



TO: Planning Committee North

BY: Head of Development

DATE: 6 October 2020

DEVELOPMENT: Installation of a covered riding arena

SITE: Winterfold Farm Wimland Road Rusper Horsham West Sussex RH12 4QU

WARD: Colgate and Rusper

APPLICATION: DC/20/0939

APPLICANT: **Name:** Ms Watson **Address:** Winterfold Farm, Wimland Road Rusper RH12 4QU

REASON FOR INCLUSION ON THE AGENDA: By request of the Parish Council.

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 current application seeks consent to erect an undercover sand-school, which would be in addition to the existing equestrian facilities on the site. The facility is for the applicant's family and their 20 horses, with the family engaging in various equestrian disciplines, including dressage and jumping.
- 1.3 The structure would measure some 60m by 25m with a ridge height of some 7.87m. The drawings show a natural fibre cement roof with translucent skylights, a green painted steel frame and an internal low-level arena surround.
- 1.4 The submitted statement reiterates the personal use of the facility, which centres on event training and horse breeding, with stable-hands hired to assist in the day-to-day management and tasks. The indoor arena would allow the facilities to be used during inclement weather, thus avoiding the risk of injury to rider and horse, with the size being just above the standard size that is used for highest level of dressage competitions (20m by 60m). The additional 5m would allow for show jumping and provides for turning between the jumps.
- 1.5 In seeking to address the reason for refusal under DC/19/0325, the current scheme is accompanied by a Landscape and Visual Appraisal, which sets out various new areas of planting to 'soften' views of the site. One significant element is the new native woodland planting along the southern side of the proposed riding arena and adjacent to the existing lunge pen, and along the southern edge of the existing / approved outdoor sand-school.

Other landscaping elements are proposed across the site, including new planting of native trees within the paddock avenues and boundary treatment revisions (set out under the concurrent application DC/20/0937).

- 1.6 The riding arena has also been moved slightly north over and above the previous proposal (DC/19/0325) and is predominantly open-sided to all four elevations.

DESCRIPTION OF THE SITE

- 1.7 The application site is located within an open and rural area, with a gently undulating landform. The Council's 2003 Landscape Character Assessment defines the area as I2 (Warnham and Rusper Wooded Fringe), which still retains a mostly rural and unspoilt character of wooded ridges and strong pattern of shaws and hedgerows, a patchwork of small pasture fields. Settlements are historic and dispersed. The Landscape Assessment considers the landscape condition to be 'good', with pressures arising from suburban features and the expansion of horse paddocks.
- 1.8 The application site is accessed off Wimlands Road via a private track which leads to residential properties at Baldhorns Park and Baldhorns Park Farm, located to the north of the application site, with Baldhorns Park Farm being used for a stud farm / equine holding since permission was granted under DC/13/1452. The shared access track also forms a public right of way / bridleway (No.1566), with a further public footpath running east-west across the centre of the application site (No.1569).
- 1.9 The overall land parcel of the wider application site comprises some 9.7ha and extends up to the River Mole that runs alongside part of the northern boundary. The site is also subject to a number of trees which are subject to Tree Preservation Orders.

Recent Planning History on site:

- 1.10 In May 2019, the Council refused permission for two applications which sought retrospective permission for unauthorised works and development across the site (DC/19/0324), as well as a covered riding arena (DC/19/0325).
- 1.11 Of concern was the overbearing bulk and massing of the arena, along with the cumulative urbanisation and impact arising as a result of the wider site-wide development.
- 1.12 A concurrent application has also been submitted for the regularisation of a number of unauthorised site-wide works, along with new development at the site (DC/20/0937), which was previously considered under DC/19/0324.

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:

- 2.3 **National Planning Policy Framework**

- 2.4 **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 10 - Rural Economic Development
 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 31 - Green Infrastructure and Biodiversity
 Policy 32 - Strategic Policy: The Quality of New Development
 Policy 33 - Development Principles
 Policy 40 - Sustainable Transport
 Policy 41 – Parking

Supplementary Planning Guidance:

2.5 West Sussex Joint Minerals Local Plan (2018) - Policy M9 - Safeguarding Minerals

RELEVANT NEIGHBOURHOOD PLAN

2.6 The Ruser Neighbourhood Plan is currently advancing through the Examination process.

The most relevant policies are:

Policy RUS1: Spatial Plan

Policy RUS3: Design

Policy RUS5: Green Infrastructure

Policy RUS6: Walking, Cycling and Equestrian Routes

Policy RUS8: Landscape Character and Local Gaps

Policy RUS11: Dark Skies

Policy RUS12: Promoting Sustainable Transport

PLANNING HISTORY AND RELEVANT APPLICATIONS

2.7 The most recent and relevant planning history is as follows:

DC/20/0937	Retrospective application for change of use of land to equestrian and equestrian development comprising stables, dog kennels, manure store, hay barn, lighting and mirrors for sand school and lunge pen. Provision of mobile home for rural worker.	Pending consideration
DC/19/0324	Retrospective application for the erection of an equestrian development comprising stables, dog kennels, manure store, hay barn, horse walker, sand school (30x50 metre) with lighting, mirror and shelter and stallion lunge pen. Provision of trackway, mobile home for welfare and overnight living accommodation	Application Refused on 31.05.2019
DC/19/0325	Erection of a 60 x 25m indoor equestrian arena	Application Refused on 31.05.2019
DC/17/1841	Change of use of land to equestrian including the erection of one stable block and one 30 x 50m sand-school with associated engineering works. (Resubmission following refusal of previous application DC/17/1224).	Application Permitted on 07.12.2017
DC/17/1224	Change of use of land for equestrian use and proposed erection of stable block, construction of	Application Refused on 11.08.2017

a 30 x 50m sand school and associated engineering works. Retrospective provision of a track way and hardstanding

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 subject to conditions
Proposed mitigation measures are sufficient to overcome the previous landscape concerns.
- 3.3 **HDC Drainage Engineer:** No objection subject to conditions

OUTSIDE AGENCIES

- 3.4 **WSCC Highways:** No objection
The application is integral to the facilities proposed under reference DC/20/0937 and will have no discernible impact on road traffic.
- 3.5 **Thames Water:** Comment:
Surface water is not to be discharged to the public network as indicated on the application.
Foul water is not to be discharged to the public network as indicated on the application.
- 3.6 **WSCC Flood Risk Management:** No objection
- The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.
 - Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.
 - No Drainage Strategy has been included with this application state. The DAS states that 'Detailed drainage calculations and plans proposing provision of below ground storage support this application' although it is unclear where these are located within the documents provided.
 - All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.
- 3.7 **WSCC Rights of Way:** No comment
- 3.8 **WSCC Minerals and Waste:** No objection
Given the Site area of less than 0.1ha, it is not considered that significant levels of mineral sterilisation would not occur as a result of the proposal if permission were to be granted.

PUBLIC CONSULTATIONS

- 3.9 To date, one letter of support has been received from an adjacent neighbour. No concerns raised with the equestrian activities on site for the past 2-3 years.

PARISH COUNCIL CONSULTATION

- 3.10 **Rusper Parish Council:** Objection
- It is out of scale with the area (too large)

- The height of the building would impact on the views from the Public Right of Way

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

Principle of Development

- 6.1 Policy 26 of the Horsham District Planning Framework (2015) (HDPF) sets out a general policy of restraint against inappropriate development in the countryside in order to protect its rural character and undeveloped nature. However, it does allow for, amongst other things, quiet, informal recreational use, such as that derived from private equestrian activities.
- 6.2 Policy 29 of the HDPF is generally supportive of new equestrian development, subject to several criteria, including the proposal being appropriate in scale and character, and level of activity, and being in keeping with the location, being well-related to existing buildings. The policy sets out that existing buildings should be re-used before new buildings are considered.
- 6.3 When the Council permitted the stable block and open sand-school in December 2017 under DC/17/1841, a new chapter of equine use of the land was approved, and subsequently commenced.
- 6.4 The concurrent application DC/20/0937 seeks to address a number of unauthorised developments within the wider site and proposes a site-wide series of landscape enhancements and mitigations.
- 6.5 The current application for the covered riding arena proposes a number of landscape mitigation measures such as tree planting to the south of the proposed arena, as well as a shifted position in order to address the previously refused scheme (DC/19/0325).
- 6.6 However, Officers acknowledge that the private equine use of the site has already been established and is lawful under DC/17/1841, and the facility remains a private family-run holding.
- 6.7 The proposal for an indoor riding arena, which allows for the training of horses during inclement weather, is not uncommon for private establishments, and was found to be an acceptable addition to a private equestrian facility in terms of local and national planning policy when previously considered under DC/19/0325. The proposal would allow for expanded informal recreational use and, in principle, and as a private facility, the scale and level of activity associated with the use would not be expected to be of such magnitude, in isolation of any landscape concerns, to justify a refusal of planning permission.

Design and Appearance

- 6.8 Policy 25 of the HDPF states that the natural environment and landscape character of the District, including landscape, landform and development pattern, together with protected

landscapes and habitats will be protected 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 ensure that it will complement locally distinctive characters and heritage; 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.

- 6.9 The proposed covered riding arena was previously held to result in additional site coverage, bulk and massing (DC/19/0325). The riding arena as now proposed would be open-sided to allow some visual permeability, and lessening of the perceived 'bulk' of the covered arena.
- 6.10 It is acknowledged that the application site lies in a rural location, away from settlement boundaries. Furthermore, although it lies to the south of an established equine holding (Baldhorns Park Farm), the application site remains physically and visually separate and distinct in character. Whilst the site at Baldhorns Park Farm includes a sand school, stable buildings and associated equine 'development', a dwelling and paddocks, Baldhorns Park Farm, established within the last 10 years, is closely grouped together and associated with the original farm buildings that occupied the site previously. Officer's site visits to the wider site area revealed that the nature of the paddocks and the fencing to the adjacent site at Baldhorns Park Farm is also traditional stock fencing, so maintains the open views over the rising landform and is therefore less visually intrusive in the overall rural landscape.
- 6.11 Officers have taken account of the public viewpoints / receptors of the site. The submitted landscape and visual appraisal is considered to present a reasonably accurate study into the likely visual impact of the proposed riding arena. The amended proposal has sought to mitigate the resulting visual impact of the physical development by way of increased natural elements within the site.
- 6.12 Although there is a level of erosion of the landscape character that would result by way of the proposed development, the overall bulk and massing of the proposed arena is not considered dissimilar to a large agricultural barn or hay barn that might be expected in a rural area. The proposed the use of timber boarding to the lower portions of the walls and fibre cement roofing would also be commensurate with an agricultural building.
- 6.13 Owing to the proposed siting of the covered riding arena, views available from the southern PROW (No.1569) would be viewed at greater distances and from an increased height, owing to the undulating nature of the land. Views from the northern PROW (No.1566) would be limited to the western end of the arena where the PROW comes closest to the proposed development along the access track.
- 6.14 The proposed indoor riding arena, by virtue of its design and siting, and in addition to the landscaping enhancement measures, would not be unduly harmful in the wider landscape setting of the site. It is suggested that appropriate conditions be included to secure landscape details and external materials of the arena.
- 6.15 Whilst the Parish Council's comments on the over-intensification of the site are noted, it is acknowledged that equine training and breeding can necessitate a degree of physical structures on the land, such as the stallion pens, walkers and an outdoor arena / sand-school with mirrors and lighting.
- 6.16 It is noted that the concurrent application DC/20/0937 seeks to address a number of unauthorised and proposed developments at the site over and above the stable / barn and outdoor sand-school that were approved under DC/17/1841. The submitted landscape-led assessment has been prepared to mitigate any undue visual harm of the comprehensive site development.

Landscaping

- 6.17 The loss of green infrastructure is to be resisted in line with Policy 31 of the HDPF, unless there are new opportunities which compensates or mitigates for the loss. Chapter 15 of the NPPF also recognises the intrinsic character and beauty of the countryside and seeks to improve landscapes, biodiversity net gains.
- 6.18 The proposal for the covered riding arena includes landscape and natural enhancement measures that are part of a site-wide plan, including woodland planting to the south and west of the arena. These enhancements would address concerns raised previously under DC/19/0325 and would restore the natural rural qualities of the site that are commensurate with the location.
- 6.19 It is considered that the landscaping features being proposed to mitigate the visual impact of the proposed development would be beneficial to the site, the landscape characteristics, and would be in line with local and national policies. Appropriate planning conditions would secure their implementation and specifications.

Amenity Impacts

- 6.20 The closest residential properties remain Baldhorns Park Farm to the north west of the site and Baldhorns Park to the west of Baldhorns Park Farm, which has extensive equestrian facilities. Given the distances involved between the site and neighbouring residential properties, it is not considered that the proposed development would have any adverse impacts on the privacy and amenity of the neighbouring occupiers, or indeed users of adjacent land.

Highways Impacts

- 6.21 Policy 40 of the HDPF supports proposals which provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods, whilst Policy 41 of the HDPF requires adequate parking facilities within developments.
- 6.22 The site is already served by an existing access track from Wimlands Road, which leads to the farmlands and properties at Baldhorns Park and Baldhorns Park Farm, and also serves as a PROW.
- 6.23 It is recognised that the facility is not commercial in nature and is not considered to have a severe impact on the highway network. The proposal is considered acceptable on transport grounds, being for private use only. Furthermore, the PROW remains subject to the usual restrictions that apply to landowners.
- 6.24 As the proposed covered riding arena will be used by the family, there will be no additional parking requirements raised in relation to its proposed development, as the site is more than capable of accommodating the family's parking needs, along with those of any staff / grooms.

Climate Change

- 6.25 Policies 35, 36 and 37 of the HDPF require that development mitigates 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.
- 6.26 The covered riding arena includes translucent skylights, which would reduce the need for artificial lighting when in use. Additionally, the landscape proposals provide opportunities for biodiversity gain and green infrastructure enhancements.

Conclusions

- 6.27 It is acknowledged that the planning history on this site includes a refusal on grounds of a significant and overbearing built form and intensification of sporadic development and activity levels in the countryside.
- 6.28 As with the previously refused scheme (DC/19/0325), it is noted that the level of development on the wider site results in a sizeable equine holding. However, it is of a scale and character considered to be domestic / recreational in nature, particularly when used for equestrian training at a competitive level, as the applicant's family does.
- 6.29 Equine use of the site is lawful and was established under DC/17/1841, with the creation of the outdoor sand-school and stable block for some 14 horses. It is also noted that there is a presence of equine use on the adjacent northern farm holding, so there has been an evolution of the landscape character in the last 10 years, as evidenced by aerial photography.
- 6.30 In this instance, public views of the site are available by way of the northern and southern PROW's, but there is also a degree of undulation within the landscape which reduces the overall resulting visual impact of the proposed arena from these public receptors.
- 6.31 The proposed covered arena would be grouped with the lawful development within the site and would form a cluster of 'development', closely sited to the northern boundary of the site. Views of the proposed arena would therefore be largely set against a backdrop of the northern tree belt, or viewed from an elevated position along the southern PROW and at a distance.
- 6.32 In order to address the likely harm to the visual qualities of the area, there has been an increased emphasis placed on new and increased landscaping elements within the site. Many of these are intended to create visual improvements to the site and seek to mitigate the scale and bulk of the development when viewed particularly from the identified PROW receptor points.
- 6.33 The current scheme has therefore sought to overcome the concerns raised previously and the reason for refusal cited on DC/19/0325. The resulting proposal would achieve a greater emphasis on landscape and visual improvements across the site, thus addressing the harm that was previously identified under DC/19/0325.
- 6.34 The application is therefore recommended for approval, subject appropriate planning conditions.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.35 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.
- 6.36 **It is not considered that this development constitutes CIL liable development.**

7. RECOMMENDATIONS

- 7.1 It is recommended that the application is approved, subject to the following conditions:

1 Plans list

- 2 **Standard Time Condition:** The development hereby permitted shall begin 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 (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, roofs and skylights of the approved building 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).

- 4 **Pre-Occupation Condition:** Prior to the first use 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, with a minimum suggested girth size of 20 - 25cm

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 with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** No artificial 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).

- 6 **Regulatory Condition:** The development shall be carried out in strict accordance with the drainage strategy detailing the proposed means of foul and surface water disposal (drawings AGM-WIN-LV-004 and CES527/01/02 rev A).

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 7 **Regulatory Condition:** The riding arena hereby permitted shall not be used for commercial purposes or in connection with any form of riding or livery establishment.

Reason: In the interests of amenity, to enable the Local Planning Authority to regulate and control the development and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/20/0939