

Parish: Funtington	Ward: Funtington
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FU/17/02187/FUL

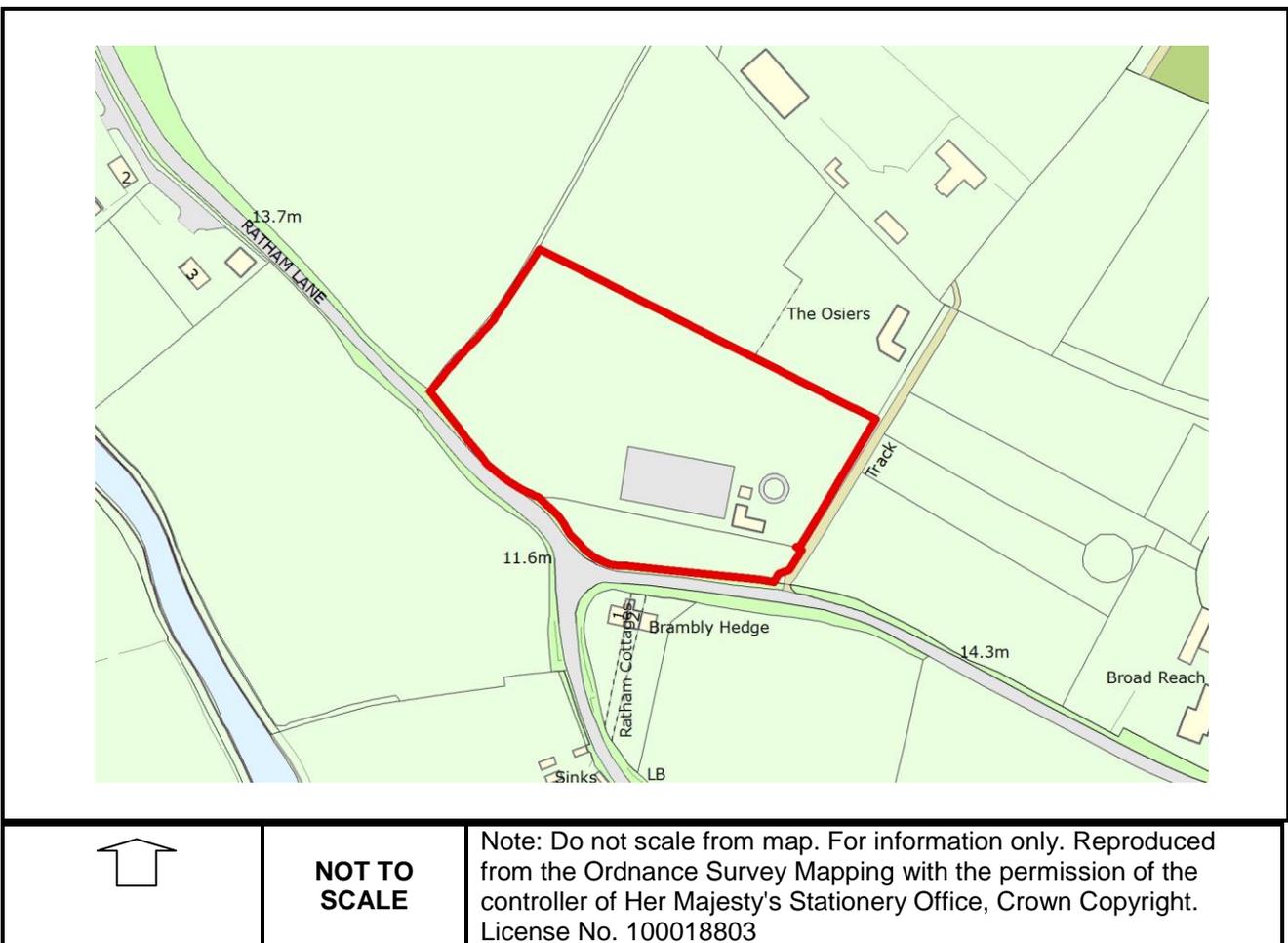
Proposal Permanent stationing of mobile home to support equestrian business comprising the breeding of horses and dressage training.

Site Land South Of Osiers Clay Lane Funtington West Sussex

Map Ref (E) 481237 (N) 106519

Applicant Mr & Mrs D Ward

RECOMMENDATION TO PERMIT WITH S106



1.0 Reason for Committee Referral

Parish Council objection - Officer recommends permit

2.0 The Site and Surroundings

- 2.1 The application site lies on the northern side of Clay Lane approximately 1km north of Bosham and 0.6km south of West Ashling (as the crow flies), within the open countryside. The site comprises a stable block, horse exercise facility, manege and paddock with a temporary dwelling located adjacent to the eastern boundary of the site. The temporary dwelling is a mobile home 20m x 6.7m in size providing 134 square metres of accommodation which has been designed internally to provide accessible and functional accommodation having regard to the needs of the applicant.
- 2.2 The site is reasonably well screened from the road by a band of mature trees mainly consisting of Oak, Ash & Field Maple which is covered by an area Tree Preservation Order (TPO). The access to the site is shared with the neighbouring dwelling and caravan site which is located to the north (The Osiers), and a solid timber gate at the main access to the site screens much of the site from the access. To the south of the application site there is a terrace of 3 cottages. The application site is otherwise surrounded by open countryside.

3.0 The Proposal

- 3.1 The application seeks planning permission for the permanent stationing of a mobile home and an equestrian use comprising the breeding of horses and dressage training. .

4.0 History

18/00178/TPA	PER	Crown raise by up to 4m (above ground level) on 1 no. Oak tree (T1). Crown raise to first fork (on the limb adjacent to the schooling area) on 1 no. Oak tree (T2). Fell T3-T5 combination of Field Maple and Hawthorn. Crown raise by up to 6m (above ground level) on 2 no. Oak trees (T6 and T11). Remove 2 no. limbs on northern sector at 6m (above ground level) on 1 no. Oak tree (T7). Reduce width on northern sector by 0.5m and prune overhanging branches to 6m on 1 no. Hawthorn (T8). Remove lowest limb at 4.3m (above ground level on north sector) and crown raise by up to 6m (above ground level) on 1 no. Oak tree (T9). All 10 no. trees are within Woodland, W1 subject to FU/04/00538/TPO.
14/02144/FUL	PER	14/02144/FUL Stationing of mobile home for temporary period of 3 years.
15/00336/DOC	DOCDEC	Discharge of conditions relating to FU/14/02144/FUL, condition 5.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	YES (Adjacent)
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

Funtington Parish Council objects to this application.

The original permission, to which, incidentally, the Parish Council objected, purported to be for a limited period to enable Mrs Ward to train for the Olympic Games in 2016. The justification for that permission has therefore expired and the mobile home should be removed. Further, although the land adjacent has been used for keeping the applicants' horses for a long period of time no permission has been granted for an equestrian business or for a school of equitation.

The use of the land for business purposes should therefore be determined before consideration is given to this application.

6.2 WSCC Highways Authority

16/08/2018

As the equestrian business has been operating and utilising the existing access without evidence of highway safety concern, and there is sufficient space on site for vehicles to turn, we would not have any transport grounds to resist this usage becoming permanent.

10/08/2018

This proposal is for the permanent stationing of a mobile home to support an equestrian business. WSCC as Local Highway Authority was consulted on an application for the temporary stationing of a mobile home on this site under ref: FU/14/2144/FUL to which no highways concerns were raised and planning permission was granted.

The site is accessed via Clay Lane, utilising as existing shared access. An inspection of WSCC mapping indicates that vehicular visibility at the access onto Clay lane is sufficient for the anticipated road speeds within this location. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years indicates that there have been no recorded injury accidents within the vicinity of the access and therefore there is no evidence to suggest that the access is operating unsafely, or that the permanent stationing of a mobile home would exacerbate an existing safety concern.

The applicant has indicated that there will be four parking spaces provided on site, which exceeds the WSCC car parking demand calculator's expected minimum parking provision for a dwelling of this size and location. There also appears to be sufficient space on site for vehicles to turn on site and exit onto the publically maintained highway in a forward gear.

In conclusion, the LHA does not consider that the proposal for a single permanent mobile home would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

6.3 Third party representations

1 third party comment has been received concerning;

- a) The plan includes land not within the ownership of the applicant
- b) No notice has been served on the owner by the applicant

6.4 Agent's/Applicant's supporting information

The applicant has confirmed the following;

- a) It is correct that as with the original application the red line was drawn to include the showing of the access to the highway to allow all concerned parties (highways etc) to see the road access, and for no other reason.
- b) We have no intention to deceive anyone and have made it clear from the outset the entrance is not in our ownership, but we have an access right across it to the highway.
- c) Notification was served to Mr and Mrs Hayes on 23rd June 2017, By our then planning consultant Judith Norris of The Rural Planning Practice.
- d) Following which a notice was placed on our gate and letters sent out to all our neighbours by yourselves.
- e) Furthermore, as a member of Funtington Parish Council Mr Hayes would have been made aware of the application.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Funtington at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 4: Housing Provision
Policy 5: Parish Housing Sites 2012- 2029
Policy 33: New Residential Development
Policy 37: Accommodation for Agricultural and other Rural Workers
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 45: Development in the Countryside
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 55: Equestrian Development

National Policy and Guidance

- 7.4 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.5 Consideration should also be given to Sections 4 (Decision-Making), 5 (Delivering a sufficient supply of homes), 12 (Achieving well-designed places) and 15 (Conserving and enhancing the natural environment) generally.

- 7.6 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area.

It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing.

The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

Consideration has also been given to the following documents:

Planning Obligations and Affordable Housing SPD
Surface Water and Foul Drainage SPD

The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Maintain low levels of unemployment in the district
- Prepare people of all ages and abilities for the work place and support the development of life skills
- Support local businesses to grow and become engaged with local communities
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Support and empower communities and people to help themselves and develop resilience
- Support communities to meet their own housing needs
- Encourage partner organisation to work together to deliver rural projects and ensure that our communities are not isolated
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

The main considerations are:

- i. Principle of development
- ii. Impact upon rural character of the surrounding area
- iii. Impact upon the amenity of neighbouring properties
- iv. Ecological considerations
- v. Other matters

Assessment

- i. Principle of development

- 8.2 The application site lies within the rural area where new development is resisted in accordance with policy 2 of the Chichester Local Plan (CLP), unless the proposal requires a countryside location and would meet a small scale local need in accordance with policy 45 of the CLP. Policy 45 of the CLP identifies that development will be granted permission where it required a countryside location and meets the essential, small scale, and local need which cannot be met within or immediately adjacent to existing settlements. In addition, policy 37 sets out the criteria that any proposal necessary to meet the accommodation needs of full-time workers in agriculture, forestry or other business requiring a countryside location should meet. In respect of the proposed equestrian enterprise policy 55 states that horse related development will be granted where a number of criterion is met including; there is adequate land for the number of horses kept, existing buildings are re-used where possible, there would be minimal harm to landscape, the proposal would be compatible with its surroundings, it would not result in the loss of the most versatile agricultural land and the site is well linked to bridleway networks.
- 8.3 In order to be justified there must be an essential need for a worker to live on site, there should be no other suitable accommodation on site or in the vicinity, a dwelling should not have recently been disposed of, the dwelling should not be larger than operationally necessary and the siting of the development and landscaping should minimise the impact upon the surrounding area.
- 8.4 The applicant obtained a temporary and personal permission for a rural workers dwelling on the site for a period of 3 years in December 2014. The minutes of the Planning Committee at which permission was granted state it was proposed that 'the application should be permitted for a temporary period of three years and made personal to the applicants for the purpose of breeding horses and activities undertaken in relation to dressage on the premises. Therefore the LPA has previously been satisfied that there was an essential need for the applicant to reside on the site to support the rural enterprise. In addition, it was accepted that the proposed breeding and dressage training enterprise proposed would be acceptable in this location.
- 8.5 The temporary permission was implemented and the 3 year permission has now expired and the applicant is seeking permission to retain the existing dwelling on the site permanently and to continue the equestrian enterprise. The applicant has confirmed that they would agree to a further personal permission. During the course of the application the applicant has submitted a detailed Business Plan which explains the breeding program she is undertaking and the dressage training that she undertakes from the premises. In addition the year end accounts for 2017-2018, evidence of the level at which the applicant is competing, and details of the available homes nearby have been submitted. The growth of the equestrian enterprise would be in line with the use previously accepted, including the breeding of dressage horses and also training for horses and riders on a 1 to 1 basis, the level of which would result in a level of activity appropriate to the size of the site and the character of the area.

- 8.6 The information submitted confirms that, although following the grant of the temporary permission the business was slow to develop, this was as a result of medical issues for the applicant which prevented her from working for a time. The applicant commenced the breeding program for elite dressage foals and although it has been halted temporarily this is to allow their colt to mature and to increase its value, during this time the applicant has grown the dressage training element of the business. The business has established itself over the past 18 months, and during the year 2017-2018 the business showed a small profit. The temporary dwelling was also permitted because it allowed the applicant to train to compete for Great Britain (GB). Although the applicant was not able to represent GB at the Rio Olympic Games she has subsequently been re-classified for competition (due to the worsening of her condition) and she has competed for GB at other events. It is considered that given the LPA previously accepted there was an essential need for the applicant to reside on the site to operate the enterprise and she is in the process of developing the enterprise in line with the business plan submitted that the retention of the dwelling and a permanent permission for the equestrian enterprise would be justified.
- 8.7 There has been no change in the accommodation proposed, and therefore it is considered that the scale of the dwelling would be appropriate to meet the needs of the equestrian enterprise. There are no other dwellings close to or on the site either available or suitable to meet the needs of the applicant. The site is well-screened from the road by mature vegetation ensuring that the proposal would not harm the rural character of the locality.
- 8.8 Concerns were raised during consideration of the 2014 application that there was insufficient land on the site to accommodate the number of horses described in the business plan. The applicant states that the site provides 2.5-3 acres of well-maintained rotated grazing (1.01-1.2ha), however the site in total amounts to approx. 1.2ha (1ha with the band of trees deducted). Taking into account the stable block, manege, horse exercise ring, car parking area and also the area of the proposed mobile home it did not appear that there would be 2.5-3 acres of quality pasture for the grazing of horses. However, in granting temporary permission previously, the LPA has accepted that there would be sufficient space to grow the business as set out in the business plan submitted alongside the application. There have been no material changes to the nature of the equestrian business and therefore it would be unreasonable to resist the proposal on these grounds following a grant of temporary permission to allow time for the business to develop.
- 8.9 In conclusion, it is considered that the applicant has provided adequate information to demonstrate that the proposed accommodation would meet an essential need of a rural enterprise. Furthermore, the proposed business plan combined with the accounts submitted demonstrate that the enterprise is growing as anticipated when temporary planning permission was granted. It is therefore considered reasonable to now grant a permanent permission for a dwelling on the site, subject to an occupancy condition, in accordance with policies 2, 37 and 45 of the CLP
- ii. Impact upon the rural character of the surrounding area

8.10 The application site lies within a rural area characterised by hedgerows to the field boundaries, pastureland and also woodland, with a large copse located to the north east of the application site. The area surrounding the site also reflects a strong rural character as a result of the loose-knit and sporadic nature of residential properties along Clay Lane. The use of the land for the stationing of a mobile home and the operation of the equestrian enterprise would not result in a significant change to the rural character due to its siting within the site, the extent of screening provided by the belt of TPO'd trees along the front of the site and single store scale and mass of the dwelling.

8.11 For the reasons set out above it is therefore considered that the proposal would not detract from the character of the surrounding area and would accord with policies 33 and 48 in this respect.

iii. Impact upon the amenity of neighbouring properties

8.12 There is a residential property to the north of the application site, and a row of cottages to the south of the application site. It is considered that due to the siting of the proposed mobile home some distance from these properties, and also the screening of the mobile home as a result of the planting surrounding the site that the proposal would not have an unneighbourly impact upon the occupiers of these dwellings. In addition, due to the nature and scale of the equestrian enterprise proposed the business use connected with the stables would not result in a level of activity, noise or disturbance that would have a significant adverse impact upon the amenity of neighbouring properties. The proposal therefore accords with policy 33 of the CLP in this respect.

iv. Ecological considerations

8.13 The application site lies within the 5.6km zone of influence around the Chichester and Langstone Harbour Special Protection Area (SPA) where a net increase in dwellings is likely to have a significant effect. An Appropriate Assessment has been carried out in accordance with the Habitat Regulations 2017, and subject to the payment of a contribution to mitigate the impact the proposal would not have an adverse impact upon the SPA. The applicant has agreed to enter into an agreement and to pay the contribution, which would ensure that the proposal would be acceptable in this respect and the proposal would as a result accord with policy 50 of the CLP. An update will be provided at the Planning Committee.

v. Other matters

8.14 A concern has been raised by a third party (a relative of the neighbouring property that owns the access track onto Clay Lane) that the owners of part of the application site were not notified by the applicant when the application was submitted. Certificate B was submitted with the application confirming that notice had been served upon the owners of the access track onto Clay Lane. The applicant has also subsequently confirmed that this information is correct and the planning agent served notice and signed certificate B.

8.15 The owner of the land was sent notification letters upon receipt of the application and in connection with amended plans received during the course of the application by the Planning Authority, and a site notice was displayed at the point of access adjacent to the access the landowner uses to enter their own property. It appears that the land owner is aware of the application given the representation received from a relative and it is therefore considered that all reasonable steps have been taken to ensure that the owner has been made aware of the application via the necessary planning application publicity processes, and as such the application can be determined without injustice to the owner of the land.

Conclusion

8.16 Based on the above, in particular the assessment of the principle of the proposed development it is considered the proposal accords with development plan policies 2, 33, 37 and 45 and the NPPF, and therefore the application is recommended for approval.

Human rights

8.17 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate

RECOMMENDATION

PERMIT WITH S106 subject to the following conditions and informatives:-

1) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 4820 01 and 4820 02

Reason: To ensure the development complies with the planning permission.

2) The residential occupation of the land shall be limited to Mr and Mrs Ward whilst solely or mainly working or last working in connection with the equestrian enterprise on the land currently known as Fallen Oaks and as outlined in green on the attached plan (drawing no. CDC01), or a widow or widower of such a person, and to any resident dependants.

Note: (i) "Last Working" covers the case both of a person who is temporarily unemployed or of a person who from old age, or illness, is no longer able to work. Nor need the words necessarily exclude a person who is engaged in other part-time, or temporary employment, if that person could still be regarded as an equestrian worker or retired equestrian worker. A person who last worked in an equestrian enterprise but who now works on a permanent basis mainly in non-equestrian employment would not satisfy this condition.

(ii) "Dependants" means persons linking in family with the person defined and dependant on him (or her) in whole or in part for their subsistence and support.

If the land is no longer occupied by Mr and Mrs Ward the mobile home and all associated domestic paraphernalia shall be removed from the land within three months of the use ceasing.

Reason: The site lies in a rural area where in accordance with the policies of the Local Plan development unrelated to the essential needs of a rural enterprise, agriculture and/or forestry would not normally be permitted.

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended, and the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2015 the equestrian enterprise on the land currently known as Fallen Oaks shall be limited to the breeding of horses and dressage training activities only, and shall not be used in connection with any other commercial function including a livery or riding school.

Reason: In the interests of protecting the character of the rural area.

INFORMATIVES

1) 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.

2) S106

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

For further information on this application please contact Fjola Stevens