



Appeal Decision

Site visit made on 11 February 2010

by **Doug Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
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Temple Quay House
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Decision date:
4 March 2010

Appeal Ref: APP/C3810/A/09/2112661

Gustone Farm, Barnham Lane, Walberton, Arundel, West Sussex RH11 8RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr N Brundle against the decision of Arun District Council.
- The application Ref WA/10/09, dated 17 February 2009, was allowed on 30 June 2009 subject to conditions.
- The development permitted is the change of use of land and buildings to a mixed use comprising the breeding of horses and livery.
- The condition in dispute is No 1 which states that: 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.
- The reason given for the condition is: 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.

Decision

1. I allow this appeal and vary the planning permission Ref WA/10/09, for the change of use of land and buildings to a mixed use comprising the breeding of horses and livery at Gustone Farm, Barnham Lane, Walberton, Arundel, West Sussex RH11 8RS granted on 30 June 2009 by Arun District Council, by deleting condition No 1.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of this rural area.

Reasons

3. Having regard to the content of the condition and its reason and the development plan I shall assess the condition in the context of Circular 11/95: *The Use of Conditions in Planning Permissions*. This Circular sets out at paragraph 14, as a matter of policy, six tests which should all be satisfied when conditions are imposed. In brief, conditions should be:
 - (i) necessary
 - (ii) relevant to planning
 - (iii) relevant to the development permitted
 - (iv) enforceable
 - (v) precise
 - (vi) reasonable in all other respects

4. The development plan includes saved policies from the Arun District Local Plan 2003 (LP). Policy GEN3 seeks to protect the countryside for its own sake. The policy states development will not be permitted unless, amongst other matters, it would meet the needs of agriculture or forestry, or it would be for quiet, informal recreation or for the diversification of the rural economy. LP Policy GEN7 is concerned with the form of new development and seeks high quality design and layout with protection of the District's resources including landscape quality. Policy DEV5 in the LP indicates that planning permission for horse related activities will be granted subject to a range of provisos relating, amongst other matters, to protection of landscape quality, the provision of suitable access and parking, and safeguarding the character and amenity of the area generally.
5. The appeal site extends to approximately 8 hectares of pasture, a sand school, lunging pen, 2 barns and 16 loose boxes. The farm gained permission to operate as livery in 2003 (ref WA/31/03).
6. The Council's appeal submissions states the reason for imposing a limiting condition is to prevent an intensification of the stud aspect of the site becoming dominant and thereby trigger a change of use of the land from mixed use to a stud farm. The Council is concerned that a stud farm would probably bring about the proliferation of equine related buildings including a workers dwelling, harmful to the countryside, and would lead to growth in car use.
7. The application was made at a time that two brood mares were being accommodated in an unauthorised fashion and the Council sought to tie the permission to this number. However, the application was more wide-ranging for mixed use of existing premises for breeding and livery and made it quite clear that aspirations were to expand the breeding side of the business to supplement a continued income from the livery use. This livery use is largely DIY partly because persons seeking full livery often seek the assurance of on-site 24 hour human presence. Proposals for residential accommodation have been refused over recent years.
8. In the interests of the rural economy I consider it would be appropriate for the appellant to have flexibility over the precise nature of the business within the existing stable complex and paddock area. I find the Council's fears over the potential proliferation of buildings or a future need for a dwelling to be unfounded. What is before me is the appellant's wish to run an unrestricted mixed breeding and livery business within the confines of the existing premises, operated from off-site living accommodation. The proposal is not for a stud farm. If there was to be any future application for development, connected or otherwise to horse breeding, that would have to be judged on its merits having regard to prevailing planning policies and all relevant matters.
9. I consider the current proposal, which would be imperceptible to most parties, would present no harm to landscape quality or the other matters covered by the cited development plan policies. I would anticipate it would result in lower levels of car use than at present through the appellant being more directly involved in a greater percentage of the animals. I consider that the proposal would add a more sound footing to this business which forms part of the rural economy.

10. I understand the Council wishing to take a precautionary approach to the important issue of countryside protection. However, in this instance, I consider that the imposition of the restriction to brood mares in only two of the loose boxes would be over zealous and not necessary or reasonable given all the circumstances of this case. The Council has, in my opinion, taken too narrow a view of acceptable development in the countryside, focussed overly on the absence of agricultural or forestry need and made unjustified speculation as to future development.
11. For the reasons given above, and having regard to all matters raised, I conclude that the proposal to delete the condition in question should be allowed as this course of action would be in accord with Circular 11/95 and the relevant LP policies and not have an unacceptable harmful effect upon the character and appearance of this rural area.

Doug Cramond

INSPECTOR