

## Agenda Item

Report to	<b>Planning Committee</b>
Date	<b>04.11.2020</b>
By	<b>Director of Planning</b>
Local Authority	<b>Horsham District Council – on behalf of the South Downs National Park Authority.</b>
Application Number	<b>SDNP/20/03058/FUL</b>
Applicant	<b>Mrs Louise Dunn</b>
Application	<b>Erection of a stable block.</b>
Address	<b>Land South of East Street Farm East Street Amberley West Sussex</b>
Reason for inclusion on agenda.	<b>This application is made on land owned by Horsham District Council.</b>

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**Recommendation:** That the application be **Approved for the reasons set out in this report and subject to the conditions set out in paragraph 10 of this report.**

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### Executive Summary

Planning permission is sought for the provision of non-commercial stabling on land within the ownership of Horsham District Council. There are no stable (or alternative) facilities currently present on the holding, with the proposed stabling deemed proportionate to an equine need. The proposed stabling is deemed of a siting, scaling and design that would not result in a material detriment to local landscape character or to adversely influence the setting of nearby heritage assets. It is, therefore, considered that the proposal is compliant with all relevant development plan policy, and recommended that planning permission be granted accordingly.

#### I. Site Description

- I.1 The application site concerns land south of East Street Farm, comprised of three fields to the south and east of Amberley Conservation Area, east of Amberley School and north of Turnpike Road within the ownership of the Council. The site is bounded by right of way 3708/1, which also intersects the holding towards its southern extent. All three fields are turned over to pasture, and grazed by the applicant's horses as the tenant of the land.

## 2.0 Proposal

- 2.1 Planning permission is sought for the provision of a three-bay stable block within the northernmost field of the holding. The stable block would be provided at the easternmost extent of its respective field-setting to the adjacent south of the main field-access.
- 2.2 The submitted plans indicate the stable block to be constructed to a length of 11m and width of 3.6m, incorporating an overhung dual-pitched roof to a height of 3.3m. As denoted on the submitted application form the stable block would comprise of a treated timber cladding with bitumen roof covering.

## 3 Relevant Planning History

SDNP/19/01313/FUL	Creation of a community car park on part of an existing empty field.	Application Permitted on 09.08.2020
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## 4 Consultations

### 4.1 HDC – Design and Conservation: No objection:-

“I am satisfied the stable building will not have a harmful impact within the setting of the listed buildings fronting East Street and High Street. The building will not harm the character of the conservation area. I make no objection on heritage grounds.”

### 4.2 Amberley Parish Council: Support:-

On grounds of animal welfare.

## 5 Representations

5.1 Three letters of support have been received in connection with the proposal. The main material grounds for support can be summarised as:-

- The proposal would benefit the welfare of horses;
- The proposal would not impact adjoining properties;

## 6 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area comprises of the South Downs Local Plan 2014-2033 (2019) and Amberley Neighbourhood Development Plan (2017).

The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

### National Park Purposes

6.2 The two statutory purposes of the National Park designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,

- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

## **7 Planning Policy**

### **7.1 Relevant Government Planning Policy and Guidance**

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) , updated February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

### **7.2 National Planning Policy Framework (NPPF)**

The following National Planning Policy Framework documents have been considered in the assessment of this application:

Chapter 12 – Achieving well-designed places  
Chapter 15- Conserving and enhancing the natural environment

The development plan policies listed below have been assessed for their compliance with the NPPF and have been found to be compliant with the NPPF.

### **7.3 The following policies of the South Downs Local Plan (2019) are relevant to this application:**

- SD1: Sustainable Development
- SD2: Ecosystem Services
- SD4: Landscape Character
- SD5: Design
- SD7: Relative Tranquillity
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD12: Historic Environment
- SD24: Equestrian Uses
- SD25: Development Strategy
- SD45: Green Infrastructure
- SD48: Climate Change and Sustainable Use of Resources
- SD49: Flood Risk Management

### **7.4 The following policies of the Amberley Neighbourhood Development Plan (2017) are of relevance to this proposal:**

- EN1: Natural Environment
- EN2: Landscape Character and Open Views
- EN5: Conserve and Enhance the Heritage Environment
- EN6: Dark Night Skies
- HD1: Settlement Boundary

- HD2: Quality of Design
- HD8: Attention to Detail

## **8 Planning Assessment**

### **Principle of Development:**

- 8.1 Policy SD24 of the South Downs Local Plan (SDLP) (2019) relates to equestrian development. This policy provides that development proposals for equestrian development will be permitted where of a scale and intensity compatible with the landscape and special qualities of the National Park. Policy SD24, further, requires that equestrian facilities be well sited and demonstrate good design responsive to local distinctiveness, further, encouraging the re-use of existing buildings wherever feasible and viable and the siting of new buildings with existing facilities wherever possible.
- 8.2 Policy SD25 of the SDLP (2019) provides that, exceptionally, development outside of a defined settlement boundary will be permitted where substantially compliant with the other provisions of the Local Plan and *inter alia* there is an essential need for a countryside location or development constitutes the appropriate re-use of a previously developed site, and conserves and enhances the special qualities of the National Park. In determining development proposals outside of a defined built-up area, positive regard will be had to the multiple benefits delivered in accordance with the purposes and special qualities of the National Park in addition to ecosystem services.
- 8.3 Policy HD1 of the Amberley Neighbourhood Development Plan (ANDP) (2017) provides that development will be supported within the defined built-up area for Amberley where compliant with other policies of the Development Plan and acceptable with regard to other material considerations. Outside of a defined built-up area, development will only be supported in exceptional circumstances as set out in national guidance and the Development Plan.
- 8.4 The application site is found beyond the limits of the Amberley settlement boundary as defined within the SDLP (2019) and ANDP (2017). The proposal, however, would support an equine use of modest intensity, with the applicant confirming that the land is utilised for the grazing of three ponies within the applicant's ownership. As observed during the officers site visit the holding presently lacks built-facilities that could serve as stable facilities, with the supporting written statement to this application indicating the need for shelter in inclement weather and to better support the wellbeing of animals. The applicant has explained that the horses are not stabled elsewhere, including overnight, with the proposal considered supportive of the welfare needs of existing horses.
- 8.5 The proposed stable represents a modest facility that is deemed of a scale proportionate to a non-commercial equestrian need. The proposal would provide a shelter sufficient to accommodate the applicants horses, and to provide covered/secure storage. It is not considered that the provision of a stable building of the proposed scale would represent a significant intensification of use, while the grazing of horses on the holding would not effect a material change of use from agriculture as termed at S.336(1) of the Town and Country Planning Act 1990. It is, therefore, considered that the proposal is acceptable in principle, subject to a condition designed to prevent a use of the stables for commercial purposes.

### **Visual Impact and Landscape Character:**

- 8.6 Policy SD4 of the SDLP (2019) provides that development will only be permitted that conserves and enhances landscape character through the retention and enhancement of existing landscape features, positive design, layout and scale that reinforces distinctive landscape characteristics and

the evolution of the landscape and by safeguarding the amenity and experiential qualities of the landscape

- 8.7 Policy SD5 of the SDLP (2019) requires a landscape led approach to design, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of an area. Development *inter alia*, will be required to complement landscape character, contribute to local distinctiveness and incorporate architectural design appropriate to its setting in terms of height, massing, density, roof form and relevant detailing.
- 8.8 Policy SD12 of the SDLP (2019) *inter alia* provides that development affecting heritage assets or their setting, shall be determined with regard to their significance, including the long term conservation and enhancement of that asset.
- 8.9 The submitted plans describe a timber three-bay stable block sited at the eastern extent of the holding to the adjacent south of an existing field access. The proposed stable is of a simple and unassuming design, overall reflective of a utilitarian character deemed appropriate to the agrarian character of land south of East Street Farm.
- 8.10 The proposed stable block would be sited against the boundary of its respective field, not considered to represent a significant intrusion into the local field pattern. Vegetation to the south and east of the stable block would act to provide some relief to the bulk and massing of this structure from right of way 3708/1, with the stable block not anticipated to be visible on approach on Hurst Lane owing to its siting and orientation. It is considered, therefore, that the proposal would preserve the rural qualities of the settlement fringe of Amberley without material detriment to local landscape character or the visual amenities of the public realm.
- 8.11 The proposed stable would affect the setting of listed buildings fronting East Street and High Street, owing to the substantial absence intervening vegetation, in addition to the Amberley Conservation Area to the north and west. The proposed building, however, would be sited in excess of 60m from the designated Conservation Area, with the proposal not considered of a scale or nature that would adversely influence the setting of heritage assets, or materially influence an understanding of the significance of such heritage assets. It is considered, therefore, that the impact of the proposal in heritage terms is neutral, not warranting objection in relation to policy SD12 of the SDLP (2019).

**Amenity:**

- 8.12 Policy SD5 of the SDLP (2019) *inter alia* provides that development should have regard to avoiding harmful impacts upon any surrounding uses and amenities.
- 8.13 The proposed stable is sited ~20m south west of the closest dwelling of No. 7 Hurst Close. It is considered that this intervening distance is sufficient to prevent any unacceptable harm to the amenities of the occupiers of this dwelling in terms of overshadowing or an enhanced sense of enclosure accounting for the modest proportions of the proposed building.
- 8.14 As reasoned in the preceding sections of this report existing equine activity on the holding is modest, and would not be considered at a level likely to adversely influence the living conditions of neighbouring occupiers in terms of noise or odour disturbance.
- 8.15 It is, therefore, considered that the proposal would not harmfully impact upon the amenities of nearby occupiers or users of land.

### **Dark Night Skies:**

- 8.16 Policy SD8 of the SDLP (2019) provides that development will be permitted that conserves and enhances the intrinsic quality of dark night skies and the integrity of the Dark Sky Core. Development must demonstrate that all opportunities to reduce light pollution have been taken, including the avoidance of unnecessary lighting and appropriate mitigation where unavoidable.
- 8.17 The application site falls within Dark Sky Zone E1a (intrinsic rural darkness) as an area of significant sensitivity to light pollution or within a 2km buffer of the Dark Sky Core, which, in this instance, is found a short distance north of the application site. Policy SD8 would require that external lighting must meet, or exceed, the minimum level of protection appropriate to its respective Dark Sky Zone; which would be a maximum 'Lux level' of 10 in this instance.
- 8.18 The accompanying written statement to this application indicates that the stable block would not feature artificial lighting. The omission of external lighting to the stable block and its surroundings would be considered to effect no material change in the quality or character of local dark skies, with a condition restricting the provision of such lighting without the express consent of the Authority considered to afford sufficient control to prevent the subsequent introduction of lighting that would adversely influence local dark skies conditions.

### **Ecosystem Services:**

- 8.19 Policy SD2 of the SDLP (2019) provides that development will be permitted that secures an overall positive impact on the ability of natural environment to contribute goods and services. Development should incorporate high quality design and deliver opportunities to sustainably manage the use of resources, mitigate/increase resilience to the impacts of climate change, improve public health, provide opportunities for access to the special natural/cultural qualities of the National Park and improve habitats and biodiversity.
- 8.20 The proposed stable block would support the continued use of land for grazing, with the grazing of horses on the holding considered to amount to an agricultural use as termed at S.336(1) of the Town and Country Planning Act 1990. As explained at paragraph 4.2 of the SDLP (2019), the use of land for agriculture is considered a provisioning service which supports certain types of biodiversity and the rural economy. It is considered that the proposal would support the continued management and use of the holding for agricultural purposes, therefore, contributing to the natural goods and services provided by the National Park as an integral element of ecosystem services.
- 8.21 The proposal would not be considered to adversely influence protected species or habitats given its modest scale and the absence of relevant biodiversity designations in this instance.

## **9 Conclusion**

- 9.1 The proposed stable block would support the care and wellbeing of horses within the applicant's ownership. It is considered that the scale of stabling facilities is proportionate to a non-commercial need and that any unacceptable future intensification of use arising from a commercial operation can be appropriately controlled by means of an appropriately worded condition.
- 9.2 The proposed stable block represents a modest structure, that is considered sited and designed in a manner which would not detrimentally influence the rural qualities of land at the settlement fringe of Amberley, local landscape character or visual amenity. No detrimental impact in terms of the effects of development on the amenities of neighbouring occupiers, the provisioning of

natural goods and services or the intrinsic quality of the International Dark Skies Reserve would, further, be considered in this instance.

- 9.3 It is considered, therefore, that the proposal is compliant with all relevant development plan policies, with the proposal recommended for approval accordingly.

## 10 Conditions

It is recommended that planning permission be granted subject to the conditions listed below:-

### 1. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

**Reason:** For the avoidance of doubt and in the interests of proper planning.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

3. **Regulatory Condition:** The materials to be used in the construction of the stable hereby permitted shall strictly accord with those prescribed within section 9 of the submitted application form, unless details of alternative materials are submitted to and approved in writing by the Local Planning Authority prior to the commencement of relevant works above ground floor slab level.

**Reason:** To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policies SD4 and SD6 of the South Downs Local Plan (2019).

4. **Regulatory Condition:** The stables 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 Policies SD24 and SD25 of the South Downs Local Plan (2019)

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

**Reason:** To ensure the potential adverse impact of light pollution is mitigated, thereby preserving the intrinsic quality of the International Dark Sky Reserve and in accordance with Policy SD8 of the South Downs Local Plan (2019).

## **11. Crime and Disorder Implications**

11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12. Human Rights Implications**

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **13. Equality Act 2010**

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

## **14. Proactive Working**

14.1 Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

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Appendices Appendix I - Plans Referred to in Consideration of this Application

## **Appendix I – Plans Referred to in Consideration of this Application**

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Reports - Heritage Statement	NONE		28.09.2020	Approved
Plans - Location	NONE		23.07.2020	Approved
Plans - Elevations	01		23.07.2020	Approved

**Reasons:** For the avoidance of doubt and in the interests of proper planning.