

Recommendation Report for Planning Permission

REF NO: BN/7/21/PL

LOCATION: Eastmere Stables
Eastergate Lane
Eastergate
PO20 3SJ

PROPOSAL: Change of use of existing equestrian yard to storage (Use Class B8). This site is in CIL Zone 3 (Zero Rated) as other development & is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This proposal is for change of use of the equestrian yard to storage (Use Class B8). The application is retrospective with the works completed on 01/02/2021. The proposal seeks permission for the change of use of a number of the buildings. With the exception of a toilet block and log cabin all other buildings and the sand school are subject to the change of use. The proposed floorspace subject to the change of use cover 590.36 sq. metres.
SITE AREA	0.41 hectares.
TOPOGRAPHY	Predominantly flat but rises up to the north western corner of the whole field.
TREES	None affected by the development.
BOUNDARY TREATMENT	Hedge along the road boundary; 2m high close boarded fence to the northern boundary; and Hedge to the east.
SITE CHARACTERISTICS	The former equestrian yard comprises a number of secure, internal storage units, converted from the stables and existing buildings on site. The former sand school was converted to an open area of outdoor storage.
CHARACTER OF LOCALITY	The site is in a rural location with sporadic housing along Eastergate Lane. Farming and equestrian uses are in the vicinity. There is a dwelling opposite but this is some distance away (29m back from Eastergate Lane). Eastmere House sits to the east of the site and a dwelling for permanent agricultural workers approved by EG/102/16/PL to its immediate west. There is a horticultural nursery to the east.

RELEVANT SITE HISTORY

EG/102/16/PL	1No. Dwelling for permanent agricultural worker
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ApproveConditionally

following temporary approval EG/62/15/PL

18-04-17

EG/62/15/PL	Retrospective temporary permission for an agricultural workers dwelling.	ApproveConditionally 20-01-16
EG/4/14/	Siting of timber temporary building to replace existing mobile home and portacabin, to be used in connection with existing equestrian use.	ApproveConditionally 28-04-14
EG/30/11/CLE	Application for a Certificate of Lawfulness for existing field access and hardstanding. Use of land for the stationing of a mobile unit.	Refused 24-08-11
EG/27/11/	WC & washroom facilities in connection with the horse transport business, retention of existing field access and storage container.	Refused 19-08-11
EG/54/06/	Approval of reserved matters following outline permission EG/65/05 for residential development consisting of single dwelling for stable manager (Re-submission of EG/40/06)	ApproveConditionally 20-07-06
EG/65/05/	Outline application for single dwelling for stables manager. (Departure from the Development Plan)	ApproveConditionally 14-10-05

The Design and Access Statement explains that the proposal seeks permission for change of use of a number of the buildings at Eastmere Stables with the exception of an existing toilet block and log cabin which is used for residential purposes. The log cabin was the subject of application EG/62/15/PL and the residential use of the log cabin expired 21 January 2019 and discontinued permanently and the cabin should be restored to its former use (as permitted by application EG/4/14).

REPRESENTATIONS

Barnham and Eastergate Parish Council: Whilst the Committee has no significant objection it would like conditions placed on the approval should it be given:

- The use remains that of seasonal storage only and that no permanent caravan accommodation is sited on the property.
- No significant lighting is used or installed that would impact on the wildlife corridor and bat population that can be found in the area of the property.

The Committee has concerns about the change of use of what was agricultural land to residential land and would wish to see a condition to prevent this being brought forward at a future date.

No letters of objection received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Appropriate conditions are proposed.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENGINEERS Comments Regarding Surface Water Drainage:

Due to the scale (no increase in impermeable area), and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

SOUTH DOWNS NATIONAL PARK AUTHORITY:

Site is to the south of Fontwell over 1km from the southern boundary of the National Park. As such, the change of use is not considered to have a detrimental impact on the South Downs National Park and its special qualities.

WSCC Highways:

The site is on a C-classified rural road subject to a speed restriction of 40 mph in this location. WSCC as Local Highway Authority (LHA) raises no highway safety concerns. The LHA considers the informal parking arrangement to be acceptable in this instance.

The LHA does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (para 109), and that there are no transport grounds to resist the proposal.

WEST SUSSEX FIRE AND RESCUE SERVICE:

The nearest Hydrant to these properties is 280m away. The supply of water for firefighting for a commercial premises should be within 90m. If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is recommended the hydrant condition is implemented. This will be will be picked up under Building Control regulations.

ENVIRONMENTAL HEALTH:

The use should be restricted to storage only, with no permission for distribution. No objection subject to suggested conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside the Built up Area Boundary;

Arun Local Plan 2011 - 2031:

<u>Barnham & Eastergate Neighbourhood Plan 2014 POLICY EE2</u>	Retention of employment land
Barnham & Eastergate Neighbourhood Plan 2014 POLICY EE3	Support for new commercial uses
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

SPD11 Arun Parking Standards 2020

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.

Barnham and Eastergate has a made Neighbourhood Plan and the relevant policies are considered in this report.

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 does not comply with policies ES14, EE3 and EE8 of the Barnham and Eastergate Neighbourhood Development Plan in that the agricultural land is important in order to safeguard future farm production and equestrian activity and proposals for change of use to Class B8 will be generally be resisted and redevelopment or change of use of land or buildings currently in equine use will not be supported.

The proposal is considered to comply broadly with policy C SP1 of the Arun Local Plan in that the proposal is in accords with policy EMP DM1 which refers to development outside the built up area boundary that makes provision to support employment or commercial land uses.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

KEY ISSUES

The key issues are principle, loss of existing equine business, design and visual amenity, residential amenity, highways/traffic.

PRINCIPLE:

The site is outside the built up area boundary in countryside where new development is generally unacceptable. Local Plan Policy C SP1 seeks to protect the character and amenity of countryside and sets out a limited range of developments which may be permitted in the countryside including essential facilities for agriculture and forestry, quiet informal recreation or green infrastructure.

Policy C SP1 of the Local Plan in criterion f. states that development in the countryside will be permitted where it is in accordance with other policies in the Plan which refer to specific use or type of development. The proposal would be acceptable in respect of Arun Local Plan policy C SP1 in that other policies can be considered (such as EMP DM1).

The site forms the former working stables and sand school and comprises a series of a number of secure, internal storage units, converted from the stables and buildings on site. The proposal is for retrospective permission for the change of use of the yard to a B8 Storage use. No physical changes are proposed to buildings, with the only notable change being the provision of a gravelled surfaced in the former sand school. The proposal would not have a long lasting impact on the character of the countryside.

The NPPF supports economic development outside the built up area. Para 83 of the NPPF states Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and paragraph 84 of the NPPF stresses that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

POLICY EMP DM1:

Policy EMP DM1 of the Arun Local Plan in part 6 deals with economic growth outside the Built-up Area Boundary and stresses that planning permission will be granted on sites outside the Built-up area, subject to certain matters being adequately demonstrated.

The site is on the edge of Barnham, leading onto Eastergate Lane and Eastergate Lane links the A29 Fontwell Avenue and Walberton. It is in walking or cycling distance of local services and facilities in the nearby settlements.

The site is occupied by a number of different companies and used for private storage purposes. The change of use would comprise a form of rural diversification and help to maintain existing employment.

Policy EMP DM1 of the Arun Local Plan requires development is of (c) a high standard of design, layout & landscaping appropriate to the context; and (f) a sympathetic relationship to the surrounding areas that shows consideration of the landscape.

The proposal does not consist of built development, no physical changes are proposed to buildings. In the sand school, the only change noted is the provision of loose gravel in place of the sand surface and parking lines to demote storage margins. The use will ensure all hedgerows are preserved and no additional forms of lighting are required. Accordingly, the proposal would not impact any protected species or habitats within the site.

Although the land to the northwest, northeast and south is agricultural, land to the west has a large storage yard and it is not considered the use of the site for storage would be out of character.

It is considered the proposal accords with the relevant parts of policy EMP DM1 of the Arun Local Plan.

EQUINE DEVELOPMENT AND CHANGE OF USE:

Policy EQU DM1 par 11.4.2 affirms that should the equestrian use cease the land must be left capable of being restored to a productive green environment.

Policy ES14 of the Barnham and Eastergrate Neighbourhood Development Plan (BENDP) states agricultural land is important to safeguard future farm production and equestrian activity, and in turn, future employment in the locality, and to maintain the rural aspect of the parish and policy EE8 carries on that redevelopment or change of use of land or buildings in equine use will not be supported, unless it can be shown the existing use is no longer economically viable. Policy EE3 of the BENDP supports new commercial uses, however it points out that Class B8 will be generally be resisted. On the other hand policy EE2 in para 8.3 brings states that opportunities for employment in the villages are limited and small scale employment sites contribute to the liveliness and activity in the parish and supports trade in parish shops.

In the Design and Access Statement (DAS) the applicant admits the proposal results in the loss of an equestrian facility, however, 'there is limited demand for such in this location and no policy protection

exists for the equestrian use'. They carry on by stating that the yard had to rely on temporary overnight stays for those taking part in local equestrian events. The landowners had previously run a commercial equestrian yard, which they managed from their adjoining home. Over the last couple of years, the viability of the business has been in question; the nearby events centre used to attract a number of visitors who used Eastmere Stables as a convenient location to stable their horses had closed. Due to limited direct access to public bridleways stables have been underutilised.

The proposal conflicts with the objectives of the above policies of the Barnham and Eastergrate Neighbourhood Development Plan. However the applicant in the submitted DAS states 'there is a clear demand for these type of storage facilities and the distribution element to the B8 use class is not sought. In terms of the Local Plan, this makes provision to support employment or commercial land uses, which this proposal would fall under.'

The proposal conflicts partly with policy EQU DM1 of the Arun Local Plan and policies ES14, EE3 and policy EE8 of the BENDP, however on balance it is supported by policies CP1 and EMP DM1 of the Arun Local Plan and policy EE2 of the Barnham and Eastergrate Neighbourhood Development Plan therefore the proposal is considered to be acceptable.

HIGHWAY SAFETY & VEHICLE PARKING:

Arun Local Plan policy T SP1 requires that development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Policy EMP DM1 as set out above requires there to be off-street parking. Regard should be had to para 109 of the NPPF.

Arun District Council adopted its own Parking Standards SPD (Jan 2020). Part 4.8 Table 4.1 sets out the overall vehicular and cycle parking standards by land use. Under Arun Parking Standard for B8 use, one parking space should be provided per 100 sqm of floor space.

The applicant proposes to utilise the vehicular access on Eastergate Lane, with no alterations to this arrangement proposed and no apparent visibility issues with the point of access to the highway.

This application is supported by a Transport Assessment, which provides TRICS trip generation data for existing and proposed use. The data indicates the equestrian use generates 169 two-way movements on weekdays and 230 two-way movements on a weekend day and for the proposed use, the site would generate 34 two-way movements per day. The TRICS dataset suggests the change of use would result in a reduction in movements to and from the site.

The applicant states that the site is not served by a formal parking area, but parking is accommodated informally throughout the site.

Under WSCC parking standards for B8 use, one parking space should be provided per 100 sqm of floor space, the same as under Arun Parking Standards. Therefore provision of five parking spaces for the storage units, and eight parking spaces for the outdoor storage area would be required.

WSCC considers the informal parking arrangement to be acceptable stating there appears to be sufficient space on-site for this parking demand to be accommodated. Due to the nature of the storage use, whereby visits may be ad-hoc or seasonal. WSCC do not raise any overriding highway safety concerns to the principle of the retrospective change of use of the site.

It is considered the proposal accords with policy T SP1 of the Arun Local Plan, Arun Parking Standards and NPPF guidance.

RESIDENTIAL AMENITY:

Policy EMP DM1 of the Local Plan requires schemes display a satisfactory relationship with neighbouring uses to protect residential amenity. Arun Local Plan policy D DM1 indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. Arun Local Plan policies QE DM1, QE DM2 and QE DM3 relate to noise, light and air pollution.

The development is for a change of use of former working stables and sand school. The use for private storage would result in lesser noise disturbance to that of the stables, which are frequented regularly, and generally in the early hours and late afternoon/evening. Whilst attendance on site for the use will be more sporadic, movements, as set out in the transport statement, would be reduced from the equestrian use. It is not considered the proposal would result in a new noise generating development.

In light of the nearby residential properties the hours of use has been confirmed by the applicant and they are from 8am till 6pm - Monday to Saturday. The site is not open on Sundays or Public Holiday.

Environmental Health Officers are technical experts on pollution control including noise, lighting and odours. They assessed the application and raised no objections subject to planning conditions. On this basis, it is considered that the proposal will be in accordance with the policies set out above.

IMPACT ON WILDLIFE:

Policy EMP DM1 part f. requires proposals seek opportunities to deliver on-site habitats and protect key species. Policy ENV DM5 of the Local Plan requires natural habitats be retained or incorporated into schemes.

The site is previously developed and already used as a storage, the applicant in their DAS ensures that there would be no change to the current buildings and movements in the site would be reduced and all hedgerows are preserved through the site.

It is considered that the proposal broadly accords with the policies above.

CONCLUSIONS:

Although the site is in the countryside and in principle unacceptable, the Arun Local Plan allows development in the countryside where in accordance with other policies. It has been shown that the proposal is in accordance with the policy EMP DM1 of the Local Plan and consequently in a general accord with policies C SP1.

The development conflicts with policies EE3, ES14 & EE8 of the Barnham and Eastergrate Neighbourhood Development Plan but it is considered that this conflict is outweighed by compliance with the Local Plan policies which have greater weight as they were adopted most recently, with the support of the NPPF and on the basis that the site is previously developed land used as equestrian yard. The impacts can be mitigated through conditions to such an extent as to resolve potential amenity issues. It is recommended the application be approved subject to conditions.

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 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 the following impacts have been identified 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).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is in CIL Zone 3 (Zero Rated) as 'other development'.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:

Site Layout (submitted on 31th March 2021);
 Brown Portacabin, Floor Plan, Elevation (drawings submitted on 31th March 2021);
 Layout of Outside Storage Area;
 Tea Room and Toilet, Floor Plan and Elevation;
 Storage Units 4,5,6,7; Floor Plan and Elevation;
 Log Cabin Storage, Floor Plan and Elevations;
 Tractor barn & Workshop, Floor Plan and Elevations;
 Storage Units 0,1,2,3; Floor Plan and Elevations;
 Location Plan.

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 use of the site shall be restricted to the hours of 8am to 6pm Mondays to Saturdays, and the site shall not be used at any time on Sundays and Public Holidays.

Reason: To protect the amenity of nearby residential occupiers in accordance with policies D DM1, QE DM1 & QE DM3 of the Arun Local Plan and in line with the World Health Organisation definition of night time.

- 3 No waste materials shall be stacked or stored on the site at any time, unless approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy D DM1 and QE SP1 of the Arun Local Plan.

- 4 Materials shall not be stacked, stored or deposited on site to a height exceeding 2.6m.

Reason: To safeguard the visual amenities of the locality in accordance with policy D DM1 of the Arun Local Plan.

- 5 The site shall only be used for the storage in accordance with Class B8 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 and for no other purpose (including any use in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities of the area and nearby residents in accordance with Arun Local Plan policy D DM1.

- 6 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority.

The scheme should comply with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011, Environmental Zone E2 but also 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. The lighting approved shall be installed and shall be maintained in accordance with the approved details with no alteration without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies D DM1, ENV SP1 & QE DM2 of the Arun Local Plan.

- 7 Within three months of the date of this permission details showing the proposed location of one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.
These approvals shall not be unreasonably withheld or delayed.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan 2011-2031 and in accordance with The Fire & Rescue Service Act 2004.

- 8 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 9 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 10 INFORMATIVE: If a requirement for additional water supply is identified by the Fire and

Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. Therefore the applicant is advised to comply with regulations of West Sussex County Council's Fire and Rescue Service.

- 11 **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.
- 12 **INFORMATIVE:** The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on (01903) 737555.