

PLANNING APPLICATION REPORT

REF NO: K/27/24/PL

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

PROPOSAL: Proposed construction of new stables with welfare facility with associated parking. This application is in CIL zone 5 (zero rated) as other development.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	This application seeks to construct a single storey building including of stables, storage, and welfare. It includes the ancillary hardstanding for a horse walkout, parking and fencing.
SITE AREA	The red edge of the site is 1990sqm. The adjacent open land in the applicants ownership of is approx. 12200sqm.
TOPOGRAPHY	Predominantly flat.
TREES	There are a few interspersed early-mature trees along the western site boundary, with a larger cluster of mature trees to the southwestern corner.
BOUNDARY TREATMENT	The red site edge is met by open land to the east, the northern boundary features post and wire fencing, the south site boundary is limited to an access gate, whereas the west site boundary features dense shrubbery. Within the context of the blue site edge, the eastern boundary features post and wire fencing.
SITE CHARACTERISTICS	Open grassland that has featured various small stable buildings in the southwest corner over approx. 10+ years. The keeping of a small number of horses and associated use of the site has given the wider site an equestrian character during these times, which has upheld the overall rural character of the site.
CHARACTER OF LOCALITY	The site is in the Kingston and Ferring strategic gap. Surrounding land is primarily dominated by open agricultural and equestrian fields. Particularly to the northeast, east, and southeast. There are 3 residential buildings to the west and south, Kingston House, Kingston Barn, and Newcote Farm.

<b>RELEVANT SITE HISTORY</b>
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K/22/22/PL	3 No stables and a barn. This site is in CIL Zone 3 (Zero Rated) as other development.	Refused 29-09-22
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**K/27/24/PL**

**Appeal: Dismissed  
01-09-23**

K/15/18/CLE	Lawful development certificate for the existing siting of 1 No. wooden building & area of hardstanding.	Approve 30-07-18
K/7/18/PL	Retention of 3no. horse field shelters, small shed together with an area of hardstanding formed of loose scalpings, located at the entrance to the site	ApproveConditionally 21-05-18
k/24/18/pl	Construction of 3x new stable units on a raised base of gravel, hardcore & bark	ApproveConditionally 08-10-18

K/7/18/PL - This application granted planning permission for the retention of 3 No. horse field shelters, a small shed and an area of hardstanding in the field immediately south of the host site.

K/15/28/CLE - This Lawful Development Certificate confirmed lawfulness for the retention of a wooden storage building, hardstanding, and 2 No. small sheds within the southwestern corner of the field immediately south of the proposal site.

K/24/18/PL - granted planning permission for 3 stable units in a similar position to that now proposed.

K/22/22/PL - This application proposed to construct 1 No. metal clad barn building, 1 No. 3-stable timber clad building, alongside hardstanding and a new muck heap in a relatively similar position to the current proposal, but with an east to west layout and larger overall development area. This was refused due to its significant adverse effect on the strategic gap, and that the proposal would not be 'well-related' to the bridleway network and have a resultant, adverse impact of highway safety. This decision was appealed.

#### OFFICER COMMENTS

Historically, it is clear that the host site and its immediately adjacent field to the south have been considered suitable for small scale equestrian development. The recent appeal decision is discussed within the report below.

#### REPRESENTATIONS

Kingston Parish Council - Objection:

- Concerns about the limited extent of the red edge. Noting the fields to the east, which are within the applicants ownership, do not form part of the application and should be included to ensure adequate provision of grazing land for the horses on site.
- Querying reason for layout of red and blue edges.
- The need for a welfare room is unclear, and it is felt oversized and overequipped. It adds undue visual bulk to the building and may disassociate its connection to an agricultural use.
- The use of grazing land to the east for riding is understood to not conform to agricultural use and require permission.
- Use of the land for horse grazing and keeping the building along the west boundary and hedgerow helps preserve the strategic gap. But removal of the welfare room would improve this further.
- It is unclear whether the hedgerow along the west boundary would be retained. Noting the neighbour has raised concern that the hedgerow may be in their ownership.

- Noting a watercourse is mapped along the western boundary.
- Noting the absence of a muck heap and identifying that a waste management plan should be produced.
- Concerns over potential impacts of services such as electricity, water, sewage, and runoff.
- Noting lighting needs to respect the countryside and conditions should be imposed to this effect.
- Advising a smaller, permeable walkout area would be more suitable and fencing should be suitable for the rurality, such as hand cleft timber.
- Concerns for lack of connection to bridle network remains. Reference to Inspector comments made. Noting that the snapshot of Kingston Lane that the Inspector viewed is not indicative of its traffic hazards. Horses cannot ride east or west along the greensward, rather they are required to cross directly to the beach along the line of the BOAT, and riding along the beach is restricted to certain times.
- Transporting south along the BOAT via trailer could be possible but difficult and not conducive to safe travel.
- Transporting horses north via trailer would be the most suitable but not a green mode of transport.
- Parish note the existing shed on site and query if it should have required planning permission.
- Overall, parish believe the application should be refused and the grazing land to the east that justifies the need for the stables is not intrinsically linked to the stables.
- Requesting a series of conditions if a recommendation for approval is considered.

**East Preston Parish Council - Objection:**

- Support the objection and conditions presented by Kingston Parish Council.

**Ferring Parish Council - Objection:**

- Support the objection and conditions presented by Kingston Parish Council.

**4 No. Objections including from East Preston Preservation Society and Ferring Conservation Group:**

- Concerns over position of boundary and land ownership.
- Noting existing structures to east of site.
- Concerns over welfare facility and necessary services.
- Concerns the building is not in keeping with its proposed purpose or other stables nearby.
- Unduly elaborate for 3 horses and the store room is disproportionate.
- Uncertain as to reason for red edge not including grazing land.
- Support the objection and conditions presented by Kingston Parish Council.
- Concerns over the scale and siting of the proposal.
- Concerns of inconsistencies in the application.
- The land is determined for agricultural use only per a condition to K/24/18/PL.
- The proposal doesn't include land designated for grazing and exercise.
- The welfare room is not conducive to an agricultural use and adds undue bulk to the building.
- The private use of the site, and not commercial activity, should be conditioned.
- The storage of vehicles/trailers for transporting horses are unlikely to be accommodated in the limited parking.
- Concerns there is no reference to the Dark Skies principles.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

In response to concerns raised by a neighbouring land owner, the agent has provided a copy of the applicant's land registry title plan which appears to correspond with the western boundary shown on the proposed plans. The submitted red edge appears accurate. Boundary disputes are a private matter and if there is a discrepancy here, it should be dealt with privately. The site is not within Ferring or East Preston and neither Parish Council were consulted on the application. Other matters raised are covered within the conclusions section to this report.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection.

Drainage Engineers:

- The scale and location of this application is below our usual consultation threshold and therefore, it would be inconsistent to object or support the application.
- Mapping indicates the presence of a watercourse along the western boundary.
- Point out relevant Land Drainage Byelaws requirements and requested an informative.

Ecologist - No Objection:

- Proposal would achieve a Biodiversity Net Gain.
- Relevant conditions requested.

### COMMENTS ON CONSULTATION RESPONSES:

Noted.

## POLICY CONTEXT

Designation applicable to site:

Outside the Built-up Area Boundary.

Strategic Gap (Kingston to Ferring).

### DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
SDSP3	SD SP3 Gaps Between Settlements
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
QESP1	QE SP1 Quality of the Environment
ENVDM5	ENV DM5 Development and biodiversity
EQU DM1	EQU DM1 Equine Development

[Kingston Neighbourhood Plan 2014 Policy KPNP2](#)

BUILT-UP AREA BOUNDARY

Kingston Neighbourhood Plan 2014 Policy KPNP6

SOIL, HORTICULTURE, EQUINE & SHEPHERDING DEVELOPMENTS

Kingston Neighbourhood Plan 2014 Policy KPNP7

DESIGN & DEVELOPMENT

### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

### SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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## **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 complies with relevant Development Plan policies in that the proposed use and structure are suitable within the countryside, and the overall design, scale, and layout of the development would not compromise the integrity of the spatial gap between settlements. Additionally, the site would be suitably well-integrated with the bridleway network.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

## **OTHER MATERIAL CONSIDERATIONS**

There are no other material considerations to be weighed in the balance with the Development Plan.

## **BIODIVERSITY NET GAIN**

This application is liable for Biodiversity Net Gain (BNG) and the following is a summary of the key points:

On-site gains through reseeded of grassland and proposed 'moderate' condition hedgerows.

- 11.48% Biodiversity Net Gain in Habitat Units.
- 12.68% Biodiversity Net Gain in Hedgerow Units.

## **CONCLUSIONS**

### **PRINCIPLE**

The proposal is in outside the Built-up Area Boundary and defined as countryside. It is in the Strategic Settlement Gap between Kingston and Ferring.

The key Development Plan policies of relevance to this application are C SP1, SD SP3, D SP1, D DM1, QE SP1, EQU DM1 & ENV DM5 of the Arun Local Plan (ALP), and Policies KPNP 2, KPNP 6 & KPNP 7 of the Kingston Neighbourhood Development Plan (KNP).

The Arun Design Guide also provides general design guidance principles of relevance.

## **USE**

The site and its associated field to the east have been used for the keeping of a small number of horses and their associated grazing, and exercise, intermittently for approx. 10 years based on remote imaging and relevant site history. The site benefitted from permission in 2018, for the use of part of the site and its field as agricultural land with the associated grazing of horses. These stables have been removed. The grazing of animals, including horses, can fall into the agricultural use land category which the associated field benefits from. Where horses are exercised in a recreational manner, this would not fall within agricultural use. The field to the east of the red edge (approx. 1.2ha), which is in the ownership of the applicant, does not benefit from a formalised lawful equestrian use beyond the grazing of horses by virtue of its agricultural use.

Any permission granted under this application, would be associated with the land within the red edge only and would not grant permission for any change of use of the field to the east. Horses would retain potential to graze on the field within the blue edge, it would only mean that the recreational use and exercise of the horses within the field to the east would not be approved as part of this application.

The stables are for the keeping of 3 horses, from which they could be transported or ridden off site for exercise. The use associated with the keeping of 3 horses can be considered quiet and informal recreation with respects to Policy C SP1 of the ALP, and the Inspector stated within the recent appeal decision for K/22/22/PL, that 'There is no dispute about equestrian use of the site as horse paddocks, which in principle is a suitable and appropriate use in the countryside'. The intermittent and informal use of the site, and field to the east, for the keeping, grazing, and recreational exercise of a small number of horses does not constitute any significant material planning harm.

Whilst the permission that would be granted under this application would only apply to the red edge shown on the plans, the committee are advised that the land to the east could be grazed on by animals, including horses. The keeping of horses on site would be facilitated by the provision of the stables in question, and formal exercise could be undertaken to a limited degree within the small section to the north of the stables, and of course, more suitably, off site. Permission could later be sought for the incidental exercise of the horses in the field to the east, which, with due consideration of the Inspector's comments, and the limited number of horses, is thought likely to be acceptable. The suitability of significant exercise opportunities being accommodated off site is discussed further in this report, but the committee should be aware that the exercise and grazing of horses within the field to the east, appears to have happened informally for a number of years without harm, and was considered wholly acceptable by the Inspector.

## **CHARACTER, DESIGN & THE GAP**

K/22/22/PL was refused on the grounds that the 3 stables and barn within the designated gap, by virtue of their scale and siting, would have a significant adverse effect on the existing open character and appearance of the area. In respect of character, design, and the gap, the Inspector found that notwithstanding the stables being inherently suitable in size, design, and external appearance, that the stables were not appropriate in layout, and that neither the barn or hardstanding were appropriate in layout, size, design, or extent.

The building is single storey with slate tiles to the roof, a brick plinth, and black timber boarding. It runs mostly north to south, with a short 90-degree outcropping turning east at its northern aspect. The footprint of the building would be 82.3sqm, 59.7sqm less than the total 142sqm building footprint of K/22/22/PL. It would have a material palette and design that is reminiscent of a traditional stables/agricultural building and a much more suitable design for the prevailing rural and agricultural character of the area. The hardstanding is also limited to a concrete walk out area of a modest size

immediately east of the stable doors, and a gravel parking area south of the building, which connects to the access track that runs south toward the site access gate. The concrete walkout area is to be bordered by cleft chestnut post and rail fencing. By redesigning the built form and hardstanding to the southwest corner of the field and orientating it to run north to south adjacent the hedgerows, the proposal has limited how far the development would extend east, into the fields, and produced a far more suitable layout.

The design has sought to address the Inspector's reason for refusal, by producing a more traditional design, a more suitable layout, confining the proposal to a single building, and reducing the overall scale and extent significantly. The proposal has significantly reduced its visual impact on the landscape, and it would not result in any unacceptable undermining of the physical and/or visual separation of settlements.

The potential need for, and consideration of, a muck heap on site has been raised. The applicant states there is no formal muck heap. They state no substantial muck heap structure is proposed or expected given the limited number of horses, but a potential location in the red edge has been given, with details to be secured by way of condition. A condition has been attached to secure details of where and how manure is to be stored on site and disposed of, including details of any structure or container in which it would be stored. Given the limited number of horses, a full waste management plan is not reasonable. Details of its disposal will be considered through the use of the condition.

The requirement of services to the site and the potential visual impacts this may have on the site have been queried. This is a matter for other legislation, and in the unlikely event of any such structures requiring planning permission, this could be controlled at such a time. For information purposes, the site has a water connection, and the agent confirmed it is likely a power connection will be made underground. The application does not propose the use of generators, and this would fall outside the scope of the application. It would not be evidently reasonable to prevent the use of equipment that would not likely require planning permission.

With respects to external lighting and potential visual impacts on the landscape, the agent confirmed a condition to secure details of external lighting, likely minimal, is agreeable. This condition is recommended.

The need for a welfare facility room has been queried and concern raised that this is unnecessary bulk. The applicant states the motivations behind the inclusion of a welfare room as being a facility valued by volunteer users that tend to the horses during daylight hours and may need to clean off before getting back into their vehicles, and in the potential event of a health emergency, veterinarians who may be required to tend to/monitor the horses. Whilst such rooms may not be strictly required, it provides a significant amenity benefit to users of the site, and the added bulk of the welfare room, does not unacceptably increase the scale or bulk of the building. For the avoidance of doubt, the use of the building is to be restricted exclusively to its proposed use by way of condition.

The presence of this watercourse adjacent this proposal is not a material planning consideration. Construction near the watercourse is covered by Land Drainage Byelaws, which require development or planting within 3m of the edge of the watercourse to be permitted under Land Drainage Consent. The building has been relocated to 3m from the western boundary (approximate location of the watercourse). Planting is proposed to the north and south ends of the existing hedgerow along the western boundary as part of the statutory Biodiversity Net Gain requirement. This will need to be agreed under a Land Drainage Consent application and an informative has been added to this effect.

The proposal is for an acceptable use within the countryside and is of an appropriate design, layout, scale, and extent, that has, in the view of officers, would not detract from the amenities of the landscape and overcomes the reason for refusal produced by the Inspector for K/22/22/PL. The proposal is in

accordance with policies C SP1, SD SP3, D SP1 & D DM1 of the ALP, and Policies KPNP 6 & KPNP 7 of the KNP.

#### NEIGHBOURING RESIDENTIAL AMENITY

The scale, siting, and use of the building is such that it would have no significantly adverse impacts by way of overbearing, overshadowing, or overlooking on any neighbouring properties. Conditions are also to be imposed pertaining to the use of external lighting to reduce and consider any potential nuisance impacts.

The proposal is in accordance with policies D DM1 of the ALP, and Policy KPNP 7 of the KNP.

#### BIODIVERSITY

The proposal is required to achieve a 10% Biodiversity Net Gain and has been demonstrated through re-seeding, and additional native hedgerow planting to bolster the existing hedgerow along the western boundary. This results in an 11.48% Biodiversity Net Gain in Habitat Units, and a 12.68% Biodiversity Net Gain in Hedgerow Units. It is noted that this planting will likely require Land Drainage Byelaws consent due to its proximity to the watercourse, but this is a separate matter to planning.

This is in accordance with policy ENV DM5 of the ALP and fulfils the statutory requirement for Biodiversity Net Gain. The retention of the existing hedgerow and proposed, are to be secured by way of condition.

#### PARKING

Following the removal of the existing shed, the parking area would be more than sufficient to accommodate 2-3 cars and a horse box trailer in accordance with policy KPNP 6 of the KNP.

#### EQUESTRIAN NETWORK

Application K/22/22/PL was refused, in part, on the grounds that the site was not well related to the existing bridleway network, and thus, likely to have an adverse effect on highway safety locally. At appeal, the Inspector found that 'there is no objective evidence that by any other measure these bridleways, BOATs or roads would be inadequate to assimilate limited additional use by up to three horses. Moreover, there would be choice, including that it would also be possible for horses to be ridden or exercised in the paddocks on the site, albeit in a more limited fashion'.

It is noted that the wider field may not formally be able to facilitate the exercise of horses on site by virtue of its agricultural use, although, it has historically, and no particular harm is foreseen from limited exercise of horses incidental to the use of these stables.

The Inspector found at appeal, that immediate connections to the bridleway network by way of short ride were limited. Identifying the use of public footpaths should not, by statutory definition or common courtesy, be used by horses. They found that short rides (15 minutes) across the public highways could allow the horses to reach the wider bridleway networks, but that some of the roads were busy routes and would not be particularly conducive to safe or pleasant horse riding or for all road users.

The Inspector did however, go on to state that horses could be transported to the nearest bridleways by a short and convenient drive, including to the north of the A259. Also identifying that the Pegasus Crossing installed relatively recently along the A259 indicates a likely demand or desire for horse riders, emanating from paddocks south of the A259, to use the public highway to gain access to the bridleway and BOAT network to the north.

The Parish raised concerns about Kingston Lane being a suitable route for riders from the site. Pointing out the narrow width of the lane, the often-high-speed traffic that flows through it, including larger



commercial traffic, and the planting along the verges that often obscures oncoming road users, particularly around its bends, notably, by Peak Lane. In the Inspectors visit to the site and Kingston Lane, they found that there were low traffic volumes, that riders accessing the lane from the site could do so without undue impacts to pedestrians, and that it would be conducive to horse riding. They noted the convenient access to the coast via the BOAT along Peak Lane, and potential for riding along the beach as a result. Horse riding on the beach cannot take place during the summer months but this would not foreclose the possibility of riding along them out of this time.

In their closing remarks on the matter, the Inspector concluded that 'the development would be connected in a beneficial way to appropriate destinations in the vicinity of the site and in this functional sense be mutually well related. The site would as a result be in a suitable location with respect to bridleways or other suitable routes available to horse riders.'

Particular attention should be given to the site being in a suitable location with respect to bridleways. It is clear that the Inspector found that transporting this limited number of horses to the nearest bridleway networks by vehicle was suitable enough given the drive being short and convenient. This is notwithstanding the added suitability of riding along Kingston Lane or at other locations.

The proposal would remain suitably well-related to the existing bridleway network, and it would clearly be able to assimilate the limited additional 3 horses proposed. The proposal is in accordance with policy EQU DM1 of the ALP, and policy KPNP 6 of the KNP.

#### **SUMMARY**

The proposal is in accordance with relevant Development Plan policies and as such, it is recommended for approval subject to the following conditions and informatives.

<b>HUMAN RIGHTS ACT</b>
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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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

<b>DUTY UNDER THE EQUALITIES ACT 2010</b>
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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:

- Proposed Location Plan 2024.419.01, Rev C.
- Proposed Block Plan 2024.419.04, Rev C.
- Proposed Stable 2024.419.02, Rev A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D SP1, D DM1 and EQU DM1 of the Arun Local Plan.

- 3 Prior to the use of the stables hereby approved, full details of all new external lighting (including type of light appliance, the height and position of fitting, and predicted illumination levels) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01/21). The recommended lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white with a clear view, no UV, a horizontal light spread of less than 70 degrees and a timer.

Reason: In the interests of the amenities of the area and to minimise unnecessary light spillage outside the development site in accordance with Arun Local Plan policies D SP1, D DM1 & ENV DM5 of the Arun Local Plan, and Policy KPNP 7 of the Kingston Neighbourhood Development Plan.

- 4 Prior to first use of the stables hereby approved, details of where and how manure is to be stored and ultimately disposed of, including details of any structure or container in which it would be stored, shall be submitted to and approved in writing by the Local Planning Authority. Once the use commences, it shall only be carried out in accordance with the approved details. No manure or waste materials shall be burned within the application site.

Reason: In the interests of residential amenity in accordance with Arun Local Plan policies QE SP1 and QE DM3.

- 5 Prior to any development above ground level, a Biodiversity Enhancement Layout, providing the finalised details and locations of 1 No. Bird box, and 1 No. Bat box shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to first use of the stables and all features shall be retained in that manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF 2023 and s40 of the Natural Environment and Rural

Communities Act 2006 (Priority habitats & species).

- 6 Notwithstanding the provisions of any Town & Country Planning General Development Order or Use Classes Order (or any Order revoking or enacting that Order), the use of the stables and land hereby permitted shall include only the private keeping of horses for grazing and exercise purposes, and not used as livery stable, for riding lessons, or commercial activity of any kind .

Reason: To enable the Local Planning Authority to consider the acceptability of alternative use, in accordance with Arun Local Plan policy D DM1.

- 7 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority, and
2. The planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 8 **INFORMATIVE:** Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council, [land.drainage@arun.gov.uk](mailto:land.drainage@arun.gov.uk)), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls, and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 9 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **BACKGROUND PAPERS**

[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](https://www.arun.gov.uk/weekly-lists) and entering the application reference or directly by clicking on

[this link.](#)

**K/27/24/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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