



PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 18 October 2022

DEVELOPMENT: Change of use of barn (Stables/Equestrian) to sui generis to form new game processing workshop.

SITE: Woodmans Farm London Road Ashington West Sussex RH20 3AU

WARD: West Chiltington, Thakeham and Ashington

APPLICATION: DC/22/0695

APPLICANT: **Name:** Mr Anthony Skeet **Address:** Woodmans Farm London Road Ashington West Sussex RH20 3AU

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

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks full planning permission for the change of use of the 2no. buildings to provide for the processing, packaging and distribution of game meat (a sui generis use) and associated office accommodation.
- 1.3 Chanctonbury Game is an established business currently operating from a site on the Wiston Estate, but following an end to the tenancy, is looking to relocate to Woodmans Farm. The proposal would involve no external alterations to the subject building, albeit that existing windows and doors would likely be replaced, with internal alterations undertaken to provide the necessary areas for the operation, including processing areas for birds and venison, freezer and chiller spaces, and staff mess accommodation.
- 1.4 The access to the site would remain unchanged, with the hardstanding areas to the east and west of the building utilised for loading and distribution purposes.
- 1.5 This application follows a previous refusal for the same development at the same site. The application has sought to address the reasons for refusal through the submission of a

Transport Note, a proposed relocation of the access track between the site and the nearest residential properties, and the submission of additional information to address the water neutrality matter.

DESCRIPTION OF THE SITE

- 1.6 The application building was previously used as a racing stable albeit that this would appear to be excess of the permitted use for private equestrian facilities approved under planning reference WX/4/89. The interior of the building is arranged to provide 22no. stables and managers office. Several of the stables remain in use for the purpose of keeping horses, albeit that the majority are currently unused.
- 1.7 The wider site comprises a number of agricultural buildings used as part of a former dairy farm, with these buildings no longer in use. A cluster of residential dwellings are located to the south-west of the subject building and these comprise converted agricultural barns, with the residential dwelling of Woodmans House located further to the west. These dwellings are located approximately 30m from the western elevation of the subject building, with each benefitting from an off-road parking area and small amenity space.
- 1.8 The wider area is characterised by open countryside and woodland, with the A24 located to the far-west of the site. The surrounding land comprises undulating topography, with the land immediately to the east of the subject building stepped down.

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 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 29 - Equestrian Development

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding

Policy 40 - Sustainable Transport

Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Wiston Parish voluntarily withdrew the Neighbourhood Plan Area designation on 12 October 2017.

PLANNING HISTORY AND RELEVANT APPLICATIONS

WX/3/86	C/u of 2 bays of existing covered yard from agricultural use to corn merchants mill and retail shop (From old Planning History)	Application 03.06.1986	Refused	on
WX/4/89	C/u of agricultural building to provide stabling for horses (From old Planning History)	Application 11.07.1986	Permitted	on
WX/3/90	Residential holiday complex catering for the physically handicapped - 5 holiday units and 1 farmhouse Site: Woodmans Barn Farm Dial Post	Application 06.09.1993	Permitted	on
WX/6/94	Retention of two mobile homes for domestic purposes Site: Woodmans Farm London Road Ashington	Application 04.07.1994	Refused	on
WX/5/95	Conversion of existing disused barns to form 2 holiday accommodation units, 3 dwellings and parking Site: Woodmans Barn Farm London Road Ashington	Application 08.08.1996	Permitted	on
WX/3/02	Change of use of building to 24 hour security unit Site: Unit 5 Woodmans Barn Farm London Road Ashington	Application 15.04.2002	Permitted	on
WX/9/02	Variation of condition 4 on wx/3/02 to allow sleep over facilities in security unit Site: Woodmans Barn Farm London Road Ashington	Application 30.07.2002	Permitted	on
WX/7/84	Conversion of redundant barn and outbuildings for residential use. one single dwellinghouse (From old Planning History)	Application 18.09.1985	Permitted	on
WX/15/02	Conversion of building into security/sleeping accommodation Site: Small Barn Woodmans Farm Barn London Road Ashington	Application 19.11.2002	Permitted	on
WX/2/03	Conversion of building into security/shepherds & holiday accommodation Site: Woodmans Farmhouse London Road Ashington	Application 15.05.2003	Permitted	on
WX/5/03	Conversion of existing barn to 1 holiday unit for all year round use Site: Unit 2 Woodmans Barn Farm London Road Ashington	Application 29.05.2003	Permitted	on
DC/05/0828	Installation of an underground raw sewage pumping unit to serve the cart shed	Application 25.05.2005	Permitted	on
DC/09/1406	Removal of all occupancy restrictions relating to Unit 1 (owner's farmhouse), Unit 3 (Woodmans Cottage), Unit 6 (The Granary) and removal of Condition 10 of WX/5/95 relating to Unit 7 (The Cartshed) relating to limiting holiday let periods, to enable the letting of all or any of the residential units to others so that the units can continue to be used in conjunction with the stables, gallops and grazing	Withdrawn Application 12.10.2009		on
DC/11/2486	Continued use of former farm buildings as 4 self contained dwellings and 1 to be occupied by owner/farm manager, provision of parking for 10 cars and use of further building as farm office.	Application 07.11.2012	Permitted	on
DC/13/1516	Non-material amendment to previously approved DC/11/2486 (Continued use of former farm buildings as 4 self contained dwellings and 1 to be occupied by owner/farm manager, provision of parking for 10 cars and use of further building as farm office) to include	Application 17.09.2013	Permitted	on

retention of 2 conservation roof lights on Unit 2 Granary Barn and installation of 3 conservation roof lights on south elevation of Unit 6 The Granary in replacement for 3 existing velux roof lights

DC/21/1756 Change of Use from Agricultural Barn Application Refused on (Stables/Equestrian) to Sus Generis to form new game processing workshop 07.02.2022

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

3.2 **HDC Environmental Health:** Given the location of the site and nature of the area, activities at this site are unlikely to have any adverse impact however there are some residential properties in close proximity that may be impacted.

This business will require approval from the Food Standards Agency in order for the business to operate. As part of the initial approval process the operators will be required to demonstrate full details of safe and legal storage & collection of animal by-products waste by a licensed collector. This department would however be responsible for the enforcement of any odour nuisance.

Conditions regarding construction hours, delivery hours, storage, external lighting, and details regarding external plant.

3.3 **HDC Economic Development:** The proposal aligns with several of the key priorities set out in our Economic Strategy. In particular, it supports Priority 2 which highlights the importance of supporting local businesses to start-up, grow and remain within the District. It is important that we facilitate business growth within our District, as it ensures that our existing businesses remain viable in the long-term and contributes towards long-term economic growth. This proposal would enable an established local business to relocate having been given notice on their existing premises. It would allow them to establish a new game processing workshop at the site, providing them with an opportunity for growth. The Department would be in favour of a proposal that supports this existing business in its long-term viability and enables them to continue operating within our District's boundaries.

Moreover, the proposal would also support a local producer, which supplies its meat to local businesses alongside larger wholesalers. The Department is keen to support businesses supplying other businesses and this aligns with the 'Buy Local' approach, which not only supports other local businesses but also contributes towards a more sustainable local economy by maintaining a local supply chain and reducing food miles. As one of the few businesses of its kind within the local area, we would encourage a proposal which enables this business to grow and remain within our District so it can continue to supply its meat to other local businesses.

As well as benefitting the business, the proposal would also continue to support and maintain the jobs that are currently provided by them within the local area. It is also suggested that the creation of this new workshop, could facilitate additional employment opportunities within the local area in the future.

Overall, Economic Development supports this proposal as it enables a local business to grow and remain within the District, supports a local producer supplying other local businesses and has the potential to provide further employment opportunities in the future.

OUTSIDE AGENCIES

3.4 **WSCC Highways:** No Objection

The application site has an existing use of an agricultural barn used as a stable / a livery yard. The development proposals are for the change of use to a game processing workshop for a business being relocated locally. The application site was previously subjected to a similar previous proposal for which no objection was raised from Highway safety or capacity perspective. However, Horsham District Council (HDC) had refused the application because it was not demonstrated that the change of use would not be an intensification of the proposed access arrangements.

The site is accessed off A24 Basing Hill, via an unclassified private road. A24 Basing Hill is a grade separated two-way dual carriageway road, subject to national speed limit of 70mph. There are no changes proposed to the existing access arrangements. An inspection of data supplied by WSCC by Sussex Police over a period of the past five years reveals that there has been a single incident of 'Severe' injury category reported at the site access with A24 Basing Hill. The cause of injury was identified as driver error, which indicates the site access has been operating in a safe manner in its present form.

A detailed trip generation assessment has been carried out within the TN to estimate the likely number of trips and the type of vehicles accessing the previous uses and the proposed uses. Based on a capacity of 18 horses for existing uses and the change of use as a game site, the proposed use is estimated to generate 67 fewer trips throughout the day. Also, the proposed uses will not be using large, articulated vehicles used by the existing uses.

The Local Highway Authority (LHA) does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

3.5 **WSCC Fire and Rescue:** Having viewed the plans for planning application DC/21/1756, the nearest fire hydrant to the Change of Use from Agricultural Barn (Stables/Equestrian) to Sus Generis to form new game processing workshop is 360 metres away, 270 metres more than the required 90 metres distance for a commercial property. Should an alternative supply of water for firefighting be considered it will need to conform with the details identified in Approved Document – B (ADB) Volume 1 2019 edition: B5 section 16.

3.6 **Natural England - Water Neutrality:** Objection if the development is not water neutral

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

3.7 **Natural England (received 27.09.2022):** As submitted, the application could have potential significant effects on Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site (together the Habitats Sites). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required: a revised water neutrality statement, including an alternative/ additional approach to achieve water neutrality; further evidence of the water consumption at the proposed offsetting mitigation sites, in the form of three years of metered water bills (if still applicable); and evidence of the proposed water usage for the game processing workshop.

Without this information, Natural England may need to object to the proposal.

PUBLIC CONSULTATIONS

3.8 **Wiston Parish Council:** Objection for the following reasons:

- Materially same as previous application
- Access from/to the A24 on a single track bridleway is unacceptable
- Location remains inaccurate regarding the siting of Woodmans Cottages and the nearby pond
- Other residential properties nearby are not referred to
- No mention of whether there would be retail sales which could result in unplanned traffic

3.9 **South Downs National Park Authority:** Deer are an important part of the UK's woodland ecology and can have a vital role to play in balanced woodland and wood-pasture ecosystems. However, recent decades have seen a sharp rise in the UK's deer population. Browsing by deer is now a major threat to the health and resilience of woodlands. Therefore, deer management to achieve sustainable and healthy deer populations is most effective when carried out collaboratively at a landscape scale (due to the free-roaming nature of individual and herds of deer).

Managing deer reduces their browsing and trampling impacts, which is important for biodiversity. By protecting natural regeneration, young trees, growing forests and biodiversity we will be addressing some of the challenges of the climate emergency.

One of the constraints to undertaking deer management is the ability to market the venison, which is processed into high quality and affordable food products. Unfortunately, the number of game dealers has decreased over the last few years and prices have dropped due to cheaper imports. Losing another local game dealer would have a direct negative impact on deer management across the SDNP. This business contributes to SDNP's high quality food sector by providing venison for the local and national markets and helping to sustain jobs in rural communities.

Chanctonbury Game is not only the major processor of game and deer in the region, but it also is a conduit for distribution. It is important to emphasise the significance of Chanctonbury Game to the local and wider community in West Sussex. The employment and supply chain that depends on its continued existence (farms, farm shops, shoots, pet food manufacturers) is something to be taken into consideration.

Deer Management needs an outlet to improve the condition of designated habitats (the condition of many designated sites across the SDNP is declining due to deer pressure/browsing) and to secure the establishment of new woodlands through natural regeneration. It is also worth mentioning that by breaking the food supply chain, deer control might drop, leading to an increase in the population with the subsequent increase in road traffic accidents, crop failures and environmental damage.

This type of business is important for the local economy, its contribution to the provision of jobs, the local food supply chain and the ability of stalkers to source a home for their produce and manage deer numbers in the SDNP. The advantages of local stalkers supplying local game dealers is that the supply chain is short and food miles are greatly reduced. The link to local provenance and traceability of products are increasingly recognised and valued due to the reduced carbon footprint and the importance of knowing the source of those products.

3.10 **Natural England:** West Sussex is one of the most heavily wooded counties in England, with the highest proportion of ancient and semi-natural woodland. Many of these sites are designated as Sites of Species Scientific Interest (SSSIs).

A number of these SSSIs have recently been assessed and found to be in declining condition due to the impact of deer browsing. This includes SSSIs woodlands within Horsham District such as St. Leonard's Forest.

Deer are an important part of the UK's woodland ecology and can have a vital role to play in balanced woodland and wood-pasture ecosystems. However, recent decades have seen a sharp rise in the UK's deer population. Browsing by deer is now a major threat to the health and resilience of many woodlands, and to the favourable condition of woodland SSSIs.

Deer management carried out collaboratively at a landscape scale (due to the free-roaming nature of individual and herds of deer) is therefore essential for the future condition of these SSSIs and other woodland sites.

An essential part of that mechanism is the network of Approved Game Handling Establishments (AGHEs) which take the majority of carcasses resulting from culling operations. Since AGHEs are already scarce, there is concern that if these numbers decrease further, fewer deer will be culled and that may significantly affect current woodland management and the condition of woodland SSSIs.

Understand that the AGHE in the region is undergoing a planning review. This particular AGHE is of critical importance as an outlet for deer carcasses throughout the Wealden area and Western Downs.

3.11 **British Association for Shooting and Conservation (BASC):** Support

As one of just two EC Approved game meat handling establishments (AGHE) in Sussex, Chanctonbury Game Limited is a 'business critical' establishment to a significant number of estates, shoots, and individuals across the county who produce game for processing. Game processing is hugely important to the rural economy, with sales of game meat products growing circa 5% year on year.

The absence of a local processor to meet consumer demand for game meat products (venison, pheasant, partridge, rabbit, woodpigeon and more) would have a significant impact on the rural economy in Sussex and more widely across the south east. If Chanctonbury Game Limited were unable to continue to operate, it would leave a significant gap in the market for which there is currently insufficient capacity elsewhere in the county. The other nearest processors of similar scale are Canterbury in Kent and Petersfield in Hampshire, although they will already be operating to meet the demands of their local suppliers.

Chanctonbury Game has a dedicated local workforce, and should it be unable to continue to trade there would be a direct loss of employment within the district. It is worth considering that the estates / shoots and individuals whom are reliant on Chanctonbury Game make up some of the 13,100 full time jobs in the sector across the south east. The loss of a local processor outlet for their products and resultant scaling back or cessation of activities would have wider consequences for employment within the district and further afield.

The potential impacts go beyond those of economy and employment. Game meat is a sustainable food product which not only puts high quality nutritious food into the food chain, but also delivers a significant biodiversity net-gain in the process through habitat and wildlife management. Again, should estates / shoots / individuals scale back their activities due to the absence of a local game processing establishment then the significant contribution they make to the environment within the district and across Sussex would be seriously diminished.

3.12 66 letters of support have been received from 58 separate households, and these can be summarised as follows:

- Important local business
- Contributes to rural economy

- Provides good quality meat to market
- Reuse of redundant barn
- No impact on neighbouring properties
- No odour or noise
- Necessary business
- Local employer
- The Farm has had cattle and sheep with articulated and rigid lorries
- Increase in road traffic collisions caused by deer if service isn't provide
- Control deer population

3.13 24 letters of objection have been received from 17 separate households, and these can be summarised as follows:

- Likely non-compliance with suggested conditions
- Currently operating from the site without permission
- Increased traffic along the access
- Impact of traffic on neighbouring properties
- Hours of operation
- Dust pollution
- Noise from refrigeration and air conditioning units
- Danger to pedestrians
- Unacceptable access
- Inaccuracies of Water Neutrality Statement
- Identical to previous application
- Inaccuracies of traffic data
- Inappropriate location for business
- Building not used as livery
- Inaccuracy of Statutory Declaration

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

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

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

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

6. PLANNING ASSESSMENTS

6.1 The application seeks full planning permission for the change of use of the 2no. building to provide for the processing, packaging and distribution of game meat (a sui generis use) and associated office accommodation.

6.2 Policy 10 of the Horsham District Planning Framework (HDPF) states, in part, 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. 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.

- 6.3 In addition, Policy 26 of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development of rural areas. 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.
- 6.4 The Planning Statement outlines that Chanctonbury Game has operated for over 20 years and is one of only two licensed approved dealers in West Sussex. The business initially processed game on an individual level, but in later years has grown to processing game for many of the local shoots within the South Downs area. As surplus from shoots became available, the Applicant began purchasing this meat and selling it to local markets. The business now primarily acts as a fully licensed processing establishment, focusing on the processing and sale of fowl and venison to local wholesalers, restaurants and pubs, as well as internationally. It is outlined that the business now processes in excess of 40,000 birds and 1,000 venison carcasses a year.
- 6.5 The proposal seeks to relocate the established rural business to a new site within Horsham District, where it would continue to provide local employment and generate economic benefits for local communities. The proposal would be contained within a building suitable of conversion and would contribute to the rural economy; and would consequently sustain the varied and productive economic activity in the locality. The proposal is therefore considered to result in social and economic benefits that would weigh in favour of the proposal.
- 6.6 While the proposal has the potential to increase the level of activity in the countryside, it is recognised that the proposal relates to a countryside-based enterprise that supports the needs of the rural community. The proposed use would take place within the confines of an existing building, with the nature of such use likely comparable to the former agricultural activity taking place on the wider site. On the balance of these considerations, it is not therefore considered that the proposal would result in a significant increase in the overall level of activity in the countryside.
- 6.7 The proposal would result in social and economic benefits and would support and contribute to the wider rural economy. The proposal would be located within an established building suitable for conversion, and would sustain the countryside-based enterprise. For these reasons, the proposed development is considered acceptable in principle, subject to the detailed consideration of all other planning matters, including the amenity of nearby residential properties.

Design and Appearance

- 6.8 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.9 Paragraph 130 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local

character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.

- 6.10 The proposed development seeks to convert the existing buildings, with internal alterations to re-configure the floor layout to accommodate the various processing spaces required. External alterations to repair and replace the existing cladding, windows and doors are proposed. This would include the addition of 2no. roller doors on the northern elevation.
- 6.11 The proposed alterations would retain the utilitarian character of the existing building, with no alterations to the form or massing. As such, the proposal is considered to maintain the character of the rural building and result in no further harm to the landscape character and visual amenity of the site and wider surroundings. The proposal is therefore considered to accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts

- 6.12 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.13 Paragraph 130 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area; establish or maintain a strong sense of place to create attractive and welcoming places; and create places that are safe, inclusive and accessible, with a high standard of amenity of existing and future users. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by "...preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability..." Paragraph 187 furthers that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the Applicant should be required to provide suitable mitigation. Paragraph 188 of the NPPF continues that "the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions."
- 6.14 Residential amenity for the purposes of planning does not focus solely on whether a statutory noise nuisance would occur as a result of the proposed development, but rather gives consideration to other forms of disturbance. Significant loss of amenity will often occur at lower levels of emission than would constitute a statutory nuisance. It is therefore important for planning authorities to consider properly, loss of amenity from noise in the planning process in a wider context and not just from the limited perspective of statutory nuisance.
- 6.15 The Design and Access Statement outlines that game birds and some venison are dropped off at the site, with most venison picked up from site by the Applicant. As a seasonally based business, the number and frequency of vehicle movements and deliveries fluctuates throughout the year. On average, there are approximately 5/6 vehicle movements a week, and an additional 2/3 vehicles a week carried out by the Applicant. The Applicant transports the finished products to local farmers markets, and this is transferred by van, with the deliveries to wholesalers carried out by van or arctic lorry (subject to export) between the hours of 8am and 7pm, but not continuously. From August to December, a loaded van would leave the site on Tuesday at approximately 10am and would return at approximately 3am

the next day, and this would become more frequent (possibly 3/5 times a week) as it gets closer to Christmas.

- 6.16 The Statement outlines that waste is picked up and disposed of by registered waste companies (Gibbs Waste Ltd and Harry Hawkins). Bird and bone waste is stored in 240 litre bins and kept in the fridge until collection where it is moved outside for pick-up. Collection is usually on a Monday morning, and dependent on weather, the bins may be left outside from September onwards, but they are sprayed down to prevent blow flies and odour. This waste is generally picked up by lorry at approximately 6am. Fur and guts are stored in 1100 litre bins and picked up twice a week, usually on a Tuesday and Friday, and sometime during the day (not usually after 5pm).
- 6.17 The site has been subject of a previous planning application under reference DC/21/1756 which was refused on the grounds that the proposal would result in significant adverse impact on the amenities of adjacent residential properties.
- 6.18 The Applicant has sought to address the previous reason for refusal by relocating the proposed access to the building further away from the nearest residential properties (currently this runs directly adjacent to the boundary of the residential properties). No other measures are proposed to address potential noise disturbance.
- 6.19 Since the previous application was considered, the business has moved to the site and is currently operating without the benefit of planning permission. A number of objections have been received regarding potential noise and disturbance arising from the development, particularly given the proximity to the neighbouring residential properties and the potential vehicle movements arising from deliveries and dispatch. Concerns have also been raised with regard to the noise emanating from the refrigeration plant installed at the premises.
- 6.20 The Applicant states that the site has most recently been used as a racing stable for up to 22no. horses. However, from the site visit and representations received, it would seem that this has operated at a far reduced capacity in recent years; with the building currently being used for DIY livery for 2/3 horses. The Statutory Declaration of the former stable manager states that the racing stable closed in 2004, at which point the land was let for livery. The Declaration does however suggest that the wider land ownership is used for agricultural purposes. On this basis, it would appear that the site has been used modestly in recent years, albeit that the wider agricultural activities are not known.
- 6.21 The proposed use has the potential to result in a number of vehicle movements and level of general activity that could adversely impact on the amenity of nearby residential properties, particularly given the proximity of the site to these residential receptors. While it is noted that the application seeks to relocate the access further away, this would be a minimal increase in distance which is not considered to make a considerable difference to the perception or experience of movements and noise resulting from the development.
- 6.22 It is likely that the proposal would involve a high frequency of vehicle movements, of a variety of sizes, to accommodate delivery, dispatch, and waste removal. While it is recognised that the former use for agriculture and as a racing stable would likely have produced a relatively high frequency of vehicle movements, no comparative information has been provided and this does not appear to have operated in recent years. Notwithstanding this, it is likely that the vehicle traffic associated with the equestrian use would primarily have comprised horse trailers and horse boxes. In contrast, the supporting documents outline that the dispatch, delivery and waste vehicles associated with the proposed use would be of a range of sizes, albeit that the Applicant has confirmed that this would primarily comprise cars and vans. From the information submitted, movements associated with the development would occur throughout the day and week, and would take place in the early hours and early evenings.

- 6.23 Following consultation with the Environmental Health Officer, it is recognised that the proposed activities have the potential to impact upon the adjacent residential properties. A number of conditions have been recommended to mitigate potential harm to neighbouring occupiers, including restrictions on hours of use and hours of deliveries. While it is recognised that restrictions on the hours of operation and deliveries would impact the operation of the business, which has sought permission for deliveries in the early hours of the morning (3am to 6am), it is recognised that the proposal would be located in immediate proximity to a number of residential properties. This is a material consideration of significant weight, particularly as all vehicle movements would pass in close proximity to these residential properties. Given the low ambient noise level in this location, and coupled with the early hours as proposed, it is likely that the associated vehicle movements would be recognisable from the residential dwellings, and this has the potential to result in harm. For these reasons, it is considered reasonable and necessary to impose conditions to limit operations and delivery movements to more reasonable hours to reflect the constraints of the site.
- 6.24 It is however noted that neighbours have raised concern with respect of the plant installed to the site, and particularly the refrigeration units. The refrigeration area is located to the western section of the building, which is closest to the neighbouring properties. No detailed information has been received regarding these refrigeration units and any other plant installed at the premises. Given the proximity of the site to residential properties, and following comments from the Environmental Health Officer, it would be anticipated that a Noise Assessment be submitted to provide further information with respect the noise resulting from the plant and any mitigation measures necessary to address this. Without such detail, it has not been demonstrated that the plant installed and required by the operation, would not result in adverse harm to the amenities and sensitivities of the nearby residential properties.
- 6.25 The previous application was refused on the grounds that the development would result in adverse impact on the neighbouring residential properties. Since this decision, the Applicant has moved to the site, with the business operating from the premises. As indicated within the representations received, there is evidence to suggest that the plant installed is noisy, with the site visit undertaken by the Environmental Health Officer confirming this to be the case. While this may not equate to a statutory noise nuisance, limited information has been provided to conclude that the plant in its current form would not result in noise and disturbance in amenity terms. A Noise Assessment would be necessary to fully understand potential impact and offer proportionate mitigation where necessary. On this basis, it has not therefore been demonstrated that the proposal would result in no adverse harm to the amenities and sensitivities of neighbouring properties, contrary to Policies 32 and 33 of the Horsham District Planning Framework (2015).

Highways Impacts

- 6.26 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.27 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 110 continues that within this context, development should allow for the efficient delivery of goods, and access by service and emergency vehicles.
- 6.28 The site has been subject of a previous application under reference DC/21/1756 which was refused as it had not been demonstrated that there would not be an intensification of the proposed access arrangements and it had not been demonstrated that the proposal would not have an unacceptable impact on highway safety.

- 6.29 The Applicant has sought to address the reason for refusal through the submission of a Transport Note which contains a detailed trip generation assessment to estimate the likely number of trips and the type of vehicles accessing the previous/proposed uses. This Note does however treat the previous use at full capacity (18 horses). Notwithstanding this, , the Transport Note outlines that the proposed use is estimated to generate 67 fewer trips throughout the day than the previous use. The Technical Note outlines that the proposed business does not use articulated vehicles or fixed bed GHVs, with the majority of movements undertaken by small vehicles and vans.
- 6.30 The Transport Notes as submitted concludes that the proposed development would result in no further intensification of the proposed access arrangements, While it is recognised that the assessment is based upon the stables being occupied at full capacity, which has not been the case in recent years, there are no apparent restrictions that would deter the use from being brought back to full capacity. This is considered of weight in the planning assessment.
- 6.31 No alterations are proposed to the existing access arrangements, with the site currently requiring direct access from the A24. West Sussex County Council Highways have raised no objection to the proposed development. It outlines that an inspection of data supplied by WSCC by Sussex Police over a period of the past five years reveals that there has been a single incident of 'Severe' injury category reported at the site access with A24 Basing Hill. The cause of injury was identified as driver error, which indicates the site access has been operating in a safe manner in its present form. The Local Highways Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impact on the operation of the highway network.
- 6.32 Based on the information submitted, and particularly given that no objection has been raised by WSCC, it is considered that the proposed development would result in no intensification in use of the access nor harm to the function and safety of the public highway network. it is therefore considered that the reason for refusal has been overcome, with the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

Water Neutrality

- 6.33 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.34 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.
- 6.35 The Applicant has submitted a Statutory Declaration from the former manager of Woodmans Farm. This outlined that the site was previously used for the keeping and training of thoroughbred racehorses as a separate business from the agricultural business which was also undertaken on the wider site. The business had over 25 racehorses and employed both a Trainer and 2no. Jockey Lads. During its operation, the site included 20 stables along with other associated equestrian paraphernalia. The racing yard was closed in 2004, at which point the stables and party of the land were let to self-livery clients. No information about the self-livery has been provided, with evidence during the initial site visit indicating that only 2 of the stables were being used for horses. On this basis, and the lack of evidence provided

to demonstrate any water consumption, the existing site is considered to have a nil water consumption.

- 6.36 The Water Neutrality Statement states that the business (Chanctonbury Game) has a water demand of 58.35 litres per person per day. This is based on the installation of dual flush toilets, kitchen/utility taps, and wash down resulting from the nature of the business. A figure has also been included for washing up by employees. The Water Neutrality Statement outlines that an average of 5no. full-time employees work from the premises, with the overall water demand resulting from the number of employees equating to 291.75 litres per day.
- 6.37 The water strategy provided within the Statement outlines that 5no. dwellings would be retrofitted to off-set the demand from the proposed business. This would be achieved through the installation of low flow rate taps (flow restrictors). The water calculator would however seem to suggest that dual flush toilets may also be installed (and this is stated within the notes section), but this is unclear due to the omission of a calculation within the “existing” calculator to compare. Notwithstanding this, the retrofitting calculations provided indicate a total reduction across the dwellings of 339.02 litres per day, which it is stated, would result in neutrality.
- 6.38 The Statement outlines that the existing dwellings (known as The Cart Shed, Stable Cottage, The Granary, The Barn, and South Barn) would be retrofitted with dual flush toilets, along with flow restrictors fitted to the taps. No schedule of the proposed fixtures and fittings has been provided so it is uncertain whether these measures would meet the defined calculations as relied upon to achieve the stated reduction. The Applicant has submitted a schedule of existing fixtures and fittings to confirm the existing situation. The photographic evidence provided does however seem to suggest that the dwellings proposed to be retrofit already benefit from some water efficient fixtures and fittings, including flow restrictors to taps and dual flush toilets. Given these findings, it is considered that the improvement as suggested within the Statement would not be achievable. It is not therefore considered that there is the required certainty to confirm that the proposed off-setting would address the water demand arising from the proposed development. Furthermore, no schedule of proposed fixtures and fittings has been provided to confirm that the suggested retrofits would achieve the reductions as indicated.
- 6.39 On the basis of the above, it is not considered that the water strategy proposed would address the water demand arising from the development, with the proposal not therefore resulting in water neutrality. Furthermore, there is uncertainty that the measures as suggested would achieve and result in the required reduction. An Appropriate Assessment has been undertaken, where it has been concluded that due to the deficiencies as outlined above, insufficient information has been provided to demonstrate with certainty that these measures are achievable and would result in the required reduction to make the development water neutral. It is not therefore possible for Horsham District Council to conclude that, with mitigation, the project will not have an Adverse Effect on the Integrity of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects. As such, there is no certainty that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. In such circumstances the grant of permission would be contrary to Policy 31 of the HDPF, NPPF paragraph 180 and the Council’s obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusion

- 6.40 The proposed development would result in social and economic benefits and would support and contribute to the wider rural economy. The proposal would be located within an established building suitable for conversion, and would sustain the countryside-based enterprise. For these reasons, the proposed development is considered acceptable in principle.

- 6.41 It is considered that sufficient information has been submitted to address previous refusal reason relating to the intensification of the proposed access arrangements and impact on the highway network. However, insufficient information has been provided to demonstrate that the proposed development, particularly given its proximity to residential properties, would not result in adverse harm to the amenities and sensitivities of neighbouring properties through noise and disturbance. Further information, through the submission of a Noise Assessment and appropriate mitigation measures where relevant, would be required.
- 6.42 Furthermore, insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed 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), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats and Species).
- 6.43 It is recognised that Chanctonbury Game offers an important service for the rural community, with associated economic and public benefits. This is considered to be a material consideration of significant weight. However, the proposed location of the business would result in adverse impacts on the amenity and quality of living environment of the nearby residential properties. Further information is necessary to properly understand the impacts in this regard. Furthermore, insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed 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. The significant adverse harm arising to the neighbouring residential properties and protected sites is not considered to be outweighed by the economic and public benefits arising from the proposed business, and it is not considered that the imposition of conditions (including a temporary permission) could overcome the concerns raised. For this reason, the proposed development is considered to be contrary to Policies 30, 32, and 33 of the Horsham District Planning Framework (2015).

7. RECOMMENDATIONS

- 7.1 To recommend the application for refusal for the following reasons:

Reason(s) for Refusal:

- 1 Insufficient information has been provided to demonstrate to the satisfaction of the Local Planning Authority that the development would not result in significant adverse harm to the amenities and sensitivities of neighbouring properties through noise and disturbance emanating from plant associated with the operation of the business, contrary to Policies 32 and 33 of the Horsham District Planning Framework (2015).
- 2 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed 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), 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/22/0695
DC/21/1756