

Recommendation Report for Planning Permission

REF NO: FG/84/15/PL

LOCATION: Eastlands
Littlehampton Road
Ferring

PROPOSAL: Temporary stationing of 1 No. residential caravan for 3 years.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The application seeks permission to retain the existing mobile home on the site which is occupied by the applicant on a temporary basis. The home was originally provided as on site accommodation for the owner whilst he managed the construction of the approved stabling unit. The application seeks its retention as a a rural worker's dwelling which would be occupied by Mr and Mrs Ellis the applicants and site owners. The caravan is sited to the south of the stable building.

SITE AREA

0.4 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET) 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

RELEVANT SITE HISTORY

FG/110/14/PL	2 No carports and 1 No gazebo.	Refused 14-10-2014
FG/26/15/OUT	Outline application with all matters reserved for the erection of 1 No. four bedroom dwelling. This is a Departure from the Development Plan.	Refused 07-04-2015
FG/36/15/PL	Retention of existing external lighting. Resubmission following FG/175/14/PL.	ApproveConditionally 10-06-2015

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 erect some kind of residential facility, recently an application for a four bedroom house for the same purpose was refused.

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. The applicant previously stated that the unit would be staffed on a shift basis from his existing accommodation. Previous conditions (FG/84/09 condition 7) stated that no caravan or mobile home would be stationed on the site.

The Parish Council understands that the applicant was permitted the caravan but subject to a condition that it was removed within one month which the applicant has breached. It is believed that enforcement proceedings are currently undecided.

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.

Ferring Conservation Group - Objection.

Permission was given for the foaling unit (after several refusals) in FG/84/09. The officer's report said '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 applicant said the Unit would be staffed, in part, from his existing accommodation at Hangleton Equestrian Centre. Condition 7 said that no caravan or mobile home shall be stationed on the site. The applicant subsequently sold the accommodation referred to above and brought a caravan onto the site. The prohibition of a

caravan was repeated as condition 6 of an approval on an application amending the detail of the foaling unit (FG/21/12).

The decision on application FG/41/14 permitted the caravan subject to a condition that it being removed within one month of the foaling unit becoming active. The applicant appears to be in breach of that condition and it is understood enforcement proceedings are pending.

The current application effectively seeks the reversal of all the Council's previous decisions on the matter - none of which he appealed at the time. The Council's reasons for attaching the condition remain valid.

The application for a temporary (3 year) installation of the caravan does not include an indication of what the applicant would do at the end of that period, a recent application for a permanent residential building having been refused.

The policy objection should be maintained and the application refused.

Comments on Representations received:

Agreed.

CONSULTATIONS

Environmental Health

WSCC Strategic Planning

Consultations responses received:

County Highways - West Sussex County Council was consulted previously on Highway Matters for this location under planning application no. FG/26/15 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 the siting of a temporary residential caravan 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 is 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.

Environmental Health - No Objection

Agricultural Appraisal Consultant - Objection.

The land at Eastlands extends to some 12.1ha (30 acres) and has been owned by the applicant since 2006 when it was purchased to support an existing equestrian enterprise at Hangleton Farm.

In 2009, the applicant secured planning permission at Eastlands for a foaling unit to be operated in conjunction with the existing 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 at

Eastlands was to have been serviced from one of the Hangleton dwellings, with support from workers working an eight-hour shift pattern, day and night.

A restriction was imposed as part of the Eastlands 2009 permission (as amended) which stated: "At no time shall a caravan or mobile home be sited on the land."

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. The applicant intends to continue with a livery enterprise at Eastlands with most of the horses being competition horses. He also intends to develop a foaling-down service on the holding.

From the information now provided, it would appear that the proposals comprise ten competition liverys and ten foaling mares (although it is noted that the financial projections contained at Appendix L appear to relate only to 12 horses at livery).

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; 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 overlooking 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 which were constructed in 2014 though there does not appear to be any planning permission for this development as an application for two car ports and a gazebo was refused in October 2014.

There is also a manege (55m x 48m) sited to the west of the stable building which does not appear to benefit from planning permission.

In 2010 the applicant secured permission for:

'the siting of a temporary security guard caravan and storage container to enable building work to be carried out'.

Condition 1 stated:

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

Planning permission was granted on 31 July 2014. Condition 1 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 [stable building] became commercially active in January 2015. As such, the retention of the mobile home is now unauthorised.

Hangleton Farm Equestrian Centre

Mr Ellis 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 one of which was occupied by Mr Ellis, the other by a member of staff. Mr Ellis advised that he got into financial difficulty in 2008/2009 and was forced to sell the holding.

Hangleton Farm was initially offered for sale in 2009/2010 for £1.6m but did not attract a buyer. Subsequently, it was offered for sale in two Lots with each lot having one dwelling, two outdoor schools, stables and land. The two Lots were each offered for approximately £850,000 and Mr Ellis advised that the property was on the market for four years before it was successfully sold in January 2014.

This application seeks permission to station a mobile home to provide temporary equestrian worker's accommodation for a period of three years to enable the foaling unit and competition livery to be developed. The mobile home would be occupied by Mr and Mrs Ellis.

Relevant Planning Policy

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

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;"

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

Planning Policy Statement 7 (PPS7) was revoked following the publication of the NPPF. This document contained useful guidance for assessing the essential need for a rural worker to live on site, set out in Annex A and is useful guide.

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."

Although the applicant has advised that he had been required to sell Hangleton Farm (due to financial pressures) no corroborative documentary information had been provided to support this.

The applicant has now submitted some additional information to overcome the concerns highlighted in my original assessment. However, the information submitted has no specific relevance to the matters raised as no specific documentation from the bank has been provided to confirm that they were foreclosing on the borrowings; no specific details of the borrowings have been provided, and what exactly they related to. Concerns as to why there was a pressing need to sell the land, buildings and two dwellings at Hangleton Farm remain.

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). Mr Ellis has now indicated that, although there were borrowings in place for about £750,000 these were personal and not related to the business.

Insofar as this is a highly unusual situation I consider further information is required to confirm that these debts related specifically to the equestrian development at Hangleton Farm - as opposed to some other personal or unrelated business debts - and no information has been provided to confirm this.

Likewise, it was previously indicated that it was considered there might have been scope to sell only part of the Hangleton unit. Mr Ellis previously 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 could have been in a position to clear all borrowings and retain a dwelling and all other facilities required to operate an equestrian enterprise at Hangleton Farm.

Mr Ellis has sought to address this point at paragraph 13 of his statement:

"We looked at the possibility of selling one of the lots to re-pay HSBC and retain the other with a little borrowing. Having looked at this option in depth it did not fit the financial criteria or the new business model."

Further detail is provided at paragraph 18: "The sale of half of Hangleton Farm did not raise enough to pay off the outstanding loan and to re-develop the retained half to create a unit at Eastlands."

From the information provided, it would appear that the motivation to sell both Lots related to the desire of the applicant to remove all borrowings and to be left in a strong financial position; rather than to the demands of the bank.

It would therefore appear that there was scope for the applicant to sell only part of the unit and to retain one of the Lots which, it would appear, would have appeased the bank. Although some borrowing would have been required this would have been substantially less than previously in place and it is entirely possible that this solution would have been acceptable to the bank whilst allowing Mr Ellis to continue a reduced equestrian operation at the retained area of Hangleton Farm.

It is considered that Mr Ellis has failed to provide substantive information to alter the original concerns and there were other opportunities open to the applicant other than to sell the whole of Hangleton Farm to service the debts.

It was previously considered there was also scope to sell Eastlands if further funds were required to modernise and develop the retained facilities at Hangleton Farm and Mr Ellis addressed this matter at paragraph 16 of his statement. He states:

"We looked at the possibility of selling Eastlands land to finance the re-modelling of one of the lots of Hangleton Farm but, with the estimated cost of £300,000 it would not have been viable. Had the Eastlands land been sold, neither lot at Hangleton Farm would have had sufficient grazing for the business we were proposing."

The two Lots at Hangleton Farm were separated into:

one Lot with 85 stables and 15 acres and one Lot with 55 stables and 25 acres.

Mr Ellis had developed an equestrian enterprise with 140 stables on 40 acres of land (prior to purchasing Eastlands - which was purchased to allow expansion of the existing enterprise). It is difficult to understand the argument now advanced by the applicant that neither of these land parcels would have been suitable to support the 20 horses (now proposed) when historically the ratio of horses to land was significantly higher. The applicant now makes reference to the stocking density guidelines provided by the British Horse Society which indicate one acre of land for each horse. However, this has never formed the base for his equestrian enterprise development in the past and it is not evidence that Mr Ellis could not have continued to develop an equestrian enterprise at Hangleton without the need for an additional worker's dwelling.

Mr Ellis has more than thirty years of equestrian experience and was confident that the welfare requirements of the foaling mares and liveried horses could be met with a worker living nearby supported by CCTV and a night worker.

In light of the above, it is considered that the applicant chose voluntarily to sell all the facilities at Hangleton Farm Equestrian Centre, including two dwelling houses, knowing that there would be a shortage of residential accommodation at Eastlands Farm. The information provided to date indicates that the applicant has shown scant regard to planning policy and has sought to abuse the planning system.

In the event that the Council do not agree an assessment of need and sustainability is set out below.

From all of the information available, there are serious concerns over the proposals contained within this application.

Mr Ellis took over the ownership and management of Hangleton Farm in the 1970's. He spent thirty years developing an equestrian enterprise on the holding and during that time accrued substantial borrowings (a total of £852,000 in 2005).

Rather than invest monies back into the original development, Mr Ellis decided to invest approximately £600,000 in the new facilities at Eastlands in full knowledge that he did not have planning permission for a worker's dwelling to support the equestrian activity. He was also fully aware (having provided a letter from his vet) that his vet considered it inappropriate to develop facilities at Eastlands without the availability of a worker living on site. Regardless of this, Mr Ellis went ahead with the development. These actions do not demonstrate that this is a well-considered plan with reasonable prospects of success.

Essential Need

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.

Having studied the information provided in support of the application in detail generally it would have been concluded that there was an essential need for a worker to live on site to meet the welfare requirements of an enterprise of the scale and nature proposed. However, the foaling unit (at Eastlands) was permitted in 2009 and the essential needs of the stabled horses were to be met by workers living at Hangleton Farm 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.

Mr Ellis, a highly experienced horseman, clearly considered at that time that the welfare needs of the horses could be met with the support of a night-shift worker and a worker living nearby. The applicant has now provided further details to attempt to demonstrate that this management practice is not actually possible (paragraphs 5 and 6 of his statement) and states that the cost of securing a night-shift worker was financially significant at £50,000 and, in any event, it was difficult to find people with sufficient experience to cover these shifts. Mr Ellis indicates that this precludes him from managing the enterprise as previously set out. It is noted that the financial projections submitted in support of this application indicate that the proposed enterprise would generate sufficient profits to cover these high labour costs; an operating profit of £61,800 is anticipated (and this relates only to the income generated by twelve horses at livery).

Furthermore, no corroborative information has been provided to demonstrate that Mr Ellis has actively tried to find a worker to meet the overnight welfare requirements of the horses at Eastlands. I also note that the applicant's inference that a highly experienced worker is required to provide the overnight cover appears to contradict an earlier statement which indicates that 'working pupils' were to cover the night-time staffing needs, supported by Mr and Mrs Ellis. In my experience there is no requirement for the night worker to have considerable equine

experience, which is likely to make it easier to find a suitable employee.

It would appear that this aspect has not been fully explored by the applicant and therefore it cannot be concluded that there is an essential need for a worker to live on site.

The Rightmove website indicates there are currently three properties to rent within 0.5 miles of the application holding and five dwellings available to purchase at under £300,000. Any of these dwellings would provide suitable accommodation for Mr and Mrs Ellis to enable them to manage the equestrian enterprise as previously advised, with the support of CCTV and the night worker at Eastlands.

From the explanation provided, there is insufficient information to demonstrate that the essential needs of the enterprise could not be met by workers living nearby supported by a 24-hour shift rota, as previously proposed and I am satisfied that, based on the previous proposals, the welfare needs of the horses could be met from a dwelling nearby.

Financial viability and sustainability

Concerns have previously been raised over the robustness of the financial projections submitted in support of the application for the permanent dwelling. The projections now provided are based on twelve horses at livery with no reference to the foaling mares. These figures include more realistic costs in relation to feed, bedding and hay costs. The labour cost of £50,000 are included, which appear to be on the low side when considered against the anticipated labour requirements, however there is sufficient profit to provide flexibility and cover any increased costs.

However, the financial projections do not relate to the enterprise as proposed and therefore carry only limited weight. The lack of financial information to demonstrate the viability and sustainability of the foaling unit is a further weakness in this application.

In light of the above, but more importantly the historic management of the Hangleton Farm enterprise, it is not accepted that it is likely that the proposed enterprise will achieve financial viability and sustainability during the next three years.

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
GEN7

Publication Version of the Local
Plan (October 2014):

Ferring Neighbourhood Plan 2014 Policy 7

Built-up Area Boundary
Protection of the Countryside
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
Land north of Littlehampton Road,
encouraging of existing rural businesses

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

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. 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 dwelling and stables at Hangleton Lane have subsequently been sold and the applicant is residing in a mobile home on the site which was permitted for occupation whilst construction work on the foaling unit took place. It has now been sold.

An application earlier this year which sought to establish the principle of a dwelling on the site was refused FG/26/15/OUT for the following reasons: 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 proposed would be of a size appropriate to its purpose and 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. 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.

This application represents a scaled down temporary version of the earlier refusal and is an attempt to retain the existing mobile home which is now occupied by the site owner in breach of condition. 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. At present there are eight fully serviced liveries on the holding of which 3 are competition liveries and 7 part serviced liveries. 4 breeding mares which were booked have been cancelled due to the uncertainty over 24 hour on site staffing.

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.

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.

The information submitted 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 is inconclusive and not agreed by the Council's Agricultural Consultant. The foaling activity now proposed is low-level and not established. On this basis, following the advise of the Council's Agricultural Appraisal Consultant it is considered that the welfare needs of the horses could be met from a dwelling nearby. There are residential properties available to purchase in the area which are close enough for the applicants to manage the centre with the help of CCTV and shift workers provide the care necessary.

FINANCIAL VIABILITY AND SUSTAINABILITY

The financial projections refer to 12 horse livery with no reference to foaling mares and do not relate to the enterprise as proposed and therefore carry only limited weight. The financial data submitted to demonstrate the viability and sustainability of the foaling unit is not sufficiently robust to warrant even temporary accommodation.

VISUAL AMENITY AND CHARACTER OF THE AREA:

The caravan is on site and located south of the foaling unit. It is visually well screened from the A259 to the south in the summer months, but in the winter can be glimpsed from the road. 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 caravan would be partially screened from view from Highdown Hill by the existing foaling unit.

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 the retention of the caravan 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 mobile home 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 mobile home would be 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 mobile home to be located in the countryside or that the need cannot be met within an existing neighbouring settlement. 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 and 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, policies GEN2, GEN3, GEN7 of the Arun District Local Plan and the National Planning Policy Framework.
- 3 **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.