



TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 10th May 2022

DEVELOPMENT: Construction of equestrian rehabilitation and training centre comprising stable building and indoor sand school with internal facilities. Alterations to vehicle access and creation of new access road and car parking.

SITE: Twenty Five Acres Leechpond Hill Lower Beeding West Sussex

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/21/1263

APPLICANT: **Name:** Mr Duncan Harvie **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Planning permission is sought for the erection of two large commercial equestrian buildings comprising 20x stables (and associated facilities) and an indoor arena / therapy centre, in addition to associated landscaping and re-levelling works, access track, and a new parking area with 14x spaces and a delivery / turning area.
- 1.2 The proposed buildings would be sited towards the north-western corner of the site, sited parallel to the western boundary. The stable would measure approximately 59.8m in length, 15.4m in width, and would host a pitched roof with an eaves height of 4.9m and an overall ridge height of 7m. The building would accommodate 20x stables, a feed store, tackroom, 2x vitafloor stalls and 2x tie-up solariums.
- 1.3 The proposed arena / therapy building would also be sited towards the north-western corner of the site, sited parallel to the northern boundary of the site, and perpendicular to the proposed stable building. The building would measure 94.2m in length, 30.3m in width, and host a pitched roof with an eaves height of 4.8m and an overall ridge height of 9m. The

building would accommodate a 30m x 60m indoor sandschool, a hypoxic chamber (for altitude training), a horse gym, and an internal water horsewalker. In addition, a mezzanine floor is proposed within the roof area comprising a view gallery and an office.

- 1.4 In order to accommodate the buildings in this location, works would be required to level the site, requiring the removal and depositing of materials within the landscape. In addition, a new access track from an existing access on to Leechpond Hill (the B2110), travelling from the southern side of the site towards the north, on a new parking area.
- 1.5 The proposal incorporates a commercial equestrian use, which is aiming to create '*a state-of-the-art facility that will benefit the rehabilitation of serious injuries in horses and also build performance in competitive horses from around the UK and abroad*'. The applicant intends to operate the site all-year-round. The facility is aimed to help recovery and rehabilitation, as well as performance, for any level of rider.

DESCRIPTION OF THE SITE

- 1.6 The application site relates to land east of Leechpond Hill, sited south of Lower Beeding. The site is located outside of the built-up area boundary and is therefore considered to be within a countryside location. The site is laid to grass, and slopes downwards towards the east, and is bound by mature and established foliage / planting to all boundaries. The site is currently served by two existing accesses from Leechpond Hill. The site is located wholly within (albeit on the western edge of) the High Weald Area of Outstanding Natural Beauty.
- 1.7 The site is wholly rural in character. The surrounding area is formed predominantly of similarly sized large open fields, with a sporadic ribbon of development on Leechpond Hill, with the settlement of Lower Beeding sited some 320m north of the site.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

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 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 27 - Settlement Coalescence
- Policy 28 - Replacement Dwellings and House Extensions in the Countryside
- 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 42 - Strategic Policy: Inclusive Communities

RELEVANT NEIGHBOURHOOD PLAN

Lower Beeding Neighbourhood Plan (pre-referendum)

Policy 2: Landscape Character
 Policy 12: Design
 Policy 18: Economic Growth

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/1389	Installation of land drains across 30 acres. Construction of a retention and reed-bed filtration pond. Amend and reverse the existing soil erosion and secure affected areas.	Application Refused on 06.11.2020
DC/12/1497	Erection of a barn (Prior Notification)	Withdrawn Application on 15.08.2014
DC/12/1323	Erection of a barn (Prior Notification)	Withdrawn Application on 09.08.2012

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 Arboricultural:** No Objection (*summary*) – The site in question is situated to the east of Leechpond Hill, Lower Beeding. The main consideration for this proposal's suitability in regards to trees is the position of the proposed structure in the northern part of the site and the new access track on the western side of the site and what impact this will have on the tree on and off the site.

No trees at the site are covered by a Tree Preservation Order, nor is it located within a Conservation Area, and the only planning constraint related to trees is the designated Ancient Woodland (AW) to the north of the site.

- 3.3 **HDC Landscape Architect:** Objection (*summary*) – Having read the submitted landscape and visual appraisal and also have considered the Landscape Strategy Masterplan, I agree with the AONB unit that the proposals will result in harm to some of the landscape components that make the AONB special most noticeably the landform as the proposals will result in a large cut and fill operation, the introduction of impermeable surfaces and hardstanding without a SuDS strategy in place and the perceived qualities of scenic beauty and unspoilt rural landscape.

These effects have been identified in the Landscape and Visual Appraisal as minor to moderate adverse and therefore not normally considered 'significant' adverse impact, albeit if you consider that footnote 60 of the NPPF is triggered then the moderate effects should be carefully weighed.

- 3.4 **HDC Environmental Health:** Comment (*summary*) – Before the Environmental Health Team can determine whether any form of noise assessment is required they would be grateful for some commentary from the applicant on the likely pattern of use for the proposed centre, the likely size of vehicles that will be entering/exiting the centre and times of the day/night when vehicles will be entering/exiting the centre. Other matters can be controlled by way of condition.

- 3.5 **HDC Drainage Engineer:** No Objection (*summary*) – suggested conditions

OUTSIDE AGENCIES

- 3.6 **Agricultural Consultant:** No Objection (*summary*) – RAC consider that the applicant's proposal to erect a stable building and indoor sand school building to facilitate an equine rehabilitation centre is compliant with Policy 29 of the Horsham District Planning Framework.

- 3.7 **WSCC Highways:** Comment (*summary*) – whilst the site is relatively large and given the nature of the use as described in the Transport Statement, overall traffic generation will be relatively low. However, there will be regular access requirements by larger and towing vehicles therefore the following information is required:

- Stage 1 Road Safety Audit
- Access to be widened to 4.5m
- Access gradient to be examined
- Consideration to increase kerb radii to ease movement by larger vehicles
- Visibility splays from the access of 2.4 x 210
- Forward visibility on approach to the access.
- In the event the above cannot be provided - a speed survey will be required
- A Planning level drawing clearly showing; visibility splay, access design and gate location.

- 3.8 **Ecology Consultant:** No Objection (*summary*) – suggested conditions

- 3.9 **Southern Water:** No Objection.

- 3.10 **WSCC Flood Risk Management:** Comment (*summary*) – further information required.

- 3.11 **Woodland Trust:** No Comment

- 3.12 **High Weald AONB Unit:** Objection (*summary*) – In summary, the High Weald AONB Unit objects to this proposal on the grounds that it considers it to be major development within the AONB which should be refused other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

PUBLIC CONSULTATIONS

- 3.2 Five (5) letters of representation received from five separate addresses *objecting* to the proposal on the following grounds:
- Dangerous access to the site from Leechpond Hill
 - Increased traffic and congestion within the area
 - Potential public health hazard (increase in insects)
 - Overdevelopment, and out of scale within the area
 - Unsustainable location

- Adverse landscape impact
- Harm to the AONB
- Resultant ecological harm

- 3.3 One (1) letters of representation received *supporting nor objecting* to the proposal, stating:
- Concerns of existing surrounding traffic
- 3.4 Eleven (11) letters of representation received from eleven separate addresses supporting the proposal on the following grounds:
- Equine rehabilitation centres are needed within the area
 - The proposal provides for a quiet use
 - The proposal would generate needed employment
 - Diversification of rural use
- 3.5 **Lower Beeding Parish Council** *objects* to the proposal on the following grounds:
- Outside of the BUAB.
 - Not included in the Neighbourhood Plan.
 - Increase vehicle movements on an already very busy road.
 - Within an AONB and a dark sky area.
 - Without any accommodation on site for staff.
 - An industrial enterprise in an agricultural area.
 - Without water and other utilities connected to the site.
 - Is not sustainable and the application is not complete as the additional services needed to operate were not considered.

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 the Development

- 6.1 The application site is located outside of the defined built-up area boundary and is therefore considered to be within the countryside. Therefore, the relevant countryside protection policies apply. Further, as a proposed commercial enterprise, establishing the principle of the proposal will be assessed against the following rural economic development policies:
- 6.2 Policy 10 of the HDPF relates to rural economic development, and states that sustainable rural economic development and enterprise within the district will be encouraged in order to generate local employment opportunities and economic, social and environmental benefits for local communities.
- 6.3 In the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle. Any development should be appropriate to the countryside location and must:

1. *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; and either*
 - a) *Be contained wherever possible within suitably located buildings which are appropriate for conversion or, in the case of an established rural industrial estate, within the existing boundaries of the estate; or*
 - b) *Result in substantial environmental improvement and reduce the impact on the countryside particularly if there are exceptional cases where new or replacement buildings are involved. New buildings or development in the rural area will be acceptable provided that it supports sustainable economic growth towards balanced living and working communities and criteria a) has been considered first.*
2. *Demonstrate that car parking requirements can be accommodated satisfactorily within the immediate surrounds of the buildings, or an alternative, logical solution is proposed.*

6.4 Further, policy 26 of the HDPF relates to development outside of the built-up area, and states that the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria:

1. *Support the needs of agriculture or forestry;*
2. *Enable the extraction of minerals or the disposal of waste;*
3. *Provide for quiet informal recreational use; or*
4. *Enable the sustainable development of rural areas.*

6.5 In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located, including;

1. *The development pattern of the area, its historical and ecological qualities, tranquillity and sensitivity to change;*
2. *The pattern of woodlands, fields, hedgerows, trees, waterbodies and other features; and*
3. *The landform of the area.*

6.6 Policy 29 of the HDPF relates to equestrian development, and states that development for equestrian related development will be supported provided that:

1. *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.*
2. *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;*
3. *The proposal should where possible be well related to a bridleway network.*

6.7 Policy 30 relates to Protected Landscapes and states that the natural beauty and public enjoyment of the High Weald AONB will be conserved and enhanced. Development proposals will be supported in or close to protected landscapes where it can be demonstrated that there will be no adverse impacts to the natural beauty and public enjoyment of these landscapes.

6.8 Paragraph 176 of the NPPF states that 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of

Outstanding Natural Beauty which have the highest status of protection in relation to these issues.' Paragraph 177 continues, stating 'When considering applications for development within... Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'

- 6.9 This proposal is within the High Weald AONB and as such the requirements of Policy 30 of the HDPF and Policy 172 are applicable.
- 6.10 Policy 18 of the emerging Lower Beeding Neighbourhood Plan (LBNP) states that Development proposals for employment uses will be supported where:
 1. Development proposed is on previously developed land;
 2. Is in keeping with the rural character of the local area;
 3. Proposals have no significant detrimental impact on residential amenity; and
 4. Would not have unacceptable impact on the local road network.
- 6.11 The proposal incorporates a commercial equestrian use, accommodated within two large buildings towards the north-easterly corner of the site: a large stable building, comprising 20x stables and associated facilities, and a larger indoor riding arena and therapy facility. The site is currently laid to grass and does not benefit from an existing equestrian use. The submitted business plan indicates that to start the site would only be operated at 10%, this requiring the employment of one or two full-time grooms. Once operations reach 50% capacity, additional staffing will be required. It is also detailed in the business plan that horses will be stabled at the facility when they are on a set rehabilitation programme however, in order to create further income at the start of the development it may be necessary to provide a livery service at the application site.
- 6.12 Following consultation with the Council's Agricultural Consultant, it was concluded that the proposed stable building would be an 'appropriate facility' in terms of stabling and storage needs for the rehabilitation use.
- 6.13 The Council agrees with its Agricultural Consultant that the proposal would comply with the requirements of criterion (1) and (3) of HDPF Policy 29, in that: there are no existing buildings to consider for conversion, and; the proposal seems to ensure operation is maintained within the site, thus it is not necessary to consider its impact on the bridleway network (ROW_2832 site some 511m north-east of the site). However, this assessment has not included the considerations of the Council's Senior Landscape Architect and of the views of the High Weald Area of Outstanding Natural Beauty (AONB) Unit, both of which have objected to the scale of the development within this location (further detailed below). Therefore, in respect of criterion (2) of Policy 29, Officers do not consider that the proposal would be appropriate in scale and level of activity, and be in keeping with its location and surroundings. This matter relating to landscape impact has been raised by the Council, but has not been addressed by the applicant- therefore, Officers consider the proposal contrary to Policy 29.
- 6.14 The 20 stables would be used to accommodate horses bought in for rehabilitation. The submitted statements indicate that this would operate on a year round basis, though it is unclear how long each horse would be in rehabilitation for, or an expected level of custom within a 12 month period. Though, paragraph 5.13 of the submitted Design and Access statement describes the operation as 'low-key', but does not detail any specific information as to the regular operations of the site. In addition, as above, the submitted business plan

indicates that private livery use *may* initially operate on site, starting at 10% capacity (presumably using 2 of the 20 stables), then ramping up to 50% (10 of the 20 stables). Though, this use could be adequately controlled by way of condition if it was not considered appropriate in this location.

- 6.15 The submitted application form suggests that the site is currently in use as equestrian and agricultural use. However, Officers note that there are no extant permissions on the site for existing equestrian operations. Furthermore, following a visit to the site, no horses were observably present. Therefore, the use of the site is assumed to be agricultural, though it may well be used informally by the applicant as a paddock for horses. In terms of the Council's Countryside Protection Policy (Policy 26), the proposal would result in an increased level of activity on the site over and above the existing arrangement. Officers do not doubt that the proposed use is essential to a countryside location (in that this use would not be welcomed within a built-up area). However, the proposal does not support the needs of agriculture or forestry, and does not enable the extraction of minerals or the disposal of waste. Therefore, the onus of consideration falls to criterion (3) and (4) of Policy 26.
- 6.16 Criterion (3) of Policy 26 requires development to '*Provide for quiet informal recreational use*'. As above, the Design and Access Statement indicates that the use would be 'low-key', though provides no details that would guarantee this to be the case. Ultimately, the proposal incorporates a *commercial* equestrian use within a countryside location, on site not currently explicitly used for equestrian purposes, accommodating 20 stables and a large indoor riding arena and other facilities. Officers do not consider that the operation would be informal or quiet, given the existing arrangement on the site. The submitted statements, though detailed, do not satisfactorily demonstrate how the proposal would accord with Policy 26 in terms of its use. Therefore, Officers consider the proposal contrary to Policy 26.
- 6.17 With regards to rural economic development, the proposal would promote recreation in and the enjoyment of the countryside, generating local employment opportunities. The proposed use is also characteristic of its countryside location (albeit, not of an appropriate scale), and would facilitate the development of a rural enterprise. Furthermore, the development would promote local tourism, facilitating a rural diversification scheme which would ultimately benefit the local rural economy. As such, Officers consider the proposal to accord with Policy 10. However, this consideration does not carry significant weight in the determination of the application taking into account the scale of the development and its visual impact within the AONB.
- 6.18 With respect to Paragraph 177 of the NPPF, the need for the development in the location has not been fully justified. Given the scale of the development, Officers consider that the proposal represents 'major' development (as specified under footnote 60, paragraph 177 of the NPPF). The Councils agree with the objection raised by the High Weald AONB Advisory Committee. The proposal would provide some economic benefit to the District, as outlined above. However, the applicant has not advanced any alternate strategy for the provision of this use outside of the AONB. Furthermore, it is not considered that the landscape impacts of the proposal have been fully satisfied (further detailed below). Given the great weight attributed to protecting the character of the AONB, the proposal is therefore considered to detrimentally impact on the protected landscape of the High Weald AONB. The potential use, with the expected comings and goings, is also considered inappropriate in this quiet countryside setting. Ultimately, the proposal does not represent an exceptional circumstance that would adequately meet the tests of Paragraph 177 of the NPPF, and in accordance with the national policy, permission should therefore be refused.
- 6.19 With the above in mind, the development would result in an adverse increase in activity within the countryside, comprising a scale that would not be appropriate for this location, or in-keeping with its location and surroundings, contrary to Policies 26 and 29 of the HDPF. Furthermore, the proposal represents major development within the High Weald AONB, and

does not meet the tests of Paragraph 177 of the NPPF with regards to representing an 'exceptional circumstance'. Therefore, the principle of the development is resisted.

Design, Appearance, and Scale

- 6.20 Policy 32 of the HDPF states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.
- 6.21 Policy 12 of the emerging LBNP states that Development proposals which are in keeping with the local vernacular will be supported.
- 6.22 The development would largely be situated toward the north-eastern corner of the site, running parallel to the respective boundaries. The landscape surrounding the built form would be levelled, and the soils deposited on site to accommodate the buildings. A new track would be created from the existing access to the south, and would travel along the western boundary of the site.
- 6.23 Officers acknowledge that the proposed buildings are large and combined would occupy a footprint of 3,774.26m². The buildings would comprise a utilitarian appearance, which would not appear out of the ordinary within a rural location. Barns are typically large in size, hosting pitched roofs and simple squared planform. Materials have not been explicitly detailed, though Officers are satisfied that this could be dealt with by way of condition. As such, no concerns are raised with regards to the appearance of the buildings.
- 6.24 As per the advice received from the Council's Agricultural Consultant, the proposed size of the buildings is considered appropriate for the use and facilities within. Officers do not challenge this, as indoor equestrian uses generally require substantial space. However, that is not to say that the proposed scale does not result in harm. The stable building would be sited some 20m east of the western boundary, standing at an overall height of 7m, and the arena / therapy centre some 100m south of the northern boundary with an overall height of 9m.
- 6.25 The site is bound by mature and established foliage and planting close to the development site, including ancient woodlands (ANCWOO225261) to the north some 30m from the proposal area. Despite the boundary planning (which in the case of the boundary to the west is seasonal in any case) and the separation distance between the boundaries and the development, the proposed buildings would appear prominent. Whilst it is noted that Leechpond Hill does incorporate a number of buildings close to the boundary shared with the street (including dwellings further north towards Lower Beeding), none are of a scale as the proposed buildings. It is also noted that there are a number of existing agricultural buildings within the locale (e.g. at Keepers Cottage), these are all set further into the fields and away from prominent regular public view.
- 6.26 As such, the proposal is considered to incorporate a scale and massing that would not relate sympathetically within the landscape, and would appear incongruous and out of place within its locality, contrary to Policy 33 of the HDPF.

Arboricultural and Landscape Impact

- 6.27 Policy 25 of the HDPF relates to the Natural Environment and landscape character of the District, including the landscape, landform and development pattern, together with protected

landscapes and habitats will be protected against inappropriate development. The Council will support development proposals which:

1. *Protects, conserves and enhances the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintains settlement separation.*
2. *Maintain and enhances the Green Infrastructure Network and addresses any identified deficiencies in the District.*
3. *Maintains and enhances the existing network of geological sites and biodiversity, including safeguarding existing designated sites and species, and ensures no net loss of wider biodiversity and provides net gains in biodiversity where possible.*
4. *Conserve and where possible enhance the setting of the South Downs National Park.*

6.28 Policy 33(6) of the HDPF presumes in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks and watercourses. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development.

6.29 Policy 2 of the emerging LBNP states that Development proposals which conserve and enhance the natural environment and landscape character of the Parish will be supported subject to compliance with other policies in the LBNP.

6.30 The site comprises an existing open field currently laid to grass, which slopes downwards towards the east. The site is located wholly within, albeit on the outer part of, the High Weald AONB. Paragraph 174 of the NPPF (2021) states that planning decisions should contribute to and enhance the natural and local environment by, amongst others: (a) protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan), and; (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from the natural capital and ecosystem services – including the economic benefits of the most versatile agricultural land, and of trees and woodland.

6.31 Policy 30 of the HDPF states that the natural beauty of the AONB will be conserved and enhanced and opportunities for the understanding and enjoyment of their special qualities will be promoted. Development proposals will be supported in or close to protected landscapes where it can be demonstrated that there will be no adverse impacts to the natural beauty and public enjoyment of these landscapes as well as any relevant cross boundary linkages. Proposals should have regard to any management plans for these areas and must demonstrate:

- a. *How the key landscape features or components of natural beauty will be conserved and enhanced. This includes maintaining local distinctiveness, sense of place and setting of the protected landscapes, and if necessary providing mitigation or compensation measures.*
- b. *How the public enjoyment of these landscapes will be retained.*
- c. *How the proposal supports the economy of the protected landscape and will contribute to the social wellbeing of the population who live and work in these areas.*

6.32 The pre-text to Policy 30 states that it is essential that the key qualities of these protected landscapes are conserved and enhanced. In the AONB, this includes the heavily wooded character, gill streams, and historic farmsteads and into the locally distinctive hammer ponds. The conservation and enhancement of protected landscapes will be actively supported, particularly as defined in the High Weald AONB Management Plan. Development has the potential to harm protected landscapes. Major development will not normally be permitted and would need to demonstrate that the need for development cannot be met elsewhere or in another way, and that the development is in the public interest. It is however acknowledged that protected landscapes need to be able to adapt to cope with new pressures and meet the needs of residents in the area, and there may be cases where small scale development

that helps to maintain economic or social wellbeing in or adjoining these landscapes is necessary.

- 6.33 In relation to development within a protected landscape (such as the AONB), paragraph 177 of the NPPF states that:

‘...permission should be refused for major development other than exceptional circumstances, and where it can be demonstrated that the development is in the public interest’ [emphasis added]

- 6.34 Given the scale and visual impact of the proposal, the application is designated as ‘major’ development within the AONB. Following consultation with the Council’s Senior Landscape Architect, it was agreed (with the views of the High Weald AONB Unit) that the development would result in harm to some of the landscape components that make the AONB special. Most noticeably the landform, as the proposals will result in a large cut and fill operation, the introduction of impermeable surfaces and hardstanding without a SuDS strategy in place and the perceived qualities of scenic beauty and unspoilt rural landscape.
- 6.35 Further, the Council’s Senior Landscape Architect does not agree with a number of conclusions drawn to in the applicant’s Landscape Visual Appraisal, including aspects on drainage, impact on dark skies and impact on tranquillity. The applicant has been made aware of these matters, though have not addressed them as part of the proposal.
- 6.36 Overall, the proposal fails to comply with policy 25(1) of the HDPF, which seeks to protect and conserve the natural environmental and landscape character, due to its resultant harm on the special character and setting of the site within the High Weald AONB. The application site is located wholly within the High Weald AONB, in which Officers consider that the site (as a whole) currently positively contributes to the setting and character of this designated landscape. In addition to the above, the development constitutes major development within a designated landscape, for which it has not been demonstrated that the proposal would result in the conservation or enhancement of this setting of the AONB (in addition to conserving / enhancing the public enjoyment of the High Weald AONB with regards to management plan objectives), contrary to Policy 30.
- 6.37 Therefore, the granting of permission cannot be said to protect or enhance this valued landscape, nor contribute to and enhance the intrinsic character and beauty, contrary to Paragraph 174 of the NPPF. Furthermore, the proposal does not accord with Paragraph 177 of the NPPF, as the proposal constitutes major development, and as succinctly stated in the paragraph, permission should be refused, as no exceptional circumstances have been presented to the Local Planning Authority that would allow this harm to occur in the valued landscape to override this core national planning policy consideration.
- 6.38 With the above in mind, the development is considered to result in an adverse harm to the landscape character and the site’s setting within the wider landscape, and the High Weald AONB. As such, the proposal is considered contrary to Policies 25, 26, 30 and 33 of the HDPF, in addition to Policy 2 of the emerging LBNP Paragraphs 174 and 177 of the NPPF, and thus is not supported on landscape grounds.

Amenity Impact

- 6.39 Policy 33(2) of the Horsham District Planning Framework states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.40 The site is located within a relatively isolated countryside location with regards to proximity to nearby neighbouring dwellings, and is predominantly surrounded by open fields with ample boundary planting.

- 6.41 Given the separation distance of the site in relation to the nearest neighbouring properties, the proposed use and built form would not give rise to neighbouring amenity concerns by way of overlooking or overshadowing.
- 6.42 With the above in mind, the proposed development is not considered to result in adverse harm to neighbouring amenity, in accordance with Policy 33(2) of the HDPF.

Highways Considerations

- 6.43 Policy 40 of the Horsham District Planning Framework states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district. Policy 41 of the Horsham District Planning Framework states that development that involved the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere. Adequate parking facilities must be provided within the developments to meet the needs of the anticipated users.
- 6.44 The application was accompanied with a detailed Transport Statement. The statement reveals that the development is not anticipated to exceed 11x two-way daily trips, and would thus not result in an adverse impact on the safe use and operation of the highway. However, following consultation with WSCC Highways, it was revealed that this data does not relate to this specific use, and thus the overall trip generation is likely to be higher. Officers made requests for further information in order to attain a more accurate depiction of the level of vehicular activity to / from the site, though to date the applicant has not addressed the discrepancy in the data.
- 6.45 As above, the existing access to the site from Leechpond Hill would be altered and utilised. WSCC have raised no objection in principle to the use of this access. However, as a 60mph road, larger visibility splays would be required to demonstrate safe access for larger vehicles. Furthermore, it was noted that the access gates should also be located further back to avoid vehicles stopping on the highway (a 60mph road) when trying to access the site.
- 6.46 In conclusion, WSCC states that whilst the site is relatively large and given the nature of the use as described in the Transport Statement, overall traffic generation will be relatively low. However, there will be regular access requirements by larger and towing vehicles, and further information was requested in order to properly assess the transport impact of the proposal. However, to date, the applicant has not provided the necessary information required to overcome concerns raised by the Highway Authority. This includes the submission of a Road Safety Audit. As such, without the further information requested, the Highway Authority is not able to confirm that this application is appropriate on highway safety grounds and the scheme is considered contrary to Policy 40 of the HDPF.

Water Neutrality

- 6.47 The application site falls within the Sussex North Water Supply Zone as defined by Natural England and which includes supplies from groundwater abstraction which cannot, with certainty, demonstrate no adverse impacts upon the defined Arun Valley SAC, SPA and Ramsar sites.
- 6.48 A recently received advice note from Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

- 6.49 The proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction. The proposal is for a commercial equestrian use on a greenfield site. Given the use of water for the rehabilitation centre (mainly to the water walker), and the expected consumption of water of up to 20x horses, mitigations and offsetting would be required in order to establish whether the development would be water neutral. No information has been submitted relating to how the proposal would seek to demonstrate water neutrality. In the absence therefore of a strategy to demonstrate water neutrality through the incorporation of on-site measures and appropriate offsetting actions, there is no certainty that the proposal will not contribute further to the existing adverse effect on the Arun Valley SAC, SPA and Ramsar sites, contrary to Policy 31 of the HDPF and NPPF paragraphs 179 and 180.

Other Matters

Ecological Considerations

- 6.50 No ecological documentation was submitted in support of the proposal. However, the LVA identifies that the field is currently in use as grazing pasture, and therefore has low ecological value. Additionally, the Landscape Strategy Masterplan identifies that all trees onsite will be retained and protected, and the ancient woodland to the north will be given a 15m buffer.
- 6.51 The Council's Ecology Consultant concluded did not raise any objections to the proposal on these grounds and, subject to adequate avoidance, mitigation and enhancement measures secured via suggested conditions, does not object to the proposed development on ecological grounds.

Drainage and Flooding

- 6.52 The Environment Agency's (EA) online flood maps show that the site is located wholly within Flood Zone 1, meaning that the land is in a 'low probability' flood zone, and has a 'less than 1 in 1,000 annual probabilities of river or sea flooding'.
- 6.53 The application was not accompanied with a detailed drainage design, or a flood risk assessment. With regards to drainage on site, the Council's Drainage Engineer was satisfied that this could be adequately controlled by way of condition. With regards to flood risk: the WSCC Lead Local Flood Authority team (LLFA) had requested further information, though noted that the site was at low risk from surface water flooding and ground water contamination, stating that there was no record of localised flooding and no ordinary watercourses nearby. As above, drainage detailed can be satisfied by way of condition, though further information was requested with regards to flood risk. While the risk was identified as 'low', some degree of certainty is needed to ensure that the proposal would not result in an increased risk of flooding on site or nearby. As such, the Local Planning Authority, if recommended for approval, conditions would be imposed requiring the submission of a Drainage Strategy for approval.

Conclusions and Planning Balance

- 6.54 The principle of the use of the site as a commercial equestrian facility is not considered acceptable, resulting in an overall increase in activity within the countryside that would not provide for quiet, informal recreational use, and would comprise a scale that would not be appropriate for its location, or in-keeping with the surrounding area. In addition, the proposal represents major development within the High Weald AONB, and does not considered to meet the tests of Paragraph 177 of the NPPF in relation to representing an exceptional circumstance.

- 6.55 Furthermore, given the site's location within the High Weald AONB, combined with the scale of the proposed development, the development is considered to result in an adverse harm to the landscape character and the site's setting within the wider landscape.
- 6.56 The proposal is not anticipated to result in any adverse harm to neighbouring amenities, or result in any adverse harm to the ecological qualities of the site. Officers are also satisfied that details relating to drainage could be adequately controlled by way of condition in the event that permission were to be granted.
- 6.57 Further information has been requested relating to objections received from consultees relating to the highways impact of the proposal. Furthermore, no information has been submitted relating to how the proposal would seek to demonstrate water neutrality. To date, none of these matters have been addressed by the applicant.
- 6.58 With the above details in the preceding sections of this report in mind, Officers recommend to members that the application for the proposed 20x stables, and equestrian rehabilitation therapy centre / indoor sandschool is refused for the reasons outlined below.

7. RECOMMENDATIONS

Reasons for Refusal:

- 1 The proposal represents major development within the High Weald Area of Outstanding Natural Beauty and would result in an undue increase in overall activity within a countryside location, which would not provide for quiet recreational use. Furthermore, given the scale of the development within a protected landscape, the proposal would not be visually appropriate or be in-keeping with its location and surroundings and would fail to protect or enhance the landscape character of the High Weald Area of Outstanding Natural Beauty. The proposal is therefore contrary to Policies 25, 26, 32 and 33 of the Horsham District Planning Framework (2015) and Paragraphs 174, 176 and 177 of the National Planning Policy Framework (2021), which attribute great weight to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 2 Notwithstanding information submitted with the proposal, it has not been demonstrated to the satisfaction of the Local Planning Authority, in consultation with the Local Highways Authority, that the site can be safely accessed from Leechpond Hill. The proposal is therefore contrary to Policy 40 of the Horsham District Planning Framework (2015).
- 3 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

Background Papers: DC/21/1263