



TO: Planning Committee North

BY: Head of Development

DATE: 6 March 2018

DEVELOPMENT: Proposed change of use of existing equestrian facilities to combined equestrian and charitable use. Retention of mobile home and re-sited timber clad container.

SITE: Beckley Stud Reeds Lane Southwater Horsham West Sussex RH13 9DQ

WARD: Southwater

APPLICATION: DC/17/2048

APPLICANT: **Name:** L Middleton & Hope Charity Project **Address:** c/o Agent

REASON FOR INCLUSION ON THE AGENDA: More than 8 representations received with a view contrary to the officer recommendation

RECOMMENDATION: To grant planning permission

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks planning permission for the change of use of existing equestrian facilities to combined equestrian and charitable use. The Design and Access Statement advises that the application seeks to retain the existing agricultural use of the land and to use the land in combination with the following uses:

- HOPE Charity Project – support for children with emotional and mental health difficulties.
- Retention of existing re-sited timber clad container for use by HOPE Charity.
- The keeping of donkeys, sheep and alpacas in association with the above uses and provision of animal assisted therapeutic and sensory stimulation.
- Equestrian use for the keeping, breeding and rearing of pedigree horses. (Maximum of 10 horses on site at any time).

1.3 The application also seeks retention of an existing mobile home, and re-sited timber clad container, with the mobile home to provide accommodation in association with on-site animal care and welfare

DESCRIPTION OF THE SITE

- 1.4 The application site is within a countryside location and comprises mixed equestrian and agricultural land bounded by mature trees. The size of the parcel of land is advised as being 32,550sqm (approximately 8 acres). Planning permission has already been granted for an all-weather canter track around the perimeter of the site which is 600 m x 3 m on the parcel of land through application ref: DC/08/1072, and for the retention of 4 stable blocks forming 10 stables and creation of hardstanding through application ref: DC/16/1069.
- 1.5 Colstable Lane runs along the northern and western boundaries of the site. The eastern boundary of the site is parallel to Reeds Lane where the existing access point is located serving the field. There is a listed building 'Kings Farm' to the north and immediately adjacent to the application site on the north side of Colstable Lane and another known as 'Newfoundout East' located to the south east of the site. Neither is located within a distance that would be considered to affect the character or setting of these listed buildings.
- 1.6 The site currently comprises 4 stables blocks and a mobile home sited along the eastern boundary of the site, and the cladded container to the north of the hardstanding area. At the time of the site visit there were two donkeys, five goats, 12 sheep in addition to the equestrian use of the site to the west of the application 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:

- 2.2 **National Planning Policy Framework**

NPPF3 - Supporting a prosperous rural economy
NPPF6 - Delivering a wide choice of high quality homes
NPPF7 - Requiring good design
NPPF 8 - Promoting Healthy Communities
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)**

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 7 - Strategic Policy: Economic Growth
Policy 10 - Rural Economic Development
Policy 11 - Tourism and Cultural Facilities
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 20 - Rural Workers Accommodation
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 29 - Equestrian Development
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets

Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

2.4 RELEVANT NEIGHBOURHOOD PLAN

Southwater Parish has been designated a Neighbourhood Development Plan Area (Regulation 5 and 6). At present there is no 'made' plan.

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/14/1645	Erection of stable building comprising 8 stables and 2 foaling boxes, feed hay and tack rooms with wash down and store areas and a sand school for private use (affects the setting of a Listed Building)	Application Refused on 06.10.2014
DC/14/2407	Proposed creation of a small scale private equestrian yard - Five stables and sand school, revised application further to DC/14/1645	Application Refused on 20.04.2015
DC/16/1069	Retrospective application for the erection of 4 stable blocks forming 10 stables and creation of hard standing	Application Permitted on 27.07.2016
DISC/17/0348	Approval of details reserved by condition 4 on DC/16/1069	Application Permitted on 02.11.2017

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 Environmental Health:** No Objection. The proposed use would be unlikely to cause adverse impacts to local residents.
- 3.3 The proposal includes retention of a mobile home. Should planning permission be granted there will be a requirement on the owner to obtain a site licence under the provisions of the Caravan Sites and Control of Development Act 1960. This will require compliance with a number of standards for spacing, facilities, drainage, electrical installations etc. Further to information received from the agent, there is a septic tank on site serving the mobile home. However, this does not meet current standards for dealing with foul drainage and a package treatment plant is recommended.

OUTSIDE AGENCIES

- 3.4 **Southwater Parish Council:** Object for the following reasons:

- Overdevelopment in the countryside;
- Over commercialisation of agricultural land;
- Not demonstrated that there is a functional need for rural workers accommodation.

- 3.5 **WSCC Highways:** No Objection

- 3.6 **Southern Water:** No objection

- 3.7 **Reading Agricultural:** The charitable use of the land supports a prosperous rural economy and the livestock associated with HOPE Charity graze the pasture at Beckley Stud while providing therapy services to children and families visiting HOPE charity.

The existing mobile home continues to meet the essential needs of the enterprise and is occupied by a person full time in the equestrian business.

It has not yet been established that the business is financially viable and sustainable and that the mobile home can be retained as a permanent dwelling. It is though advised that the siting of the mobile home for a temporary period would provide the applicant with time to demonstrate the business is viable and sustainable.

3.8 Environment Agency: No objection

PUBLIC CONSULTATIONS

3.9 24 representations have been received 16 letters of support and 8 raising objections to the scheme for the following reasons:

- Repeated retrospective applications;
- Development creep and future pressures;
- Traffic and highways safety;
- Increased traffic;
- Inset Map 16 – HDPF 2015;
- Ancient Woodland;
- Listed Buildings;
- Out of Keeping;
- Principle of use of land from agriculture to business and residential use;
- Increased activity.

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, 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. The strategy for Rural Economic Development reinforces the government's commitment to encouraging sustainable rural business whilst maintaining the quality and special character of the countryside as set out in Paragraph 28 of the National Planning Policy Framework.

- 6.3 The proposal seeks permission for use of the site comprising mixed private equestrian and agricultural use. This would entail the keeping, breeding and rearing of horses with additional use in connection with a charity which provides animal therapy.
- 6.4 The commercial use would include the keeping of 4 brood mares of pedigree quality and up to 6 retired race horses / sports horses / young stock (total average of 10). Not all of the horses will be on site on a permanent basis as the race horses and showjumpers are stabled there during rest from training and for recovery purposes.
- 6.5 The site would also be used by a charity project in connection with activities relating to animal assisted therapy, which would still entail an element of grazing on the site. The charity, a non-profit organisation which is supported by local business, provides animal assisted therapy for young people with emotional and mental health difficulties on an appointment only basis (normally 1-2 hrs for one child and parent), approximately 3 families per day. It is anticipated that group therapy sessions would be offered for up to 5 children once per week, with charitable fundraising events days approximately 2 times a year, with on-site parking. The proposals include the re-siting and retention of the existing re-cladded container for use by the charity.
- 6.6 The proposed use of the site would be appropriate to the countryside location, with the small-scale nature of the both the commercial and related charity uses considered to be of a low impact which would not significantly increase the level of activity on the site. It is therefore considered that the proposed use of the site 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 HOPE Charity Project 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.
- 6.7 In terms of the mobile home Policy 20, Rural Workers Accommodation, of the HDPF sets the tests for rural workers accommodation and states that outside of the defined built up area new housing for rural workers will be supported provided that:
 1. There is a functional need for the dwelling and the occupation of the dwelling is to support the established business use.
 2. Evidence is submitted to demonstrate the viability of the rural business for which the housing is required.
- 6.8 A supporting statement for the retention of the mobile home (which it is advised has been occupied for 1 year) has been submitted to support the application, setting out the essential and functional need for on-site accommodation for the mobile home.
- 6.9 The Council's Agricultural Advisors have been consulted and have assessed the application details and visited the site (on the 25 October 2017). The consultants have advised that on the basis of 10 horses being kept at Beckley Stud the likely labour would be equivalent to 2.5 full time workers. However it is advised that this figure is based on Standard Man Day data in the Agricultural Budgeting and Costings Book (May 2017) which are a guide. At the time of visiting the site there was 1 person overseeing the care of the horses and who it is reported had managed the site for the past year. Under the Animal

Welfare Act 2006 (updated 2009) there is a Duty of Care to Animals, and owners or keepers or Horses should be able to meet the welfare needs of their horses and be capable of safeguarding them under all foreseeable circumstances. The applicant has advised that in addition to the 4 brood mares kept on site, race horse foaling time is normally between January – March each year, for show jumpers breeding time is normally April – September and that after September the stallion will come to Beckley Stud to cover the mares; as such there is a requirement for someone to be on site 24/7 to manage the welfare needs of the horses and also the other animals on site.

- 6.10 The Council's agricultural consultant considers there is sufficient justification to demonstrate there is an essential need for a worker to be on site at Beckley Stud, in order for the enterprise to be managed properly and to meet the welfare requirements of the horses. The proposal would therefore meet the first part of Policy 20.
- 6.11 In respect of the second part of Policy 20, it has not though been established that the business is financially viable and sustainable, primarily because the enterprise is a fledging business which would require time to establish itself. The applicant has though submitted a 5-year Business Plan which projects that the enterprise will be profitable in year 3. This view is shared by the Council's agricultural consultant, who has suggested a temporary permission for the worker's dwelling. On the basis of the available information a temporary permission is considered a reasonable approach, and would allow sufficient time for the applicant to demonstrate whether the business was financially sound before considering any further application for retention of the dwelling. This approach would ensure the proposal met the requirements of policy 20 of the HDPF.

Character and Appearance

- 6.12 Policies 30, 32, 33 and 34 of the HDPF 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.
- 6.13 The existing container on site has been relocated to the northern end of the hardstanding area on site and has been timber cladded. The visual appearance of this unit, which provides accommodation for use by the charity project, is not considered to result in any adverse visual impact to the countryside or its surrounds, being well screened by existing boundary trees. Similarly, the mobile home is sited between existing stable blocks is well screened by existing boundary treatment and is not visible from the street scene. The proposal would not therefore result in any harm to the landscape character of the site or surrounds, or the setting of neighbouring heritage assets.

Impact on neighbouring amenity

- 6.14 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 mixed agricultural and equestrian use, with use for charity purposes (including animal assisted therapy), and the temporary accommodation 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

- 6.15 It is advised by the applicants that in most cases there will only be one family at a time visiting (which usually is one child one parent). They advise that there are controlled appointment slots, to assure families of privacy and space. The appointments will be 1-2

hours long, with an estimated 3 families a day at peak. It is anticipated that there would be 1 -2 charity events per year (mini fund raisers) attracting 10-15 people which would be by invitation only. It is therefore considered that resulting traffic and associated movements should not have a significant impact on neighbours.

- 6.16 The Highway Authority has advised that they have no objections to the proposals. There would be sufficient car parking for visitors 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

- 6.17 The proposal is considered to be of a use, scale, form and appearance that is appropriate and sympathetic to the countryside 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.
- 6.18 In regards to the retention of the mobile home it has been established that there is a requirement for someone to be on site 24/7 to manage the welfare needs of the horses and also the other animals on site, and therefore the application meets the first test of HDPF 20 Rural Workers Accommodation as it is considered that there is a functional need for the dwelling. A temporary permission for this element of the proposal is recommended to provide opportunity for the applicant to demonstrate the business can be financially sound.

7. RECOMMENDATIONS

- 7.1 Grant planning permission subject to the following conditions:-

1 List of approved plans

- 2 Standard Time Condition:** The dwelling hereby permitted shall be removed and the land shall be restored to its former condition on or before the 7 March 2020 in accordance with a scheme of work which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To allow for the justification of the temporary dwelling to be reconsidered at the expiry of the extended timeframe.

- 3 Regulatory Condition:** The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working at Beckley Stud, Reeds Lane, Southwater.

Reason: The site lies in an area where, in accordance with Policies 20 and 26 of the Horsham District Planning Framework (2015) development which cannot be justified as essential to the needs of agriculture or forestry would not normally be permitted.

- 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 16:30 on Monday to Saturdays, and not at all on, 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. PLN13 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 use hereby approved shall only comprise the provision of animal assisted therapy and the keeping and breeding of associated horses relating to the commercial operation of the site and the keeping of animals, and for no other purpose including any livery purposes relating to any commercial riding establishment without a further planning consent being sought and approved if required by 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/17/2048