

**REF NO:** K/22/22/PL  
**LOCATION:** Land East Of Kingston House  
Kingston Lane  
Kingston  
**PROPOSAL:** 3 No stables and a barn. This site is in CIL Zone 3 (Zero Rated) as other development.

A post committee site visit took place on the 2 September 2022.

The following Councillors were present: Chapman, Bower, Kelly and Hayward. There were no other attendees.

The report to the August Planning Committee claimed that the site was within 100m of a bridleway. This is not the case. Whilst there are extensive public rights of way near to the site, these do not have formal bridleway status. There is an extensive bridleway network on the north side of the A259 about 1km away from the site and a more limited one to the south. Policy EQU DM1 states that non-residential planning permission will be granted for horse related activities subject to six criteria including where, a site is "well related to the existing bridleway network and the bridle network is sufficient to accommodate the scale of use from the proposed development". The application proposal does not meet this test. However, the site is well located in relation to the local highway network which horses and their riders are fully entitled to use.

Further, in this case, 3 horses is seen to be a limited number and there is no evidence to suggest that they cannot travel the required distance to the nearest bridleway using local roads without causing an unacceptable highway danger to themselves or other road users. It is noted also that there is a Pegasus crossing opposite the Peugeot/Honda showrooms on the A259 to enable safe access to the bridleway for horses and their riders from the south. Moreover, there are several other examples of similar low key equestrian paddocks nearby and in the wider area.

Given the above, whilst the proposal will be in conflict with one part of Arun Local Plan Policy EQU DM1, there is substantial compliance with all five of the other requirements of the policy. In all the circumstances, it is considered that a refusal of planning permission would not be warranted and could not be sustained on appeal.

## REPORT UPDATE

Application No: K/22/22/PL

Reason for the Update / Changes

Reason for Update:

Objections from the Ferring and East Preston Parish Councils were not included in the officer report.

Officers Comment:

The relevant material planning issues raised by both Parish Councils include those set out by others in the report which have been addressed.

**Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.**

### PLANNING APPLICATION REPORT

REF NO: K/22/22/PL

LOCATION: Land East Of Kingston House  
Kingston Lane  
Kingston  
BN16 1RP

PROPOSAL: 3 No stables and a barn. This site is in CIL Zone 3 (Zero Rated) as other development.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	3 stables measuring 12.37 by 6.42 metres in width and 2.73 metres in height and a barn measuring 12.97 metres by 7.09 metres with a ridge height of 4 metres and an eaves height of 2.65 metres on grazing land.
SITE AREA	3 acres.
BOUNDARY TREATMENT	A wall to the rear adjacent to the dwellinghouse. Agricultural post and wire fencing to the rest.
SITE CHARACTERISTICS	Open countryside/agricultural land.
CHARACTER OF LOCALITY	Open countryside.
PLANNING HISTORY	

K/24/18/PL - Permission granted for 3 stables. Not built and permission expired. This application is for a replacement of the stables and an additional barn.

K/16/19/PL - Permission refused for a dwelling and stables.

K/54/20/PL - Permission refused for a dwelling and stables. Appeal dismissed.

## REPRESENTATIONS

Kingston Parish Council object to the development for the following reasons:

- No justification for development in settlement gap.
- Proposed change of use to storage and distribution covers a wide area of activity.
- Waste management report refers to materials not commensurate with stables use.
- Vague application with lack of detail in no way provides justification in exceptional circumstances for development in settlement gap.

East Preston and Kingston Preservation Society object to the proposal on the following grounds:

- The barn would be unacceptably obtrusive, and detract from the landscape quality of the area, thus contravening Kingston Neighbourhood Plan (KNP) Policy 6 C iii.
- The application for use class B8 has potential for uses which would erode the character of this gap between settlements.
- It is also concerning that the proposed hard standing is impermeable, if by "conc finish" is meant concrete, especially as the location plan shows a drain running along the western boundary of this site. Any impermeable surface might also lead to irreversible loss of Grade 1 or 2 agricultural land in contravention of KNP Policy 6 C ii.

Ferring Conservation Group - Object to development in the settlement gap.

1 neighbour letter of objection:

- No justification for large building and extensive hardstanding.
- Green cladding inappropriate in rural area.
- B8 storage and distribution use not consistent with agricultural use.
- No assessment of flood risk.
- No justification for intensification of land use dividing field into 3.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

Environmental Health - No adverse comments to make.

Surface Water Drainage - No comments to make, drainage in accordance with building regulations.

### COMMENTS ON CONSULTATION RESPONSES:

Noted.

## POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

RIGHT OF WAY

SPEC CONT ADVTS

OUTS BUILT AREA  
NO PUBLIC SEWER

## DEVELOPMENT PLAN POLICIES

### [Arun Local Plan 2011 - 2031:](#)

CSP1	C SP1 Countryside
EQU DM1	EQU DM1 Equine Development
SDSP3	SD SP3 Gaps Between Settlements
DDM1	D DM1 Aspects of form and design quality

### [Kingston Neighbourhood Plan 2014 Policy KPNP2](#) BUILT-UP AREA BOUNDARY

Kingston Neighbourhood Plan 2014 Policy KPNP6 SOIL, HORTICULTURE, EQUINE & SHEPHERDING DEVELOPMENTS

## PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

## POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it is close to bridleways and the development does not undermine the gap between settlements.

## CONCLUSIONS

The key policies are C SP1, EQU DM1, SD SP3 and D DM1 of the Arun Local Plan. Additionally, Policies 2 and 6 of the Kingston Neighbourhood Development Plan are relevant to the application.

Policy C SP1 - Countryside - Development will be permitted in the countryside where it is in accordance with other policies in the Plan which refer to a specific use or type of development.

Policy EQU DM1 - Horse related development will be permitted provided that it is well related to the existing bridleway network and other criteria.

Policy SD SP3 - Gaps between settlements - The generally open and undeveloped nature of the following gaps between settlements, as identified on the Policies Maps will be protected to prevent coalescence and retain their separate identity.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public Realm, Layout, Public Art, Density and Scale.

KPNP 2 Built Up Area Boundary states account should be taken of the intrinsic character and beauty of the countryside outside the Built-Up area and the need to support thriving rural communities within it, in the context of a presumption in favour of sustainable development.

KPNP 6 Equine development is permitted where it does not detract from landscape quality.

Development in the countryside is permitted if it accords with a specific policy or type of development set out within the Local Plan. In this case the policy on Equine Development covers the type of development proposed. The development proposed is acceptable under policy EQU DM1 because the site is related to the bridleway network in that it is 100 metres away from the nearest bridleway accessed along a roadway from the site.

The other criteria are:

- 1/1.5 acres grazing land per horse which can be accommodated within the site which has an area of 3.36 acres.
- access and parking acceptable which it is on this site.
- the cumulative impact of the development would not have an adverse impact on the character, appearance and amenities of the area, taking account of factors including the likely level of activity to be generated, parking and access requirements and the adequacy of the bridleway network to accommodate additional use arising from the development. The cumulative impact would be acceptable as there are no other buildings nearby.
- That there will be no detrimental impact on water quality. There is no evidence to suggest this would be the case.

The development would not undermine the physical separation of settlements being located in the open countryside since the barn and stables are relatively small. Furthermore stables are typical of buildings within the countryside and the settlement gap. The materials used for the stables (timber boarding) are sympathetic to their rural location and they are positioned at the edge of the field backing onto residential development. All of this combines to demonstrate that the proposal is in accordance with policy SD SP3.

The use itself is not considered to cause any loss of amenity to nearby residential properties as it is a quiet use of land. The odours of the muck heap are not considered to cause significant harm to amenity as it is a relatively non odorous use.

The design of the stables and barn are considered to be acceptable. The wooden boarding of the stables and the green metal cladding of the barn are typical materials of buildings in the countryside. The flat roofed stables and pitched roof barn are again typical of the style of buildings in the countryside and are considered acceptable.

A condition will be applied limiting the use to the private stabling of horses to avoid any possibility of unacceptable use for B8 storage and distribution purposes.

The flood risk in the area is low according to the Environment Agency flood maps and the Council's surface water engineers foresee no problem with the site provided building regulations are adhered to.

The waste management report is a standard format report and is not intended to include any materials that don't normally occur within a horse related use. It includes building materials of the buildings to be constructed.

The area of hardstanding provides for vehicle access on and off site. It is not an extensive area at 21 metres by 24 metres including the footprint of the the two buildings and is not considered to lead to a significant loss of agricultural grade 1 and 2 land.

#### SUMMARY

The development is considered to accord with policies EQU DM1, C SP1, SD SP3 and D DM1 of the Arun Local Plan, KPNP2 and KPNP6 of the Kingston Neighbourhood Plan and is recommended for approval subject to the following conditions:

#### HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

#### RECOMMENDATION

##### APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Site Plan and existing Topographical dwg.no. 1 dated April 2022

Proposed Plans Elevations and Sections for Stables and Barn dwg.no.2 dated April 2022.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

3 The stables and barn are to be used for the private stabling of 3 horses and ancillary uses to the stabling of horses and not for any other purpose unless permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015.

Reason: To protect residential amenity in accordance with policy D DM1 of the Arun Local Plan.

4 The site and buildings shall be used only for private equestrian purposes and shall not be used for livery, riding lessons, breeding or commercial activity of any kind.

Reason: To protect residential amenity in accordance with policy D DM1 of the Arun Local Plan.

5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

<b>BACKGROUND PAPERS</b>
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[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

**K/22/22/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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