauty: A policy statement' by the Countryside Commission. This is 'primarily to conserve and enhance natural beauty'. 'In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry, and other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment. Recreation is not an objective of designation but the demand for recreation should be met so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.'
- 6.15 Any development proposals within an AONB should be tested against the purpose of the designation and the way that this purpose is represented in local and national policy.

- 6.16 In terms of how this purpose is represented in local policy, SP1 (CS), LO8 (CS) and EN5 (ADMP) all require similar tests to be met in order to protect, conserve and, where possible, enhance the AONB. They reference the need to take account of local distinctiveness, use of sympathetic materials and appropriate design.
- 6.17 In terms of how this purpose is represented in national policy, paragraph 176 of the Framework notes: "great weight should be given to conserving and enhancing landscape and scenic beauty in... Areas of Outstanding Natural Beauty."

Assessment of Harm to the National Landscape

- 6.18 In regard to the tests set out in the relevant policies, it is necessary to assess as to whether the proposal would be detrimental to the natural beauty and quiet enjoyment of the AONB, including its landscape, wildlife and geological interest.
- 6.19 The subject development involves encouraging the use of the applicant's wider land for an open sport and recreation use. It is located on relatively flat and low ground. The stables, ancillary buildings and the sand school will remain consolidated into one part of the wider 7.3 hectare site, with the overall area (inclusive of the forecourt in front of the stables) occupying 0.2 hectares, or just 3% of the overall site.
- 6.20 No hard boundary enclosures are to feature other than a low, and typically rural, post and rail fence. Given the screening already in place around the perimeter of the Site it is the applicant's position that no further landscaping is required to screen the development. This position is proven by the lack of views of the development from the nearest publicly accessible areas that includes the highway to the south and the public right of way to the north. Only on a zoomed in photograph of the Site from the private road to the north was it possible to identify part of the subject development. This is shown below:



- 6.21 In relation to the scale and character impact, the proposed stables will be larger than the existing stables and have different materials with the roof changing from corrugated roof sheets to clay tiles and the exterior changing from brown timber cladding to red facing brickwork. Despite the change of materials, this will not have an extensive effect on the character, as the Site continues to be shielded by mature, natural barriers.

3. Biodiversity

- 6.22 A phase 1 ecology report (PEA) has been carried out in the past and used to justify development approved under references 23/03315/HOUSE and 23/03591/HOUSE. The report recognised that no habitats of international, national, county, or local importance would be directly affected by the development so it would be reasonable to assume that the conclusions of any new PEA would apply to the proposed replacement facilities. The Site was considered to be of low ecological value with the species that were recorded being regarded as common and found in an abundance across the country. The Site is lawful garden land, whilst the replacement facilities are located in a similar position to the existing ones.
- 6.23 On this basis, along with the fact no trees will be affected by the subject development, it is considered that the proposal will not result in harm to the ecological value of the Site.

4. Living conditions

- 6.24 The Site is well separated from any neighbouring properties, with the nearest dwelling being over 50m to the south-east (Broomsleigh South Lodge). That neighbouring property benefits from a similar form of equestrian development, comprising stables and a sand school. The development is therefore unlikely to result in any demonstrable harm to the amenities of nearby occupiers and no conflict with policy EN2 of the ADMP can reasonably be identified.

7 Conclusions

- 7.1 The proposal is considered to be entirely appropriate development in the Green Belt and will serve domestic equestrian needs of the occupants of Broomsleigh Park. The extensive, mature screening around the perimeter of the Site, coupled with the modest scale of additional built form also mean this should be considered an acceptable form of development in the National Landscape. Sufficient distances separate the Site from any other residential property, as well as there being no ecological harms within this lawful residential land that could reasonably be used to justify a refusal.
- 7.2 In conclusion, the proposal comprises sustainable development that accords with the policies of the Development Plan and relevant material considerations. As such, in accordance with paragraph 11 and 38 of the Framework, this application should be viewed positively by the authority, and it is respectfully requested that this submission is approved.