Recommendation Report for Planning Permission

REF NO: FG/188/21/PL

LOCATION: Ferring Country Centre And Riding Stables
Rife Way
Ferring
BN12 5JZ

PROPOSAL: Continuance of use without compliance with condition 3 imposed under FG/28/93 relating to use of proposed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Condition 3 of planning permission FG/28/93 which granted permission for the construction of a single storey building to enclose the existing outdoor riding arena stated
"The proposed building shall be used for riding and training by and for the mentally handicapped and disabled only and for no other purpose."
Reason : The site is situated in an area where development of this type is not normally allowed and permission is granted in this case only because of the special circumstances.

The proposal seeks to vary this condition so that the use of the riding arena can continue to operate as it is currently used. Over the period of time that has elapsed since permission was granted for the construction and use of both riding arenas the range of core services and supporting ancillary functions undertaken at the Centre has expanded. The limitations placed on the use of the riding arena when permission was originally granted in 1993 are no longer appropriate to the uses now made of the facility by the Centre.

The condition prevents the use of the riding arena for a range of necessary activities - such as the training of staff and volunteers and the training of new horses, or the management of sick or injured horses - associated with and ancillary to the core business of the Country Centre.

The proposed amended wording of the condition is as follows:
FG/28/93 Condition 3 - "The proposed building shall be used for riding and training by customers, staff and volunteers of Ferring Country Centre, for purposes associated with and ancillary to the functioning of the Centre's stables, and for purposes incidental to the operation of the Centre as a training, care and support facility for adults with learning disabilities."

TOPOGRAPHY

Predominantly flat.

SITE CHARACTERISTICS	The majority of the site is comprised of fields in grazing use by the Centre's animals partitioned by a combination of post and rail and post and wire fencing. The site is dissected by the Ferring Rife, which separates four fields and the site access road to the east from the main part of the site to the west of the watercourse. The building is steel framed and clad and has an appearance characteristic of agricultural buildings. The indoor school is accessible from the stables situated in the main building.
CHARACTER OF LOCALITY	The site is located at the western end of Rife Way and lies to the immediate west of Ferring. The site is dissected by Ferring Rife, which separates four fields and the site access road to the east from the main part of the site to the west of the watercourse.

RELEVANT SITE HISTORY

FG/28/93	Erection of single storey building to enclose existing outdoor riding area	ApproveConditionally 21-07-93

REPRESENTATIONS

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Comment

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area
Within Ferring to Kingston Settlement Gap
Within Flood Zones 2 and 3

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SDSP3	SD SP3 Gaps Between Settlements
CSP1	C SP1 Countryside
EQUDM1	EQU DM1 Equine Development
QESP1	QE SP1 Quality of the Environment
DDM1	D DM1 Aspects of form and design quality

Ferring Neighbourhood Plan 2014 Policy 1A — A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework

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 relevant policies of the Ferring Neighbourhood Plan have been taken into account.

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 there would be no materially adverse effect on visual or residential amenity or the character of the area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -
(a) the provisions of the development plan, so far as material to the application,
(aza) a post examination draft neighbourhood development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

BACKGROUND

The Centre is an established independent charity and social enterprise with a core mission of enhancing the lives of adults with learning disabilities by providing training and support via a range of activities beneficial to the physical and mental wellbeing and to their development of independent life-skills, including horticulture, animal husbandry and horse care and riding. These enable them to gain employment or engage in voluntary work, and to be active participants in the local community. The Centre was established in 1986 and now includes a range of services and facilities open to the general public that operate on a commercial basis, generating additional income.

The site has a long planning history reflecting the changes that have taken place as the use and facilities have evolved. As development has progressed over the years on a project-by-project basis, a recent review of the extant planning permission relating to the riding therapy and riding school elements of the Centre highlighted the limitations placed by existing conditions on the use of the riding arena.

PRINCIPLE

The change in the use of the building to reflect its current use and the present use of the Centre would be acceptable in principle provided the reason for imposing the condition is not compromised. The site is located in the countryside within a Settlement Gap. Policies C SP1 and SD SP3 of the Local Plan and policy 1A of the Neighbourhood Plan are therefore relevant. The building use increases the range of recreational facilities available at the site and policy HWB SP1 is therefore also relevant. The only considerations in respect of this application are the use of the arena building. No built form is proposed. The other policy consideration is policy D DM1 in respect of residential amenity from the noise and activity arising from the additional use. When the condition was originally imposed it reflected the use that was applied for and was reasonable. It is now not relevant or reasonable to the way the building is used. The proposal seeks to retain control over the use of the building but restrict it to uses more akin to the way the Centre now operates.

Policy C SP1 is met if the proposal accords with other policies in the Plan which refer to a specific use or type of development. Since the proposal reduces the need to travel by providing additional facilities within the site and ensures that horticultural facilities are available to all residents of the District it accords with both policies C SP1 and HWB SP1.

IMPACT ON CHARACTER OF AREA AND GAP

There is no impact on the Gap. The proposal relates to use of the building only. There is no additional physical development to compromise the integrity of the Gap or impact on coalescence. The proposal does not extend the built form into open fields and relates to a building located within an established corridor of buildings and structures at Ferring Country Centre. No additional roads/accesses would be required to serve the building since existing would be utilised. The proposal could not be better located elsewhere given the requirements of the established Centre and the need for the building to be located within the area to provide additional facilities within the existing Centre. The proposal is therefore compliant with policy SD SP3 of Arun Local Plan.

RESIDENTIAL AMENITY

The use proposed has been operating for sometime without complaints and the use is ancillary to the main use of the site which is approved. The building is located well away from site boundaries with neighbouring residential properties and therefore would accord with policy DDM1 of Arun Local Plan.

CONCLUSIONS

The proposed rewording of the conditions retains a level of control over the use of the site, which is necessary given its location within a Settlement Gap, but refers to the current needs of the Centre to

make appropriate use of the existing developed spaces within the site which are supportive and consistent with the Centre's use.

The application is therefore recommended for approval subject to the following 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.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The proposed building shall be used for riding and training by customers, staff and volunteers of Ferring Country Centre, for purposes associated with and ancillary to the functioning of the Centre's stables, and for purposes incidental to the operation of the Centre as a training, care and support facility for adults with learning disabilities.

Reason : The site is situated in an area where development of this type is not normally allowed and permission is granted in this case only because of the special circumstances in accordance with policy SD SP3 of Arun Local Plan.

2 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.

3 INFORMATIVE: This permission relates to the variation of condition 3 of planning permission FG/28/93 only. The applicant is advised and reminded that the planning conditions attached to

the original planning permission number FG/28/93 remain in force and must be complied with.