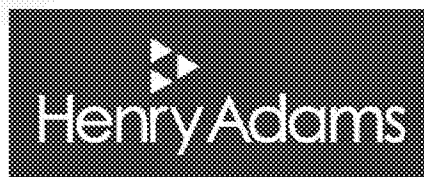


Planning, Design and Access Statement

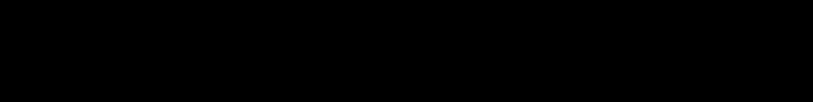
Site: Eastmere Stables, Eastergate Lane, Eastergate

Proposal: Removal of Condition 7 of EG/102/16/PL,
following the approval of BN/7/21/PL, for the use of the
equestrian workers dwelling as an open market
dwelling

On behalf of Mr and Mrs Langridge
May 2021



Henry Adams LLP Rowan House, Baffins Lane, Chichester, West Sussex PO19 1UA



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1. Introduction

- 1.1. Henry Adams LLP act on behalf of Mr & Mrs Langridge in respect of their application for the removal of the condition which restricts the equestrian workers dwelling to allow it to be used as an open market dwelling. This restriction was applied under Condition 7 of EG/102/16/PL. The proposal seeks removal of the equestrian tie, which previously related to the adjacent stables. As these no longer exist, the condition no longer serves a useful planning purpose.
- 1.2. This Statement sets out the relevant background for the determination of this planning application, including context of the site and surroundings, details of the proposed development and an assessment of the relevant planning considerations.
- 1.3. The proposals have been informed by the policies within the National Planning Policy Framework (NPPF), Arun Local Plan, Barnham & Eastergate Neighbourhood Plan and supplementary planning documents.

2. Site and Surroundings

- 2.1 The Site is situated within the parish of Eastergate. The building exists as a residential dwelling. The building is a detached dwelling, utilising brickwork and tiled roof slopes.
- 2.2 The area is largely rural in its character as the application site is within the locality of dwellings which are set within large plots, industrial storage units and training stables.
- 2.3 Eastergate Lane is a C class highway, subject to a 40mph speed limit.

Site & Surrounds Planning History

- 2.4 The application site is subject to relevant planning history, including:

BN/7/21/PL ⇒ Approved April 2021

Change of use of existing equestrian yard to storage (Use Class B8).
Approved on 8th of March 2021

EG/102/16/PL Approved April 2017

Construction of 1 No. dwelling for permanent agricultural worker following temporary approval of EG/62/15/PL.
Approved 18th of April 2017

EG/62/15/PL ⇒ Approved January 2016

Retrospective temporary permission for an agricultural workers dwelling.
Approved 20th of January 2016

3. Application proposals

3.1 The proposal comprises a submission for the removal of Condition 7 of permission EG/102/16/PL, following the approval of BN/7/21/PL. This will allow the equestrian workers dwelling to be used as an open market dwelling.

3.2 The current restriction of the use of the dwelling is as a result of Condition 7 of permission reference EG/102/16/PL:

The residential use hereby permitted of the proposed dwelling shall only allow for occupation as one single unit of accommodation by a person whose main employment is the oversight or day to day running of the equestrian business at Eastmere Stables and the dependents of such a person residing with him or her. L

3.3 Recently, Henry Adams LLP recently received notification of the approval of application BN/7/21/PL, which converted the use of the equestrian yard to storage use. As such, condition 7 of the aforementioned application no longer serves a useful purpose in that there is no longer an equestrian use within the application site boundary.

3.4 Section 55 of the National Planning Policy Framework relates to the use of planning conditions, stating that conditions should be kept to a minimum and only imposed where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects

3.5 These are referred to in this guidance as the 6 tests, and each of them need to be satisfied for each condition which an authority intends to apply.

3.6 Condition 7 of EG/102/16/PL cannot be considered to meet tests 1, 3 and 4 factors following the approval of BN/7/21/PL. When considering the above tests, the condition is no longer considered to meet:

- Test 1 ⇒ The condition is not considered to meet test 1, in that it is no longer necessary for the dwelling to be required to support the neighbouring equestrian use, which has ceased.
- Test 3 ⇒ There is no longer an equestrian use within the site, due to approved permission BN/7/21/PL. Therefore, the condition is no longer relevant to the development permitted.
- Test 4 ⇒ The condition is not enforceable, as the condition is no longer needed, so there is nothing to enforce. To restrict the use of the dwelling to require habitation by an equestrian worker associated with Eastmere Stables, where there is no longer an equestrian use, will only result in an empty dwelling.

- 3.7 This application is made on the basis that an application for the removal of the condition (under Section 73) cannot be made, however, the existing condition cannot be deemed to be relevant to the site. As such, an application for full planning permission for the removal of the condition is necessary to allow for untethered residential accommodation within the site.
- 3.8 These conclusions have been reached following correspondences with the Council's Validation Team, as the proposal is also not possible under a change of use application, due to the Use Class (C3) remaining the same in both instances.

4. Planning Policy

- 4.1 The specific policies of relevance to this application are summarised in the list below:

Arun District Local Plan 2011-2031 (ADLP) (2018)

- Δ C SP1 - Countryside
- Δ SD SP2 ⇒ Built-Up Area Boundary
- Δ D DM1 ⇒ Aspects of Form and Design Quality
- Δ EQU DM1 ⇒ Equine Development

National Planning Policy Framework and Guidance

- 4.2 At national level, the National Planning Policy Framework (NPPF) sets out the Government's most up-to-date policies against which all Development Plans should be prepared, and planning applications assessed. It is a material consideration that carries substantial weight.
- 4.3 Paragraph 127 sets out criteria for the establishment of well-designed places. Part (c) of this paragraph relates to the proposal being sympathetic to local character and histories including the landscape setting.

5. Scheme Assessment

- 5.1. This section sets out the merits of the scheme and its general compliance with national and local planning policy.

Principle of Development

- 5.2. The Council adopted the Local Plan 2011-2031 (July 2018) which sets out the strategic approach for managing development in the District. The proposal would conflict with Policy SD SP2 (Built-Up Area Boundary) as it would be located outside of the settlements boundary and within the countryside, meaning it would conflict with Policy C SP1 (Countryside).

- 5.3. S38(6) of the Planning and Compulsory Purchase Act 2006 requires development proposals to be assessed against the policies contained within the Development Plan comprising the made Barnham and Eastergate Neighbourhood Development Plan and the Arun Local Plan 2011-2031 (July 2018), unless material considerations indicate otherwise.
- 5.4. Arun District Council is unable to demonstrate a 5 year Housing Land Supply which triggers the presumption in favour of sustainable development under footnote 7 and paragraph 11(d) of the National Planning Policy Framework (2019). The NPPF is held as an overriding material consideration when determining planning applications under Section 38(6) of the 2006 Act.
- 5.5. Footnote 7 and NPPF paragraph 11(d) make it clear that where Councils are unable to demonstrate a 5-year Housing Land Supply, the policies which are most important for determining the application are out-of-date.

Design

- 5.6. The proposal does not propose any visual alterations to the host dwelling. The nature of the host dwelling is not considered to be significantly different as a result of the changes, in that the use of the dwelling will remain the same. Furthermore, there will be no change in movements associated with the dwellings, or intensification of the use of the plot.

Equine Use

- 5.7. Whilst it was noted that the original use of the building was permitted in order to provide accommodation to serve the equestrian use of the site, there is no longer any equestrian use on the site. Therefore, this condition is no longer applicable, or reasonable to the site. Therefore, the condition fails the tests of being necessary, essential and enforceable and is contrary to Section 55 of the National Planning Policy Framework.
- 5.8. Furthermore, the policy EQU DM1, which relates to equestrian development, does not provide any protection for equestrian uses of land or their associated accommodation. As such, there is no conflict with policy EQU DM1 of the Arun Local Plan, and there are no demonstrable reasons to refuse this application.

Bin Storage

- 5.9. The bins serving the dwelling will be kept within the existing garage. On collection day, they will be dragged to an area adjacent to the highway, in accordance with Section 1.8 of Approved Document H.

6. Conclusion

- 6.1. This statement has been prepared in support of the application for the removal of the condition restricting the use of the building to equestrian workers dwelling, allowing it to be used as an open market dwelling. "It has been demonstrated that the proposal does not conflict with any of the policies within the Arun Local Plan due to its lack of associated built form and the lack of any policy protection for equestrian uses.
- 6.2. Furthermore, in light of the approval of BN/7/21/PL, Condition 7 cannot be considered to meet the tests for conditions set out in Section 55 of the National Planning Policy Framework. The aforementioned condition is considered to be unnecessary, relevant to the site or enforceable.
- 6.3. For the reasons above, we trust that the application for the removal of the condition is permitted, to allow for untethered residential living within the dwelling.