

Recommendation Report for Planning Permission

REF NO: BN/55/18/PL

LOCATION: Orchard End
Highground Lane
Barnham
PO22 0BU

PROPOSAL: Application for variation of conditions imposed on planning reference BN/30/14/PL relating to condition 2 - regularise changes to approved plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The stables measure 12m by 6m in depth and approximately 5m to roof ridge height. The building shows three stables with doors facing north west. Materials would be black painted timber, a facing brick plinth with a plain clay tile roof.
SITE AREA	Approximately 0.88 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of affected by the development.
BOUNDARY TREATMENT	Wire fence.
SITE CHARACTERISTICS	Meadow being used for the grazing of horses. The stable has been constructed in part at the time of the officer visit.
CHARACTER OF LOCALITY	Outside of the built-up area boundary although there is intermittent residential development to the west and east. The meadow is bordered by a waterway to the south.

RELEVANT SITE HISTORY

BN/48/15/DOC	Application for approval of details reserved by conditions imposed under BN/30/14/PL relating to condition No 3 - Surface water details	DOC Approved 25-01-16
BN/30/14/PL	Proposed stable building (resubmission following BN/23/14/PL)	ApproveConditionally 15-10-14
BN/23/14/PL	Proposed Stable Building	Withdrawn 25-07-14

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

No consultations have been carried out on this application as the principle had been accepted by the previous approval and details of the drainage condition had been discharged (see site history). The consultation responses on the previous application were as follows:-

ENGINEERS:

The applicant states that surface water will be discharged to soakaway. Please apply standard conditions ENG2A.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests and design must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also enclosed for information.

SOUTHERN WATER:

No new development or tree planting should be located within 3 metres of the centre line of the public sewer. No new soakaways should be located within 5 metres of the public sewer. Initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development is required. This should not involve disposal to a public sewer.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Due to surface water inundation issues in the Lidsey Catchment, the applicant is advised to adopt, where appropriate, the measures in the table 'practical measures to reduce the potential impacts of

development.' The developer should look to protect public sewerage from inundation and infiltration, which contribute to flooding in unfavourable conditions.

ENVIRONMENT AGENCY:

No flood risk objections to the proposal as submitted. Informative recommended.

COMMENTS ON CONSULTATION RESPONSES:

As the drainage condition was previously discharged (details agreed) a condition will be added requiring that the approved details shall be implemented.

POLICY CONTEXT

Outside Built-Up Area
Flood Zone 3

DEVELOPMENT PLAN POLICES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
EQU DM1	EQU DM1 Equine Development
WDM3	W DM3 Sustainable Urban Drainage Systems
DSP1	D SP1 Design

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1

Applications for new development must meet the local drainage requirements

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES6

Contribution to local character

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

The Barnham & Eastergate Neighbourhood Plan has been made and policies ES1 and ES6 are relevant

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with Arun District Local Plan Policy EQU DM1 in that the stables will not be located on the bridleway network and the area of grazing for the horses is below the recommended threshold.

OTHER MATERIAL CONSIDERATIONS

It is felt there is sufficient reason, on balance, to recommend the approval of the application, in spite of its conflict with policy. This is due to the consideration that the use will support quiet, informal recreation within the rural environment. The site is also easily accessible and horses could therefore be exercised off-site and there would be no harm created to interests of acknowledged importance. A stables was previously granted permission and this application is for minor alterations.

CONCLUSIONS

The proposed stables will be located in a rural location. Arun Local Plan Policy CSP1 seeks to control development in the countryside but it does allow for "quiet informal recreation". Stable buildings are typically found in the countryside so its presence in the area is not unexpected or harmful.

Policy EQU DM1 of the Local Plan sets out criteria to be met for horse related development. Whilst the site is not particularly well related to the bridle way network there is access to open countryside and relatively quiet roads. The building is of a high quality due to the materials proposed and the design. Access to the site is acceptable being from a quiet rural lane. No parking is shown within the site but the land is owned in association with Orchard End which is nearby where vehicles would be able to park. The field is near a water body but there is likely to be no greater risk of harm to water quality than if horses were on the field without a stable.

Policy D DM1 discusses design and character and it is considered that the well designed rural building is in keeping with the largely undeveloped strip of land between houses.

The relevant policies of the Neighbourhood Plan as mentioned above have been considered and it is not considered that the proposal conflicts with these policies.

It is recommended that the application is approved, subject to the following conditions. A time limit condition is not proposed as the building has already commenced.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal it has been determined that its approval would result in a neutral impact upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

As such, there is no requirement for mitigation measures to be adopted.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:- 1529 Site and Location Plans and Proposed Plans and Elevations.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 2 The drainage details approved by BN/48/15/DOC on 25-1-16 shall be implemented prior to the building being occupied. The details as agreed by BN/48/15/DOC shall be retained in perpetuity in working order.

Reason: To ensure the development is satisfactorily drained in accordance with policy W DM3 of the Arun Local Plan.
- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 4 **INFORMATIVE:** The applicants attention is drawn to the previous informatives imposed on previous permission BN/30/14/PL