



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 7 November 2017

DEVELOPMENT: Proposed change of use of existing paddock to allow use for animal assisted therapy, erection of associated cabin and 1m high post and rail with wire stock fencing and hardstanding area.

SITE: The Paddock St Leonards Park Hampers Lane Horsham West Sussex RH13 6EG

WARD: Forest

APPLICATION: DC/17/1410

APPLICANT: **Name:** Ms L Davies **Address:** C/O Mr Nikolas Antoniou NJA Town Planning Ltd The Beehive City Place Gatwick RH6 0PA

REASON FOR INCLUSION ON THE AGENDA: More than 8 representations have been received of a contrary view to the Officer recommendation and at the request of Cllr Newman

RECOMMENDATION: Grant Planning permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks planning permission for the change of use of an existing paddock to allow use for animal assisted therapy, along with the erection of an associated cabin and 1m high post and rail with wire stock fencing and increased hardstanding area.
- 1.2 The proposed therapy sessions would be by appointment only and would generally take place three days per week between the hours of 10am and 2pm, with a session lasting approximately 1 hour. It is anticipated that there would be 1 or 2 clients per day although the proposed operating hours could allow for more than this. It is advised that no other people would be employed by the business and that there is sufficient space for two cars on the gravelled area immediately to the north of the stables on land in the applicant's ownership and as granted planning permission by virtue of DC/08/0840.
- 1.3 The proposed cabin would measure approximately 5.68m in length x 3.5m in width x 3 m high, comprising a tack room (6.1sqm) and hay barn (12.215sqm) fitted out as store room and studio respectively. The application includes a 1m high post and rail with wire stock fencing and a hardstanding area of 4m x 3.023m.

- 1.4 The application has been amended during the course of consideration to remove the deer fencing and to address the design of the proposed associated cabin. More traditional post and rail with wire stock fencing is now proposed and the cabin has been designed in terms of its scale and appearance to reflect the design of the existing stable buildings immediately adjacent.

DESCRIPTION OF THE SITE

- 1.5 The application site is within a countryside location which falls within the High Weald Area of Outstanding Natural Beauty (AONB). St Leonards Park House, a Grade II listed building is located to the north of the site, which is also subject to an Article 4 Direction removing permitted development rights.
- 1.6 The paddock subject to the application is located to the north and west side of Hampers Lane which runs along the southern and eastern boundary of the site. Hampers Lane itself is a single track access leading to sporadic residential properties located along the lane and to the area known as St Leonards Park adjacent to St Leonards Forest.
- 1.7 The paddock site comprises level grazing land of approximately 3.78 acres, with four stables and a feed store of timber construction. The site is divided internally and has a connecting trough. The site is enclosed by a fenced boundary and mature trees along Hampers Lane and evergreen trees lining the eastern boundary of the site as well as opposite along the Hampers Lane approach to St Leonards House. There is a public bridleway running along Hampers Lane to the south (ROW 1696) and a public footpath running north to south to the immediate east of the field (ROW 1697).

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

2.2 **National Planning Policy Framework:**

NPPF3 - Supporting a prosperous rural economy

NPPF7 - Requiring good design

NPPF11 - Conserving and enhancing the natural environment

NPPF12 - Conserving and enhancing the historic environment

NPPF14 - Presumption in favour of sustainable development

2.3 **Horsham District Planning Framework (HDPF 2015)**

HDPF10 - Rural Economic Development

HDPF11 - Tourism and Cultural Facilities

HDPF25 - Strategic Policy: The Natural Environment and Landscape Character

HDPF26 - Strategic Policy: Countryside Protection

HDPF30 - Protected Landscapes

HDPF32 - Strategic Policy: The Quality of New Development

HDPF33 - Development Principles

HDPF34 - Cultural and Heritage Assets

HDPF40 - Sustainable Transport

HDPF42 - Inclusive Communities

HDPF43 - Community Facilities, Leisure and Recreation

2.4 RELEVANT NEIGHBOURHOOD PLAN

Horsham Blueprint was designated as a Neighbourhood Development Plan Area on the 15th June 2015. However, there is currently no Neighbourhood Plan for the area. The site is not an allocated site within the Local Plan.

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/349/90	Erection of 4 stables & feed store Site: Hampers La St Leonards Pk	Application Refused on 10.12.1990
HU/7/91	Erection of four timber stables and feed store Site: St Leonards Park Hampers La Horsham	Application Permitted on 21.02.1991
DC/06/0342	Erection of 2 stables, feed/tack room and hay barn (extension to 2 existing stables)	Application Refused on 03.05.2006
DC/08/0138	Proposed hard standing for existing stables use	Application Refused on 14.03.2008
DC/08/0840	Proposed hard standing for existing stables use	Application Permitted on 03.06.2008

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 Landscape Architect: No objection.

OUTSIDE AGENCIES

- 3.3 WSCC Highways: No objection.

- 3.4 Forest Neighbourhood Council: No objection.

PUBLIC CONSULTATIONS

- 3.5 9 representations have been received (including 2 from 1 household) raising objections to the revised scheme, with 7 letters (including 2 from 1 household) objecting to the original scheme and subsequent amendments, for the following reasons:

- Highway and pedestrian safety
- Increased traffic
- AONB area compromised
- Principle of Change of use of land from agriculture to business use
- Concerns regarding development pressures and creep
- Increased activity
- Fencing
- Design of Cabin
- Lack of on-site facilities (W.C.'s)

- 3.6 There were 5 letters of support (including 2 from the same household).

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 main issues in this case are considered to be:-

- The principle of the development in this location;
- The impact and scale of the development on the character and visual amenities of the countryside and AONB, including the neighbouring Grade II listed building;
- The amenities of neighbour and future occupiers; and
- Parking and highway safety issues.

Principle

- 6.2 Policy 10, Rural Economic Development, of the HDPF states that development in the countryside should be appropriate to the countryside location and 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. Policy 26, Countryside Protection, of the HDPF states that any proposal (in the countryside) must be essential to its countryside location and either support the needs of agriculture or forestry; provide for quiet informal recreational use; or, ensure the sustainable development of rural areas.
- 6.3 The site currently benefits from planning permission for private equestrian use with associated stables and hardstanding for car parking (ref: HU/7/91). The proposal would allow use of the existing paddock in connection with activities related to animal assisted therapy, and this would still entail an element of grazing on the site, including the erection of a modest cabin building for related activities. While the proposal represents a small-scale low impact use, with 1 employee working for up to 4 hours three days a week, it would make a contribution to the wider rural economy, providing a form of quiet recreational use which would not generate a significant increase in the level of activity at the site.
- 6.4 It is therefore considered that the proposed development would be appropriate in this location and would accord with Policies 10 and 26 of the HDPF. It is also noted that the nature of the proposed use would be supported by Policy 42, Inclusive Communities, of the HDPF, which promotes measures which address needs from people with additional needs, including the disabled or those with learning disabilities.

Character and Appearance

- 6.5 Policies 30, 32, 33 and 34 seek to ensure high quality and inclusive design for all development in the district and ensures that it will; complement locally distinctive characters and heritage and that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings, is locally distinctive in character, respects the character of the surrounding area, and uses high standards of building materials, and finishes.

- 6.6 The proposed cabin would have dimension of 5.68m in length x 3.5m in width x 3 m high with tack room (6.1sqm) and hay barn (12.215sqm) fitted out as store room and studio respectively. The application includes a 1m high post and rail with wire stock fencing around the perimeter of the paddock boundaries (red edge of site), and extended hardstanding area.
- 6.7 The proposal has been amended during the application process to remove the deer fencing and to improve the design of the proposed cabin. A more traditional post and rail with wire stock fencing is now proposed and the scale and appearance of the cabin now reflects that of the existing stable buildings immediately adjacent. The proposed cabin would sit adjacent to the existing timber stable buildings and would not appear out of keeping in terms of its scale or appearance. The proposed cabin would be erected on an existing base, which it is advised was previously related to another stable and makeshift feed store. The majority of the paddock will remain as existing and continue to be used for animal grazing.
- 6.8 It is considered that the level of activity or the proposed cabin building and fencing itself would be appropriate in this location, and would not result in any detrimental impact to the important character of the High Weald AONB. St Leonards Park House a Grade II listed Building is located to the north of the application site. The significance and setting of these listed buildings would be preserved by the application proposals, and given the traditional fencing proposed and the location of the proposed cabin (and separation distances).

Impact on amenities

- 6.9 Policy 33 of the HDPF states that development should, amongst other things, respect amenities of neighbouring properties and the locality. The proposed use of the land for animal assisted therapy along with associated cabin, fencing and extended hardstanding are not considered to result in either a development or level of activity that would result in any appreciable harm to neighbouring amenity, particularly with regards noise and disturbance to local residents.

Highways

- 6.13 WSCC Highways Department have advised that they have no objections to the proposals and that no changes would be made to the existing highway. There would be sufficient car parking for two cars and there would be no significant highway or capacity issues arising from the proposals. The application is therefore considered to accord with HDPF Policy 41 Parking which states that adequate parking and facilities must be provided within developments to meet the needs of anticipated users.

Conclusions

- 6.15 The proposed development is considered appropriate within a countryside location, with the level of activity proposed associated with the animal assisted therapy considered to be of a scale, form and appearance that is appropriate and sympathetic to the countryside and AONB location. The proposals would not result in any significant or appreciable harm to the amenities of neighbouring properties, and that there is a sufficient level of car parking to support the proposed use and activities. The proposals are therefore considered to comply with relevant local and national planning policies.

7. RECOMMENDATIONS

7.1 That planning permission be granted subject to the following conditions:

1 A list of the approved plans

2 **Standard Time Condition:** 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.

3 **Pre-Occupation Condition:** Prior to the first use of the building hereby permitted, the external walls of the building shall be stained to match the adjoining stable blocks. The building shall be retained as such thereafter.

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

4 **Regulatory Condition:** The hereby approved animal assisted therapy use shall not be open for trade or business except between the hours of 10:00 and 14:30 on Monday to Fridays, and not at all on Saturdays, Sundays or Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition:** The area of hardstanding indicated on drawing no. LD/17/02 shall only be used for the parking of vehicles in connection with the hereby approved use, and wider paddock, and for no other purpose.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with Policy 40 of the Horsham District Planning Framework 2015.

6 **Regulatory Condition:** The site, hereby approved cabin, and existing stable buildings shall only be used for the provision of animal assisted therapy and the keeping of associated animals, including private equestrian use, and for no other purpose without the prior written approval of the Local Planning Authority.

Reason: In the interests of amenity, to enable the Local Planning Authority to regulate and control the development and in accordance with Policies 26 and 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/17/1410
DC/08/0840
HU/7/91