

Recommendation Report for Planning Permission

REF NO: K/7/18/PL

LOCATION: Land East of Kingston House
Kingston Lane
Kingston
BN16 1RP

PROPOSAL: Retention of 3no. horse field shelters, small shed together with an area of hardstanding formed of loose scalplings, located at the entrance to the site

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is for the retention of three buildings comprising a double and a single field shelter each with a flat roof 2.4 metres high and measuring 7.2 x 3.5 and 3.5 x 3 metres respectively with a smaller shed between them with a pitched roof 2.2 metres high to the apex and 1.8 metres high to the eaves, 2.4 metres long and 1.8 metres wide. The total area covered by buildings is 14 x 4.5 metres and it is located approximately 160 metres from the entrance to the field close to the southern boundary. The application is also for the retention of an area of hardstanding approximately 15 metres in diameter near the entrance to the site.comprising scalplings
SITE AREA	The site area is 1.14 hectares.
TOPOGRAPHY	Predominantly flat but some distance to the north of the site the land rises up into the South Downs National Park.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	There is a hedgerow approximately 5 metres high containing a variety of native trees and shrubs on the south and east boundaries.
SITE CHARACTERISTICS	The site is triangular in shape (the narrowest point at the western end near the entrance) and part of a larger field separated into pony paddocks. Near the entrance is a wooden building and two sheds which are the subject of a separate application for a Certificate of Lawfulness (K/15/18/CLE) which also includes a concrete hardstanding measuring 11 x4.6 metres located md-way between the double field shelter and the entrance to the field.
CHARACTER OF LOCALITY	To the north are more pony paddocks and beyond them copses of trees. The site is accessed from the main road by a track that leads past Newcote Farmhouse and the access to Kingston House . The track continues as a foot path along the southern boundary of the site.

RELEVANT SITE HISTORY

K/15/18/CLE Lawful development certificate for the existing siting of 2
No. domestic sheds, 1 No. wooden building & area of
hardstanding.

The application for Lawful Development Certificate is currently undetermined and relates to a wooden building and two sheds near the site entrance and a concrete hardstanding measuring 11 x 4.6 metres located mid-way between the double field shelter and the entrance to the field. This application provides evidence which seeks to demonstrate these structures have been on the land for more than 4 years.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Kingston Parish Council

The Parish Council has no objection to the 3 field shelters subject to a condition to control the use; hardstanding too large for equine purposes and results in loss of agricultural land when alternative parking available; query whether the Environment Agency be consulted; query whether the wooden building and two separate wooden sheds near the area of scalping have been there for longer than ten years and use should be subject of a planning application; object if the use is changed from agricultural.

COMMENTS ON REPRESENTATIONS RECEIVED:

A condition has been imposed relating to the use of the field shelters. The use of the land for grazing horses is agricultural. The area of hardstanding is of a reasonable site to park and turn vehicles entering and leaving the site. The comments relating to the lawfulness of the sheds and buildings next to the entrance are not relevant to this application. The application proposal is not of a type and scale to require an Environment Agency consultation

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

If developers encounter a 1m diameter culvert believed to be nearby they should consult with us.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted but application is retrospective.

POLICY CONTEXT

The site is in the Kinston-Ferring Strategic Gap; Grade 1 agricultural soil..

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

AREA10	Strategic Gaps
DEV5	Horse Related Development
GEN3	Protection of the Countryside

Publication Version of the Local Plan (October 2014):

EQU DM1	Equine Development
LAN DM1	Protection of Landscape Character
SD SP3	Gaps Between Settlements
SO DM1	Soils

Kingston Neighbourhood Plan 2014 Policy KPNP1

The Presumption in Favour of Sustainable Development

Kingston Neighbourhood Plan 2014 Policy KPNP2

BUILT-UP AREA BOUNDARY

Kingston Neighbourhood Plan 2014 Policy KPNP3

SETTLEMENT STRUCTURE & GREEN INFRASTRUCTURE

Kingston Neighbourhood Plan 2014 Policy KPNP4

NATURAL ENVIRONMENT

Kingston Neighbourhood Plan 2014 Policy KPNP6

SOIL, HORTICULTURE, EQUINE & SHEPHERDING DEVELOPMENTS

Kingston Neighbourhood Plan 2014 Policy KPNP7

DESIGN & DEVELOPMENT

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

The Kingston Neighbourhood Development Plan has been made and the relevant policies have been considered in the determination 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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

The land is of sufficient size to accommodate the horses currently being grazed on it. The grazing of horses falls within an agricultural use and the hardstanding is reasonably necessary for the parking and turning of vehicles in connection with an agricultural use and therefore there is no loss of grade 1 agricultural land. The buildings are discreetly sited against the hedgerow and are therefore not intrusive in the landscape when viewed from the high ground to the north within the South Downs National Park and do not adversely impact on the Strategic Gap. The hedgerow screens the development from the public foot path to the south. As such the development complies with the requirements of policies AREA10, DEV5 and GEN3 of the Arun District Local Plan, policies SD SP3, SO DM1, LAN DMI and EQU DM1 of the emerging Arun District Local Plan 2011-2031 and policies KNP1, KNP2, KNP3, KNP4, KNP6 and KNP7 of The Kingston Neighbourhood Plan.

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 (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 buildings and hardstanding hereby permitted shall be used solely in connection with the use of the land for agriculture (currently the grazing of horses) and for no other purpose whatsoever.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies Area10, DEV5 and GEN3 of the Arun District Local Plan.
- 2 The development hereby approved shall be carried out in accordance with the following approved plans.
Location Plan at 1:1250
Field shelters and shed north elevation and plan view at 1:100
Field shelters and shed 3 elevations at 1:100

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies Area10, DEV5 and GEN 3 of the Arun District Local Plan.
- 3 **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.