



**TO:** Planning Committee North  
**BY:** Head of Development  
**DATE:** 4<sup>th</sup> August 2020  
**DEVELOPMENT:** Retention of bund (retrospective)  
**SITE:** Beckley Stud Reeds Lane Southwater Horsham West Sussex RH13 9DQ  
**WARD:** Southwater North  
**APPLICATION:** DC/20/0615  
**APPLICANT:** **Name:** Mr L Middleton **Address:** Beckley Stud Reeds Lane Southwater  
Horsham West Sussex RH13 9DQ

**REASON FOR INCLUSION ON THE AGENDA:** At the request of Councillor Vickers

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions

**1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks planning permission for the retention of a bund located to the far north western boundary of the Beckley Stud site. The bund is 2.5m tall at its highest point and measures 34.7m in length and 7m in width. The bund was created by the Applicant to shield the horses from noise from moving traffic on Kings Lane immediately to the west.

DESCRIPTION OF THE SITE

1.3 The application site comprises land within the North West corner of the wider site boundaries of 'Beckley Stud,' a commercial equestrian site located to the north east and 0.4km from the village of Southwater. The site is accessed via Reeds Lane which is off of the south side of Coltstaple Lane. The wider site accommodates commercial equestrian stables, and a mobile home within a site that comprises approximately 3.25 hectares (8 acres) of land, set out in individual paddocks with post and rail fencing.

1.5 Permission has previously been granted for the stables and a mobile home under application reference DC/17/2048 which was for the proposed change of use of the existing equestrian facilities to combined equestrian and charitable use and the retention of the mobile home and re-sited timber clad container. More recently a 60 metre by 30 metre sand school has been granted permission (DC/18/1826). The layout of the current site is linear in form running parallel with the eastern boundary of the site comprising 4 stables, storage and a mobile home. As detailed above, in August 2019 permission was granted for

the re-siting of the stable buildings (DC/19/0278) and subsequently in February 2020 for the re-siting and replacement of the mobile home (DC/18/1622). A separate application (DC/20/0613) is under consideration for the retention of a circular horse walker (in situ), with construction of an open sided barn over the horse walker measuring 20m x 18m (360sqm) and a turn out pen measuring 22m x 18m (396sqm) enclosed by a 1.8m high close boarded fence.

- 1.6 Coltstaple Lane runs along the northern boundary of the site and Southwater Street runs along the western boundary. The eastern boundary of the site is parallel to Reeds Lane where the existing access point is located serving the field. There are listed buildings 'Kings Farm' to the north and immediately adjacent to the application site on the north side of Coltstaple Lane, and another known as 'Newfoundout East' located to the south east of the site.
- 1.7 The site is located outside any defined built up area boundary and therefore is identified as countryside. A right of way is located to the south of the site but not immediately adjacent to the site. The site is located within Flood Risk Zone 1 where the risk of flooding from rivers or surface water run-off is low.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

#### **2.2 National Planning Policy Framework**

#### **2.3 Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 10 - Rural Economic Development

Policy 24 - Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 29 - Equestrian Development

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 37 –Sustainable Design and Construction

#### **2.3 Southwater Parish Design Statement (2008)**

### RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The **Southwater Neighbourhood Development Plan (2019-2031)** has been through examination and the Examiner published his report of the 15 May 2020. Whilst the neighbourhood plan is not yet 'made' it carries increasing weight. Relevant policies are as follows:

SNP1 - Core Principles

SNP16 - Design

SNP17 - Site Levels

## SNP18 - A Treed Landscape

### 2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/0278	Demolition of existing stable and erection of stables	Application Permitted on 06.08.2019
DC/18/1826	Erection of a 60m x 30m sand school.	Application Permitted on 09.11.2018
DC/18/1622	Removal of existing mobile home and positioning of new mobile home (retrospective). Construction of 1.8m fencing along eastern/southern boundaries along with brick pillars and gates to entrance (retrospective). Proposed construction of 1.5m high fence along eastern/northern boundaries.	Application Permitted on 17.02.2020
DC/17/2048	Proposed change of use of existing equestrian facilities to combined equestrian and charitable use. Retention of mobile home and re-sited timber clad container	Application Permitted on 08.03.2018
DC/16/1069	Retrospective application for the erection of 4 stable blocks forming 10 stables and creation of hard standing	Application Permitted on 27.07.2016
DC/14/2407	Proposed creation of a small scale private equestrian yard - Five stables and sand school, revised application further to DC/14/1645	Application Refused on 20.04.2015
DC/14/1645	Erection of stable building comprising 8 stables and 2 foaling boxes, feed hay and tack rooms with wash down and store areas and a sand school for private use (affects the setting of a Listed Building)	Application Refused on 06.10.2014

### 3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Landscape Architect:** No Objection
- 3.3 **HDC Conservation:** No Objection
- 3.4 **HDC Environmental Health:** No Objection

#### OUTSIDE AGENCIES

- 3.5 **WSCC Highways:** No Objection
- 3.6 **WSCC Minerals and Waste:** Comment. Given the applicants assertion the bund is an engineering operation ancillary to the equestrian use of the site, and noting the limited volume of material contained within the bund (circa 1000 tonnes), in this case it seems unlikely that the development would likely be considered wholly or mainly for the recovery or deposit of waste (i.e. a County Matter). Regardless, if the bund has been created from waste, the development should be considered against Waste Local Plan, Policy W8. That being the case, importantly, there would be need to demonstrate that the bund is created from suitable clean inert waste materials, that it would deliver clear benefits, and that no more waste material than necessary has been used to deliver that benefit.

#### PARISH COUNCIL

- 3.6 **Southwater Parish Council** – Objection. There is a breach of normal planning procedures. The Parish Council is disappointed this (these) applications have been brought up for regularisation.

#### PUBLIC CONSULTATIONS

- 3.7 None received

### 4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

### 5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

### 6. PLANNING ASSESSMENTS

- 6.1 The main issues in this case are considered to be:-

- The principle of the development in this location;
- The impact and scale of the development on the character and visual amenities of the countryside, including the neighbouring Grade II listed building;
- The amenities of neighbour and future occupiers; and
- Parking and highway safety issues.

#### Principle

- 6.2 Policy 26 of the HDPF states that outside built up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. In addition, proposals must be of a scale appropriate to its countryside character and location, and would not lead, either individually or cumulatively to a significant increase in the overall level of activity in the countryside and protects and/or conserve, enhances key features and characteristics of the landscape character in which it is located. The strategy for Rural Economic Development reinforces the government's commitment to encouraging sustainable rural business whilst maintaining the quality and special character of the countryside as set out in Paragraph 28 of the National Planning Policy Framework. Although limited information has been submitted to justify the need for the bund, given its modest scale and the wider equestrian use of the site, the principle of a small bund can be considered acceptable in this instance subject to assessment against all other relevant policies within the HDPF.
- 6.3 Policy 29, Equestrian Development, states that 'Development for equestrian related development will be supported provided that it can be demonstrated that the re-use of existing buildings on site for related equestrian use is not appropriate before new or replacement buildings are considered; the proposal would be appropriate in scale and level of activity, and be in keeping with its location and surroundings, and where possible is well related to existing buildings; and the proposal should where possible be well related to a bridleway network'.

- 6.4 The principle of the wider use of the site for commercial equestrian purposes was established under DC/17/2048 (Proposed change of use of existing equestrian facilities to combined equestrian and charitable use. Retention of mobile home and re-sited timber clad container). A restrictive condition was imposed in regards to the siting of the mobile home for a temporary three year period, until 8 March 2020. A subsequent application was made under DC/18/1622 and a further permission has recently been granted for the siting of a new mobile home until 4 February 2023 (restrictive condition 2). Planning permission has also been granted for the erection of a 60m x 30m sand school under DC/18/1826 in November 2018 and more recently for the demolition of the existing stables and erection of new stables under DC/19/0278 in August 2019.
- 6.5 The current application seeks planning permission for the retention of a bund in the north-west quadrant of the site measuring 2.5m tall at its highest point, 34.7m in length and 7m in width. The bund was created by the Applicant to shield the horses from moving traffic on Kings Lane adjacent to prevent startle. No noise assessment has though been submitted to demonstrate the level of harm that the adjacent rural road generates or the level of mitigation that the bund would achieve. The current retrospective application for the bund is related to the existing authorised equestrian operations on site as set out above, and also to planning application Ref: DC/20/0613 being sought concurrently with this application, it is not in itself a form of equestrian development.

#### Character and Appearance including the Listed Buildings

- 6.6 Policy 25 advises that the Natural Environment and Landscape Character seeks to protect important and protected landscape against inappropriate development. Policies 32 and 33 of the HDPF seek to ensure high quality and inclusive design for all development in the district and ensures that it will complement locally distinctive characters and heritage and that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings, is locally distinctive in character, respects the character of the surrounding area, and uses high standards of building materials, and finishes. The bund measures 2.5m tall at its highest point and measures 34.7m in length and 7m in width. The bund will soften as it further grasses over. It is advised by the agent that the earth bund has been formed with soil materials from within the site. In order to ensure that the materials used to construct the bund are inert materials a condition is recommended requiring further investigative and verification reports be submitted.
- 6.7 The Councils Landscape Officer has been consulted and has advised that following a site visit to assess the site in the context of the proposals that the mound (bund) although visible through the vegetation from the highway and nearby public footpaths, is seen in the context of the existing equestrian use and is not consider to significantly harm the enjoyment and rural qualities of the countryside. The site sits in a well screened location and where visible will be seen in the context of the existing equestrian use of the site with apparatus like fences, buildings, horse transport vehicle, etc. and it is considered that it will not harm the visual appearance of the landscape.
- 6.8 The proposed bund is not a naturally occurring element within the countryside and is a manmade engineered structure, however it well screened by existing trees and hedgerows as such its visual appearance would be of limited given its size and scale. The proposed bund when viewed in conjunction with the equestrian use of the site and related paraphernalia is not considered to result in any appreciable harm to the visual amenities of the countryside location and would not appear unduly prominent within the immediate surroundings or the wider countryside. It is therefore advised that any assessed harm to the landscape character of the area is considered very localised and is not considered to be significant in planning terms therefore, the proposals are considered to accord with the requirements of Policy 25 of the HDPF.

- 6.9 Policy 34 of the HDPF sets out the Council recognises that heritage assets are an irreplaceable resource, and as such the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets. There is a listed building known as 'Kings Farm' to the north of the application site, located on the north side of Coltstaple Lane. There is another known as 'Newfoundout East' located to the south east of the site and well separated from the application site. The significance and setting of the listed buildings is not considered to be affected by the application proposals given their distance from it. The proposals are not therefore considered to conflict with Policy 34 of the HDPF.

#### Impact on neighbouring amenity

- 6.10 Policies 32 and 33 of the HDPF seek to ensure high quality and inclusive design for all development in the district and ensure that it will; complement locally distinctive characters and heritage, contribute to both the buildings and spaces and integrate well with their surroundings, is locally distinctive in character and respects the character of the surrounding area.
- 6.11 It is not considered that the bund would have any impact on the private amenities of neighbouring occupiers given its size the location and distance from neighbouring dwellings and it would not result in any loss of private amenity. As such, the proposal is considered to accord with policies 32 and 33 of the Horsham District Planning Framework (2015).

#### Highways

- 6.12 As the earth bund is located within the site, it does not restrict visibility or have an impact on highway safety on nearby Kings Lane. The bund does not affect parking provision nor does it compromise the ability for vehicles to turn on-site.
- 6.13 The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

#### Waste

- 6.14 WSCC Minerals and Waste (WSCC M&W) have been consulted and they have advised that the application site is located within the Weald Clay and Horsham Stone minerals safeguarding area. As a non-residential development on site of less than 3ha, the development meets the exemption criteria as set out in WSCC Minerals and Waste Safeguarding Guidance. Accordingly, significant mineral sterilisation would not occur. West Sussex Waste Local Plan (April 2014)
- 6.15 WSCC M&W have advised that it is unclear what material has been used for the construction of the bund (e.g. inert waste/waste soils). Given the applicants assertion the bund is an engineering operation ancillary to the equestrian use of the site, and noting the limited volume of material contained within the bund (circa 1000 tonnes), it seems unlikely that the development would likely be considered wholly or mainly for the recovery or deposit of waste (i.e. a County Matter). It has been advised that if the bund has been created from waste, the development should be considered against Waste Local Plan, Policy W8. That being the case, importantly, there would be need to demonstrate that the bund is created from suitable clean inert waste materials, that it would deliver clear benefits, and that no more waste material than necessary has been used to deliver that benefit. Provided that the LPA is satisfied this is that case, the MWPA raises no objections.

- 6.16 The Council Environmental Health Department have been consulted and they have advised that as the application is retrospective in nature, should planning permission be granted a suitable condition should be imposed to ensure that within 2 months of any permission being granted the developer submit details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. It is advised that the assessment should be undertaken by a suitably qualified and competent person and that full details be submitted to and approved in writing by the local planning authority. Any soils not suitable for the proposed use will be required to be removed from site. Additionally, a written verification report will be required, to be submitted with the above assessment, which demonstrates only soils suitable for the proposed use have been placed. The verification report shall be submitted and approved, in writing, by the Local Planning Authority.

### Conclusions

- 6.17 The development (bund) for which planning permission is sought retrospectively, is not considered to result in any appreciable harm to the visual amenities or landscape character of the countryside by virtue of its limited size, scale and discrete location, and is considered to be acceptable within the wider context of the equestrian site in which it is located. The proposals would not result in any significant or appreciable harm to the amenities of neighbouring properties and is considered to accord with policies 25, 26, 29, 32, 33 and 34 of the HDPF 2015.

## 7. RECOMMENDATIONS

- 7.1 To approve planning permission subject to the following conditions:

1 **A list of the approved plans**

- 2 **Regulatory Condition:** Within 2 months of this permission being granted the developer shall submit details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority. Any soils not suitable for the proposed use shall be removed from site. A written verification report shall be submitted with the above assessment which demonstrates only soils suitable for the proposed use have been placed. The verification report shall be submitted and approved, in writing, by the Local Planning Authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/17/2048  
DC/20/0613  
DC/20/0615