



TO: Planning Committee South

BY: Head of Development

DATE: 18th August 2020

DEVELOPMENT: Erection of livery stables with associated facilities and two units of grooms accommodation above, machinery store, horse walker, creation of an access track and parking area

SITE: Land On The South Side of Hill Farm Lane Codmore Hill Pulborough West Sussex RH20 1BW

WARD: Pulborough, Coldwaltham and Amberley

APPLICATION: DC/20/0326

APPLICANT: **Name:** Mr Benjamin Parker **Address:** Hill Farm Barn Hill Farm Lane RH20 1BW

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

RECOMMENDATION: Delegated approval to the Head of Development subject to appropriate conditions and the expiration of the 21 day notification period following amendment to Certificate B as served by the applicant on the 4 September 2020, and the consideration of any further representations received.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The proposal seeks planning permission for the erection of livery stables with associated facilities and two units of grooms accommodation above, machinery store, horse walker, (total 1160sqm) along with the creation of an access track and parking area for horse-boxes with a total capacity for 36 vehicles.

1.3 The proposed courtyard style stable building with groom's accommodation above is located to the south of the two buildings adjacent to the northern boundary of the site. The stable building has a maximum width of approximately 55m and a maximum depth of 36.6m, with a central gable element measuring 12m deep and 8.5m wide. The height to the main ridge height of the roof measures 5.5m, and the height to the apex of the central gable roof is approx. 9.9m. There is a roof turret that rises a further 2.3m above the apex of the gable roof. The stables block comprises a total of 24 stalls across the two protecting wings (12 in each) and a further 3 stalls within the main section of the stable building (27 stalls in total). Additionally, the main section contains wash down and solarium areas, tack, feed and hay storage areas, as well as a kitchen, laundry and office area surrounding the central stair well to the first and second floor areas. The second and third floor areas within the central gable

element of the stable building provide two separate self-contained grooms accommodation, each with 1 bedroom. The proposed materials for the stables include timber weather boarding with black roofing shingles. The roof contains a number of roof lights.

- 1.4 The proposals include a covered horse walker with diameter of 16m and height of 3.5m under a metal sheet roof. The horse walker is located in the far west section of the site, along with the proposed tractor barn which has dimensions of approximately 15m in width, 10m in depth, 4m to eaves with an overall height of 5.6m. The tractor barn would have an opening to the southern elevation and all elevations would be metal clad under metal sheet roofing which is punctuated by 4 roof lights to the southern pitch. The proposed grasscrete parking area has dimensions of 37.3m by 50.5m and will be located on the same area currently used for parking purposes. A new spur access track will be formed off of the existing spur access which leads to Hill Farm.
- 1.5 The traffic that this development will attract will be of two types; firstly traffic associated with the day to day running of the equestrian centre, such as deliveries of horse feed, regular removal of horse manure, etc. and secondly clients and visitors using the facilities. The number of expected traffic movements associated with the clients and visitors using the facilities in regards to the operational use of the livery stables is advised to be between 5-8 movements per day. The applicant has stated that the livery stables will be rented out in full to a professional rider who will bring their horses to the site. Additionally, approximately half of the stables will be used in association with the stabling of horses attending events and competitions. It is advised that there would be no DIY use of the livery stables. It is proposed that the number of events hosted on site will remain at a maximum of 4-6 shows per month (as is already in operation) and as set out on the applicant's web site <http://www.coombelands-equestrian.co.uk/events>. The number of horse boxes that are expected on any particular event day is advised as no more than 60, and there are no more than 58 events per year.

DESCRIPTION OF THE SITE

- 1.6 The application site forms a parcel of land (approx. 0.8 ha), to the west of the settlement of Codmore Hill, south of Hill Farm Lane which is a narrow country lane. The site is located to the south east of Hill Farm Barn and Hill Farm House, both of which are Grade II listed buildings, and south east of part of the low 'L' shaped range of outbuildings to the east of the farmhouse. These structures are all located outside of the application site boundaries. The site lies outside of any defined built-up area boundary and is located within the countryside. Coombelands Equestrian itself is an established Equestrian Centre with a cross country schooling course, show jumping schooling facilities, dressage arenas on dry grass and all weather gallops. The existing equestrian enterprise holds One Day Events, Hunter Trials and clinics throughout the year as well as British Eventing Horse Trials and Classes. There is also an all-weather arena for hire. The site has been in operation for such purposes for many years with planning permission granted under DC/10/2382 for the creation of a 50m by 80m sand school with timber post and rail fence on the site of an existing equestrian/schooling paddock. At the time of this application it is noted that the uses as described above were in operation.
- 1.7 The wider surrounding site was originally part of wider Hill Farm complex, under a single ownership, but has been subdivided over time and now comprises approximately three different holdings including Coombelands Farm, Coombelands Stables and Coombelands Equestrian Centre. Agricultural and farming activities are still active, however the primary equestrian activities including stabling, schooling are prevalent.
- 1.8 To the north and immediately bordering the northern boundary of the application site are two atcost barn buildings that are clad in profiled metal sheeting (identified on plan as Barn 3 and 4) and beyond these are two other atcost Barns (identified on plan as Barn 1 and 2) all of which are associated with the neighbouring site.

- 1.9 There are three existing access tracks to the original wider farm complex, one serving Hill Farm Bungalow to the west of the application site, one serving Hill Farm House to the north west of the application site and one serving the barns immediately adjacent to the application site. Access to the application site itself is via the A29 (Stane Street). A spur road from the existing access track is proposed to facilitate a new access to the application site itself.
- 1.10 The topography of the land undulates and falls moderately from north to south beyond the adjacent gallops. This changes how the buildings are viewed within the context of the site, particularly from longer views from the south looking northwards. The application site is separated from the existing training school and gallops by hedgerows to the field boundaries. There is a disused quarry to the south of the converted listed barn. There is a public footpath (PROW 1995) to the west of the site, which runs towards Pulborough and passes along a north east/south west axis between the buildings and adjacent listed residential properties known as Hill Farm House and Hill Barn, before joining PROW 1996 which runs along the east/west axis towards Stane Street adjacent to the southern boundary of the application site.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

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 4 - Strategic Policy: Settlement Expansion
- Policy 7 - Strategic Policy: Economic Growth
- Policy 9 - Employment Development
- Policy 10 - Rural Economic Development
- Policy 11 - Tourism and Cultural Facilities
- Policy 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 29 - Equestrian Development
- Policy 30 - Protected Landscapes
- Policy 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 34 - Cultural and Heritage Assets
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 38 - Strategic Policy: Flooding
- Policy 39 - Strategic Policy: Infrastructure Provision
- Policy 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 43 - Community Facilities, Leisure and Recreation

2.3 Supplementary Planning Guidance:
Pulborough Parish Design Statement 2013

2.4 RELEVANT NEIGHBOURHOOD PLAN
Pulborough Parish Neighbourhood Development Plan
- Designated (Regulation 7)

PLANNING HISTORY AND RELEVANT APPLICATIONS

2.5 The most recent and relevant planning history relating to this site is as follows:

DC/10/1205	Creation of 50 x 80 metre sand school with timber post and rail fence on site of an existing equestrian/schooling paddock	Withdrawn Application on 10.08.2010
DC/10/2382	Creation of 50 x 80 metre sand school with timber post and rail fence on the site of an existing equestrian/schooling paddock	Application Permitted on 10.01.2011

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

INTERNAL CONSULTATIONS

3.2 **HDC Landscape Architect:** No Objection

3.3 **HDC Conservation:** Comment

The submitted heritage statement is comprehensive and clearly describes the setting of the listed buildings. I do not disagree with the conclusion that the proposed development will not harm the intimate or immediate setting of listed buildings in terms of visual impact. There is little discussion of the other ways setting is experienced and I draw attention to my previous comments below in relation to noise, movement and perception of activity. I remain confident the proposal will harm the wider setting of the listed buildings which is described in para.5.39 as having a medium to low value in relation to the heritage value of the heritage assets. I do not agree with the conclusion that no harm will arise. Therefore paragraph 196 of the NPPF should be considered.

The statement refers to the benefits to the wider landscape of concealing the existing farm buildings with a bespoke and architect designed building. I do not disagree that this will reduced the landscape impact of the utilitarian buildings when viewed from the south. This visual improvement within the landscape is offered as a public benefit as well as the creation of a local business. My view remains that the proposed development will exacerbate the harm to the setting of the listed buildings that already exists by way of the modern farm buildings. This harm is less than substantial and in the middle of that range in my view due to the increase in perception of built form and mass. In considering paragraph 196 it is right that any public benefit should outweigh any harm. I leave it to you to conclude if the public benefits described will outweigh this harm.

3.3 **HDC Environmental Health:** No Objection

OUTSIDE AGENCIES

3.4 **WSCC Highways:** No Objection subject to conditions

WSCC Highways have been consulted and have advised that the extra traffic that this development would be associated with would relate to the day to day running of the equestrian centre, such as deliveries of horse feed, regular removal of horse manure, etc. and use by clients and visitors. Whilst the running of the centre will attract some traffic associated to the activity, it is considered that this would be minimal in relation to the current traffic and this will be concentrated on weekends, when more customers will be more likely be using the facilities. A condition is recommended to restrict the livery use.

3.5 **Ecology Consultant:** No Objection subject to conditions

3.6 **Agricultural Consultant:** No Objection

- It is considered that the essential needs of Coombelands Equestrian Centre for 2 Grooms accommodation will arise from the close supervision, management and daily nutrient requirements of all horses either boxed in stables or in grazing/turnout paddocks; the provision of security for valuable horses from theft or malicious attack; dealing with unforeseen emergencies such as a horse cast in its box, or a horse with colic, or abnormal weather conditions which can cause distress to horses, or a fire.
- Overall, RAC considers that the applicant's existing and proposed equestrian enterprise is financially viable and sustainable now and in the long term and is compliant with national and local planning policy.
- RAC would accept that the proposed stable block with equine facilities and the two units of groom's accommodation, machinery store and horse walker are of an appropriate size, and that it would support the equestrian needs of the holding and the business trading as Coombelands Cross Country Equestrian. In such circumstances RAC considers it would be compliant with Paragraph 83 of the NPPF and Policies 20, 26 and 29 of the Horsham District Planning Framework.

3.7 **Southern Water:** Comment

Environment Agency shall be consulted directly regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

PARISH COUNCIL:

3.8 Pulborough Parish Council: Objection

There are concerns about the access as this is a narrow lane. It wouldn't be suitable to have many horseboxes travelling to and from these livery stables.

PUBLIC CONSULTATIONS

3.9 There are 2 letters of Objection (received from 2 separate households) and 18 Letters of Support (received from 17 households) and 1 letter of comment

Objections have been made on the following grounds:

- Increase in activities and events from 6 per year to 6 per week
- Growth of Business
- Red line boundary incorrect
- Access not shown on location plan to main road
- Location plan - Ownership dispute
- Estate owned by Trust and others
- Intensity of use and traffic and parking generation

- Track owned and used in association with equestrian and farming activities
- Parking space sizes and appropriateness
- Stable waste
- Impact on countryside and views from South Downs National Park
- Conflict with policy
- Public Rights of Way
- Horse welfare and need for 2 grooms flats
- Safety and security of neighbours
- Operational use of site

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 considerations material to this application relate to:
- The principle of development
 - The impact and scale of the development on the character and visual amenities of the countryside;
 - The amenities of neighbour and future occupiers; and
 - Parking and highway safety issues
 - Sustainability

Principle of Development:

- 6.2 The principle of development for the keeping of horses on the application site has already been established over time by virtue of the historic use of the wider site for equestrian purposes. The current application seeks planning permission for the erection of livery stables with associated facilities with two units of groom's accommodation above, machinery store, horse walker, and the creation of an access track and parking area.
- 6.3 Policy 10 (Rural Economic Development) of the Horsham District Planning Framework (HDPF) states that development in the countryside should be appropriate to the countryside location and contribute to the diverse and sustainable farming enterprises within the district or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy and/or promote recreation in, and the enjoyment of, the countryside.
- 6.4 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. The proposed equestrian structures in connection with the wider equestrian use of the site, given its size and scale, is considered to be acceptable subject to a thorough assessment against all other relevant policies within the HDPF.

- 6.5 Policy 25 of the HDPF seeks to protect important and protected landscape against inappropriate development.
- 6.6 Policy 29 (Equestrian Development) of the HDPF 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'.
- 6.7 Policy 20 (Rural worker's accommodation) supports new housing for rural workers provided that there is a functional need for the accommodation to support an established business use, and there is evidence to demonstrate the viability of that business.
- 6.8 Policies 32 and 33 of the HDPF require development to provide an attractive, functional, accessible, safe and adaptable environment, and to ensure that developments 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, respects the character of the surrounding area, and uses high standards of building materials, and finishes.
- 6.9 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible and promote health and wellbeing.
- 6.10 The current application seeks consent for the erection of livery stables with associated facilities with two units of groom's accommodation above, machinery store and horse walker, along with the creation of an access track and parking area for horse-boxes with a total capacity for 36 vehicles. The precise details of the proposals are as set out in the description of development above. The horse walker, tractor barn, stables and grooms accommodation are considered to be appropriate to the countryside location, and it is considered that that cumulative nature of the proposed equestrian development, which would operate separately from but adjacent to the existing equestrian commercial enterprise, would not significantly increase the level of activity on the site overall. It is accepted that there are no existing buildings on the site that could suitably contain the number of stables and groom's accommodation proposed.
- 6.11 In respect of the accommodation for two grooms, this is to be contained above the stables in two small flats sharing the same access and stairs. The primary test set out in the NPPF and Policy 20 of the HDPF is an assessment as to whether it is essential for a rural worker to live at, or near, their place of work, whether there is a functional need for the accommodation, and whether the business is sufficiently viable to support such accommodation in the longer term. Due to the nature of the site, there will be horses on site overnight with specific husbandry needs as well as requirement for security to be fully managed. Thus, the on-site living arrangement can be seen as essential in order to provide

for the management of the equine business and meet the welfare needs of the horses and other livestock on site.

- 6.12 In order to demonstrate that there is an essential need for a rural worker to live on site, it is necessary to consider whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available most of the time. An assessment of the essential need for a rural worker to live at or near their place of work requires:
- an evaluation of the risks involved;
 - the frequency and type of out-of-hours emergency that might arise;
 - the scale and loss that could be incurred should that emergency situation occur;
 - the potential for an on-site worker to identify the problem; and
 - the ability of that resident worker to promptly rectify the problem.
- 6.13 Legislation requires that all animals are managed in a manner that accords them freedom from thirst; hunger and malnutrition; appropriate comfort and shelter; freedom from fear; freedom to display the most normal patterns of behaviour; and it is accepted that without good stockmanship, animal welfare can never be adequately protected.
- 6.14 RAC have assessed the essential need for a rural worker(s) to live on site and have advised that at Coombelands Equestrian Centre it is considered that the essential needs will arise from:
- the close supervision, management and daily nutrient requirements of all horses either boxed in stables or in grazing/turnout paddocks;
 - the provision of security for valuable horses from theft or malicious attack;
 - dealing with unforeseen emergencies such as a horse cast in its box, or a horse with colic, or abnormal weather conditions which can cause distress to horses, or a fire.
- 6.15 The labour requirements for the applicant's equestrian enterprise can be calculated using Standard Man Days (SMD) data from the Equine Business Guide 2019. For each full-time worker, the SMD equivalent is 278 days. Reading Agricultural Consultants have advised using this guidance that the Eventing horses require 140 SMDs each per year and the short term livery horses over approximately 100 days will each have a requirement of 38 SMDs per year. For the horses stabled on full time livery, a reduction for economies of scale will apply. It is advised that it is not considered appropriate to apply this same reduction to the short term liveries as the horses may change each time.
- 6.16 The provision of two groom's accommodation on site will allow a full-time resident worker for each discipline, in this case an employee of the applicant and an employee of the tenant Professional Rider, to meet the welfare requirements of the horses stabled there on a daily basis and to react promptly to any emergencies that arise. In view of the information provided by the applicants and following their own assessment, Reading Agricultural Consultants have advised that they consider that there is a justified essential need for two full-time rural workers to be resident at the application site to care for the two separate disciplines notably the full time and short term livery horses and would therefore be compliant with National and Local Plan Policy.
- 6.17 Policy 20 also requires evidence to demonstrate the viability of the rural business for which the housing is required. Reading Agricultural Consultants have confirmed following submission of the Applicants detailed profits and loss accounts that the applicant's business, trading as Coombelands Cross Country Equestrian, is well established and continues to develop offering additional equestrian services through the erection of stabling for liveries (full time and short term) as well as annual tenancy rental income for the stables and grooms accommodation, projected financial accounts have been provided in this

respect, taking into account forecasted wages and expected utilities. Overall, Reading Agricultural Consultants consider that the applicant's existing and proposed equestrian enterprise is financially viable and sustainable now and in the long term and is compliant with national and local planning policy. They have also advised that the storage and agricultural machinery store is an appropriate use of the proposed building and that the proposed 16m diameter horse walker which provides exercise for 6-7 horses at any one time is of a suitable size for the horses at Coombelands Equestrian Centre requiring exercise and is an appropriate equine facility as seen on many similar competition yards of the same size.

- 6.18 The Council's Agricultural Consultant, concludes that they consider there to be a functional need for the grooms accommodation and that the business is viable to support it. It is therefore considered that the proposed use of the site would be appropriate in this location and would accord with policies 10, 20, 26 and 29 of the HDPF.

Character and Appearance including impact on the Listed Buildings and their setting

- 6.19 Policies 32 and 33 of the HDPF require development to provide an attractive, functional, accessible, safe and adaptable environment, and to ensure that developments 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, respects the character of the surrounding area, and uses high standards of building materials, and finishes. The proposed horse walker, stables and tractor store as described above, are considered acceptable within the context of the wider equestrian site and are suitable in terms of the size, scale and appearance. It is considered that the buildings/structures would not result in an over intensity of the existing use of the site. In this respect the size and scale for the purposes of the proposed stable block are considered to accord with the requirements of Policy 32 and 33 of the HDPF.
- 6.20 Policy 34 of the HDPF sets out that 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. The NPPF draws a distinction between 'designated' heritage assets (for the purposes of this case listed buildings and conservation areas) and non-designated heritage assets. There are two Grade II listed buildings, known as Hill Farm House and Hill Barn, located close to the application site but separated by the atcost buildings on the adjacent site. The site is not within a Conservation Area. The applicants have submitted a comprehensive Heritage Statement (Murphy Associates) dated May 2020, which provides historical and architectural background to assist in the understanding of the role that setting plays in the contributing to the special interest of the two listed buildings that once formed part of Hill Farm. The supporting information has been considered by the Councils' Conservation Officer as part of the consideration of this application.
- 6.21 The Heritage Statement is described by the Council's Conservation Officer as being a comprehensive document that clearly describes the listed buildings. The applicant's statement refers to the benefits to the wider landscape of concealing the existing farm buildings with a bespoke and architect deigned building. The Council's Conservation Officer agrees that that the proposed development will not harm the intimate or immediate setting of listed buildings in terms of visual impact when viewed from the south, and advises that the proposed visual improvement within the landscape is offered as a public benefit as well as the creation of a local business. However, the Councils Conservation Officer also opines that that the proposed development will exacerbate the harm to the setting of the listed buildings that already exists by way of the modern farm buildings. The harm is considered to be less than substantial and in the middle of that range due to the increase in perception of built form and mass. It is therefore advised that in considering Paragraph 196 of the NPPF, any public benefit should outweigh any harm, and it is necessary for the decision taker to consider whether the public benefits described will outweigh this harm.

- 6.22 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. Section 72 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas. Any adverse effect on a heritage asset, even if slight or minor, would not preserve the asset or its setting. Case law has established that considerable importance and weight must be attached by the decision maker to the desirability of preserving listed buildings and their settings even when the harm to the significance of the listed building is less than substantial.
- 6.23 The NPPF defines the setting of a listed building as "the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surrounding evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'
- 6.24 In relation to designated heritage assets, the NPPF requires a distinction to be drawn between harm which is substantial and harm which is less than substantial. The test for substantial harm is high. Paragraph 018 of the PPG provides that 'whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework'.
- 6.25 In relation to less than substantial harm to a designated heritage asset, the NPPF provides as follows:
- 193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*
- 196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*
- 6.26 Paragraph 193 of the NPPF requires great weight to be given to an asset's conservation (and the more important the asset, the greater the weight should be), regardless of the level of harm identified.
- 6.27 In this situation Paragraph 196 of the NPPF would be engaged and the degree of harm would have to be weighed against the public benefits (taking into account the requirements of paragraph 193 of the NPPF). In this case, in terms of public benefits, the benefits would include the creation of employment opportunities and accommodation for two grooms; and the reduction of the visual impact from wider views within the countryside of the existing modern farm buildings that separate the application site from the listed buildings.
- 6.28 Notwithstanding the Grade II listing of Hill Farm Barn and Hill Farm House, it is considered that these modest public benefits outweigh any less than substantial degree of harm which arises from the increase in perception of built form and mass. When viewed within the context of the wider site, and given the limited inter-visibility between the proposed physical equestrian structures on land immediately adjacent to existing equestrian and agricultural buildings (which have no architectural merit themselves) and the listed buildings themselves, and given that the Council's Conservation Officer also advises that the proposed

development will not harm the intimate or immediate setting of listed buildings in terms of visual impact when viewed from the south, it is considered that in the final planning balance the proposals would also outweigh any minor conflict with relevant development plan policies. It is therefore considered that the proposal would not result in demonstrable harm to the setting of the Grade II Listed Buildings.

Landscape

- 6.29 Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance. In addition, Policy 26 of the HDPF states that proposals must be of a scale appropriate to its countryside character and location, and should protect, conserve, and/or enhance, the key features and characteristics of the landscape character area in which it is located, including the tranquillity and sensitivity to change, the pattern of fields and other features, and the landform of the area. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 6.30 The application site lies within the 'F1 Pulborough, Chiltonton and Thakeham Farmlands' landscape character area. This area is typified by the undulating farmland landscape or arable and horticulture, with small areas of pasture. The area retains its rural character and has a moderate sensitivity to change reflecting moderate inter-visibility and moderate intrinsic landscape qualities. However, the visually prominent northern escarpment areas have a higher sensitivity to change. The undulating topography of the site and wider surroundings is an intrinsic feature of the locality, and contributes not only to the rural countryside setting of which the site forms a part, but also the wider setting of the Grade II Listed Buildings of Hill Farm.
- 6.31 The Landscape Capacity Study looks at the landscape character sensitivity of the area at a smaller scale. The application site lies within 'Landscape Character Area 40: Pulborough Park and Gallops', where the landscape character sensitivity recognises that part of the area provides a strong green gap between the railway line and the southern edge of Stane Street Close. It also recognises that although physically separated, the landscape contributes to the visual setting of the historic core of Pulborough.
- 6.32 The Council's Landscape Officer has been consulted and have advised that although fairly substantial, the proposed equestrian structures will be seen in the context of the existing group of barns, other equestrian facilities within the site, as well as other equestrian influences in the surrounding area. It is noted that two public footpaths run in close proximity and adjacent to the site (PROW 1995 and PROW 1996), however it is advised that users of these footpaths already experience the equestrian influences in the area and the site itself, so although there is some harm to the landscape character and visual amenity of the area as a result of the proposals, these are considered to be of an acceptable level and one that the receiving landscape can accommodate. Some of the views of the site from the lower ground to the south will be partially softened by the various layers of existing lines of hedgerow and tree planting outside of the red line boundary. This planting must be retained and where possible enhanced. It is noted the access to the barn might require some removal of the existing hedgerow for exiting the car park and for accessing the barn. As much of the hedgerow should be retained, and if possible the existing gap on the hedgerow used to exit the car park, or otherwise the gap filled in. Further details of the hard landscaped areas are required, however these can be subject to the imposition of a suitable condition should the application be approved. Any surfacing should be mindful of the countryside location and softened were possible. The use of grassmesh within the car park should be considered.

Impact on neighbouring amenity

- 6.33 Policy 33 of the HDPF states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.34 The proposed horse walker, stables with groom's accommodation and tractor store located adjacent to existing agricultural barns are considered to be appropriate equine facilities within the countryside and would be viewed in the context of the existing equestrian use of the land. The size and scale of the development is considered appropriate when considered in relation to the stables as previously granted on site, and the overall equestrian activities and existing authorised development on the site.
- 6.35 The nearest dwellings to the application site are Hill Farm House and Hill Barn, to the north west of the application site. The evolution of the equestrian site, including that within the wider area to include the above, is not considered to result in either a development or level of activity that would result in any appreciable harm to neighbouring amenity, particularly with regards noise and disturbance to local residents above that which currently exists. The proposal would be viewed in the context of an equestrian use of the land. It would not be unusual for a horse walker, stables or tractor shed to form part of an equestrian development. It is considered that there is sufficient separation distance (approx. 75m at nearest point of nearest equestrian structures) to the nearest residential dwellings to ensure that there would be no appreciable loss of private amenity arising from the activities that take place on the site over and above those that already exist.
- 6.36 While noted that the structures and activities could be seen from the Public Rights of Way to the west and south of the site, it is not considered that such structures and activities would result in substantial harm to justify a reason for refusal on amenity grounds. The stables with grooms accommodation, horse walker and tractor shed, as described, when viewed in conjunction with the equestrian use of the wider site is considered appropriate to the countryside location and therefore would not appear out of keeping with the surroundings. The proposal is considered to be of an appropriate form and finish which, given the presence of some screening to the existing boundaries and the nearby residential properties, would not appear either unduly prominent or incongruous within the rural landscape character of the area. As such, the proposal is considered to accord with policies 32 and 33 of the Horsham District Planning Framework.

Ecology

- 6.37 The submitted assessments are considered sufficiently detailed and robust, and demonstrate that the proposal will minimise impacts on protected species, with a series of enhancements set out which would contribute to biodiversity gain. It is recommended that a Construction Environmental Management Plan for Biodiversity (CEMP) is secured as a condition of any consent. This should include appropriate mitigation measures for the protection of the SSSI.
- 6.38 Enhancements to be provided include provision of additional habitat on site for roosting bats, either integrated or wall mounted bat boxes that would be added to the new buildings. These will face south and be at least 3m above ground and away from artificial light. Additionally sparrow terraces and swift boxes added to the new buildings to accommodate at least 3 pairs of each species.

Highways

- 6.39 WSCC Highways have been consulted and have advised that the extra traffic that this development would be associated with would relate to the day to day running of the equestrian centre, such as deliveries of horse feed, regular removal of horse manure, etc.

and use by clients and visitors. Whilst the running of the centre will attract some traffic associated to the activity, it is considered that this would be minimal in relation to the current traffic and this will be concentrated on weekends, when more customers will be more likely be using the facilities.

- 6.40 On a competition day a slightly higher attendance is expected but this will be limited by the parking availability proposed which is for 36 vehicles. These competitions will be attended mainly by the riders taking part and their families, but will not attract a large amount of visitors from the general public.
- 6.41 For the avoidance of doubt, the applicants have confirmed that overall the expected traffic on Hill Farm Lane (and nearby roads), as a consequence of the equestrian activities, would be as follows. It has been confirmed that this is not additional to the current traffic levels as there will be no increase in the number of events held on site as a result of the development proposed.
- Weekdays (Monday to Friday): 10-25 journeys daily
 - Weekends (non-competition days): 30-50 journeys daily
 - Weekends (competition day): 80-100 journeys daily
- 6.42 This traffic is relatively spread out throughout the day, being more concentrated only on competition days. It is advised that as most attendees will be competitors and their families, and the activity requires quite some time of preparation ahead of the contest, the traffic is expected to be quite dispersed. It is advised that even if many arrivals converged at any particular moment in time, and some queues occurred, these queues will happen on the long private driveway and not on the public road. The driveway is 150m long and therefore has capacity for 20 to 25 vehicles.
- 6.43 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.

Climate Change

- 6.44 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:

- Biodiversity mitigation (as listed above)
- Use of low energy heating and hot water systems;
- use of low energy lighting;
- reduction of impermeable hard surfacing (use of grass crete) details to be addressed by the hard landscaping details to be submitted.

In addition to these measures conditions are attached to secure the following:

- Biodiversity mitigation and enhancement
- Electric vehicle charging point
- Dedicated refuse and recycling storage capacity

Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Other matters

- 6.45 It is advised by an interested party, in an objection letter that has been received, that there is dispute regarding land ownership within the red edge and blue line boundaries of the application site. It is advised that the land is not owned by the applicant and is subject to probate. The applicant has completed Certificate B in regard to the application. Land ownership itself is not a consideration that the local planning authority takes into account when determining applications. Applicants are required to indicate on their application form whether or not they are the owner of the land, and if not, they have to submit a notice to the landowner indicating that they have applied for permission on land which is not in their ownership. However, Section 65 of the Town and Country Planning Act 1990 states that any person who knowingly or recklessly issues a false or misleading certificate is guilty of an offence and in danger of a decision being quashed. As such the applicant is reminded of this.
- 6.46 The Council as local planning authority, as is standard practice, does not undertake any verification of land ownership when planning applications are submitted, and relies upon the information submitted by the planning applicant as being correct and accurate. The planning system is not designed to deal with land ownership disputes and these matters must be dealt with as a private matter outside of the planning system. The planning system does not exist to protect the private interests of one person from the activities of another, although private interests may coincide with the public interest in some cases.

Conclusions

- 6.47 The proposed development is considered acceptable in principle, and is considered to be of a scale, form and layout that would respect the landform and landscape character of the rural setting. Whilst the proposal would result in less than substantial harm to the wider setting of the nearby Grade II Listed Buildings, this is at the lower end of the scale given the existing larger agricultural buildings set in between. The public benefits of the development, although limited, are sufficient to outweigh this harm. No significant harm would result to the amenities and sensitivities of neighbouring properties or users of land. The proposal is therefore considered to accord with all relevant local and national planning policies.

7. RECOMMENDATIONS

- 7.1 That planning permission is granted subject to the following conditions and subject to the expiration of the 21 day notification period following amendment to Certificate B as served by the applicant on the 4 September 2020, provided that no new material considerations are received which would otherwise require the application to be re considered by the Planning committee:

Conditions:

1. **Approved Plans List**
2. **Regulatory (Time) Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
3. **Pre-Commencement Condition:** A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 4 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.
- i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
 - ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement (Slab Level) Condition:** A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter."

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 6 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body will be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** Prior to the use of any of the development hereby approved, precise details for the disposal of manure and stable waste arising from the use of the buildings shall be submitted and approved in writing by the Local Planning Authority. These details shall include methods and frequency of stable cleaning, storage, collection, and disposal methods; and details of the location of storage of stable waste. The 'waste' shall thereafter be disposed of in accordance with the agreed details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity, and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 9 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted the vehicle parking spaces necessary to serve it have been constructed and made available for use in accordance with approved drawing no 101. The vehicle parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide vehicle parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 10 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:
- Details of all existing trees and planting to be retained
 - Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
 - Details of all hard surfacing materials and finishes
 - Details of all boundary treatments
 - Details of all external lighting
 - Details of all external lighting (including biodiversity bat sensitive lighting scheme with provision of appropriate lighting contour plans, Isolux drawings and technical specifications)

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted,

felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance and to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015).

- 11 **Pre-Occupation Condition:** The proposed development hereby permitted shall not be occupied until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

- 12 **Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse/recycling has been made for that dwelling (or use) in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** The development as proposed shall be used only as commercial stabling.

Reason: In the interests of highway safety in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** The occupation of the grooms accommodation above the stable shall be limited to persons employed in connection with the use of the equestrian facilities hereby permitted and for no other purposes.

Reason: The site lies in an area where, in accordance with Policy 26 of the Horsham District Planning Framework (2015) development which cannot be justified as essential to the needs of agriculture or forestry would not normally be permitted.

- 14 **Regulatory Condition:** All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (ArbTech, February 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species), s17 Crime & Disorder Act 1998 and Policy 31 of the Horsham Development Framework.

- 15 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 16 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).