

Report to **Planning Committee**
Date **9 June 2021**
By **Director of Planning and Environment**
Local Authority **Chichester District Council**
Application No. **SDNP/20/01158/FUL**
Applicant **Mr A Kent**
Application **Temporary on site accommodation for a worker essential to the operation of the land based business.**
Address **Pondfield Farm and Stud Midhurst Road Fernhurst West Sussex GU27 3HA**

Recommendation: That the application be approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.

Executive Summary

Pondfield Farm Stables is an established equestrian enterprise focussing on the specialised livery of high value horses and as an independent stud and youngstock business. The application seeks consent for a temporary dwelling for an equine worker to operate the stud and youngstock enterprise operated from the holding.

The applicant has demonstrated that the enterprise is both being well-run and founded on viable and sustainable principles. The equestrian appraisal carried out on behalf of the SDNPA has concluded that the applicant has demonstrated that there is a functional need for the presence of an on-site worker and that a temporary planning permission is justified.

The proposed mobile home is a modest structure, extending to 12m x 4 m (48 m²) and comprising one bedroom, office, store, bathroom and an open plan kitchen and living room. The siting of the proposed mobile home is considered to be discrete and will be largely screened from wider views and closely associated with the existing building complex and associated equestrian activities. The minor adverse impact of the development in landscape terms identified in the main report is outweighed by the essential need for temporary on site accommodation in this case.

It is concluded that the proposal meets the aims and objectives of both national and local plan policies and may be recommended for temporary planning permission for three years.

1 Site Description

- 1.1 Pondfield Farm lies to the west of the Midhurst Road (A286) and to the south of the settlement of Fernhurst. The holding extends to approximately 20 hectares of which approximately 5 hectares are woodland and 15 hectares are grassland. Already on the site is a general purpose barn and a further building incorporating up to 12 loose boxes. The buildings are located in the lowest part of the site on a levelled surface and are visually discrete from wider viewpoints.
- 1.2 The western margin of the site is well wooded, with public views of the site filtered by established hedgerows along the eastern boundary with the A286. Levels generally fall from north to south and at the southern end also gently from east to west. Access is from the A286 at a point in the south east corner of the site. There is an existing access track into the site which adopts a slightly sinuous route following the southern boundary before returning northward toward the existing buildings.
- 1.3 The site is located within the Milland Basin, which details that the ancient woodland is of ecological importance and that the area is of deeply rural tranquil character. With small scale to medium, sized irregular fields defined by intact dense hedgerows and sinuous woodland edges. Mature oaks often in isolation in fields. This description is indicative of the character of the landscape associated with the application site and the holding generally.
- 1.4 The holding benefits from planning permission for mixed equestrian and agricultural use (reference SDNP/13/02762.FUL) and has become an established centre for the breeding and raising of new bloodstock since then. The holding has seen significant investment in terms of facilities, including covered stable buildings and general purpose barn, planning permission for an all-weather arena to the south of the buildings and for a horse walker.
- 1.5 The building complex is located on a lower part of the site toward the western side of the holding, minimising its landscape impact from medium to long distance views.
- 1.6 The site is also well connected to surrounding bridleway 1272 and 1265 which runs to the north of the holding. Access to the bridleway is possible by crossing between fields within the holding. This would enable horses to be exercised within the holding and further afield without the need to use horse boxes or accessing the highway. The bridleway network would also be used for access to Madams Farm to the south and west, which is also owned by the applicant.

2 Proposal

- 2.1 The application seeks consent for a temporary dwelling for an equine worker to operate the stud and youngstock enterprise operated from Pondfield Farm. Following detailed negotiations, the proposed siting of the mobile home has been relocated from an exposed position on higher ground north of the existing covered stabling to a site on lower ground to the west of the building.

3 Relevant Planning History

09/00298/FUL- Replacement vehicular access for farm use. Approved

10/05238/FUL - General purpose agricultural barn with hardstanding and access track. Approved.

SDNP/13/02762/FUL - Proposed stable building and all-weather training arena with hard surfacing together with the change of use of the land to a mixed agricultural and equestrian (as in keeping horses) use and associated facilities for commercial use. PERMIT 26.11.2014

SDNP/17/02402/FUL - All weather area for the exercise and training of horses. REFUSED
29.06.2017

SDNP/18/03041/FUL - All weather area for the exercise and training of horses PERMIT
31.07.2018

SDNP/19/00199/DCOND - Discharge of condition 5 from planning permission
SDNP/18/03041/FUL - All weather area for the exercise and training of horses. PERMIT
01.02.2019

SDNP/19/02458/FUL - Horse walker for equine use. PERMIT 11.07.2019

4 Consultations

Fernhurst Parish Council

The council objects to the proposal.

Earlier developments on this site have already reduced its visual amenity as seen from the public highway. There is unacceptable light pollution from external lighting fitted to the previously permitted structure. The proposals do not seem fully justified and are likely to further reduce the visual amenity and adverse levels of light pollution in the area.

In the event of any consent granted, the council would wish to see tight restrictions, by condition, to control the duration and use of any such accommodation 'ensuring that 'temporary' does not extend to permanent.

Further comments received 20.04.2021:

The Council continues to have significant concerns over this application, and does not wish to retract its objection:

1. Permanence - The application is retrospective and seems to be a fait accompli. If temporary consent is to be given, the Council has little confidence that this would not become permanent by default.
2. Intrusion in the Landscape - Although steps have been taken to site the 'chalet' to reduce visual intrusion, it is clearly visible - day and night - from the public highway and the broad verge alongside. A dwelling of such poor quality, in terms of design and materials, would be unlikely to receive planning consent anywhere in the Parish under nearly all normal circumstances. Similarly this unwelcome intensification of human activity in open landscape, outside the Settlement Boundary, would normally be strongly resisted. It is noteworthy that an Article 4 direction was recently made permanent at Miggs Lane a short distance away - intended to thwart very similar such development there.
3. Justification of Need - The Council does not accept that the applicant is unable to find suitable alternative accommodation nearby, and considers that a single search of Rightmove is insufficient evidence. Such a quest should be ongoing, if this is truly to be a temporary arrangement. It is unclear, for example, whether or not rental accommodation has been sought at the adjacent Kings Arms. Of course, availability varies with time, but a single bedroom detached house (created from the old Telephone Exchange opposite the Kings Arms - ironically, having become a dwelling regardless of the planning system) is currently available, which would seem ideal. The Council continues to believe that suitable existing accommodation can be found.
4. Foul Drainage and Groundwater Pollution - A recent site visit has shown that the stream running down to the eponymous (mill) pond appears to be already badly polluted upstream of the site in question, and the Environment Agency has been informed. Given the retrospective nature of this application, FPC has little confidence that Building Regulations have been followed in the provision of foul drainage facilities for the caravan, quite possibly adding further to the existing pollution. A condition is therefore requested on any consent that, by a given date, written confirmation be provided that: first, Environment Agency 'Consent to Discharge' has been granted; and, second, that a Building Regulations-compliant foul drainage system has been installed (probably a package

sewage treatment unit, not a septic tank).

Furthermore, it would appear that there may recently have been "unauthorised development" in relation to the pond in the adjoining field.

Further comments (received 04.05.2021)

The Council has noted the agent's further comments dated 23rd April and would add the following:

- The caravan in question self-evidently is a chalet caravan, and is clearly visible from public viewpoints adjacent, as the recent photo attached shows.
- There is clearly no commitment on the part of the applicant that this should be a temporary arrangement.
- With regard to foul water disposal, the design and installation of a cess pit six years ago under SDNP/15/01546/DCOND was to serve a smaller, and different, development. The Council continues to be concerned that this is not a suitable solution for the current development and considers that it would be unlikely to meet current building regulations - its request for conditions in this regard is entirely reasonable.

Agricultural appraisal (Bruton Knowles)

The Planning Design and Access statement sets out reasons why it is considered essential for an equine worker to reside onsite and additional supporting evidence has been provided in connection with this and also in respect of examples of incidents arising where prompt intervention has been required for horse and foal welfare.

It was noted that foaling activity has essential need requirements, together with the additional monitoring and care of mares pre and post foaling and the care of young foals who can be vulnerable to illness and also prone to injury either when housed or at pasture. Whilst it is understood that stallions are mainly kept off site, they are brought to Pondfield Farm to cover mares. It is understood that individuals placing mares at the Farm for foaling expect an onsite residential presence, which is generally the case where horses are placed for foaling, rehabilitation, full or part livery. It is also noted that a residential presence would aid security given the nature of stock onsite.

Having regard to the number of owned mares being covered and foaled down, and the proposed number of visiting mares for foaling and covering, and weaned foal care, we would suggest that there is justification for a temporary dwelling either on or in close proximity to the site to enable the business to develop as proposed.

Taking account of the evidence submitted, it is our opinion that there is justification for a temporary dwelling on site for an equine worker for a trial period.

5 Representations

None received.

6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033** and any relevant Neighbourhood Development Plan:.

- Fernhurst Neighbourhood Plan

The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

7 Planning Policy

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF), updated February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF01 - Introduction
- NPPF02 - Achieving sustainable development
- NPPF05 - Delivering a sufficient supply of homes infrastructure
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment

The development plan policies listed below have been assessed for their compliance with the NPPF.

The following policies of the **South Downs Local Plan** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Development Management Policy SD24 - Equestrian Uses
- Strategic Policy SD25 - Development Strategy

- Development Management Policy SD32 - New Agricultural and Forestry Workers' Dwellings

Partnership Management Plan

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

- Partnership Management Plan Policy 1
- Partnership Management Plan Policy 3
- Partnership Management Plan Policy 50

The following policies of the **Fernhurst Neighbourhood Plan 2016** are relevant to this application:

- SBI Fernhurst Village Settlement Boundary
- EE3 Light Pollution
- EM2 Support for micro-businesses

8 Planning Assessment

8.1 The main issues with this application are considered to be:

- the principle of the development,
- whether there is sufficient justification to allow an on-site residential presence and
- the effect of the development on the surrounding area in landscape terms .

Principle of the development

8.2 The site lies within the countryside, outside any identified settlement area (the nearest being Fernhurst, approximately 1.6km to the North). Development outside these areas will only be permitted in exceptional circumstances and if there is an essential need for a countryside location (policy SD25 of the SDNP LP). Policy SD24 will permit equestrian related development where, inter alia, it is at a scale compatible with the landscape and special qualities it exhibits, is well located in relation to existing buildings and facilities and responds to local distinctiveness. Policy SD32 relates to the provision of new agricultural and forestry workers' dwellings however it doesn't include equestrian workers' accommodation. However, the principles set out in that policy are considered to be generally applicable in such cases. The SDNPA has provided informal guidance in respect of assessments of applications for equine workers dwellings advising that full weight should be given to paragraph 79 of the National Planning Policy Framework (NPPF).

8.3 Paragraph 79 (a) states that,

'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business,

to live permanently at or near their place of work in the countryside.....'

Further guidance on the application and interpretation of paragraph 79 is set out in the National Planning Practice Guidance (NPPG). This states,

"Considerations that it may be relevant to take into account when applying paragraph 79a of the NPPF could include:

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*

8.4 Therefore, provided that the above criteria are met, the principle of temporary workers' accommodation may be supported.

Whether there is adequate justification for on-site residential accommodation

8.5 The equestrian use has been established on this site since 2014 and has been developing into a successful specialist livery and stud/breeding programme for high quality horses over that period. A large proportion of the success is due to the extensive experience and reputation of the applicant. It is now advanced that to maintain the success of the enterprise not only financially and reputationally but also offering the level of animal welfare expected by clients, it is essential to secure an on-site presence. It is acknowledged that a temporary permission would be the most appropriate solution at this stage of the development of the enterprise.

8.6 The proposal has been the subject of an in-depth appraisal by an external expert appointed by the SDNPA. The report has noted that the enterprise is focused on the breeding and sale of yearlings produced from the applicants own mares, together with the provision of foaling, livery for 20 visiting mares including the covering of 20-25 mares over the course of a year,. For example, in October 2020, there were 6 broodmares owned by the Applicant kept on site full time, together with a further 7 broodmares arriving full time from later in the month. It is noted that the numbers of mares placed there for foaling and covering does tend to fluctuate throughout the year. This is borne out by documentation showing that the total number of mares present on a monthly basis between January 2020 to October 2020 ranged from 13 to 21 and total foal numbers ranged from 1 to 7. It is understood that foaling activity tends to take place between February and August and covering of mares February to September.

8.7 The report goes on to appraise the functional requirements of the enterprise and also has had regard to its future viability. The appraisal noted that foaling activity has essential need requirements, together with the additional monitoring and care of mares pre and post foaling and the care of young foals who can be vulnerable to illness and also prone to injury, either when housed or at pasture. Whilst it is understood that stallions are mainly kept off site, they are brought to Pondfield Farm to cover mares. It is understood that individuals placing mares at the farm for foaling expect an onsite residential presence. This is generally the case where horses are placed for foaling, rehabilitation, full or part livery. It is also noted that a residential presence

would aid security given the nature and calibre of the stock onsite. The appraisal concludes that having regard to the number of owned mares being covered and foaled down and the proposed number of visiting mares for foaling and covering and weaned foal care, there is justification for a temporary dwelling either on or in close proximity to the site to enable the business to develop as proposed.

- 8.8 In terms of the viability of the enterprise, extracts of the profit and loss accounts for Pondfield Farm Stables for 2017, 2018 and 2019 have also been provided and have been analysed as part of the appraisal. These indicate that in 2019 there was some income from the sale of yearlings, stud fees and livery of mares for stud and at grass, with a profit being made. It is concluded that if the business develops as proposed it is considered that it has the prospect of being viable and sustainable.
- 8.9 The appraisal concludes that taking account of the evidence submitted, there is justification for a temporary dwelling on site for an equine worker for a trial period. In the light of this advice, officers are satisfied that the proposal would comply with policies SD24, SD25 and the objectives of policy SD32 and accord with paragraph 79 of the NPPF.

The effect of the development on the surrounding area in landscape terms

- 8.10 The original siting of the mobile home north of the existing building group and on more exposed, higher ground, was not considered to be acceptable. As part of the detailed negotiations in respect of the proposal, officers have secured an alternative location for the mobile home to the west of the existing stabling and barn. The revised location benefits from being on lower ground and is largely screened from wider views by the undulating topography, existing buildings and woodland to the north. Glimpsed views of the mobile home may be possible from the A286 approaching from the south, but such views are relatively discrete and must be viewed in the context of other man-made development and activity already present within the site.
- 8.11 Whilst it is acknowledged that static caravans are not easily assimilated into the landscape by virtue of their form and appearance, because of its siting, the visual impact of the proposed development is considered to be toward a lesser magnitude of minor adverse impact. It is therefore concluded that on balance, the demonstrated essential need for the accommodation together with its temporary nature is sufficient to outweigh this minor conflict with policy SD4 (Landscape Character) of the Local Plan.

Other matters

- 8.12 Notwithstanding the revisions to the siting of the proposed mobile home and the support for it expressed in an independent appraisal, the Parish Council has maintained its objection to the application and has raised a number of additional points:

The Parish Council has commented that what is proposed is a 'Chalet Caravan'. The style of the mobile home proposed is typical of such structures and merely reflects the industry trend in providing more aesthetically pleasing product. The dimensions are well within the statutory definition of a caravan in terms of length, width, height and transportability. The caravan is considered to be discretely sited to result in minimal intrusion into the wider landscape.

The application clearly states that the proposal is for temporary accommodation and there is no reference to any form of permanence. Whilst officers are minded to support this application, this

not an indication that a permanent permission would be forthcoming at the end of the three year period. The temporary period will provide the opportunity for the applicant to develop the enterprise with a degree of confidence and for the SDNPA to again review its development, taking into account all the material considerations that will be relevant at that time.

The SDNPA's equestrian consultant has also looked at the possibility of utilising off-site accommodation but has concluded that the nature of the activities- in particular in relation to animal welfare - means that such accommodation is either not suitable or readily available and in any event, would not address the essential requirement to be readily on hand.

A condition has been proposed requiring details of foul water disposal from the mobile home to be submitted to and approved by the SDNPA. It is noted that the Parish Council has observed that the watercourse *upstream* of the site is polluted. Given that the observed pollution is upstream of this particular site it is not clear what the relevance of this comment is in relation to this proposal.

9 Conclusion

- 9.1 The applicant has demonstrated that the enterprise is both being well-run and founded on viable and sustainable principles. The equestrian appraisal carried out on behalf of the SDNPA has concluded that the applicant has demonstrated that there is a functional need for the presence of an on-site worker and that a temporary planning permission is justified.
- 9.2 The siting of the proposed mobile home is considered to be discrete and will be largely screened from wider views and closely associated with the existing building complex and associated equestrian activities. The minor adverse impact of the development in landscape terms identified above is outweighed by the essential need for temporary on site accommodation in this case.
- 9.3 Therefore it is concluded that the proposal meets the aims and objectives of both national and local plan policies and may be recommended for temporary planning permission for three years

10 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted is granted for a limited period only expiring on 9th June 2024. On or before this date, the development carried out in pursuance of this permission shall be demolished/removed from the site and the land restored in accordance with a scheme which has been submitted to and approved in writing by the LPA.

Reason: The SDNPA have had regard to the justification put forward for on-site accommodation to service this enterprise and conclude that a temporary planning permission may be permitted as an exception to the policies advocating firm restraint over residential development outside settlement areas.

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The occupation of the residential mobile home hereby permitted to be stationed on the site shall be limited to a person solely or mainly working or last working in the locality in connection with the equestrian business carried on at Pondfield Farm Stables and to any resident dependants.

Reason: The site is in an area where permission for development would not normally be permitted except where there is an overriding need in the interests of agriculture or forestry or other countryside-based enterprise to comply with National Planning Policy Framework.

4. Within one month of the date of the planning permission or prior to first occupation of the mobile home (whichever is sooner), full details of the proposed means of foul drainage disposal shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

Reason: In order to secure a satisfactory standard of development.

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

14.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Tim Slaney
Director of Planning
South Downs National Park Authority

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Appendices Appendix 1 - Site Location Map

Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees Bruton Knowles

Background Documents NPPF, NPPG, South Downs Local Plan, South Downs Management Plan, Equestrian appraisal prepared by Bruton Knowles

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date Received	Status
Plans - Substitute plan: EXISTING LOCATION PLAN	0419-101	REV B	04.02.2021	Approved
Plans - SUBSTITUTE PLAN: PROPOSED BLOCK PLAN (WITH CONTOURS)	0419-203	REV B	04.02.2021	Approved
Plans - SUBSTITUTE PLAN: EXISTING SITE PLAN	0419-102	REV B	04.02.2021	Approved
Plans - SUBSTITUTE PLAN: PROPOSED SITE PLAN	0419-202	REV B	04.02.2021	Approved
Plans - SUBSTITUTE PLAN: PROPOSED BLOCK PLAN	0419-204	REV B	04.02.2021	Approved
Plans - SUBSTITUTE PLAN: STATIC CARAVAN PLANS	0419-205	REV A	04.02.2021	Approved
Plans -	0419-103	REV A	15.07.2020	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.