

Recommendation Report for Outline Consent

REF NO: FG/26/15/OUT

LOCATION: Eastlands
Littlehampton Road
Ferring

PROPOSAL: Outline application with all matters reserved for the erection of 1 No. four bedroom dwelling. This is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal is in outline form with all matters reserved. The application seeks to establish agreement to the principle of a dwelling on the site to serve the stabling unit. This outline application proposes the erection of a a four-bedroom rural worker's dwelling which would be occupied by Mr and Mrs Ellis the applicants and site owners. The dwelling would be sited to the south of the stable building.

SITE AREA

0.4 hectares

RESIDENTIAL DEVELOPMENT DENSITY

2.5 dwellings per hectare

TOPOGRAPHY

Predominantly flat

TREES

None of any significance 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. Eastern boundary trees approximately 6m high.

SITE CHARACTERISTICS

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. South west Lansdowne Nursery, chicken houses on field to rear. No stables on application site at present.

CHARACTER OF LOCALITY

Predominantly rural. Vineyards to south. Highdown Hill and Gardens to north.

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RELEVANT SITE HISTORY

FG/80/00/	Proposed agricultural chalet bungalow & garage (Departure from development plan)	Refused 05-12-2000	<i>Appealed</i> Appeal: Allowed 04 04 2001
FG/45/11/NMA	Application for a non-material amendment following a grant of planning permission FG/84/09/ to move the disabled wc and la	Approve 28-04-2011	
FG/21/12/	Amendment to planning approval FG/43/11 - Increase size of foaling unit and livery stables building.	ApproveConditionally 26-04-2012	
FG/166/57	Outline application for form foremans dwelling	ApproveConditionally 20-02-1958	
FG/36/58	Farm foremans dwelling	Approve 06-06-1958	
FG/32/59	Amended siting of dwelling	ApproveConditionally 20-03-1959	
FG/41/63	O/A erection of a chalet bungalow and garage to be used in connection with the farm	Refused 18-12-1963	

REPRESENTATIONS**Representations received:**

Ferring Parish Council

Objection to this planning application in conjunction with the Arun Local Plan which states that the Gap on the north side of the A259 is to be protected from such development. Ferring Parish Council fails to understand why this type of application is being considered.

This application is the latest in a long line of applications in which the applicant has made an attempt to extend a large business (and now to a 4-bedroom house) on open countryside and agricultural land.

Arun District Council have previously acknowledged that the applicant has demonstrated that there is no need for a home to be permanently located on site to provide 24-hour care of horses and security or for its staff.

It will also cause an unacceptable impact on the local environment with invariably additional traffic entering onto / exiting from the A259.

This site is knowingly for agricultural use and not for a residential facility.

The proposal is completely unacceptable and inconsistent with the Arun Local Plan and is a contradiction to the Ferring Neighbourhood Plan.

Kingston Parish Council - Objection.

Erosion of the Gap between Settlements - The site is within the Angmering to Worthing Gap between Settlements in the emerging Local Plan. This change of use would be contrary to the Gap policy and threaten the integrity of the Gap and the important purpose it serves in

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preventing the coalescence of neighbouring settlements

2. Impact on the Countryside and agricultural land - If approved this will extend a large business further into open countryside and agricultural land. The site lies in a rural area and the proposal is unrelated to the needs of agriculture.

3. No proven need - Arun District Council have previously acknowledged that the applicant has demonstrated that there is no need for a home to be permanently located on site to provide 24-hour care of horses and security or for its staff.

4. Impact on the Infrastructure - It will cause an unacceptable impact on the local environment with additional traffic entering onto / exiting from the A259.

5. Detrimental to important local views for residents and tourists - Views from the South Downs National Park and from local footpaths and viewpoints will be spoilt if areas of countryside are replaced by development.

6. It is contrary to the emerging Local Plan and the Ferring Neighbourhood Plan.

East Preston Parish Council - Erosion of the Gap between Settlements - The site is within the Angmering to Worthing Gap between Settlements in the emerging Local Plan. This change of use would be contrary to the Gap policy and threaten the integrity of the Gap and the important purpose

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6. It is contrary to the emerging Local Plan and the Ferring Neighbourhood Plan.

Ferring Conservation Group - Objection. This in open countryside, in what is now designated the Angmering Gap.

The Council refused one of the applications for a foaling unit (FG/76/09) for the following reasons:

'The site lies in a rural area and the proposal, being unrelated to the needs of agriculture, forestry, recreation, the extraction of minerals or disposal of waste, conflicts with policies GEN2, GEN3 of the Arun District Local Plan which seeks to protect the countryside, safeguard agricultural land, and ensure that the amount of land taken for development is kept to a minimum, consistent with the provision of high quality and adequate space within the built environment and to resist the consolidation of linear or sporadic development'.

'The proposal would result in an inappropriate use within the countryside and would generate a level of activity and traffic which would adversely affect the rural character of the area. The proposal would have an adverse effect on the rural character of the area in conflict with policies DEV1 and GEN7 of the Arun District Local Plan.'

The next application for the foaling unit was FG/84/09. The Officers' Report on that application concluded:

MOBILE HOME

The mobile home previously forming part of the proposal has now been deleted. The applicant has demonstrated that there is no essential need for a home to be permanently

located on site to provide 24-hour care of horses and security. Instead this will be undertaken by staff rotating on an 8 hour shift basis. A staff room with w.c. and office with w.c. are included in the layout. The average length of stay for a horse would be 12 months (6 months of pregnancy and 6 months with a weaning foal).

SUMMARY

'It is therefore concluded that the proposed development would be acceptable in terms of compliance with development plan policy and its impact on the visual amenities of the locality and is recommended for approval subject to the following conditions'.

The application was approved - with a condition that no residential caravan or mobile home would be allowed on the site. Another condition was that there should be no exterior lighting. The residential condition was challenged in an application (FG/41/14) arguing that the accommodation was needed while the stables were under construction, for security and other reasons. That argument was accepted and permission was given for such accommodation to remain on site only during the construction period and on condition that it was removed within one month of the stables commencing commercial operations. The lighting condition was also challenged, in a retrospective application that has now been withdrawn. A retrospective application for a gazebo and two car ports (FG/110/14) was refused in October 2014. The Officers' Report said, 'The proposed structures are linked with the residential occupation of the mobile home which has been granted permission subject to removal on completion of the foaling unit and there is no agricultural or equine justification for their retention.'

The applicant sold his house and original stables at the end of 2013. That house was adjacent to the original stables and is no more than 500m from where he has applied to build a new house. If the applicant wished to live close to his new stables, it is difficult to see why he sold the first house.

It is clear that the applicant obtained approval for his new stables on the basis that there would be no need for any residential accommodation on the site but now seeks approval for a four-bedroom house on the site on the basis that there is an essential need for residential accommodation on the site. His previous reliance on the proximity of his existing house has now been negated by his decision to sell that house. These are not material considerations to justify a departure from the development plan, which, in the Local Plan and Ferring's Neighbourhood Plan, seeks to protect the countryside from inappropriate development.

6 letters of Objection - Travel along the A259 will be intolerable. There is no urgent reason for yet another breach of the area plan for the agricultural/horticultural limitation on this area. One exception would lead to another. Contrary to the Local Plan. Outside the Built Up Area Boundary and in the Angmering Gap, where development is only permitted for uses necessary for agricultural uses. The house is not required, even for equestrian purposes. When the stables were approved it was demonstrated that would be no accommodation and that they would be staffed on a 3 shift system. The argument that this helps to support diversification of the rural economy is spurious; the business is patently functioning and the planning submission makes it clear the enterprise is profitable. There is no essential need for staff to be on site. The site is on elevated land and the proposals would be clearly visible. It will have negative impact on views into the Downs. Applicant can remain in his mobile home. Would spoil views from Highdown. This is planning by stealth.

1 letter of support - It is essential that horses and ponies should not be stabled at any time in a very vulnerable isolated position near a main road.

Comments on Representations received:

Mainly agreed. The applicant cannot live in the mobile home as an alternative, its retention is contrary to the conditions imposed when it was approved. It is not agreed that there would be an unacceptable impact on infrastructure or an increase in traffic flows and activity on the

A259 as a result of the proposal. If approved the number of journeys to the site by the owner, who currently lives on the site, would be increased.

CONSULTATIONS

WSCC Strategic Planning

Highways Agency

Consultations responses received:

County Highways - West Sussex County Council was consulted previously on Highway Matters for this location under planning application no. FG/21/12 to which no objections were raised.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

The proposal is for a single dwelling unit with access onto Littlehampton Road via an existing access point. From an inspection of the plans alone, there is no apparent visibility issue at the point of access onto Littlehampton Road. The most recently available verified accident records reveal there have been no personal injury accidents in the vicinity of the existing point of access, indicating a low risk of highway safety issues with this proposal.

The application site is not especially sustainable as it located off of a busy dual carriageway, with a lack of metalled footways or cycle ways in the vicinity. This would mean that a large number of movements from the site will be reliant on the motor vehicle

There are no highway safety concerns with this proposal.

A condition relating to cycle parking provision is requested

Highways Agency - No Objection

Agricultural Appraisal Consultant - Objection

Background

1. The land at Eastlands extends to some 12.14ha (30 acres) and has been owned by the applicant since 2006 when it was purchased to support the existing equestrian enterprise at Hangleton Farm.
2. In 2009, the applicant secured planning permission at Eastlands (application FG/84/09 - with subsequent amendments FG/43/11, FG/45/11/NMA and FG/21/12 approved in April 2011, June 2011 and April 2012) for a foaling unit to be operated in conjunction with the existing equestrian enterprise at Hangleton Farm. At that time, Mr Ellis lived in one of the dwellings at Hangleton Farm and the welfare of the foaling mares and stabled horses was to have been met from that dwelling with support from workers working an eight-hour shift pattern, day and night.
3. A restriction was imposed as part of the 2009 permission (FG/84/09 and subsequently FG/21/12) which stated: "At no time shall a caravan or mobile home be sited on the land."
4. Mr Ellis advised that the construction of the foaling-unit (to be referred to as the stable building in this report) started in March 2014 and the first horses arrived to use the facility in January 2015.
5. The applicant intends to continue with a livery enterprise on the holding with most of the horses being competition horses. He also intends to develop a foaling-down service on the holding. It is proposed that, at any one time, there will be sixteen horses at full-livery and four at part-livery though at present there are only fourteen horses at livery on the holding with an anticipated four mares coming to foal on the holding in 2015.

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6. There are a number of buildings on the holding comprising:

- the stable building has been built to a high standard and incorporates twenty stables (all incorporating sealed, cushioned floors, auto drinkers, hay feeders and a tack locker); two wash bays (incorporating solariums); kitchens and tack rooms; toilet; second tackroom; second kitchen; two changing rooms, storage facilities and a spiral staircase with access to; a first floor at the western end of the building which incorporates a lounge with balcony over-looking the manege and,

there is also a first floor at the eastern end of the building which provides additional storage facilities;

- A mobile home which was moved to the site in December 2013 and has been occupied by Mr and Mrs Ellis since January 2014; and Two car ports and a gazebo structure which were constructed in 2014 though I am unaware of any planning permission for this development as an application for two car ports and a gazebo was submitted in 2014 (FG/110/14/PL) but was refused permission in October 2014.

7. It appears that the first floor 'living accommodation' was not included in the original application. There is also a substantial amount of hardstanding to the south of the building and it is not clear that this formed part of the proposed development.

8. There is also a manege (55m x 48m) sited to the west of the stable building though I have been unable to identify a planning permission for this element of the development.

9. The applicant secured permission in 2010 under application FG/104/10 for 'the siting of a temporary security guard caravan and storage container to enable building work to be carried out'. Condition 1 of that permission stated that 'the development hereby permitted shall be begun before the expiration of 3 years from the date of this permission'.

10. This permission expired prior to commencement of the works on the foaling unit and a further planning application was submitted (FG/41/14/PL) for 'Removal of Condition 6 imposed under FG/21/12 relating to a caravan or mobile home on the land' and planning permission was granted on 31 July 2014. Condition 1 of that permission stated:

"The mobile home hereby permitted shall be removed and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, within 1 month of the foaling unit, granted permission under FG/21/12, becoming commercially active."

11. The foaling-unit [stable building] became commercially active in January 2015 and therefore the retention of the mobile home is now unauthorised.

Hangleton Farm Equestrian Centre

12. Mr Ellis has operated an equestrian enterprise from Hangleton Farm for more than thirty years. The facilities included 150 stables and four outdoor schools and the equestrian activity generated the need for six full-time staff (including Mr Ellis) and six part-time staff. There were two dwellings on the holding and both were occupied by workers - one of which was occupied by Mr Ellis.

13. Mr Ellis advised that he got into financial difficulty in 2008/2009 and was forced to sell the holding.

14. Hangleton Farm was initially offered for sale in 2009/2010 for £1,600,000 but did not attract a buyer. Subsequently, it was offered for sale in two Lots with each lot having one dwelling, two outdoor schools, a number of stables and land. The Lots were each offered for approximately £850,000.

15. Mr Ellis advised that the property was on the market for four years before it was sold in January 2014.

Proposals

16. This outline application proposes the erection of a a four-bedroom rural worker's dwelling which would be occupied by Mr and Mrs Ellis. The dwelling would be sited to the south of the stable building.

Relevant Planning Policy

17. There are no saved policies that deal with rural workers' dwellings in the Arun District Local Plan.

18. Paragraph 28 of the National Planning Policy Framework (the NPPF) states:

"Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;"

19. In respect of new housing in the countryside, NPPF paragraph 55 advises:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities....Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside"

Appraisal

20. It is accepted that, whilst PPS7 is no longer extant, Annex A can provide a useful structure for assessing the essential - permanent - need for a rural worker to live on site.

21. Usually, this would relate to the financial viability and functional requirements of the holding. Paragraph 5 of PPS7, Annex A stated:

"In cases where the local planning authority is particularly concerned about possible abuse, it should investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need."

22. In this instance there are a number of concerns, namely:

- The applicant was required to sell the farm; however no corroborative documentary information has been provided (although requested) to support this contention. The letter from the accountant makes general comments on this point but no specific references. Furthermore, Carpenter Box LLP was not the accountant responsible for the preparation of the accounts in 2009, at the time of the apparent bank foreclosure;
- the accounts provided do not show any substantial borrowing in place; creditors (falling due within one year) are shown in the 2009 accounts as £110,695 (which includes a bank overdraft of £85,057);
- It has not been demonstrated that there was not scope to sell only part of the unit. Mr Ellis advised that his borrowings amounted to £750,000. Thus, it would seem evident that if only one of the Lots had been sold (with each Lot selling for approximately £850,000), the applicant would have been in a position to clear all borrowings and retain a dwelling and all other facilities required to operate an equestrian enterprise;
- it would appear that there was also scope to sell the application holding, Eastlands, if further funds were required to modernise and develop the retained facilities; and
- the supporting documentation submitted in support of the 2009 application (Tab 11 of the Design and Access Statement) states that the applicant had secured a £300,000 loan from his existing lender to finance the development and this is not consistent with the arguments now advanced by the applicant.

23. In light of the above, it is clear that the applicant chose voluntarily to sell all the facilities at

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Hangleton Farm Equestrian Centre, including two dwelling houses, knowing that there would be a shortage of residential accommodation at Eastlands Farm. The applicant has therefore failed to demonstrate the need for the dwelling.

24. An assessment of need and sustainability is provided below.

Essential Need

25. In order to ascertain the functional needs of the holding it is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night in case animals or agricultural processes require essential care at short notice.

26. The foaling unit was permitted in 2009 and the essential needs of the stabled horses were to be met by workers living at Hangleton Farm Equestrian Centre and with a staff rota. No specific details of the proposed equestrian activity were provided but information in the Design and Access Statement stated that there would be a requirement for three full-time workers and two part-time staff; which is broadly consistent with current staffing levels.

27. However, no information has been provided to demonstrate why the essential needs of the enterprise cannot be met by workers living nearby supported by a 24-hour shift rota, as previously proposed. The foaling activity now proposed is low-level and not established.

28. Based on the previous proposals, the welfare needs of the horses could be met from a dwelling nearby.

Financial viability and sustainability

29. Financial projections have been provided which indicate that the activity would generate net profit of about £35,000 in 2018.

30. However, there are concerns over the financial projections provided, for example:

- the projections are based on the previous enterprise at Hangleton Farm - which failed. Also the current enterprise is aimed at the higher end of the market and costs will undoubtedly be higher than at Hangleton Farm Equestrian Centre;

- the feed, bedding and hay costs appears extremely low for the number of horses proposed - a total feed bill of £920 is shown for 2015/16 which is the equivalent of about 150 bags of feed. Insofar as there are intended to be up to 20 horses on the holding at any one time a feed cost of £920 only represents about 7½ bags of feed per horse per year which is obviously underestimated;

- no returns have been shown for the capital investment to date; some £800,000; and

- the labour costs appear low for the proposed activity at £48,000.

31. In light of the above, it is not accepted that an application for a permanent dwelling is justified; and the financial data submitted is not sufficiently robust to warrant temporary accommodation

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

Right of Way

No public sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

GEN2

GEN3

Built-up Area Boundary

Protection of the Countryside

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GEN7

Publication Version of the Local Plan (October 2014):

The Form of New Development

SD SP2 Built-Up Area Boundary

C SP1 Countryside

D DM1 Aspects of Form and Design Quality

D SP1 Design

H DM3 Agricultural, Forestry &

Horticultural Workers' Dwellings

SD SP3 Gaps Between Settlements

Ferring Neighbourhood Plan 2014 Policy 7

Land north of Littlehampton Road, encouraging of existing rural businesses

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).

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Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Angmering; Barnham & Eastergate; East Preston; Bersted; Felpham; Ferring; Littlehampton; Yapton. Policy 7 of Ferring Neighbourhood Plan is relevant to consideration of this application.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and an adverse impact upon the established character of the surrounding area and there is inadequate justification of the need for a dwelling in this location.

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

BACKGROUND

Permission has previously been granted for a foaling unit to be operated in conjunction with an existing equestrian enterprise at Hangleton Farm under ref FG/84/09 which has subsequently been amended most recently by FG/21/12. At the time of the original permission Mr Ellis lived in one of the dwellings at Hangleton Farm and the welfare of the foaling mares and stabled horses was to have been met from that dwelling with support from workers working an eight-hour shift pattern, day and night.

The applicant intends to continue with a livery enterprise on the holding with most of the horses being competition horses. He also intends to develop a foaling-down service on the holding. It is proposed that, at any one time, there will be sixteen horses at full-livery and four at part-livery though at present there are only fourteen horses at livery on the holding with an anticipated four mares coming to foal on the holding in 2015.

The stable building has been completed and has been built to a high standard incorporating twenty stables (all have sealed, cushioned floors, auto drinkers, hay feeders and a tack locker); two wash bays (including solariums); kitchens and tack rooms; toilet; second tackroom; second kitchen; two changing rooms, storage facilities and a spiral staircase with access to; a first floor at the western end of the building which incorporates a lounge with balcony over-looking the manege and, there is also a first floor at the eastern end of the building which provides additional storage facilities.

PRINCIPLE OF RESIDENTIAL DEVELOPMENT

The site lies outside the built up area boundary where development is strictly controlled. The principle of a residential dwelling on this rural site would be contrary to policy without adequate justification being demonstrated.

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JUSTIFICATION FOR THE DWELLING

The applicant currently lives on site in a mobile home which was granted permission on 31-07-2014 under (FG/41/14) and was subject to a condition which stated "The mobile home hereby permitted shall be removed and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, within 1 month of the foaling unit, granted permission under FG/21/12, becoming commercially active."

The foaling-unit became commercially active in January 2015 and therefore the retention of the mobile home is now unauthorised.

From the information submitted in support of the application it is clear that the applicant chose voluntarily to sell all the facilities he previously owned at Hangleton Farm Equestrian Centre, including two dwelling houses, knowing that there would be a shortage of residential accommodation at Eastlands Farm.

The foaling unit was permitted in 2009 and the essential needs of the stabled horses were to be met by workers living at Hangleton Farm Equestrian Centre and with a staff rota. No specific details of the proposed equestrian activity were provided but information in the Design and Access Statement stated that there would be a requirement for three full-time workers and two part-time staff; which is broadly consistent with current staffing levels.

No information has been provided to demonstrate why the essential needs of the enterprise cannot be met by workers living nearby supported by a 24-hour shift rota, as previously proposed. The foaling activity now proposed is low-level and not established. On this basis, following the advice of the Council's Agricultural Appraisal Consultant it is considered that the welfare needs of the horses could be met from a dwelling nearby.

In addition, the proposal is for a 4 bedroom family dwelling which is excessive and greater in size than a modest dwelling which would adequately meet any need at the site if such a need existed, particularly when additional staff are employed at the unit.

FINANCIAL VIABILITY AND SUSTAINABILITY

Financial projections have been provided which indicate that the activity would generate net profit of about £35,000 in 2018. However the projections are based on the previous enterprise at Hangleton Farm - which failed. Also the current enterprise is aimed at the higher end of the market and costs will undoubtedly be higher than at Hangleton Farm Equestrian Centre. The feed, bedding and hay costs are extremely low for the number of horses proposed and no returns have been shown for the capital investment to date; some £800,000; and the labour costs appear low for the proposed activity at £48,000.

In light of the above, taking advice from the Council's Agricultural Consultants it is considered that a permanent dwelling is not justified; and the financial data submitted is not sufficiently robust to warrant even temporary accommodation.

VISUAL AMENITY AND CHARACTER OF THE AREA:

The application is in outline form and no elevation details have been submitted for the dwelling. However it is likely that it would comprise 2 storeys and it is indicated to be located south of the foaling unit. On this basis it is evident that it would be visible from the A259 to the south, the public bridleway to the west and Highdown hill to the north. The site is slightly elevated above the height of the A259. The Local Planning Authority has sought to restrict development in this location in the past for reasons which included the impact on visual amenity and character of the area (the dwellings at Lansdowne Nursery, Highdown Vineyard and McIntyre's were all allowed on appeal). The dwelling would be prominently sited in the foreground of Highdown Hill and would be readily visible when viewed from the hill which is within the National Park.

The importance of the site as a visual buffer between development is acknowledged in policy SD SP3 of the Emerging Local Plan which states the generally open and undeveloped nature of the gaps between settlements will be protected to prevent coalescence and retain their separate identity. The area is also recognised in the Ferring Neighbourhood Plan Policy 7 which states that any development should minimise its visual impact on the surrounding countryside and buildings should be located within existing clusters and suitable screening should be included. It is considered that a dwelling in this position would undermine the physical and visual separation of settlements. It would increase the prominence of the existing development and expand the built form when there is no justification for a dwelling in this location.

SUMMARY:

From the planning history it is evident that the Local Planning Authority has previously sought to support the owner of the site in his equestrian business, but the provision of additional development on the site in the form of a dwelling would not be justified and would adversely affect the visual amenities of the locality and character of the area. The application is therefore recommended for refusal for the following reasons.

HUMAN RIGHTS ACT

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 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The proposal is unacceptable in that it has not been demonstrated that there is an overriding and essential need for the dwelling to be located in the countryside, that the need cannot be met within an existing neighbouring settlement, and that the dwelling

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proposed would be of a size appropriate to its purpose. The proposal therefore conflicts with policies GEN2 and GEN3 of the Arun District Local Plan and the National Planning Policy Framework.

- 2 The proposal would constitute an alien intrusion in the countryside which would be out of keeping with and detrimental to the rural character of the locality in conflict with policies GEN2, GEN3, GEN7 of the Arun District Local Plan and the National Planning Policy Framework.
- 3 The proposed dwelling by reason of its size and location would cause harm to the objectives of the Angmering to Worthing Gap contrary to policy SD SP3 of the Arun Local Plan 2011-2031 Publication Version October 2014.
- 4 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

