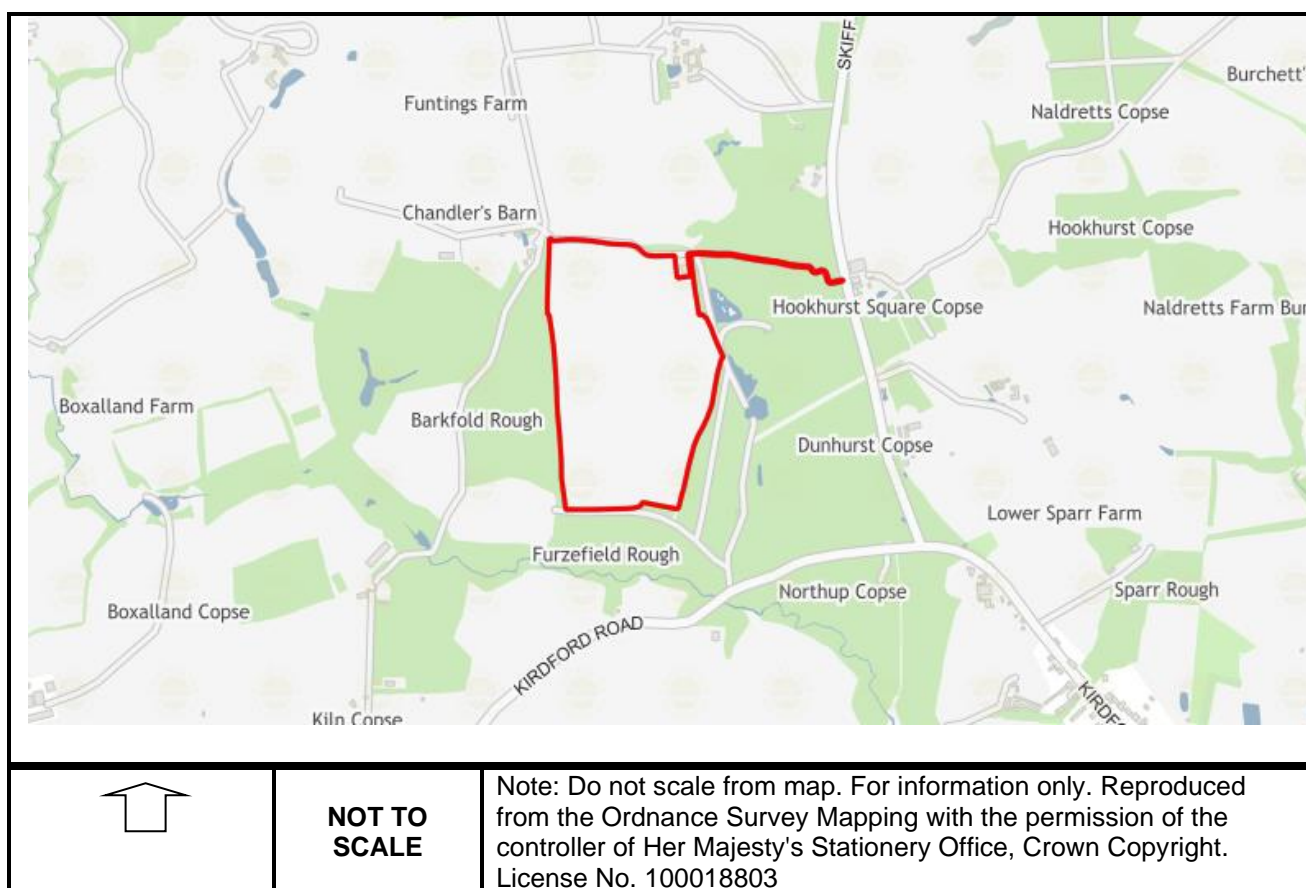


Parish: Wisborough Green	Ward: Loxwood
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WR/21/02064/FUL

Proposal	Change of use of land to mixed agricultural and private equestrian, together with the erection of a stable building and menage and laying of a track.		
Site	Land South Of Dunhurst Barn Skiff Lane Wisborough Green West Sussex		
Map Ref	(E) 503411 (N) 127376		
Applicant	Mr & Mrs Andrews	Agent	Miss Hannah McLaughlin

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site lies in the rural area to the northwest of Wisborough Green. The site comprises an area of agricultural grassland approximately 16.48 hectares in size with an agricultural building in the northeast corner of the site. The land slopes down away from the northern end of the site. Prior approval was granted for the change of use of the agricultural building to a dwelling (20/02460/PA3Q) in 2020.
- 2.2 The wider area is characterised by woodland and agricultural land with dispersed dwellings. Ancient woodland lies to the east, south and west of the application site. The site is located within the Sussex North Water Resource Zone and within the 6.5km buffer zone of the Ebernoe Common and The Mens Special Areas of Conservation.
- 2.3 There are a number of bridleways close to the application site to the north and west which meet adjacent to the northwest corner of the site. The bridleways form part of a reasonably extensive network of bridleways in the locality.

3.0 The Proposal

- 3.1 The application seeks planning permission for the change of use of land to mixed agricultural and private equestrian, together with the erection of a stable building and menage and laying of a track. The equestrian development is for the private use of the owners of the dwelling.
- 3.2 The stable building and the menage would be located to the northeast of the site adjacent to the dwelling and the access track from Skiff Lane. The land to the west of the stables would be used as equestrian. It is proposed to divide the land into paddocks using timber posts and electric rope. The perimeter fencing would comprise stock proof fencing.
- 3.3 A buffer would be retained between the paddock and the adjacent ancient woodland. The remaining land would be farmed to produce hay.
- 3.4 The proposed stables would accommodate 6 horses with storage space for feed, hay and tack. The building would be approximately 35m long, 11m wide, and 3.1m in height. The building would be arranged in a courtyard formation with a covered walkway to the rear and constructed with shiplap cladding and black roof sheeting. The timber stable block would be sited on a concrete base and the ground levels for the construction of the stables and menage would not be altered.
- 3.5 The proposed menage measures approximately 60m x 30m. There would be a retaining board 30cm above ground level and it would be enclosed with 1.5m high post and rail fencing. The menage would be constructed of a permeable clean stone subbase and the surface would be sand/rubber mix over a separate membrane.
- 3.6 A new track is proposed to connect the stables to the existing access track and an area of hardstanding around the stable building and adjacent to the menage. This area would be used for vehicle parking in connection with the use of the land.

4.0 History

13/00303/FUL	WDN	Reposition/replace existing gate and provide hard surface to entrance.
13/02500/PNO	NOPA	Tracks to be extended and upgraded.
15/03579/FUL	PER	Retrospective application for erection of a log store.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
6.5km Buffer Ebernoe Common SAC	YES
6.5km Buffer The Mens SAC	YES
North Water Resource Zone	YES

6.0 Representations and Consultations

6.1 Parish Council

Comments dated 5th May 2022 in response to amended site plan:

Wisborough Green Parish Council objects to this application for the following reasons:

WGPC acknowledges that this revised application does address some concerns relating to the previous location being too close to ancient woodland and watercourses, and the lighting impact upon bats. However, WGPC views this proposal as overdevelopment and loss of greenfield space in the context of a high quality visual rural landscape.

The present owners acquired the agricultural barn for conversion into a residential development knowing that it did not have a stable building or menage. This in itself has created a residential building in a rural environment, outside the settlement boundary, having an impact upon the dark skies in this area.

WCPC views the stable building, menage, extensive hardstanding and track proposal as a substantial change and harmful development in the countryside, contrary to Neighbourhood Plan Policy EN2.

It is felt that the Ecology report submitted for the application is lacking in details. In view of the sensitive location next to ancient woodland, WGPC feels that a more thorough report should be commissioned which obtains permission to access and examine the three pods.

With regard to Water Neutrality, it is felt that the current provision is inadequate in times of drought (as currently being experienced). If CDC is minded to permit the water storage capacity should be increased.

6.2 Natural England

Further comments (received 26.09.22)

No objection - subject to appropriate mitigation being secured

The following mitigation measures are required/or the following mitigation options should be secured:

- o The adoption of the proposed rainwater harvesting strategy, as outlined within the 'Amended Water Neutrality Statement (V3)'
- o The implementation of the submitted lighting strategy

Original Comments (received 02.09.21)

As submitted the application could have potential significant effects on Ebernoe Common site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) and The Mens SSSI and SAC. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- o A detailed lighting strategy that considers any potential impacts to the designated sites, and any mitigation that shall be necessary to avoid and/or mitigate any impacts to them.
- o An assessment of the proposed development and any measures intended to avoid and/or mitigate impacts to the features of the designated site, through a Habitats Regulations Assessment.

6.3 CDC Environmental Protection

Our department does not object to the development from an Environmental Health perspective.

It is unlikely the position of the proposed manure heap area, will cause nuisance to neighbours. The storage and disposal of manure waste is covered by legislation outside of the planning regime.

6.4 CDC Environmental Strategy

Additional comments (received 20.06.22)

We are satisfied that the overall water demand will be reduced and the site will become water neutral. A condition should be used to ensure that this takes place and also ensure the rainwater harvesting systems are retained within the buildings or only replaced with fittings with the same efficiency or a higher level of efficiency.

Additional comments (received 05.11.21)

The proposed lighting plan and strategy is suitable for the proposed development. We are happy to see that the lighting strategy is in accordance with BCT guidelines. Provided these measures are implemented in their entirety no further information is required.

Additional comments (received 07.09.21)

Our mapped flight-lines on the Intranet GIS system show a known barbastelle flightline through the ancient woodland immediately to the east of the site. Therefore there is an identified mechanism of impact as disturbance to barbastelle bats using this flightline to food will affect the SAC feature of interest, and barbastelle are known to be very sensitive to disturbance and light in particular.

Original Comments

On the western boundary, there are two mature oak trees with low bat roost potential and on the eastern boundary, located directly behind the proposed building is another mature oak with low bat roost potential. The habitats around the sites boundaries are considered to be of high value for foraging bats, as there is ancient woodland and deciduous woodland bordering the south, east and west of the site, and several ponds are present to the east of the site. The surrounding habitats are well connected through hedgerow and areas of woodland. If these trees are to be felled then further surveys will be required. This survey needs to be undertaken by a suitable qualified ecologist during the active breeding period (May-September) and submitted for our approval with the planning application. If bats are found to be roosting within the building mitigation will be required and a mitigation strategy should be produced and also submitted with the planning application prior to determination.

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.

Additionally, habitat enhancements benefitting foraging and commuting bats are required, including the inclusion of new areas of woodland or scrub planting; the use of a range of native trees and shrub species within landscaping proposals/ and establishment of a native hedgerow along the northern boundary to increase commuting potential into the wider landscape.

We require that a bat brick is integrated into the building onsite facing south/south westerly positioned 3-5m above ground.

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 during this time an ecologist will need to check to ensure there are no nesting birds present on the site before any works take place (max 24 hours prior to any works commencing).

We would like a bird box to be installed on the building/and or tree within the garden of the property.

Dormice

The woodland and scrub habitats bordering the site have high potential to support common dormouse. The boundary tree line/hedgerows on site could be used by dormice for commuting and foraging and will need to be retained and enhanced. This will include having a buffer strip around the hedgerow (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. Conditions should be used to ensure this.

Reptiles

We are happy that a precautional 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.

Hedgehogs

Precautions should be put in place for hedgehogs and the site will need to be searched carefully before work begins. If any small mammals including hedgehogs are found they should be relocated away from the construction area into the surrounding suitable habitats.

Any brush piles, compost and debris piles on site could provide shelter areas and hibernation for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

As a precaution any trenches should be covered overnight, or a means of escape made available and any hazardous chemicals need to be suitably stored away so animals cannot access them.

Ancient Woodland

Three of the boundaries (eastern, southern, and western) consist of a margin of improved grassland and is bordered by ancient woodland. We require that a mitigation strategy is produced detailing how you can reduce the level of impact of the proposed development on the ancient woodland ensuring this meets the requirement with paragraph 175C of the NPPF.

6.5 CDC Drainage

Surface water drainage:

The document submitted in support of this application appear to suggest that the proposed means of surface water drainage is through an unrestricted discharge to a local watercourse. This approach is unacceptable in principle.

The surface water drainage scheme design should follow the hierarchy of preference as set out in the Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Therefore the potential for on-site infiltration should be investigated and backed up by winter groundwater monitoring and winter percolation testing. The results of such investigations will be needed to inform the design of any infiltration structures, or alternatively be presented as evidence as to why on-site infiltration had not been deemed viable for this development.

If following site investigations it is concluded that on-site infiltration is viable, infiltration should then be utilised to the maximum extent that is practical (where it is safe and acceptable to do so). Any soakage structures should not be constructed lower than the peak groundwater level. Wherever possible, roads, driveways, parking spaces, paths and patios should be of permeable construction.

If on-site infiltration is not possible, drainage via a restricted discharge to a suitable local watercourse may be acceptable. (Any discharge should be restricted to greenfield run-off rates, with a minimum rate of 2l/s).

Given the nature of the development, to bring it in line with current guidance, the documentation supporting the drainage design should be able to demonstrate that the infiltration/SUDS features can accommodate the water from a 1 in 100 year critical storm event, plus an additional climate change allowance.

Should the application be approved we recommend the following conditions be applied to ensure the site is adequately drained:

Development shall not commence until the full details of the proposed surface water drainage scheme have 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 systems, as set out in the Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (CDC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

6.6 Third party objection comments

3 third party representations of objection have been received concerning the following matters:

- a) Proposed development will have a serious and damaging impact on the ecology of the land. Further in-depth surveys are required before the applicant commences work.
- b) There is an existing fenced area on the land, no requirement to further subdivide the land. The existing bridleway provides a surface for exercising horses rather than the need for a menage. The menage is excessive in size and is unsympathetic to the landscape of the rural area.
- c) The open views of the land will be broken up by the creation of a stable complex and the menage. The new siting magnifies the impact. The parking area for lorries is unnecessary when an existing parking area is very close to the proposed site.
- d) The site has an agricultural building, the storage areas in the existing building could be used rather than a new building.
- e) Water neutrality, in times of extended heavy rain, the proposed tank does not have capacity to contain the likely quantity of rain.
- f) The escape of contaminated water from washing down, wastewater and from the muck heap will be devastating if it enters the boundary ditch to the east.
- g) Large scale development is out of proportion for domestic use, it points to commercial use.
- h) Noise generated and increase in volume of traffic would affect local wildlife.
- i) Temporary lighting may be used for the menage, impact on local wildlife and dark skies.
- j) The area is unsuitable for equestrian use due to the heavy clay drying out during summer and becoming waterlogged in winter.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Wisborough Green Neighbourhood Plan was made on the 19th July 2016 and forms part of the Development Plan against which applications must be considered.
- 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 42: Flood Risk and Water Management
Policy 45: Development in the Countryside
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 55: Equestrian Development

Wisborough Green Neighbourhood Plan

Policy EN2 Landscape character and open views

Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in early 2023. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2023. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

- 7.4 The revised National Planning Policy Framework was published in July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and 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 of 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.
- 7.5 Consideration should also be given to Sections 1 (Introduction), 2 (Achieving sustainable development), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal erosion) and 15 (Conserving and enhancing the natural environment). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

- 7.6 The following documents are material to the determination of this planning application:
- Surface Water and Foul Drainage SPD
 - Wisborough Green Village Design Statement
- 7.7 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:

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Promote and increase sustainable, environmentally friendly initiatives in the district
- 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 the development
- ii. Design, impact upon character of the surrounding area and environmental impacts
- iii. Impact upon amenity of neighbouring properties
- iv. Ecological considerations

Assessment

i. Principle of development

8.2 Policies 2 and 45 of the Local Plan allow development within the countryside where a countryside location is required, where it supports rural diversification or where it meets a need which cannot be met within existing settlements. Policy 55 accepts that horse related development may require adequate land within a countryside location. Policy 1 of the Local Plan requires development to accord with these policies. Development in the countryside is limited to that which is sustainable, essential for agriculture, requires a countryside location, can demonstrate need/demand and is small scale.

8.3 The application site is a plot of agricultural land with a permitted dwelling located in the northeast corner. In principle the change of use of agricultural land to a mixed equestrian and agricultural use would be acceptable, subject to compliance with the requirements set out within policy 55 of the development plan and other material considerations.

ii. Design, impact upon character of the surrounding area and environmental impacts

8.4 Policy 55 of the local plan allows for horse related development to be granted where it can be demonstrated that all of the following criteria have been considered:

1. There is adequate land for the number of horses kept;

8.5 The DEFRA Code of practice for the welfare of horses, ponies, donkeys and their hybrids state that as a general rule each horse requires approx. 0.5 - 1.0 hectare (1.25 - 2.5 acres) of grazing if no supplementary feeding is provided. The area proposed for grazing is approximately 8 hectares. There would be 6 horses on the grazing area, and therefore the standard of 0.5-1.0 hectare per horse would be met.

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;

- 8.6 The site has one building that has been converted to a dwelling using permitted development rights. There are no other buildings on the site. It was proposed initially for the stable and menage to be located along the eastern boundary. This was amended to the current proposed siting to the north of the plot to prevent sprawl of built form and the provision of a long track on the land in the interests of protecting the rural character of the site. As amended, the stable building and menage would be well-related to the dwelling and the access track and would be appropriate in size in relation to the 6 horses. Due to the size of the site, the development is not considered to result in overdevelopment.

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

- 8.7 In addition to this criteria of Policy 55 of the CLP the Wisborough Green Neighbourhood Plan, Policy EN2, advises that any development should maintain the local character of the landscape and should not cause unacceptable loss or diminution of significant views that currently provide open field aspects of views from the village centre or other open spaces. This requirement has also been considered in assessing the merits of the proposal in respect of the visual impact of the proposal both individually and cumulatively. The proposal consists of the stable building, the menage, and an area of hardstanding. Post and rail fencing and posts with electric wires will be used to divide the equestrian areas from the agricultural land and the boundary treatment would be stock proof fencing.
- 8.8 The site is an open grassed area with mature woodland on three sides. The stable building is low in height and would be located next to the dwelling. The size of the building is considered to be proportionate with providing shelter for 6 horses, and additional storage space for feed, hay and tack. The appearance and design of the stable would be in keeping with the character of the rural area, and therefore it would not appear overly intrusive within the landscape. It would read as a rural structure that would commonly be found in a rural area, particularly one where there is a network of bridleways and equestrian uses are not uncommon.
- 8.9 The menage would be sunk into the ground and enclosed with post and rail fencing. The surface of the menage and the design of the fencing is considered to be in keeping with the character of the rural area. Due to the limited structures above ground level the menage would have a minimal impact on the visual amenity and rural character of the area. The yard area would have a concrete base to allow for suitable draining. This would be moderately sized forming the courtyard area of the stables.
- 8.10 A short track is proposed to lead from the existing track to the stables. An area to the north of the stables would be surfaced with scalpings to allow for parking of vehicles. The hardstanding area is considered to be appropriate for the proposed use of the land and the stable/menage area. It is considered to be well-related to the proposal and the adjacent dwelling. The materials used for the surface of the hardstanding and access track would be controlled by the recommended conditions.
- 8.11 The paddock areas would be divided by posts and electric wire and the boundary fencing will be stock proof. The rest of the site will be agricultural and used to produce hay. The majority of the land will therefore remain open and the view unobstructed by buildings, structures and solid forms of means of enclosure. A bridleway runs to the north of the site from which the site is visible. It has been proposed to plant a native boundary hedge along the northern boundary of the site to soften the visual impact of the stable/menage and

hardstanding. The planting of the hedgerow would have some impact on the open view across the land however a native hedgerow would match the hedgerow to the north of the access track and the woodland and would enhance the character of the rural area, as well the biodiversity.

- 8.12 The proposal, overall, is considered to result in minimal visual impact on the landscape due to the siting, size, design, use and materials of the stable building, menage, hardstanding and means of enclosure. The proposed planting would also serve to ameliorate some of the impact. It is therefore considered that the development, taken as individual elements, and as a whole, would not result in harm to the visual amenity of character of the locality that would warrant refusal of the application.

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

- 8.13 The previous use of the land appears to be production of hay according to the applicants planning statement and the Councils aerial views since 2001. The land is classified as Grade 3 Agricultural Land, and therefore it is not the best and most versatile agricultural land. In addition, the proposal would retain a large area of the land for the production of hay and the use of the land for grazing would not result in the irreversible loss of agricultural land. It is therefore considered that the proposal would be acceptable in this respect.

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

- 8.14 The details of the proposal have been amended during the course of the application. The proposed lighting scheme is discussed in detail in the ecological considerations section below. With regard to the other matters;

- Storage would be within the stable building and would not encroach into the open countryside.
- There would be a designated muck heap area to the north of the stable as shown on the site plan. A licenced contractor would remove the waste from the site. The storage and disposal of manure waste is covered by legislation outside of the planning regime.
- Any wastewater will be drained into an underground sealed clearwater 4600l or 4800l cesspool that would be emptied by a contractor on a yearly basis.
- The sub-division of the fields allows for a proportionate area of grazing for the horses and for the production of hay, however it is not intended that the paddocks be sub-divided with an excessive amount of fencing. The means of enclosure/division are considered to be acceptable in the context of the application site and its surroundings. It is recommended that a condition removing permitted development rights for fencing is included in the planning permission.

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;

- 8.15 The application site is located along an access track leading from Skiff Lane. The proposal is for the private use of the owners of the dwelling and therefore any additional traffic generated would be minimal. The development would not impact on the use of the access track and would therefore not impact on the safety of the road users.
- 8.16 The submitted Flood Risk Statement and Drainage Strategy (V3) outlines the Surface Water Drainage Strategy and how rainwater runoff and wastewater from the equestrian use will be managed in relation to the neighbouring fishing lakes, watercourses and groundwater. The muck heap would be constructed with a slight gradient to the west ensuring that run-off is captured within the stable yard.
- 9.17 It is proposed to drain rainwater from the stable block into a field ditch via an underground pipe to the south of the stables connecting to the boundary ditch south of the neighbouring fishing lakes. The Coastal and Drainage officer has advised that surface water drainage through an unrestricted discharge to a local watercourse is unacceptable in principle and it needs to be demonstrated that infiltration drainage is un-viable. Due to the site being located over Wealden Clay, it is accepted that it is unlikely that the site will be suitable for infiltration drainage, however this should be ruled out prior to accepting an alternative means of drainage. Therefore, a condition is recommended that requires for percolation testing to be undertaken, and if the results of such testing prove that on-site infiltration is unviable, the applicant would not then need to undertake the Winter Groundwater Monitoring.

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

- 9.18 There is a dwelling onsite within the same ownership than the application site. It is therefore unlikely that the development will lead to the need for additional housing.

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.

- 9.19 There is a bridleway located to the north of the site. The development would be well-related to the network and would not result in any significant impacts on the capacity with an additional 6 horses.

- 9.20 Overall, it is considered that the proposal requires a countryside location and the development and uses proposed would not result in a detrimental impact on the character of the rural area and landscape. The proposal therefore complies with policies 45 & 55 of the CLP and policy EN2 of the Wisborough Green Neighbourhood Plan.

iii. Impact upon amenity of neighbouring properties

- 8.21 The nearest neighbouring property is to the west of the site and would be approximately 250m to the stable building. The proposed grazing area would be to the western side of the plot, it is not considered that the use of the land for grazing would impact on the amenity of the neighbouring property. It is unlikely that the position of the proposed muck heap area will cause nuisance to the neighbours due to its siting.

iv. Ecological Considerations

- 8.22 There are three areas of ancient woodland along the eastern, southern and western boundaries. The site is within the buffer zone of the Ebernoe Common and The Mens Special Area of Conservation (SAC). It is also within the North Water Resource Area where water abstraction has an adverse impact on European protected sites in the Arun Valley (the Arun Valley SAC and the Arun Valley Special Protection Area (SPA)).

Water Neutrality

- 8.23 It is proposed to use rainwater harvesting tanks to store water and provide the necessary water for the equestrian use of the land. The amended Water Neutrality Statement (V3) advises that the water use per day would be 240l. A tank capacity of 8400 litres would be required to account for a 35 day drought period. A 7500l tank and a 1500 litre tank with UV light filters have been proposed. Natural England and the Council's Environmental Strategy Unit have confirmed that the water mitigation strategy would provide sufficient water to ensure that the proposal would not impact upon the designated sites in the Arun Valley. A condition is recommended to ensure provision of the measures.

Ebernoe Common and The Mens SAC's

- 8.24 It has been identified that there is a known barbastelle bat flightline through the ancient woodland immediately to the east of the site. The external lighting scheme was amended during the course of the application to minimise impacts upon the area used by bats. The lighting would be limited to the stable building only and 4 out of 5 lights would be under the canopy of the stable block. The stable building siting has been amended to be further away from the woodland to the east. The lights under the canopy would be operated by switch and the light on the north side of the stable would be timed motion censored. The lights would be directed downwards with no directional lighting resulting in lightspill. Natural England and the Councils Environmental Strategy Unit have confirmed that the lighting strategy is acceptable with regards to the impact on the bats, and a condition is recommended to ensure the proposal is implemented as submitted.
- 8.25 With regards to the on site impacts upon ecology; a Preliminary Ecological Appraisal (dated 29th June 2021) was submitted with the application. This included a walkover survey to evaluate the habitat value and its potential to support EU and UK protected/notable species. No further surveys were recommended for protected species due to the small scale of the proposed building and the low potential impact on protected species. The Council's Environmental Strategy Unit reviewed the report and advised that subject to a number of ecological mitigation measures and enhancements that the proposal would be acceptable.

Conclusion

- 8.26 Based on the above it is considered that the development proposed is acceptable in principle and due to its size, siting, use and appearance the proposal would not have an adverse impact upon the character and visual amenity of the location, and it would be acceptable in all other respects. The proposal complies with the NPPF, the Chichester Local Plan and the Wisborough Green Neighbourhood Plan and therefore the application is recommended for approval.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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 be carried out in accordance with the plans listed below under the heading "Decided Plans"

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

3) The development shall be carried out in strict accordance with the Preliminary Ecological Appraisal (June 2021) in particular the precautionary approach as detailed in section 4.0. The following additional mitigation measures shall also be strictly adhered to at all times during construction:

- i) Hedgehogs- the site should be searched carefully before work begins. Any small mammals should be relocated away from the construction area. Any brush piles, compost and debris piles on site must be removed outside of hibernation period mid-october to mid-march inclusive and undergo soft demolition.
- ii) Any works to or clearance of vegetation shall be carried out in the presence of and following the instruction of a qualified Ecologist if during the months of March to September (inclusive)

Reason: In order to preserve protected species and their habitats and enhance biodiversity within the site.

4) Development shall not commence until the full details of the proposed surface water drainage scheme have 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 systems, as set out in the Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA, and only where percolation testing has first been carried out will a non-infiltration means of drainage be acceptable. The report will confirm the methods used to control and slow down rainwater discharge and will contain the percolation testing results and if necessary the infiltrating testing results. No building shall be first occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details. The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (CDC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Reason: To ensure adequate surface water drainage for the lifetime of the development and protect local watercourses.

5) Notwithstanding any details submitted, no development shall take place, above slab level, 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 and the surfacing material of the access and hardstanding 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 a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, in particular shall include details of the boundary planting on the north boundary, and the proposed watering infrastructure and regime. In addition, all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. A buffer strip of 5m should be retained around the existing hedgerows with the use of fencing during the construction phase. The strategy should also detail how the level of impact on the ancient woodland will be managed. The works shall be carried out in 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 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 biodiversity/visual amenity of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees/hedgerows/Special Areas of Conservation

7) The development hereby permitted shall not be first brought into use until the following ecological enhancements are carried out;

- a) a hedgehog nesting box to be installed within the site.
- b) a bird box to be installed on the building/and or tree within the garden of the property.
- c) a bat brick is integrated into the building onsite facing south/south westerly positioned 3-5m above ground.

Thereafter the ecological enhancements shall be retained in perpetuity.

Reason: In the interests of enhancing the ecology and biodiversity of the area.

8) The development hereby permitted shall not be first occupied unless and until the water neutrality rainwater harvesting measures and as detailed within the Water Neutrality Statement (V3) has been installed in accordance with the approved details. Thereafter the water neutrality rainwater harvesting measures shall be maintained as approved in perpetuity.

Reasons: To ensure the protection of special areas of Arun Valley.

9) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, as amended there shall be no external lighting on the site other than in accordance with the submitted Lighting Strategy and Lighting Plan. The approved lighting shall be maintained as approved in perpetuity.

Reasons: To protect biodiversity in the locality.

10) Notwithstanding any indication shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the development hereby permitted shall be used only as private, non-commercial, stabling and for no other purpose.

Reason: To prevent the stables from being used for commercial purposes to the detriment of the locality with respect to increased activity and vehicle movements.

Informatives:

- 1) The council has created a Surface Water Drainage Proposal Checklist document that can be found in the downloadable documents box on the following webpage: <http://www.chichester.gov.uk/landdrainage>. This document is designed to clearly outline the councils expectation and requirements for Surface Water Drainage Proposals. This document should be used for Discharge of Conditions applications.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN -	100059532 (Fencing Plan)		10.10.2022	Approved
PLAN - PROPOSED STABLE BLOCK FLOOR AND ROOF PLANS (A3)	003		20.07.2021	Approved
PLAN - SITE LOCATION PLAN (A3)	001		20.07.2021	Approved
PLAN - PROPOSED STABLE BLOCK ELEVATIONS (A3)	002		20.07.2021	Approved

PLANS - Plans PLAN -	Sand School Section		01.10.2021	Approved
PLANS - Plans PLAN -	Proposed site plan		05.04.2022	Approved

For further information on this application please contact Emma Kierans on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QVMGF9ERKA900>