

Recommendation Report for Planning Permission**REF NO:** EG/86/14/PL**LOCATION:** Tars Farm
Church Lane
Barnham**PROPOSAL:** Application for the variation of conditions 2 & 4 imposed under planning application EG/64/12 - relating to the location of the sand school & revised landscape plan**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Application to vary condition 2 and discharge condition 4 of permission EG/64/12. These relate to the relocation of the sand school and a revised landscape plan
SITE AREA	13.35 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Land rises up from the road to the farmland at the rear.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Post and rail fencing around the paddock area. Hedgerow around the perimeter of the farm.
SITE CHARACTERISTICS	The site lies to the rear of the residential property with a stable and paddock for personal use and to the rear of this is agricultural land used for grazing of cows. There are some utilitarian barns on the site and some dilapidated flint barns.
CHARACTER OF LOCALITY	To the front along Church Lane is a linear development of residential properties with farmland to the rear and the main line railway between Barnham and London.

RELEVANT SITE HISTORY

BN/30/10/	Erect a new stable block, tack room and hay store (re-submission of BN/25/10/)	ApproveConditionally 02-02-2011
EG/64/12/	For a change of use for 33 acres of land adjacent to Tars Farmhouse from Agriculture to Agriculture and Equestrian. The	ApproveConditionally 16-04-2013

construction of a 50m x 30m outdoor training arena (Menage) for the schooling of horses and ponies.

EG/77/14/DOC Application for approval of details reserved by DOC Refused
condition 4 (trees/shrubs) relating to planning 12-11-2014
application EG/64/12/

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

N/A

CONSULTATIONS

Southern Water Planning
Environment Agency
WSCC Strategic Planning
Environmental Health
Environment Agency
Parks and Landscapes

Consultations responses received:

County Highways:

The highway authority would not wish to raise an objection to the relocation of the sand school.

Southern Water:

No additional comments to make in respect of the above variation of condition application.
Original comments remain valid.

Response to amended plan: The records show that there is a public foul sewer on the site, the exact location must be determined before development is finalised. No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer. No new soakaways should be located within 5 metres of a public sewer. All existing infrastructure should be protected during the course of construction works. Should any sewer be discovered during construction, an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Aitkins Ltd, Anglo St James House.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Outside the Built Up Area Boundary
Southern Water Interest

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) DEV5

Horse Related Development

<u>GEN3</u>	Protection of the Countryside
<u>GEN7</u>	The Form of New Development
<u>GEN11</u>	Inland Flooding
<u>GEN29</u>	Nature and Conservation Across the District
	C SP1 Countryside
	D DM1 Aspects of Form and Design Quality
	D SP1 Design
	ENV DM5 Development and Biodiversity
	Quality of design

Publication Version of the Local Plan (October 2014):

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES5

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

Barnham and Eastergate have an adopted Local Development Plan and policy ES5- Quality of Design is relevant as a material consideration in this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The sand school is the same size and design as the approved scheme but has been constructed in a rotated position at a right angle to the approved position. As such the impact on the environment is the same the impact would be the same as the approved scheme. Therefore, the amendment to condition 2 is considered to be acceptable.

The application is also to vary condition 4 but the submission appears to be to actually discharge the condition. The purpose of the condition was to require the applicant to reinstate the former hedge field boundaries. The landscape assessment submitted does show the required hedging to promote biodiversity so is acceptable to discharge the condition. However, as the application is to vary the conditions and previous conditions will be re-attached to any grant given, condition 4 can be removed or substituted to no longer require details of hedging and boundary treatment.

As such the application is recommended to vary the conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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 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 impact (Neutral) 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).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:- block and location plan dated 19/12/12 (from application EG/64/12) and 2.03 rev. G dated 25 November 2014

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN3 of the Arun District Local Plan.

- 3 The grass livery shall be restricted to 10 horses at any one time.

Reason: To manage use of the land effectively between grazing and equestrian use in accordance with GEN3 and the National Planning Policy Framework.

- 4 The planting shown in the 'Tars Farm Landscape Document' received 5 November 2014 shall be carried out within one month of the date of this permission. In the event that the hedges die or become seriously damaged or diseased within a period of 5 years following planting they shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No development or new tree planting should be located within 3 metres either side of the

centreline of the public sewer. No new soakaways should be located within 5 metres of a public sewer. All existing infrastructure should be protected during the course of construction works.

Reason: To protect the public sewer and prevent flooding in accordance with Arun District Local Plan policy GEN11 and the National Planning Policy Framework.

- 6 The development must be carried out in accordance with the submitted Phase 1 Habitat Survey dated March 2013 Recommendations paragraphs 4.2 Mitigation and/or compensation and paragraph 4.3 Enhancement.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

- 7 **INFORMATIVE:**
The site incorporates/is bounded by the Barnham Rife, a main river under the jurisdiction of the Environment Agency. Any works whatsoever in, over or under the channel of this watercourse on its banks within 8 metres from the top of the channel, would require the prior consent of the Environment Agency under Section 109 of the Water Resources Act 1991 and/or Byelaws (known as Flood Defence Consent).

- 8 **INFORMATIVE:** any sewer is found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (01962 858699).E:

- 9 **INFORMATIVE:**
Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.