



**Horsham
District
Council**

DEVELOPMENT MANAGEMENT REPORT

TO: Development Management Committee (South)
BY: Development Manager
DATE: 20 September 2016
DEVELOPMENT: Erect a timber building in the same style as existing timber stable block to provide daytime mess, changing area with toilet and washing facilities
SITE: Manton Stud Okehurst Lane Billingshurst West Sussex
WARD: Billingshurst and Shipley
APPLICATION: DC/16/1418
APPLICANT: Miss Jacky Matlock

REASON FOR INCLUSION ON THE AGENDA: More than 5 letters of representation have been received contrary to the Officer's recommendation.

RECOMMENDATION: Grant planning permission subject to conditions.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks full planning permission for the construction of a timber building 7.2 metres wide, 3.6 metres deep, with a height to the ridge of 3.167 metres. The building would be used to provide daytime mess facilities with a changing area, toilet and washing facilities.

DESCRIPTION OF THE SITE

- 1.2 The application site is approximately 00.84 hectares, although the site as a whole covers an area of 2 hectares and occupies a position on the north side of Okehurst Lane. The land is relatively flat with open views to the dwelling to the north of the site (Oakwood Farm). There are no public footpaths immediately adjacent to the site however, there is one located to the east of the site accessed from Okehurst Lane (ROW1345), adjacent to Chalk Farm, which joins other public right of way routes. To the south of the site on the opposite side of Okehurst Lane is Minstrels Wood a Grade 2 Listed Building.
- 1.3 The site is accessed via an existing track off of Okehurst Lane which is shared with Oakwood Farm. There is an area of hardstanding to the north of the existing stables.
- 1.4 The site currently comprises structures which include a hay barn, a stable block with four stables, a tack room and feed store, a further stable block with two stables, a temporary stable block, a temporary field shelter, a shed for tool storage and a mobile home which is

ITEM A6 - 2

occupied by the applicant and her partner which does not benefit from planning permission. A sand school is located to the north of the yard area.

- 1.5 The site is located outside of any defined Built up Area Boundary and is thus located within the countryside in an area characterised by fields, agricultural land with sporadic residential dwellings along Okehurst Lane.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 National Planning Policy Framework 2012 (NPPF).

- Section 4: Promoting sustainable transport
- Section 6: Delivering a wide choice of high quality homes
- Section 7: Requiring good design
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment
- Section 12: Conserving and enhancing the historic environment

- 2.3 National Planning Policy Guidance 2014 (NPPG).

RELEVANT COUNCIL POLICY

- 2.4 Relevant policies within the Horsham District Planning Framework 2015 are considered to be Policy 1, Policy 2, Policy 3, Policy 4, Policy 20, Policy 26, Policy 29, Policy 32, and Policy 33.

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 Billingshurst was designated as Neighbourhood Plan Area in December 2015.

PLANNING HISTORY

DC/10/2508	Stable block, hay barn and sand school	PER
DC/14/1023	Change of use of part of site for provision of a mobile home to be used in association with Manton Stud during day time only and provision of a sewage treatment plant (Affects the setting of a Listed Building)	WDN
DC/14/1231	Retrospective application for re-positioning and alterations to approved stables and hay barn	PER
DC/14/2663	Erect a Timber Building in the same style as the existing timber stable block and hay barn, to be used for overnight accommodation	REF

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 **Strategic and Community Planning** (summarised) - principle of this development would accord with Policy 26 of the HDPF (Countryside Protection) and Policy 10 (Rural Economic Development).
- 3.3 **Technical Services (Drainage)** – No comment to make on application.
- 3.4 **Public Health and Licensing** (summarised) – Conditions suggested if application was to be approved.

OUTSIDE AGENCIES

- 3.5 **West Sussex County Council Highways** (summarised) - no objection to the application.

PUBLIC CONSULTATIONS

- 3.6 **Billingshurst Parish Council** has objected to the application.
- 3.7 **Six letters** have been received objecting to the application on the following grounds;
- Appeal has already been dismissed
 - Proposed out of character with the area
 - Concern at narrowness of lane
 - No business is being run from the site
 - The occupation of the building could not be enforced.
 - No need for facility.
 - Impact on drainage and surrounding pond/ditches.

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 This application seeks full planning permission for a day mess room following the refusal at appeal of DC/14/2663. The application seeks to provide washing and changing facilities for the applicant and her partner whilst they, or other carers of the horses, are on site.
- 6.2 The dismissed appeal related to the provision of a temporary timber structure (similar to the current application proposal) to be occupied as living accommodation. The Inspector's

ITEM A6 - 4

decision on the appeal is a material consideration in the determination of the current application and is attached as an appendix to this report.

Principle

- 6.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the starting point for determining any application for planning permission are the policies of the Development Plan and any decision should be in accordance with these policies unless there are material considerations to outweigh their provisions.
- 6.4 The application site lies in the countryside outside any defined built-up area and the countryside protection policies of the Development Plan therefore apply. The current application differs from the appeal proposal in that the application seeks only day mess room accommodation and is not to be occupied as living accommodation. It is considered that in this instance it would be reasonable to assess the current application against Policy 29 Equestrian Development.
- 6.5 Policy 29 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.*
- 6.6 The applicant currently has nine ponies on the holding which consists of:
- a Fell pony mare – 27 years old (owned by the applicant since a foal) - retired;
 - a Fell pony mare – 15 years old – daughter of the mare above and bred by the applicant- retired;
 - a Dales pony mare – 26 years old (owned by the applicant since a foal) - retired;
 - a Dales pony mare – 12 years old – daughter of the mare above and bred by the applicant;
 - an Exmoor mare – 24 years old – retired;
 - a New Forest mare – 19 years old – retired;
 - a New Forest gelding – 18 years old – riding pony;
 - a Fell x Dales gelding – 26 years old – retired; and
 - a Highland pony – 5 years old – riding pony.
- 6.7 It is considered with regards to policy 29 that there are no other buildings on the site that could be used to form the facilities required, and that the building would be well related to existing buildings as it would adjoin the existing stables. The appeal Inspector as part of the dismissed scheme noted that *“the provision of some form of mess and changing area with toilet and washing facility may be reasonable in the circumstances.”* It is therefore considered that the provision of day accommodation would in principle be acceptable in this instance and would comply with policy 29 of the HDPF.

Amenities of Neighbouring Properties

- 6.8 Concerns have been raised with regards to the impact of the proposal on the amenities of neighbouring properties. Policy 33 of the HDPF relates to design principles and requires proposals to amongst other criteria to *“ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development.”*
- 6.9 The Inspector in the earlier appeal stated; *“The views of local residents have been taken into consideration and I have already dealt with what I regard as the main planning issue. I*

ITEM A6 - 5

note the concerns of the occupier of Aspen Place in Okehurst Lane regarding loss of privacy from the proposal, however, given the isolation of the site of the proposal behind the trees along the lane, the limited openings in its single storey structure, and its clustering with the stables, there would be no materially harmful impact on the living conditions of surrounding occupiers.” It is therefore considered that the application proposal which is similar in siting and design to the appeal proposal, would comply with Policy 33 for the same reasoning.

Impact on Listed Building

- 6.10 The Inspector also considered the impact of the development at that time on the listed building to the south of the site Minstrels Wood; *“The Council has indicated that to the south of the site, on the opposite side of the lane is a Grade II listed building called Minstrels Wood. While the Council does not object to the proposal in terms of the impact on its setting, I have nevertheless undertaken my statutory duty pursuant to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting, or any features of architectural or historic interest which it possesses. In view of the lane between the sites, the density of the tree planting on both sides of it, and the modest scale and location of the proposed building next to the stables, I consider that the setting of the listed building would be unaffected and therefore preserved.”* It is therefore considered that an objection to the application with regards to the impact on the listed building could not be sustained at appeal.

Conclusion

- 6.11 An application for overnight accommodation on this site was refused and dismissed at appeal in 2016. The current application whilst similar in size and scale to the refused scheme seeks to provide day accommodation only. It is considered that the Inspector dismissed the appeal on the grounds that there was no essential need for a dwelling in this location and that the proposal therefore failed to comply with the Development Plan. The current scheme seeks permission for only day accommodation, and therefore it is considered taking into consideration the comments of the Inspector in terms of need and design that the proposal would now comply with policy 29 and 33 of the HDPF.
- 6.12 At present there is a mobile home on the site to the rear of the approved stables. The mobile home does not benefit from planning permission and is subject to an investigation by the Council’s Compliance Team who will pursue the appropriate action.

7. RECOMMENDATIONS

7.1 That the application is approved subject to the following conditions;

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. No development shall be commenced unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls and roofs of the proposed building(s) have been submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved.

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

ITEM A6 - 6

3. The structure hereby approved shall be used as day room accommodation in association with Manton Stud only and shall not be used for any other purpose including overnight residential accommodation.

Reason: In the interests of amenity and in accordance with Policies 26, 29 and 33 of the Horsham District Planning Framework (2015).

4. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

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

Background Papers: DC/14/2663 and DC/16/1418