

PLANNING APPLICATION REPORT**REF NO:** **WA/10/09/****LOCATION:** Gustone Farm
 Barnham Lane
 Walberton**PROPOSAL:** Change of use of land and buildings to a mixed use comprising the breeding of horses and livery**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This proposal is to change the use of buildings and land which is currently DIY Livery to DIY Livery and breeding of horses. This application is to regularise the existing use.
SITE AREA	8 hectares.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Post and rail fencing and mature hedging.
SITE CHARACTERISTICS	The site consists of several paddocks, 16 stables, 2 tack rooms, 2 sheds for hay storage and heavy equipment.
CHARACTER OF LOCALITY	Rural farmland.

RELEVANT SITE HISTORY

WA/75/02/	Agricultural workers mobile home, new access to highway.	Refused 27-01-2003
WA/31/03/	Proposed new stables & use of part of land for agricultural & livery purposes including private bridleway	Approve Cond 06-10-2003
WA/67/04/	Additional six stables to extend existing livery yard	Approve Cond 07-10-2004
WA/75/06/	Siting of residential mobile home for owners occupation in connection with livery business (Departure from the Development Plan)	Refused 08-09-2006

A recent appeal was dismissed WA/103/07 for an agricultural worker's dwelling. This application is subsequent to this and regularise the existing use.

WA/102/06/	Change of use of land to new fishing lake for use by members of the caravan club staying at the registered site on Choller Farm (Resubmission following WA/59/06) (This is a Departure from the Development Plan)	Approve Cond 22-02-2007
WA/103/07/	Siting of temporary dwelling for owners occupation in connection with livery business (Departure from the Development Plan)	Refused 22-04-2008 Appeal: Dismissed 22 12 2008

REPRESENTATIONS

Representations received:

Walberton Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

WSCC Local Development Divis.

Agricultural Appraisal

Environmental Health

Planning Solicitor

Southern Water Planning

Consultations responses received:

County Highways : No objection, it is noted that there is a permitted livery use on the site. No additional structures are proposed and no extension to the livery use. No alterations are proposed to the existing access which affords satisfactory standards of visibility onto Barnham Lane.

Planning Solicitor : In principle there is no legal reason why a condition should not be imposed provided there is a planning case for doing so, provided it meets the tests.

Agricultural Appraisal Consultant : The land extends to 8 hectares of pasture fenced off into paddocks. The ex County tenant land has been subdivided and occupied between the two sons. Since 2003 this area has been used for equine use. The present livery consists of six DIY Livery and two full time liveries. In 2005 and 2006 a breeding programme began. There are two brood mares in foal. The application seeks to regularise the relevance of equine breeding as well as livery use. It is accepted that horse training and breeding play an important economic role. The proposal accords with PPS7. There is a reasonable justification to regularise the existing circumstances on the holding.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Outside the Built Up Area Boundary
Class C Road

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	DEV5	Horse Related Development

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS7	Sustainable development in rural areas

POLICY COMMENTARY

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

Principle:

The site lies outside the Built Up Area Boundary and the permitted use is for DIY Livery, including stabling and paddocks. The proposal is to change the use to livery and breeding of horses in order to regularise the current use. Planning Policy 7 indicates that equine related uses can fit well within farming activities and help to diversify rural economics. Since 2005 two brood mares have regularly been stabled on site. It became clear at the Appeal hearing WA/10/09 that this is not a permitted use.

PPS7:

PPS7 Sustainable Development in Rural Areas support countryside based enterprises and activities which contribute to the rural economics. It recognises that equine related activities are popular forms of recreation in the countryside and help rural economic diversify. Choller Farm was subdivided to provide livestock farming on one part and livery stabling on the other. Planning permission was granted for the new stables and use of part of the land for agriculture and livery purposes under WA/31/03. Therefore the principle of equestrian diversification has been granted.

The proposal is to further diversify into breeding. The proposal for two brood mares to be accommodated as is currently the case, is considered acceptable and in accordance with the

advice in PPS7. In order to protect the countryside, the Inspector on the Appeal WA/103/07 has stated that a dwelling would not be justified as a functional need to justify an isolated new dwelling, even temporary in the countryside had not been substantiated. Given this, and in accordance with PPS7 it is considered that the mixed use should be restricted to the two brooding mares as this regularises the existing use.

Visual amenity of the Countryside:

The site has existing permission for livery stabling for 16 horses with 2 tack rooms and paddocks. The proposal is to regularise the existing mixed use of livery and breeding of horses. The site has further diversified from the permitted use of the livery to include a programme of stabling two brood mares which the owners first introduced in 2005 and 2006 and these have bred successfully. A further two brood mares have been purchased. Consequently, this use has been maintained within the existing unit and has not resulted in any significant affects on the appearance of the countryside.

Site History:

The history of the site is that since 2002 there have been attempts to have a mobile home granted on the site WA/75/02 was for an agricultural worker's mobile home, WA/75/06 siting of residential mobile home for owner's occupation in connection with livery business and WA/103/07 siting of temporary dwelling for owner's occupation in connection with livery business, all of which were refused and WA/103/07 was dismissed at Appeal.

In considering the application, the history of the site is a material consideration. The existing mixed use, with two stables being breeding stables is acceptable and does not require any additional development such as a dwelling. Therefore it is considered that the proposal is acceptable provided the use of the brooding mares is restricted to two at any one time. The Agricultural Appraisal Officer supports the application to regularise the current use. The Planning Solicitor has stated a condition to restrict the use could be appropriate given the normal test as per Circular 11/95 in that it is necessary, enforceable and reasonable. Therefore for the reasons given above it is recommended that the applicant is approved subject to the following conditions.

Summary:

The proposal for a mixed use of livery and breeding of horses is an acceptable countryside diversification which regularises the existing use without any significantly detrimental effects on the countryside. Therefore it is recommended that the application is approved subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The use hereby approved for brood mares shall be restricted to 2 of the loose boxes only, the remaining 14 boxes are for livery purposes only.

Reason: The site lies in a rural area where development must be strictly controlled. Development unrelated to the essential needs of agriculture and/or forestry would not normally be permitted in accordance with Arun District Local Plan policies GEN3, GEN7 and DEV5.

2 **INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995**

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding countryside area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN3, GEN7, DEV5

NATIONAL POLICIES: PPS1, PPS7

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.