

Parish: Sidlesham	Ward: Sidlesham with Selsey North
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SI/18/02925/FUL

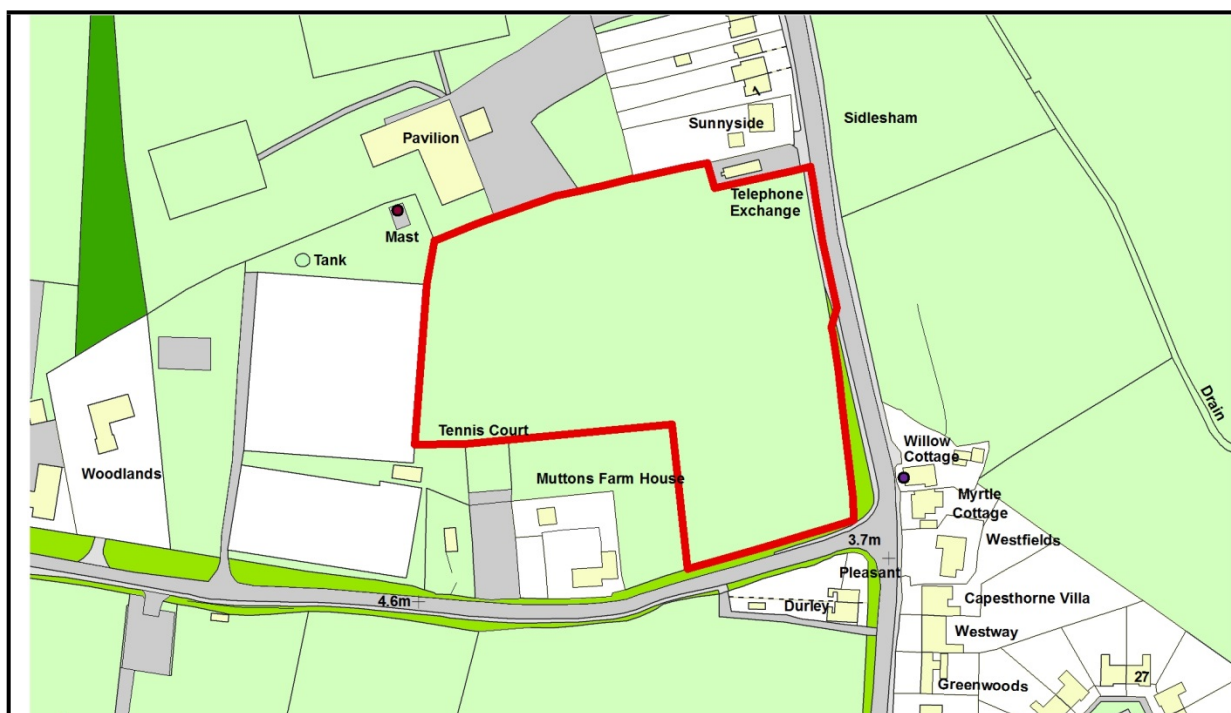
Proposal Proposed private stable block and associated hard standing. New access to the highway.

Site Land South Of Telephone Exchange Selsey Road Sidlesham West Sussex

Map Ref (E) 485659 (N) 97768

Applicant Mr W Hughes

RECOMMENDATION That the Planning Committee confirms that the Local Planning Authority will not seek to defend the appeal against non-determination of the application.



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1.0 Reason for Committee Referral

1.1 Red Card: Cllr Tricia Tull - Exceptional level of public interest
Parish Objection - Officer recommends Permit

1.1a This application was deferred for further information at the Planning Committee on the 06/06/2019. Since this time additional information and an amended site plan have been submitted by the applicant.

1.1b However, the applicant has lodged an appeal against the non-determination of the application. The Local Planning Authority is now unable to determine the application and must instead decide whether to contest the appeal, having regard to the additional information.

2.0 The Site and Surroundings

2.1 The site forms a parcel of land measuring approximately 3.75 acres in size located on a corner site to the west of Selsey Road and to the north of Keynor Lane, in the rural area and within the parish of Sidlesham.

2.2 The site is bordered by Muttons Farmhouse and a nursery to the west and a telephone exchange building to the north. The site is generally flat and open, covered in rough short grass.

2.3 There is an existing vehicular access to the south of the site from Keynor Lane. The boundary treatments of the site are mainly formed by natural hedging.

3.0 The Proposal

3.1 The application seeks planning permission for a single storey stable building with storage areas for hay, feed, cart and tack, and the change of use of the land for the keeping of horses.

3.1a Amendments to the scheme have been submitted in respect of the following aspects;

- **Relocation of the muck heap to the south of the stable building.**
- **Addition of native species hedging to the entrance and also to the northern boundary to provide additional screening along with the post and rail fence and timber 5 bar gate**
- **Changes to the hardstanding arrangement – a reconfiguration of the fence between the lorry turning area and the secure yard for the stables, to allow more room for turning, which could also accommodate a trailer if required.**

- **Change to the bell mouth configuration so that the swept path of the horsebox would not conflict with the fence**

3.2 The size and scale of the stable building has been reduced during the application process. The proposed building would measure approximately 17.8m (w) x 10.62m (d) x 3.68m (h), with eaves of 2.38m.

3.3 The stable block would be constructed with timber cladding to the walls and a corrugated sheet roof. A new access is also proposed from Selsey Road (B2145) at a point close to the stable building. Parking and on-site turning associated to the stables and access is also proposed.

4.0 History

17/02640/FUL	REF	Change of use of land from agricultural land for stationing of caravans for residential purposes by 3 no. gypsy-traveler families, with associated utility building, hard standing, widened gateway, landscaping and access.
18/01173/FUL	REF	Change of use of land from agricultural land for stationing of caravans for residential purposes by 3 gypsy-traveler families with facilitating development (utility buildings, hard standing, widened gateway, septic tank and landscaping).
18/02029/PASUR	ADVGIV	Private stable block.
18/00052/REF	INPROG	Change of use of land from agricultural land for stationing of caravans for residential purposes by 3 gypsy-traveler families with facilitating development (utility buildings, hard standing, widened gateway, septic tank and landscaping).
18/00053/REF	INPROG	Change of use of land from agricultural land for stationing of caravans for residential purposes by 3 no. gypsy-traveller families, with associated utility building, hard standing, widened gateway, landscaping and access.

5.0 **Constraints**

Listed Building	No
Conservation Area	No
Countryside	Yes
AONB	No
Tree Preservation Order	No
EA Flood Zone	
- Flood Zone 2	Yes
- Flood Zone 3	Yes
Historic Parks and Gardens	No

6.0 **Representations and Consultations**

6.1 **Parish Council**

Further comments (18/04/2019)

Sidlesham Parish Council discussed the above Application at its Planning Committee Meeting on 17th April 2019. The PC objects to this Application. There should be no new access to the B2145: an embargo on new access onto the B2145 was imposed by the County Surveyor several years ago and remains the case. The access applied for is for residential access but the stables would require access for 3 ½ ton vehicles.

The PC requested that WSCC Highways reassess their report on access to the B2145. In addition, the applicant has 2 Appeals awaiting a hearing with the Planning Inspectorate, each for 3 mobile homes, with associated facilities on the land. Should those be granted, there could be insufficient land for 3 horses without bringing in fodder which would entail a change of use on the land. The PC would like the Appeals resolved before this Application can be considered.

Original comments (13/12/2018)

Sidlesham Parish Council discussed the above Application at its Planning Committee Meeting on 10th December 2018. The PC objects to this Planning Application on the following grounds:

- i. The Application refers to the existing field access. There is no access onto the field from the B2145. The plan, as shown, is not clear where the line of the B2145 is obscured by text placed over the plan. The road bulges out east immediately before the site and back in again along Shotford. This obscures traffic coming from the north. Reference is made to WSCC design standards for residential; this is not a residential development. No allowance has been made for footway pedestrian visibility splays. BT is placing a 6ft close boarded fence on its frontage and that would be in the pedestrian splay. CDC should request amended plans and WSCC Highways should conduct a site visit.

- ii. The PC questioned whether the land can support horses without feed having to be brought in. If feed is brought in, a change of use should be sought.
- iii. The PC would like confirmation from CDC that the applicants Appeals, lodged with the Planning Inspectorate, for 3 caravans on the site, have been formally withdrawn.
- iv. The plot of land is in Flood Zone 3 and the PC believes the Environment Agency would object to contamination of the water course from horses.
- v. The PC expressed concerns regarding the environmental impact on neighbouring properties of housing several horses.
- vi. The applicants agent had submitted a supporting statement which referred, in the summary (page 4), to statements by local residents. It is believed that those statements are not from Sidlesham residents.

6.2 WSCC Highways

Further Comments (12/08/2019)

Please accept this email as an additional consultation response to those already provided on 12/12/2018, 10/01/2019, 04/04/2019, 13/05/2019.

Subsequently a revised block plan has been provided (Revision 3)

This revision has removed the 'existing access' located 30 metres south of the proposed which the Local Highways Authority indicated in correspondence dated 13/05/2019 it did not consider to be an 'existing access'. The Local Highway Authority welcomes this amendment.

It is noted that the tracking provided is for a 3.5 tonne horsebox. The Local Highways Authority has previously provided advice regarding the suitability of this area if the site as accessed with a vehicle towing a trailer horsebox.

Amendments have been made to the parking and turning area. The amended hard standing area provided is more flexible for storing and moving a trailer on site if required. The applicant has stated it is intended to serve the site with a 3.5 tonne horsebox rather than a towed horsebox. While not demonstrated on the submitted plans I would be minded to accept that if needed the site could be accessed by a towed horsebox on the basis that it would need to be unhitched turn around.

I'm also not convinced that the site would create a significant amount of movements where a towed horsebox would access the site, unload and leave immediately. It would be more likely that any horsebox would remain on site until such time as a horse is to be taken off site. In such situations the towed horsebox and be hitched up in a location where a turn is not required.

On balance I would be minded to conclude that this more manual manoeuvring itself would be a more attractive and operationally flexible option than reversing a towed horsebox out onto Selsey Road, though accept there would be some reliance on the site operators to ensure this is the case. The applicant has also indicated that it is the intention to serve the site with a 3.5 tonne horsebox.

The boundary fence at the access point has also been realigned to not intersect with the vehicle tracking. The Local Highway Authority welcomes this amendment.

As previously advised the Local Highways Authority does not consider that the proposal, inclusion the latest revisions, would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts 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.

Further comments (30/04/2019)

It is noted that on block plan 1802KE there is an access located circa 30 metres south of the proposed on Selsey Road annotated as 'existing'. This location is fronted by footway and verge. This footway has not been dropped and the verge is laid to grass. The Local Highways Authority would be minded to view that for this to be used as an access point it would need to be supported by a planning application and gain subsequent licence approval to implement the access. Without such use of this point as an access could potentially attract enforcement action from both the Local Highways Authority and the Local Planning Authority.

In addition it is observed that relocation of the site access point a short distance south of that proposed would result in improved visibility to the north. It is the Local Highways Authority view that this could be undertaken without prejudicing visibility to the south to an unacceptable degree. For the reasons stated in consultation response dated 12/12/2018 this is not a modification the Local Highways Authority would require take place to make the application acceptable, but would be a betterment over the application as proposed for the Local Planning Authority and Applicant to consider.

10/01/2019

Comments were previously provided in relation to this application in a response dated 12/12/2018. More information was requested pertaining to correct demonstration of maximum achievable visibility splays. Revised plans have now been submitted.

The latest block plan (revision 1) demonstrated visibility splays of 2.4 x 102 metres south and 60 metres north of the access point. These splays have been drawn in accordance with the principles within Manual for Streets.

Visibility - South

The use of Manual for Streets calculation coefficients for sight stopping distance is only suitable for approach speeds up to 40 mph. For 40 mph a splay of 65.5 metres would be required. Using calculation methods set out within the Design Manual for Roads and Bridges a 102 metre splay would equate to sight stopping distance approach speeds of 40 mph.

In conclusion given the posted speed limit of Selesy Road at this point (30 mph) it would be difficult to substantiate that a splay of 102 metres would not be adequate.

Visibility - North

A splay of 60 metres has been demonstrated. Using Manual for Streets calculation coefficient for sight stopping distance this would equate to approach speeds of 38 mph. I'm mindful that the speed limit in this location is posted at 30 mph, and while there may be instances of vehicles approaching in excess of the posted speed limit it would be difficult to substantiate that the demonstrated splays are not sufficient to provide sufficient vehicular visibility.

Both splays are contained wholly within land considered public highway. Any overhanging vegetation obstructing the demonstrated splays should be cleared prior to occupation.

Tracking - The plans demonstrate tracking of a 3.5 tonne horsebox accessing and turning within the sites confines. This tracking would be considered adequate. The access works must be implemented under licence to a specification obtained from the WSCC Area Engineer.

Conclusion

The Local Highways Authority does not consider that the proposal would have and an unacceptable impact on highway safety or result in 'severe' cumulative impacts 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.

If the Local Planning Authority is minded to grant planning consent the following conditions would be advised:

Conditions:

Access - No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Block Plan and numbered 1802KE - 001 Rev 1.

Reason: In the interests of road safety.

Vehicle parking and turning - No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

Informative:

Vehicle Crossover - Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

Original comments (12/12/2018)

The site has significant recent planning history. Most recently 17/02640/FUL & 18/01173/FUL both sought the stationing of 3 x caravans for gypsy-traveller families on the land, at different footprints. While no overriding highways concerns were raised to either application both were refused by the Local Planning Authority. Both are currently subject to active Appeals.

This latest application seeks a proposed private stable block and associated hardstanding at the north eastern corner of the plot with a new access to the highway onto Selsey Road. Selsey Road is 'B' classified and subject to a 30 mph speed limit at this point. The applicant should demonstrate that the access point will be provided with visibility splays that accord with current guidance and standards, namely Manual for Streets or the Design Manual for Roads and Bridges.

The applicant has plotted visibility splays on the Block Plan, this plan indicates that splays of 2.4 x 106m are achievable to the south and 2.4 x 65 metres are achievable to the north. I note these splays have been drawn to the centre line of the carriageway in each direction. These splays should be drawn to the nearside carriageway edge in each direction. I would ask this is raised with the applicant and the splay re-calculated on this basis. The splays must be wholly contained within land under the control of the applicant or that considered public highway. The plan should show the entire extent of the splays.

Until such time as the splays have been correctly demonstrated the Local Highways Authority is not in a position to conclude that safe and suitable access to the site can be achieved at this point, and if so, recommend appropriate conditions or informative notes.

Please raise with the applicant and re-consult. The applicant should be aware that any splays that fall below the 85th percentile wet weather road speed must be supported by way of automated 7 day road speed survey. Please raise the above with the applicant and re-consult.

6.3 Environment Agency

We have no objection to the proposed development as submitted.

6.4 Natural England (summarised)

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes. Standing advice provided.

6.5 CDC Environmental Health

Land Contamination - The site appears to have been in agricultural use for many years and remains undeveloped. The risk from land contamination is considered low and in addition the proposed use is not a sensitive use with respect to harm to human health. In case there is undiscovered land contamination at the site it is suggested that condition DC13 is applied. It is noted that as well as stables it is proposed that there will be tool shed within the development.

Any storage of fuels/oil or chemicals within this area should be on impermeable surfaces in order that any leaks or spills do not cause pollution to land or groundwater.

Air quality - The type of development is not considered likely to generate significant emissions to air and therefore an air quality assessment is not required.

There should be no on-site burning of waste materials at the site (especially stable waste) in order to reduce the impact on neighbouring residential properties from smoke or other emissions.

Waste - The muck heap should be sited on an impermeable surface which drains to the neighbouring area to avoid the muck getting wet and odorous. This area should be well managed to avoid odours arising.

Noise - Given that only 4 private stables are proposed it is considered unlikely that significant noise impacts will arise from the development. It is suggested that a restriction is applied if planning permission is granted to prevent the stables becoming commercial which could lead to an intensity of use and resultant increase in noise levels condition AT31 could be applied.

It is noted that it is not intended to be external lighting at the site. This is welcomed to reduce potential for impact on nearby properties.

6.6 CDC Environment Officer

Further comments (20/03/2019)

Over Wintering Birds - Following submission of the Over winter bird survey report (March 2019) we are satisfied that over wintering birds would not be negatively impacted by the proposal. With the inclusion of the 5m buffer which was detailed within our previous comments (07.01.219) and the infilling of gaps within the hedgerows nesting birds will mostly likely be more attracted to the site. As detailed within the report we will require that the planting onsite is extended to the eastern boundary and a condition should be used to ensure this takes place.

07/01/2019

Since our previous comments have submitted in October 2018, a new survey for the site has been undertaken look solely at the area where development will occur rather the site as a whole. There are a number of recommendations we are happy to except which are detailed below, however we do still have a number of concerns relating to overwintering birds.

Over Wintering Birds - Due to the sites location adjacent to Pagham Harbour SPA and the current condition of the site there is a high likelihood that overwintering birds may be using this site. As previously recommended within the Preliminary Ecological Appraisal Survey Report (Nov 2017) we require that an overwintering bird survey is undertaken on the site to determine if there are significant number of birds using the site. If this is the case then appropriate avoidance and mitigation will be required to minimise the impact on birds. The survey and any mitigation will need to be submitted with the application prior to determination.

Bats - The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed at detailed within the survey, new hedgerow should be planted. Conditions should be used to ensure this.

The lighting scheme for the site will need to 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.

Reptiles and GCN - Due to the small scale of the works and the buffer zone around the hedgerows as we have detailed above for bats, we are happy that a precautionary approach can be undertaken on the site for reptiles. This involves any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut.

Badgers - Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced.

Dormice - There is only limited suitable habitat onsite for dormice due to the vegetation being in broken and sparse in places. As a precaution any clearance to the hedges or trees should be undertaken with due care and works must cease should any evidence of dormice be discovered and NE consulted.

Nesting Birds - Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

10/12/2018

Overwintering birds - Require that an overwintering bird survey is undertaken on the site to determine if there are significant number of birds using the site. If this is the case then appropriate avoidance and mitigation will be required to minimise the impact on birds. The survey and any mitigation will need to be submitted with the application prior to determination.

Nesting Birds - Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

Reptiles - As detailed within the Preliminary Ecological Appraisal Survey Report (Nov 2017) there is potential for reptiles to be onsite. Due to this and as recommend within the survey a reptile activity survey needs to be undertaken by a suitably qualified ecologist to determine if reptile are onsite. If reptiles are found a mitigation strategy will also need to be produced. The mitigation strategy will need to include details of reptile fencing, translocation methods, the translocation site / enhancements and the timings of the works. Both the reptile activity survey and the mitigation strategy (if required) will need to be submitted with this application prior to determination.

Bats

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed at detailed within the survey, new hedgerow should be planted. Conditions should be used to ensure this.

The lighting scheme for the site will need to 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.

Badgers -There is potential for badgers onsite, due to this and as recommended within the Preliminary Ecological Appraisal Survey Report (Nov 2017) we require that badger survey is undertaken and submitted prior to determination. If badgers are recorded onsite then a mitigation strategy will be required and also must be submitted with the application prior to determination.

Great Crested Newts - Due to the presence of Great Crested Newts (GCN) within the local area and several bodies of water within 500m of the site we would like an HSI assessment to be done on the site. Depending on the findings of this assessment further survey work for GCN may be required.

Dormice - There is only limited suitable habitat onsite for dormice due to the vegetation being in broken and sparse in places. As a precaution any clearance to the hedges or trees should be undertaken with due care and works must cease should any evidence of dormice be discovered and NE consulted.

6.7 Third party comments

8 third party letters of objections have been received concerning:

- a) The site already has gated access from Keynor Lane
- b) Impact on visibility from nearby access,
- c) Concern application will lead to residential proposals,
- b) Harm to wildlife,
- c) Development is in an area of the countryside where development should be refused,
- d) Harmful visual impact on rural landscape,
- e) Impact upon Special Protection Areas,
- f) Should either of the Appeals on the land be successful it would significantly reduce the grazing available to the horses, to virtually none. It would certainly not allow the recommended 1.5 acre per horse. The buildings, driveways and hardstanding in the Appeals would utilize most of the available grazing,
- g) The applicants are in the horse trade therefore this would indicate that the proposed stables and significant storage are intended for business use. There is already significant movement of horses on the land adding to vehicular movements and noise,
- h) The current entrance onto the Selsey road was created by the current applicants and is not historical. This is not a suitable area for significant vehicles, trailers and HGV's to be pulling onto the Selsey road
- j) Impact on highway safety.
- k) Harmful impact on tranquil character of the area.
- l) Harm to the setting of nearby grade II listed building.

6.8 Applicant/Agent's Supporting Information

Further Information (26/07/2019)

- **Relocation of the muck heap to the south of the stables building to move it way from the neighbouring property. – I wish to reiterate that this would be a bunded muck heap to avoid ground contamination, if required we are happy to look to provide a roofed structure to keep the muck dry and avoid it excessive odours. I would assume this could be controlled by condition. The muck heap would be emptied as required and taken off site but typically this would be fortnightly.**
- **Addition of native species hedging to the entrance and also to the northern boundary to provide additional screening along with the post and rail fence and timber 5 bay gate . I would assume this could be controlled by condition.**

- **Changes to the hardstanding arrangement, this is not any larger than previously proposed but we have reconfigured the fence between the lorry turning area and the secure yard for the stables to allow more room for turning which could also accommodate a trailer if required. I would note however that the reason for showing a 3.5 tonne horsebox is that this is what the applicant owns and intends to use.**
 - **Slight change to the bell mouth fence configuration so that the swept path of the horsebox does not clash with the fence.**
 - **With regards to security. It is clearly in the applicant's interest for the building to be secure, not only are they interested in ensuring the welfare of the horses but also the value of tack etc. is not insignificant and so they would wish to ensure it is well secured.**
 - **The applicant intends to install CCTV on the building which will be discreet but allow them to monitor the site remotely. They would also install an alarm to the tack room and this would be constructed with blockwork or steel inner walling behind the timber frame to ensure added security.**
- a) The site totals 3.75 acres, all of which is good quality grazing land.
 - b) The two appeals you refer to propose different locations for the gypsy-traveller development.
 - c) 18/01173/FUL allocates a site area of 0.95 acres, this would leave an area of 2.8 acres of grazing land. 17/02640/FUL allocates a site area of 0.45 acres, this would leave an area of 3.3 acres of grazing land. The intention would be for all of the remaining land to remain in use for grazing if either of the appeals were allowed. Therefore there would be between 2.8 and 3.3 acres of grazing land.
 - d) British horse society recommends 1-1.5 acres per horse but notes that there are numerous variables which must be taken in to account including general management, quality of pasture etc, also noting that where horses are stabled part of the time, 1 acre per horse may be more than adequate.
 - e) The very fact that stables are being sought is due to the fact the owner often stables horses and they are not permanently grazed. If they were to be grazed all the time then there would be no need for stables. It is intended that a total of 3 horses would be kept on site at one time but the additional box was proposed for foaling, breaking or where additional space is required, the land is more than capable of accommodating 4 horses should the need arise.
 - f) However, despite this justification we have taken on board your comments and reduced the proposal to 3 stables plus the ancillary spaces.
 - g) Finally I must address the issue relating to the red line. When the application was submitted it included the entire site within the red line, however the attached letter was received requesting that the red line was reduced only to around the proposed building and yard.

The reduced red line was requested by the council and so it is not reasonable to state this as a reason for refusal. I have now amended the red line boundary within the attached plan set to incorporate the whole site. We are happy for you to amend the application description to read Proposed private stable block and associated hardstanding. New access to the highway, change of use of land for the keeping of horses.

- h) I note the comments from the parish council (attached) and would like to make some comments on these, for clarity I have used the same numbering as the parish council response
 - i. There is an historical access along the road, whilst it is overgrown there is a gate that has been used historically. This is not particularly relevant in any case to the application as the application seeks a new access. The plans are very clear where the B2145 is and there is no text obscuring the line of the road. These comments appear unfounded. The WSCC design standards for residential are based on the Design for roads and bridges which sets out visibility requirements for junctions and accesses. This is of course not residential but the same standards are applied to other accesses as there is no specific standard for non-residential. The visibility requirements are for highways and not footways.
 - ii. The land can clearly support horses (4 stables for 4 acres) with limited need for additional feed other than in the winter months. Needing to provide some supplementary food would not require a change of use The status of the current appeals for a different development further east on the site are not relevant to this proposal
 - iii. The status of the current appeals for a different development further east on the site are not relevant to this proposal.
 - iv. The EA has been consulted at pre app and details of this advice have been submitted with the application. We are well aware the site is in flood zone 3 hence the detailed FRA being submitted. We have also shown a bunded muck heap to avoid run off in to the watercourse
 - v. There is clear separation between the proposal and the nearest dwelling due to the telephone exchange. There will be no environmental impact on residential properties. This was not raised as a concern at all during the pre app.
 - vi. The supporting statement is only 3 pages long so not sure what page 4 in this comment refers to.

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 Sidlesham 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 8: Transport and Accessibility
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 45: Development in the Countryside
Policy 47: Heritage and Design
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas
Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area
Policy 55: Equestrian Development

National Policy and Guidance

- 7.3 Government planning policy now comprises the 2018 National Planning Policy Framework (NPPF), paragraph 11 of which states:
At the heart of the NPPF is a presumption in favour of sustainable development, For decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.4 Consideration should also be given to Sections 4 (Decision-Making), 9 (Promoting Sustainable Transport), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment) generally.

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:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Flood risk and water management
- iii. Impact on amenity of neighbouring properties
- iv. Highway safety
- v. Impact on Heritage Asset
- vi. Ecological considerations
- vii. Other matters

Assessment

i. Principle of Development

- 8.2 Policies 1, 2 and 45 of the Chichester Local Plan (CLP) limit development in the countryside to that which is sustainable, essential for agriculture, requiring a countryside location and is required to meet a small scale local need. Equestrian development normally requires a countryside location, and due to the scale of the proposal it is considered that the proposal meets this requirement. In addition, Policy 55 of the CLP allows for horse related activities and development in the rural area where the detailed criteria can be met. These criteria are assessed in more detail below.

1. Adequate land for the number of horses kept;

- 8.3 The application site amounts to 3.75 acres. The proposal includes 3 stables, therefore it is expected a maximum of 3 horses could be kept on site. This is in accordance with the British Horse association guidelines which suggest 1 - 1.5 acres per horse. These standards can be further reduced where stables are proposed and supplementary feeding can be provided.
- 8.4 Concerns have been raised regarding the potential implementation of development currently subject of appeal (listed within the history section of this report), in terms of the amount of land being made available for the horses.

Considering the size of the land available, even if the appeals are allowed, the amount of land would be considered sufficient to support three horses. It is considered that even with a reduction in the amount of grazing land that the site could accommodate 3 horses because they would be kept in stables and would have supplementary feed thereby reducing the demand on the land.

2. *Existing buildings are reused where possible but where new buildings are necessary, these are well-related to existing buildings, appropriate to the number of horses to be kept and the amount of land available;*

- 8.5 The proposed stable block would be located close to the telephone exchange building and there are residential properties further north of the telephone exchange, with a dwelling separated by a distance of approximately 13.5m. Therefore it is considered that the proposed building would be well-related to existing buildings. Furthermore, the size of the building would be respectful in size to the building to the north and of a sympathetic design to the character of the rural area.

3. *There is minimal visual impact on the landscape caused by the proposed development either individually or cumulatively;*

- 8.6 The size and scale of the building would be subservient to the single storey buildings to the north. Furthermore, the form and proportions of the building and its fenestration would be of a design expected for stables and complementary to the style of building in the area. The external materials and finishes would comprise timber cladding to the walls and corrugated sheets to the roof, which would be acceptable in principle and a condition is recommended to ensure appropriate materials and finishes for the rural setting. Therefore, it is considered that the development would have a sympathetic impact on the landscape. **The amended block plan indicates that the proposed boundary treatment would comprise of post and rail fencing with a timber 5 bar gate, and it is considered that this would be sensitive to the rural character of the location.**

4. *It does not result in the irreversible loss of the best and most versatile agricultural land;*

- 8.7 The application site is a grass field which is short and appears to have been grazed and is said to be in an agricultural use. A proposal for the stable building and associated keeping of horses would not result in the irreversible loss of agricultural land. The stables and land could readily be converted back to agricultural land without significant intervention.

5. *There is an agreed comprehensive scheme of management for any ancillary development including lighting, storage, waste disposal, manèges and sub division of fields;*

8.8 The submitted Design and access statement states that;

'All ancillary provisions are contained within the building (hay, feed, tack etc) no external lighting is proposed on the building and an accessible bunded muck heap is proposed close to the building'.

8.9 Notwithstanding this detail conditions are proposed to ensure these aspects would be managed in the interests of protecting the amenity and rural character of the area.

6. The proposal, either on its own or cumulatively, with other horse related uses in the area, is compatible with its surroundings, and adequately protects water courses, groundwater and the safety of all road users;

8.10 The proposal is for a private equestrian use in the countryside and no commercial equestrian activities are proposed by this application. A condition is recommended to ensure this is the case. The proposal would be compatible with the character of the surrounding area.

8.11 The watercourse and ground water are unlikely to be harmed by the proposal, subject to conditions ensuring suitable surface water management. Run off from the washing of the stables would also be managed via the recommended conditions. Highway safety is discussed in section 8.23 of this report.

7. The proposal does not lead to the need for additional housing on site; and

8.12 No housing is proposed and the application details state that housing is not required for these stables.

8. The proposal is well related to or has improved links to the existing bridleway network, with no impact on the bridleway capacity to accommodate the growth.

8.13 Chalk Lane and Cow Lane provide access to public bridleways which lie off Keynor Lane. Chalk Lane is the closest at 500m west of the application site. Furthermore, there are country roads in the area that would allow for the exercising of horses and the horses.

ii. Flood Risk and Water Management

8.14 The development site is located within flood zone 2, and partially in flood zone 3. The site is currently used for grazing which can be categorised by using the EA's vulnerability classification as a "Less Vulnerable" use. The proposed use would continue to be less vulnerable including the keeping element of the proposed use. Table 3 of the NPPF Technical Guidance confirms that a Less Vulnerable development classification is compatible with areas designated as Flood Zone 3.

8.15 The application details inform that 'the stable block will be designed to be water resilient and recoverable in the event of an extreme event occurring. Access to the site would be impeded by tidal flood water during a 1 in 200 year (plus climate change) event, however alternative access may be gained from a field access from Keynor Lane for evacuation'.

8.16 Surface water runoff from the building is proposed to be infiltrated to ground through a permeable surface during all storm events up to the 1 in 100 year return period event (including an allowance of 40% for climate change).

However, a ground investigation will be necessary to determine the winter groundwater level and the soil permeability measured using the BRE365 test process. A condition is suggested to ensure additional surface water run-off is managed in an appropriate manner for the ground condition here.

8.17 The management plan necessary in accordance with criterion 5 will also ensure ground water and the watercourse are not contaminated by waste arising from the equestrian use of the site.

iii. Impact on amenity of neighbouring properties

8.18 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for existing and future users (of places).

8.19 There are neighbouring properties to the north of the proposed stable building beyond the telephone exchange. There is no recent planning history for the telephone exchange itself. The closest neighbour would be located a distance of 13.7m from the north elevation of the proposed stable building, with other residential uses being located further away to the west. The activity from the keeping of three horses would be low key and contained mostly to the Northeast corner of the wider application site, and it is considered that the amenities of the nearby residential properties would be safeguarded.

8.20 Officers consider that due to the low key use and modest activity related to the proposal it would not be detrimental to the tranquillity of the site and surrounding, and would also be respectful to the amenities of the neighbouring properties and gardens in terms of the amount of activity and noise generated from these private stables.

8.20a The position of the muck heap has been amended and is now proposed to be located to the south of the stable building (see plan 001 rev 3). This would be located away from the boundary. A condition would be recommended to the Inspectorate to ensure that no burning of stable waste would occur on the site. Manure waste would also require agreement of a management strategy, which it is recommended would be secured by a condition.

8.21 Given the forgoing the proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook, privacy and in terms of noise disturbance.

iv. Highway Safety

8.22 The Highways Authority at WSCC has been consulted and no objection has been raised. In their latest comments of the 30/04/2019 the highways authority suggested betterment to the proposed access by locating it 30m south of the proposed access. However, the Highways Authority confirms that there is no objection to the access as currently proposed. In its current location the access would have a visual connection with the stables and would not impact so greatly upon the rural character of the locality as a result. On balance, the position of the access currently proposed would be suitable both in terms of highways safety and visual amenities and therefore it is acceptable in principle.

8.23 The amended site plan demonstrates suitable visibility splays for pedestrians and vehicles and sufficient space for on-site parking and turning is proposed. Conditions are recommended to ensure the visibility splays and the turning areas are maintained in perpetuity for highway safety purposes.

8.24 The Parish Council has highlighted that there is a ban on new vehicular access to the B2145. There is no submitted documentation to clarify the circumstances of the said ban, and this is not consistent with the advice from WSCC highways authority. Therefore this would be a private legal matter between the relevant parties, and is as such not a material consideration.

8.24a Highway comments have been sought on the amended site plan with regards to the ability of a vehicle towing a horse box to use the proposed access. The comments of the Highway Authority are reported in section 6.2 of this report. In summary, WSCC have confirmed that; the access and turning area appears to be able to accommodate both forms of vehicles without causing significant harm to highway safety, that the closing up of the other access to the south is a betterment, and the relocation of the site boundary further back from the visibility splay is also welcomed.

8.24b The applicant has demonstrated that the proposed access would be suitable for a 3.5 tonne horse box, and WSCC are satisfied that the access could also be utilised by a towed horse box, with sufficient space within the site to allow for unhitching the horse box and turning on site. It is most likely than an operator of the site would take the opportunity available to manoeuvre within the site, rather than attempt to reverse out on to the Selsey Road, and the WSCC are satisfied that this arrangement would not pose a risk to highway safety.

8.24c In conclusion, it is considered that the proposed development would be afforded an adequate and safe access with sufficient space within the site to provide on-site turning. As such, the proposal would not result in a risk to highway safety. Furthermore, due to the scale of the proposal and the likely number of traffic movements the proposal would not result in an adverse impact upon the highway network. The proposal therefore complies with policy 39 of the Chichester Local Plan in this respect.

v. Impact on Heritage Asset

8.25 Muttons Farm is a grade II listed building located to the southwest of the application site. This residential property lies a distance of approximately 130m (as the crow flies) from the proposed stable building. The building and use would be of a size and appearance that would be respectful to its countryside location and intended use. Given the foregoing it is considered that the development would not harm the setting of the grade II listed building.

vi. Ecological considerations

8.26 CDC Environment Officer has been engaged throughout the consideration of this application. Further Ecology reports were necessary and have been submitted. Subject to mitigation measures the impacts of the development on wildlife and protected species and their habitats would not be harmful. A condition is proposed to ensure the necessary mitigation would be provided. **In order to ensure ecological enhancements, given the loss of vegetation to the access, it is recommended that a condition requiring the submission and approval of a hard and soft landscaping scheme would be necessary. The condition would require the planting of a native hedge along the front of the site in accordance with the submitted plan.**

vii. Other matters

8.26a At the previous Planning Committee concerns were expressed as to the future security of the site. The applicant has provided additional information in this regard and it is recognised that the applicant would wish for their horses and associated equipment to be safe. The intention is to provide CCTV on the building which would be discreet and allow them to monitor the site remotely. The Applicant would also install an alarm to the tack room to ensure added security. It is therefore unlikely that the provision of a stable block for three horses would not provide a justification for residential accommodation in this location. It would be the responsibility of the Applicant to ensure suitable means of securing the site and the well-being of horses.

Conclusion

- 8.27 The assessment of this case has concluded that equestrian development in the countryside is appropriate; the development would be for a private use and small scale and physically located so to relate to existing buildings, and subject to conditions there would be no significant adverse impacts upon visual and neighbouring amenity, highway safety, ecology and flood risk.
- 8.28 Overall, it is considered the proposal complies with the Development Plan and there are no material considerations that indicate otherwise, therefore and subject to conditions permission should be granted.
- 8.29 For the reasons given above it is recommended that Members confirm that the Council advises the Planning Inspectorate that it will not defend the appeal against the non-determination of the application for the stables and associated access, and recommends conditions to address the issues outlined above.

Human Rights

- 8.30 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

To not defend the appeal against non-determination and to recommend the Inspector imposes the following conditions:

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

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

- 2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 000 REV 2, 001 REV 3 and 100 rev 2.

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

- 3) The development hereby permitted must be carried out in full accordance with the submitted documents; The Ecology Co-op Environmental Consultants, 14th March 2019 and Preliminary Ecology Appraisal 2nd June 2019 ref; P3026.

Unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of conservation and enhancement of wildlife and protected species and their habitats.

4) No development shall commence until details of the proposed overall site wide surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority.

No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

The drainage scheme shall be implemented and maintained as agreed in perpetuity.

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

5) Notwithstanding any details submitted no construction of the walls and roofs to the building hereby permitted shall be undertaken until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality.

6) The development hereby permitted shall not be first brought into use until; full details of the hard and soft landscaping have been submitted to and agreed in writing by the Local Planning Authority.

The details shall include;

a scaled site plan indicating the planting scheme for the site showing the; schedule of plants and positions, species, plant sizes (at time of planting) and proposed numbers/densities. In addition, the scheme shall include details of all existing trees and hedgerows on the land including details of any to be retained, together with measures for their protection during the course of the development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site and shall include the planting of a native hedge along the front of the application site.

The landscaping scheme shall also include full details of any proposed hard landscaping showing any external hardsurfaces and their positions, materials and finishes.

The works shall be carried out in full accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice.

The approved scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees and to conserve and enhance biodiversity.

7) The land use and stable building hereby permitted shall not be brought into use until the method of disposal of waste arising from the keeping of horses and the stables has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the land and stables are brought into use and shall thereafter be maintained and operated in the approved manner in perpetuity.

Reason: In the interests of amenity and of preventing pollution.

8) Prior to first occupation of the stables and use of the land hereby permitted details of the existing (those to be retained) and proposed boundary treatments shall be provided in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include;

- (a) a scaled site plan showing the location and lengths of the boundary treatments and scaled elevations, and
- (b) details of the materials and finishes.

Thereafter the boundary treatments shall be maintained as approved in perpetuity.

Reason: In the interests of protecting visual amenities.

9) No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Block Plan 001 Rev 3.

The access and visibility splays shall be retained free of obstruction for their intended purpose.

Reason: In the interests of road safety.

10) No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

11) No external lighting shall be installed either on the building or anywhere within the site. This exclusion shall not prohibit the installation of sensor controlled security lighting which shall be designed and shielded to minimise light spillage beyond the site boundary.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity.

Note: Any proposed external lighting system should comply with the Institute of Lighting Engineers (ILE) guidance notes for the Reduction of Light Pollution.

12) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. The development shall not be first occupied until;

i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and

ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use, and

iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land in accordance with local and national planning policy.

13) There shall be no burning of waste on the application site and within the land under the applicant's ownership at any time.

Reason: In the interests of amenity and of preventing pollution.

14)) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the building hereby permitted and associated land subject to this application shall only be used for the private keeping of horses and as a private stables and shall not be used for any other purpose whatsoever, including the staging of public events, gymkhanas, livery purposes or for use as a riding school.

Reason: To enable the District Planning Authority to control the development in detail in the interests of amenity and road safety and to accord with the terms of the application.

15) Any discharge of washings from the stables and/or yard area must first drain into a soakaway or treatment system so that any discharge to ground is at least 10 metres from any watercourse.

Reason: To control pollution of water.

INFORMATIVES

1) Vehicle Crossover - Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

For further information on this application please contact Maria Tomlinson on 01243 534734

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PHRZOPERLKS00>

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