

PLANNING APPLICATION REPORT

REF NO: FG/8/20/PL

LOCATION: Eastlands
Littlehampton Road
Ferring
BN12 6PB

PROPOSAL: Erection of 1 No. equestrian dwelling & retention of 1 No. gazebo & 2 No. carports. This application is a Departure from the Development Plan & may affect a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The proposal is to construct a new 3 bed dwelling to be used in association with the running of an equestrian business.</p> <p>The dwelling would be of a U shape and would have a width of 26.5 metres with the two arms of the U projecting 11.4 metres with the body of the house having a depth of 5.7 metres. The height of the house to eaves would be 2.7 metres and to the ridge 5.2 metres.</p> <p>The application also proposes to retain two existing car ports and a gazebo within the proposed residential curtilage.</p>
SITE AREA	0.4 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Site is bordered by post and rail ranch style fencing painted dark brown with approx. 6 metre tree hedging surrounding the site. The surrounding equestrian farm is bordered by a mixture of post and rail fencing and further 6 metre hedging.
SITE CHARACTERISTICS	The site is an enclosed landscaped area adjacent to a large stable block and horse menage on an equestrian farm. The site is to be used for permanent residential use with a grassed area, 2 existing car ports and a gazebo within the curtilage of the site.
CHARACTER OF LOCALITY	Vineyards to south. Highdown Hill and Gardens to north.

RELEVANT SITE HISTORY

FG/84/15/PL	Temporary stationing of 1 No. residential caravan for 3 years.	Refused 25-08-15 Appeal: Allowed+Conditions 21-09-16
-------------	--	---

FG/84/15 - An appeal granted permission for the temporary stationing of a mobile home on the site and the two car ports and gazebo. The matter is discussed below in the background information section of the Conclusions section of the report.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection:

- There is no residential unit on the land at present.
- Appeal already dismissed for erection of a dwelling.
- Need for a dwelling has not been demonstrated.
- Isolated stable building was granted permission on the basis that no residential dwelling would be required (FG/84/09).
- Dwelling could be accommodated elsewhere locally.
- Proposed property is not of a size that would be seen as essential for purpose proposed.
- Harm to Strategic Gap.
- Proposal conflicts with Local and National Policy.

8 letters of objection:

- No need for a dwelling.
- Harm to strategic gap.
- Refused on appeal already.
- Could affect use of the public footpath.
- Could open up area to residential development.
- Out of character in the countryside.
- Luxury house not a rural workers dwelling.

6 letters of support:

- Need for dwelling to look after livestock.
- Support local agricultural businesses.
- Site maintains local public footpath.

COMMENTS ON REPRESENTATIONS RECEIVED:

Issues raised addressed in the Conclusions section of the report below.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

South Downs National Park

Parks and Landscapes

Arboriculturist

WSCC Strategic Planning

Environmental Health

Ecology Advisor

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - No objection subject to conditions.

South Downs National Park - No objection.

Ecologist - No objection subject to conditions relating to bats/birds on site.

Drainage Engineers - Surface water drainage to be determined under building regulations.

Environmental Health - No comments.

Agricultural consultants - No objection. Need for agricultural dwelling established and previous and future financial soundness of the equine business examined and accepted.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

OUTS BUILT AREA

RIGHT OF WAY

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
HDM3	H DM3 Agricultural forestry and horticultural Rural dwellings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
LANDM1	LAN DM1 Protection of landscape character
SDSP3	SD SP3 Gaps Between Settlements
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

A Spatial Plan for the Parish

Ferring Neighbourhood Plan 2014 Policy 7

Land north of Littlehampton Road, encouraging of existing rural businesses

PLANNING POLICY GUIDANCE:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

SPD3 Parking Standards

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

The relevant policies of the Ferring Neighbourhood Plan have been taken into account.

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 the proposed development is necessary for the purposes of equestrian use of the site and would have an acceptable impact on the surrounding landscape.

OTHER MATERIAL CONSIDERATIONS

The material consideration in this case that warrants a decision otherwise than in accordance with the Development Plan and/or legislative background is that the development is necessary for the purposes of agriculture - the breeding and care of horses.

CONCLUSIONS

PLANNING HISTORY

The principal element of the planning history relates to an appeal decision of 21st September 2016 where (FG/84/15/PL) a temporary 5 years stationing of a residential caravan was granted planning permission. The inspector concluded that the scale and nature of the enterprise proposed gave rise to an essential need for a worker to live on the site and that the existing approved equestrian building and the extensive tree screening around the perimeter of the site would screen the dwelling from wider public view.

Subject to a sufficient period (3 years) of documented successful operation of the equestrian enterprise in its proposed form the Inspector considered that a permanent dwelling would be acceptable.

PRINCIPLE

Policy C SP1 "Countryside" of the Arun Local Plan states that residential development in the countryside outside the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. Policy 1A of the Ferring Neighbourhood Plan seeks to resist development outside of the built up area boundary unless it would accord with development plan policies.

The site lies outside the Built-Up Area Boundary where, in line with Policy C SP1 development will be acceptable in principle if it is in accordance with other policies in the Plan which refer to a specific use or type of development.

Policy H DM3 of the Local Plan sets out the criteria for need for a rural workers dwelling. A functional need has been established for full time workers. The rural activity concerned has now been established for at least three years and been profitable with a clear prospect of remaining so. No other buildings are available for conversion to residential use. The size of dwelling is considered reasonable for a workers family dwelling and is site such that it is well related to the functional need.

Further more the appeal decision for application FG/84/15/PL established that a dwelling to be used in association with the equestrian use on site was acceptable subject to evidence showing that the business was a going concern for a period of 3 years.

VIABILITY ASSESSMENT

A 3 year period has now elapsed since the successful appeal decision and the applicant has submitted this application for a permanent dwelling along with 3 years accounts which allege that the equestrian use is a viable agricultural business that has been profitable in the latter years.

The financial information submitted to support the preceding 3 year viability of the equestrian business has been assessed by an independent agricultural financial consultant, appointed by the Council. The independent agricultural financial consultant has accepted both the need for the agricultural dwelling and the financial soundness of the business going forward.

The 3 years accounts from the equestrian businesses show a steady and rising level of profit over the three years to April 2019. The information submitted also demonstrates that the business can support a mortgage to pay for the costs of building the new property.

A 3 bedroomed home is considered an acceptable size for a rural workers dwelling and the dwelling is right next to the stable block where the horses to be cared for are located. So as to ensure the dwelling is only for the purposes of running an accompanying business an agricultural (equestrian) occupancy condition would be added to any final approval.

The site is also located within a gap between settlement governed by Policy SD SP3 where Development will only be permitted within the gaps if (amongst others) it would not undermine the physical and/or visual separation of settlement and would not compromise the integrity of the gap.

The dwelling would be located on an enclosed site and would not have a significant impact on the character of the surrounding area. In accordance with the Inspectors report referred to above and is not considered to undermine the visual separation of settlements or compromise the integrity of the settlement gap. The development could not be located elsewhere because of the agricultural need to locate the development on the equestrian unit. The amount of development is considered sufficient for a home to support a rural business and therefore accord with policy SD SP3 of the Arun Local Plan.

Policy 7 of the Ferring Neighbourhood Plan addresses development north of Littlehampton Road which includes this site. Developments are supported if they;

- i Minimise visual impacts on the countryside.
- ii. New buildings are located as part of the existing clusters of buildings.
- iii. Screened within its wider setting of the National Park.
- v. Development will only be permitted in exceptional circumstances.

The building is considered to have a limited impact on the surrounding landscape as it is set within the frame of the existing stable building and with a strong landscaped border and is for an exceptional circumstance necessary for the equestrian use of the site.

The principle of development is therefore considered acceptable.

DESIGN

Local Plan policy D DM1 requires that the Council have regard to certain aspects. Furthermore, policy D SP1 Design states that development has to be designed in such a way that it reflects its immediate setting in terms of layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

The proposed design of the house would be a bungalow set behind the bulk of equestrian building when viewed from the South Downs National Park and Highdown Hill. In addition the existing landscaping would minimise the impact of the development from other vantage points including from a public right of way to the west of the site.

The design of the dwelling itself is considered to be of an acceptable appearance, size and is shown to incorporate timber framed features, weatherboarding and clay tile roof giving it a rural character.

If the need for a permanent dwelling is accepted it follows that the car ports and gazebo designed originally for use of the dwelling should also be acceptable. Their design incorporating tiled hipped roofs with oak beam structural timbers are in the style of the proposed bungalow.

The proposed development is considered to accord with the emerging Arun Design Guide in that the materials of construction and style of the design would suit the character of the rural location of the dwelling.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan sets internal space standards for a 3 bed single storey dwelling would be 95 sq.m. with the dwelling proposed providing approx. 145 sq.m. of internal space such that the proposed dwelling would comply with policy D DM2 of Arun Local Plan.

LANDSCAPE IMPACT

The proposed dwelling could potentially have an impact on the South Downs National Park. Due to the low height of the dwelling, its location set with an existing group of buildings and surrounding landscaping the development is considered to conserve views into and out of the National Park and the proposal therefore complies with policy LAN DM1 of the Arun Local Plan in this respect.

RESIDENTIAL AMENITY

Arun District Local Plan Policy D DM1 states at part 3. Impact that new development should have minimal impact to users and occupiers of nearby property and land. The proposed development would be separated by a minimum of 100 metres from any other dwellinghouse and therefore would not have any adverse impacts on the residential amenity of any neighbouring properties and would enjoy a high standard of residential amenity itself.

The dwelling would therefore comply with policy D DM1 of the Arun Local Plan relating to residential amenity.

HERITAGE IMPACT

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a listed building or its setting must have regard to the desirability of preserving the building or its setting. Section 72 of the same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas.

Paragraph 189 of the National Planning Policy Framework (NPPF) requires such information to be provided in order to assess the impact of the proposal upon these assets. Whilst in this instance no heritage Statement has been submitted, it is considered that the proposed development does not cause harm to the Conservation Area or the Listed Building at Highdown House, and as such, the proposal should be determined in accordance with the relevant sections of the Development Plan.

The siting of the proposed house is such that it will not harm important views into and out of the Conservation Area and Listed Building. This is largely due to the distance of approximately 230 metres from the heritage assets, the low rise design of the proposal, and the significant screening present around the site.

The proposed development accords with HER DM1 and HER DM3 of the Arun Local Plan, and the relevant sections of the NPPF, in that it can be demonstrated that the proposal has no impact upon the Listed Building, or the Conservation Area.

HIGHWAYS

The proposed scheme would use the existing access to the property and would incorporate 2 existing car ports and associated parking areas. WSCC Highways have made no objection to the scheme subject to conditions requiring that car parking is laid out and retained as approved and cycle storage areas are incorporated as approved.

The scheme complies with the Arun Parking Standards Design guide in that it would provide a minimum of 4 car parking spaces where the standard requires 2 spaces for a 6 habitable roomed dwelling in zone 2 of the parking standards map. The scheme is considered to accord with policy T SP1 of the Arun Local Plan.

DRAINAGE

The surface water drainage of the site is considered to be acceptable and subject to it complying with building regulations raised no objection from the Council's surface water drainage engineers. The scheme is considered to accord with policy W DM3 of the Arun Local Plan and policy 10 of the Ferring Neighbourhood Plan.

ECOLOGY AND TREES

The hedgerows on site are used for commuting and foraging of bats and the nesting of birds. Planning conditions relating to the installation of bird and bat boxes and requiring a lighting scheme sympathetic to bats have been applied and as such the proposed scheme is considered to comply with policy ENV DM5 of the Arun Local Plan. There are no trees on the site and therefore no damage can be done to tree resources.

SUMMARY

The proposed development is considered to comply with the Local Development 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) 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.

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.

CIL DETAILS

This is a CIL Liable development. It is located in Zone 3 and as a result a CIL amount of £18400 is payable unless the applicant subsequently applies for an exemption subject to the requirements of the CIL Regulation 2010 (as amended).

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 dwelling - Dwg.no. OV/DB/CE/01A dated 18/12/2019.
Parking Plan - Dwg.no. SD/1 dated 02/03/2020

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 Prior to occupation of the dwellings details of any external lighting for the site shall be submitted to and approved by the Local Planning Authority and should take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The development shall proceed in accordance with the approved details and any further external lighting shall be subject to the prior permission of the Local Planning Authority.

Reason: In the interests of protected species in the locality in accordance with policy ENV DM5 of Arun District Local Plan.

- 4 The occupation of the residential unit shall be limited to a person solely or mainly working at

the equestrian centre at Eastlands.

Reason: In the interests of preserving the residential unit for agricultural/equestrian purposes in accordance with policy C SP1 of the Arun Local Plan.

- 5 Prior to occupation of the dwellings details of a bird box and bat box to be attached to the approved and/or trees within the grounds of the property shall be submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: In the interests of protected species in the locality in accordance with policy ENV DM5 of Arun District Local Plan.

- 6 Prior to occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c), TSP1 and ECCSP2 of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 7 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details as submitted. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan.

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with submitted details.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with policy T DM1 of the Arun Local Plan..

- 9 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.

- 10 INFORMATIVE: The surface water drainage proposals of the site shall be in accordance with the Building Regulations as agreed by Building Control.

- 11 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 12 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the

2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

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

FG/8/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015