

Recommendation Report for Planning Permission

REF NO: FG/128/13/

LOCATION: Hangleton Farm - Lot 2
Hangleton Lane
Ferring

PROPOSAL: Alterations and change of use of buildings B through to K from equestrian/agricultural to animal rescue centre.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposals consist of the following; - Building A - Currently residential accommodation. Proposed to change use for meeting rooms at ground floor with staff accommodation at first floor. - Building B - Unused agricultural building with approval for residential use. Proposed to be used for general storage. - Building C - 10 stables. No change. - Building D - 20 stables. Proposed accommodation for cats and other small animals. - Building E - 20 stables. Proposed visitor reception and accommodation for cats and other small animals. - Building F - 10 stables. Removed to make way for access track and relocated in position K. - Building G - 5 stables. No change. - Building H - 7 stables. Reduced in size by 15 sqm to make way for access track. Isolation accommodation for dogs. - Building I - 6 stables. Proposed accommodation for dogs. - Building J - 8 stables. Reduced in size by 15 sqm to make way for access track. Proposed accommodation for dogs. It is proposed that the site become a centre for an animal charity, which would accommodate animals waiting to be homed as well as staff, offices and visitor facilities. The proposed change of use of Building A is sought through FG/129/13 and is not part of this application.
SITE AREA	6 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.

BOUNDARY TREATMENT	The Hangleton Farm site area is bordered by post and rail ranch style fencing painted dark brown. Surrounding area consists of a mixture of post and rail fencing and open boundaries.
SITE CHARACTERISTICS	The site comprises a series of stable buildings that accommodate approximately 85 stables. These buildings are single storey in scale and cover much of the front of the site. There is also a single storey building to the front of the site that provides existing staff accommodation and areas of hardstanding for car parking. Open fields to the north and east side of the site. Hangleton Farm to the west side. Currently, horses in paddocks. Wide track from A259 to Highdown Hill between paddocks. Public footpath runs along its length. Footpaths are also present to the east and north of the site.
CHARACTER OF LOCALITY	Predominantly rural. Vineyards to south. Highdown Hill and Gardens to north. The area surrounding the site is a country lane. However, this lane has a large number of commercial enterprises accessed from it on both sides.

RELEVANT SITE HISTORY

FG/64/88	Conversion from barn to living and study accommodation in connection with existing equestrian training centre and livery.	ApproveConditionally 01-11-1988
FG/46/91	Change of use from stable to provide staff accommodation	Approved Cond + S106 23-02-1993
FG/112/06/	3 no. stable blocks.	ApproveConditionally 25-10-2006
FG/133/06/	Retrospective application for stables, tack rooms and covered storage area	ApproveConditionally 06-12-2006
FG/69/13/CLE	Application for a Lawful Development Certificate for an Existing Use of barn as single family dwellinghouse	Approve 26-07-2013
FG/21/83	Change of use of existing farm building to single storey dwelling for livery stable owner	ApproveConditionally 07-06-1983

FG/71/13/PO	Application for the Modification of Planning Obligation Application dated 27th May 1983 under planning reference FG/21/83 relating to occupancy	Approve 12-08-2013
PAA/74/13/	Change of use of 7no buildings at Hangleton Farm	Pre-app Issued 20-08-2013

There are a large number of permissions for equestrian related development on the site.

Planning permission FG/21/83 granted permission for a change of use of a farm building to a single storey dwelling for occupation by the livery owner. This permission prevented the sale of this dwelling separate to the farm.

Planning permission FG/64/88 granted planning permission for conversion on another barn to living accommodation in connection with the training and livery centre. The occupation of this was restricted to persons employed at Hangleton Farm.

FG/71/13/PO requests the modification of a Planning Obligation made under S52 of the Town and Country Planning Act 1971 to enable the occupation of the dwelling to be linked to part of the original holding rather than the whole site.

REPRESENTATIONS

Representations received:

Ferring Parish Council

Ferring Parish Council - Support the project but raise concern regarding noise pollution.

4 letters of support

- It would be ideal for the area as it would retain the semi-rural character
- Traffic would be less
- Seems to be an excellent planning application
- It is important that Hangleton Farm is not developed in a way that is contrary to the Local Plan
- Application is for an ideal use, related to animal care and retaining buildings

Comments on Representations received:

Noted.

CONSULTATIONS

WSCC Strategic Planning

Environment Agency

Economic Regeneration

Environmental Health

Consultations responses received:

WSCC (Highways) - The number of movements would not be anticipated to be particularly significant and would not be expected to exacerbate existing issues, nor warrant an objection on the basis of safety or capacity.

Economic Regeneration - Support the application. It allows the continued use of a commercial premises, a viable base for a local organisation as well as the potential for job creation within

the District.

Environment Agency - No objections subject to conditions.

Environmental Health - Detailed design and layout of kennel blocks and runs are not provided, and no measures are identified to mitigate noise from external runs. Concerns that long periods dogs barking (particularly in outside runs) may cause annoyance to residents.

Should you be minded to approve the application in the absence of such information I would recommend standard condition EHN 14, modified to include "control & ongoing management" of noise emanating from the site.

Although objective standards may not fully reflect the impact of noise from dog barking I would also recommend standard condition EHN 1 is applied to any approval. The noise assessment should be prepared in accordance with BS4142 and also compare predicted noise levels with World Health Organisation and BS8233 Noise Criteria at specified noise sensitive locations.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:

Outside built-up area boundary
Planning Obligation
Right of Way

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	DEV1	Conversion of Rural Buildings for Industrial or Business Use

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following

publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 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

PRINCIPLE

The development plan comprises the saved policies of the adopted Arun District Local Plan (ADLP) of 2003.

The site is located within the countryside (Policy GEN3) (outside of the built-up area boundary) where development will only normally be permitted for agricultural or recreational development. The aims of the policies within the Local Plan are to protect the natural environment of the countryside. As the proposals would retain existing buildings on the site and a large proportion of the existing activity would be retained, the physical impacts of the development on the natural environment would be negligible.

The Government's planning guidance indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected, and where possible enhanced.

In terms of the proposed activity, it would be appropriate in this location to change the use of part of the site. Over 50% of the existing equestrian activity will be retained on the site and the remaining stable buildings will be converted to house animals. The principle of this use would be appropriate in this location.

NATIONAL PLANNING POLICY FRAMEWORK

One of the core principles of the Government's planning guidance is to support sustainable

economic development.

NEIGHBOUR AMENITY, NOISE & DISTURBANCE

Arun District Local Plan Policy GEN7 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property.

The housing of animals on the site has the potential to create some noise disturbance and there are a small number of residential properties in close proximity to the site.

A Noise Assessment accompanies the application submission. This proposes some mitigation works to those buildings that are proposed to house dogs on the site. Sound insulation will be installed to walls and ceilings to reduce noise breakout levels and no more than 2 dogs will be housed in any kennel. Openings to these kennels will face away (eastwards) from adjoining properties. Environmental Health support the submission of a noise impact report prior to the development commencing.

HIGHWAYS

A Transport Note accompanies the application submission. This concludes that, on the basis of the existing use, there could be over 200 daily vehicle trips to/from the site. It also estimates that the proposed use would generate approximately 150 daily trips. The highway authority have considered this work and concluded that the number of movements would not be anticipated to be particularly significant and would not be expected to exacerbate existing issues, nor warrant an objection on the basis of safety or capacity.

CHARACTER

The site will remain largely unaltered in terms of physical appearance. The only real change will be the creation of an access track on the southern boundary of the site. However, this will be a simple hardstanding adjacent to existing buildings. Therefore the impact on the character of the area will be negligible.

PLANNING OBLIGATION

This application relates to the change of use of a number of buildings on the application site. There is another application (FG/129/13) that relates to the use of Building A for meeting rooms at ground floor with staff accommodation at first floor. It is currently residential accommodation. The proposed changes of use covered by this application are appropriate uses for the site and would accord with development plan policies. Therefore, there is no requirement for any planning obligation to link the uses to the proposed residential accommodation; the link has to only be for the residential to the other uses and not the other way around.

SUMMARY

The proposal will retain the majority of existing uses on the site. The conversion of some of the existing accommodation on the site to house animals awaiting re-homing will respect the natural environment of the countryside and the principle of the use (in the countryside and adjacent to

numerous other commercial uses) is acceptable.

Highways impacts are considered to be acceptable based on technical consultee comments. Any noise impacts can be satisfactorily be addressed by condition prior to the commencement of development.

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 neutral 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).

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:

13-060-1 Existing Site Plan
13-060-2B Proposed Site Plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of amenity in accordance with Arun District Plan policy GEN7.

- 4 The development hereby permitted shall not be commenced until such time as a scheme of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure surface water drainage from the proposed development does not result in a deterioration of groundwater quality in accordance with the NPPF.

- 5 The number of dogs within buildings H and I (as shown on drawing 13-060-2B) shall not exceed 24 at any one time and there shall be no more than two dogs within each of the existing individual stable units.

Reason: To safeguard the amenities of nearby residents in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 6 Before the development hereby permitted commences, a scheme shall be submitted and approved by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. The approved details shall be implemented prior to the occupation of any building on the site.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 7 Before the development commences, a report shall be submitted and agreed, in accordance with the provisions of BS4142 & BS5228, to predict noise levels at nearest residential facade and nearest noise sensitive location.

Reason: To safeguard the amenities of nearby residents in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 8 **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.