Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0103
Woodfalls Stud, Loxwood Road, Rudgwick, Horsham, West Sussex, RH12 3DW

DESCRIPTION:
Erection of a temporary (three years) two bedroom rural workers (equestrian) dwelling, and a single storey equestrian building.

RELEVANT PLANNING HISTORY:

RW/10/00	Erection of single-storey dwelling and carport Site: The Stables Loxwood Road Rudgwick	Application Refused on 08.03.2000

SITE AND SURROUNDS

Woodfalls Stud is situated around 170 metres to the west of the Built-Up-Area- Boundary of Bucks Green within a countryside location.

Woodfalls Stud is a family run private competition yard and stud that has been running for 23 years. The site consists of 2.4 hectares and is accessed via Loxwood Road. The holding comprises a lunge ring, horse walker, sand school and American barn. There are a total of eleven stables on site comprising seven stabled within the American barn, two pony stables and two larger loose boxes for the stallion or for use as foaling boxes. In addition, there is a penned area with provides winter housing for some of the youngstock.

The site adjoins residential to the east and west, and agricultural fields to the rear. A Public Right of way runs north-south to the east of the site.

DETAILED DESCRIPTION

This application seeks planning permission for a single storey equestrian building and a temporary rural workers dwelling.

The equestrian building will be located adjacent to the temporary dwelling and consist of a single storey 'L'- shaped building. The existing timber constructed building which houses the tack room, office and AI Laboratory is of a sub- standard structure and needs to be replaced. This would be a single storey building to give a dry and secure tack room, a modern office and most importantly a modern and high specification AI laboratory.

The proposed temporary dwelling is to be located north of the current American Barn and south of the existing outdoor arena. The temporary dwelling would be a two bedroomed mobile home finished in timber cladding. Concrete paviour would be laid to the front of the residential accommodation and equine building with no other amendments to parking or access to the site.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy

Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 20 - Rural Workers Accommodation
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 29 - Equestrian Development
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Rudgwick Neighbourhood Development Plan 2021-2031
RNP6 – Materials
RNP7 – Architectural style
RNP8 – Development height
RNP9 – Streetscene
RNP10 – Local economy

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:
INTERNAL CONSULTATIONS

Drainage Consultants: Comment

20.08.2024: Conditions recommended

[summary] The drainage consultant has reviewed the Drainage Strategy and responded that ‘we are satisfied that the temporary nature of the proposed development suggests the provided drainage design is likely achievable, subject to the further information requested’. Multiple conditions and recommendations made.

Natural England: No Objection
The proposed development falls within the Sussex North water supply zone; As set out in Natural England's Advice Note regarding Water Neutrality within the Sussex North Water Supply Zone, the existing water supply in the Sussex North water supply zone cannot be ruled out as contributing to the declines in wildlife within internationally protected sites in the Arun Valley SPA, SAC and Ramsar site. Achieving water neutrality is recognised as a suitable method to rule out potential adverse effects on the integrity of these sites arising from development.

Considering the supporting information provided by the applicant(s) and your authority’s habitats regulation assessment (HRA) our advice is as follows.

We concur with the conclusion of your authority’s HRA appropriate assessment insofar that adverse effects on the integrity of the Arun Valley Designated sites can be ruled out, as such: We have no objections subject to the: delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality.

WSCC Highways: No objection
16.07.2024: No objection

From inspection of the amended plans, the proposals have been reduced in scale slightly, now proposing a two-bedroom rural worker’s dwelling. As per the LHAs previous comments, vehicular access and parking appear suitable for a dwelling of this size, and the LHA would raise no highway safety concerns to the proposed amendments. The LHA maintain the request for secure cycle parking provision to be secured.

06.02.2024: No Objection

This application seeks the erection of a three-bedroom dwelling and single-storey equestrian building. The site is located on Loxwood Road, a C-classified road subject to a speed restriction of 30 mph in this location. Following an inspection of the submitted application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

No alterations are proposed to the existing vehicular access arrangement. The addition of a single dwelling linked to the existing equestrian use is not anticipated to give rise to a material intensification of use of the existing access point.
An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site.
Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposals would exacerbate an existing safety concern. From inspection of the plans, the site exhibits suitable space to accommodate at least three car parking spaces in accordance with WSCC Parking Standards. In addition, there is suitable space for on-site turning to be achievable.

No details of cycle parking have been provided, and the LHA would request that secure cycle parking provision for at least two bicycles be provided in accordance with WSCC Parking Standards.
The site is situated approximately 1.6km west of Rudgwick Village, which provides some local services and amenities within walking/cycle distance of the site.

Conclusion
The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in ‘severe’ cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal. Ycle parking condition requested

Southern Water: Comment

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

The Drainage Strategy document indicates surface water flows no greater than existing levels being connected into the public system proving betterment which would be satisfactory to Southern Water. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Reading Agricultural: No Objection

03.07.2024
In preparing this response I have had regard to the Design and Access Statement (undated) and Equestrian Justification Statement (undated) prepared by the applicant's agent, DS Equine, a letter from the applicant and the associated plans and application form.

RAC appraised this application (RAC ref 10369-kt dated 18 April 2024) and concluded:
"The proposal before the Council is for the erection of a permanent rural worker's dwelling which will be occupied by the applicant and his grandson, and as such it is likely that the rural worker's dwelling will be occupied by a full-time worker who will be employed in the developing business at Woodfalls Stud. From the information submitted it is not possible for RAC to currently conclude that there is an essential need for a full-time worker to reside at the application site. The applicant and his grandson propose to develop an equine breeding and livery business at Woodfalls Stud but no financial details or business plan have been submitted and therefore it has not been possible for RAC to conclude that the applicant's equine business is viable and sustainable now and likely to remain so in the long term. Overall, RAC would conclude that the applicant's proposal is not compliant with national and local planning policy, in particular Policy 20 of the Horsham District Framework."

RAC was provided with a plan showing the full extent of ownership, details of stallions owned and kept at Woodfalls Stud and available for Artificial Insemination (AI) with chilled and frozen semen, a letter of support from Mayes & Scrine Equine Veterinary Practice and Cashbook for the business from January 2024 to May 2024.

I visited the site on 27 June 2024 and met with yourself, the applicant, Nick Wyatt and his grandson, Josh Kindell, and their agent, David Spragg. We discussed the application, equine business activities and proposed development and the potential siting for a temporary dwelling.

Background
1. Woodfalls Stud extends to 2.4 hectares (6 acres) and is owned by the applicant, Mr Nick Wyatt. The site is accessed via Loxwood Road and although there are an additional two road entrances east of the main access track, it was detailed to me that these are not used by the applicant.
2. The holding comprises a lunge ring, horse walker, sand school and American barn. There are a total of eleven stables on site comprising seven stabled within the American barn, two pony stables and two larger loose boxes for the stallion or for use as foaling boxes. In addition, there is a penned area with provides winter housing for some of the youngstock.
3. The Equestrian Justification Statement details that the applicant and his grandson, Josh Kindell, wish to expand the currently small scale equine stud breeding programme in further developing the business at Woodfalls Stud.
4. The applicant currently breeds and produces quality showjumpers along with their Grand Prix stallion and it is planned that Josh Kindell intends to expand the equine business in the following areas as part of taking over the stud from the applicant (his grandfather):
• increased stud services focusing on Artificial Insemination (AI) services, with income derived from the stallion servicing mares alongside AI;
• Continue competing horses in UK and Europe; and
• Offer a competition and stud livery service.
The applicant currently owns one Stallion, standing at stud, and four other competition horses plus broodmares and youngstock. It is understood that three broodmares they breed from are turned out on other land until they are due to foal at which point they return to the application site for foaling.

In an email to the Council (dated 11 June 2024) it was detailed that there were a total of 21 horses on site comprising:
• 5 x FEI Showjumpers;
• 1 x Broodmare with foal;
• 2 x 3 year old fillies;
• 1 x Showjumper pony (livery);
• 2 x Broodmares in foal (livery) and understood that one foal was born on the morning of my site visit;
• 4 x colts grazing in fields (livery);
• 2 x yearling fillies (livery);
• 1 x 3 year old filly (livery); and
• 1 x 4 year old filly (livery)

Josh Kindell hopes to keep eight competition horses on site alongside the youngstock. The Competition horses will mostly be stabled and the youngstock will be out in the fields grazing from weaning until 3 or 4 years old at which point they will commence with their training. It was detailed to me that recently there have been enquiries from potential clients for three new competition livery horses on site.
The applicant informed me that in the last 5 years of breeding on site there have been approximately 10 foalings which have required veterinary assistance during the foaling process.

The applicant intends to develop the AI services on site using straws they have available from the stud, being Chairman (deceased) and Be Noble.
The application form provides the applicant's address as 1.4 miles from the application site. It is understood that Josh Kindell currently lives with the applicant, Nick Wyatt. The applicant and his grandson wish to increase the number of foaling liveries on site however this is not possible without living on site. Currently, when a mare is due to foal, the applicant and his grandson, will remain on site in the tack room/office area to provide constant observation using the CCTV cameras in the stables and provide the necessary assistance when required.

Proposal
It is understood that following the site visit, this application proposes the siting of a temporary rural worker's two bedroom dwelling for occupation by the applicant and his grandson, Josh Kindell.

In addition, a single storey equestrian building is proposed providing tack room, office and Artificial Insemination (AI) laboratory.

A building is proposed to be demolished as part of the development. The existing building provides a storage area, tack room, office and toilet.

Appraisal
Essential Need

The primary test set out in the NPPF and Local Plan Policy 20 is an assessment as to whether it is essential for a rural worker to live at, or near, their place of work. In this case, the applicant considers it essential that there is a requirement to provide on-site accommodation for himself and his grandson as key equestrian workers at Woodfalls Stud in order to ensure that the management and welfare of all horses on site is not compromised.

An assessment of the essential need for a rural worker to live at or near their place of work requires the following:
• an evaluation of the risks involved;
• the frequency and type of out-of-hours emergency that might arise;
• the scale and loss that could be incurred should that emergency situation occur;
• the potential for an on-site worker to identify the problem; and
• the ability of that resident worker to rectify the problem.

Legislation requires that all animals are managed in a manner that accords them freedom from thirst, hunger and malnutrition; appropriate comfort and shelter; freedom from fear; freedom to display most normal patterns of behaviour, and it is accepted that without good stockmanship, animal welfare can never be adequately protected.

Under the Animal Welfare Act 2006 it is an offence to cause unnecessary suffering to any animal. The Act also contains a Duty of Care to animals which means anyone responsible for an animal must take reasonable steps to make sure the animal's needs and its welfare are met. The overall responsibility or 'duty of care' for animal welfare for all the horses at the application lies with the applicant and/or his grandson.

In 2005 the equestrian industry and welfare organisations produced revised guidelines on the welfare of all horses, ponies and donkeys (The Equine Industry Welfare Guidelines Compendium for Horse, Ponies and Donkeys produced by the National Equine Welfare Council). This refers to the availability of staff and states that*: "Sufficient staff must be provided at all times to ensure proper, regular and timely attention to all horses held".* This document has been updated with the Third Edition 2009 and with regard to 'Duty of Care' this notes: *"The most significant single influence on the welfare of the horse is the care and management given by the owner or keeper of that horse. They should be able to meet the welfare needs of their horse and be capable of safeguarding them under all foreseeable circumstances."*

The issue of security is also now acknowledged by the Police and Insurers to be an increasing problem in rural areas and outlying farms and rural businesses, especially where buildings, machinery and livestock are kept and are at risk of theft, fire, trespass and vandalism – and such risks can only adequately be managed with on-site supervision.

The proposed Essential Need at Woodfalls Stud are likely to arise from:
• the close supervision, management, welfare, and daily nutrient requirements of all horses either boxed in stables or in paddocks, which includes late evening checks;
• the regular inspection of horses whether stabled or at grass for signs of disease or distress and to rectify the problem promptly;
• the close supervision of horses returning from competition;
• the general welfare and management of broodmares where assistance may be required at covering (natural service or AI) or foaling;
• the general care and attention of the new born foal ensuring they have received adequate colostrum, again assistance may be required;
• the reproductive requirements of the broodmares, such as monitoring heat detection (oestrus) and its synchronisation;
• the provision of security for horses from theft or malicious attack;
• dealing with unforeseen emergencies such as a horse cast in its box, or a horse with colic, or abnormal weather conditions which can cause distress to horses, or a fire.

In addition, the Supporting Equestrian Statement notes that the AI Laboratory will have additional requirements relating to mares being scanned every four hours where frozen sperm is to be used through AI, this includes checks throughout the night.

Details of the number of horses on site as of 11 June 2024 have been provided. Using Standard Man Day (SMD) data as identified in the Agricultural Budgeting and Costings Equine Business Guide Book (2019), the labour requirement at Woodfalls Stud will be equivalent to 3.15 full-time workers:

Horse Number SMD/head Total
Showjumper 8 129 1,032
Broodmare 3 76 228
Youngster 10 60 600
Foals 1 35 35
Total SMDS 1,895
Total with 50%
Reduction

947.5
Total Labour
Requirement @ 275
SMDS
3.15
Whilst these figures are generally considered as a guide, RAC is of the view that there is an essential need for at least one worker to be resident on site at Woodfalls Stud in order to meet the daily management and welfare requirements of all the horses on site.

Financial Appraisal
The NPPF deals with the concept of sustainable development at a strategic rather than an individual enterprise level. In terms of economic development, it is concerned with contributing to and building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

In this context RAC considers any assessment of economic sustainability as the ability of the business/enterprise to utilise its resources which allows it to function properly; it has to have the ability and necessary funds available to stay in business.

Local Plan Policy 20 requires evidence to demonstrate the viability of the rural business for which the housing is required.

In terms of demonstrating viability, any viable business should be generating profits sufficient to provide a return on investment – in agriculture a figure of 2.5% is usually cited; reward the owner for any unpaid labour – equivalent to the minimum wage; and provide for the build cost of the dwelling.

RAC understand that the applicant and his grandson are intending to develop a business at Woodfalls Stud and that all breeding to date has been operated on a non-commercial basis.

It was detailed at the site visit that the applicant began trading as an equine business in January 2024 (trading name or business unknown) and a cashbook has been provided for the period January to May 2024 showing the income and expenditure and details the financial projections for the rest of the year.

At the site visit it was agreed that a temporary dwelling is more appropriate to allow the applicant and his grandson to further develop the equine breeding and AI services alongside the competition livery.

The permitting of this application would enable the development of the AI laboratory which would allow the proposed AI services to further expand to a higher standard and it is expected the AI related income would therefore increase.

In addition, by living on site the applicant expects that the provision of additional foaling liveries will increase as they can begin advertising such a service.

RAC would note that if the Council were minded to approve the planning application for a temporary rural worker’s dwelling then the applicant’s business and developing equine enterprise would be thoroughly tested over the next three years.

However, the applicant needs to be aware that if approval were to be granted for a temporary dwelling, then the equine enterprise will need to have developed as proposed and full financial information and detailed equine business accounts would be required. This would be fully scrutinised at the end of the three year period where an application for a permanent dwelling for a rural worker is submitted. The business will have to have demonstrated that it is profitable, financially viable and sustainable.

In the event that at the end of the three year time period and the applicant’s equine business was not proven to be viable, the Council would have the authority to have the temporary dwelling removed and the land restored to its original condition.

Conclusion
The proposal before the Council is for the temporary siting of a rural worker's dwelling which will be occupied by the applicant and his grandson, and as such it is likely that the rural worker's dwelling will be occupied by a full-time worker who will be employed in the existing equestrian activity and developing equine business at Woodfalls Stud.

The temporary dwelling will be sited in close proximity to the existing stables and the proposed AI laboratory and tack room. It will meet the accepted essential needs of the enterprise and ensure that the management, health and welfare of all horses (owned and on livery) kept on the holding is not compromised.

The applicant and his grandson propose to develop an equine breeding and livery business at Woodfalls Stud. RAC considers that the Cashbook for the January to May 2024 period with livery and stud income demonstrates the developing business is planned on a sound financial basis but this would be tested at the end of the temporary three year period.

Overall, RAC would conclude that the applicant's proposal for a temporary rural worker's dwelling and the erection of the building with AI laboratory and tack room is compliant with national and local planning policy, in particular Policies 20 and 29 of the Horsham District Framework

Parish Comments:

28.07.2024
No Objection to the amended application for the residential element of this application, now proposing a temporary equestrian workers dwelling.

16.02.2024
No Objection to the non- residential expansion proposed on the site.
With regard to the proposed new residence in the countryside, Rudgwick Parish Council refer to HDPF Policy 26 and request the Case Officer to specifically check that the dwelling is essential to the business in that countryside location. If approval is granted the dwelling should be subject to an equestrian usage restriction.

Clarification should be provided concerning whether or how the application affects a public right of way, as indicated by HDC notice in West Sussex County Times February 1st edition. There is no reference to this in any of the documents currently displayed.

Representations:
One letter of objection has been received from the adjoining neighbour. This raises concern in relation to additional noise, pollution and traffic.

Rudgwick Preservation Society have also commented on the proposal. They raise concern in relation to development outside the Built-Up-Area boundary and a precedent that may be created. They state they have no strong objection nor do they support the proposal.

Member Comments:
None received

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Principle of Development:

Policy 20 of the Horsham District Planning Framework (HDPF) states that outside the defined built-up area, new housing for rural workers will be supported provided that: there is a functional need for the dwelling and the occupation of the dwellings is to support the established business use; and evidence is submitted to demonstrate the viability of the rural business for which the housing is required.

Policy 26 of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria; support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development of rural areas. Proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead either individually or cumulatively to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located.

Policy 10 of the Horsham District Planning Framework looks at rural economic development and states:

"Sustainable rural economic development and enterprise within the district will be encouraged in order to generate local employment opportunities and economic, social and environmental benefits for local communities. In the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle.

Policy 29 is concerned with 'Equestrian Development' and states: "Development for equestrian related development will be supported provided that:
1. It can be demonstrated that the re-use of existing buildings on site for related equestrian use is not appropriate; before new or replacement buildings are considered.
2. The proposal would be appropriate in scale and level of activity, and be in keeping with its location and surroundings, and where possible is well related to existing buildings;
3. The proposal should where possible be well related to a bridleway network".

Paragraph 84 of the NPPF states that *"planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

a. There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside…."

The primary test set out in the NPPF and Policy 20 of the HDPF is an assessment as to whether it is essential for a rural worker to live at, or near, their place of work. An assessment of the essential need for a rural worker to live at or near their place of work requires: an evaluation of the risks involved; the frequency and type of out-of-hours emergency that might arise; the scale and loss that could be incurred should that emergency situation occur; the potential for an on-site worker to identify the problem; and the ability of that resident worker to rectify the problem.

The applicant proposes to develop and expand their existing equine stud breeding and livery business at Woodfalls Stud. They have provided a plan showing the full extent of ownership, details of stallions owned and kept at Woodfalls Stud and available for Artificial Insemination (AI) with chilled and frozen semen, a letter of support from Mayes & Scrine Equine Veterinary Practice and Cashbook for the business from January 2024 to May 2024.

The applicant currently breeds and produces quality showjumpers along with their Grand Prix stallion and it is intended to expand the equine business in the following areas as part of taking over the stud from the applicant (his grandfather):
• increased stud services focusing on Artificial Insemination (AI) services, with income derived from the stallion servicing mares alongside AI;

• Continue competing horses in UK and Europe; and
• Offer a competition and stud livery service.

The proposed Essential Need at Woodfalls Stud are considered to arise from:
• the close supervision, management, welfare, and daily nutrient requirements of all horses either boxed in stables or in paddocks, which includes late evening checks;
• the regular inspection of horses whether stabled or at grass for signs of disease or distress and to rectify the problem promptly;
• the close supervision of horses returning from competition;
• the general welfare and management of broodmares where assistance may be required at covering (natural service or AI) or foaling;
• the general care and attention of the new born foal ensuring they have received adequate colostrum, again assistance may be required;
• the reproductive requirements of the broodmares, such as monitoring heat detection (oestrus) and its synchronisation;
• the provision of security for horses from theft or malicious attack;
• dealing with unforeseen emergencies such as a horse cast in its box, or a horse with colic, or abnormal weather conditions which can cause distress to horses, or a fire.

In addition, the Supporting Equestrian Statement notes that the AI Laboratory will have additional requirements relating to mares being scanned every four hours where frozen sperm is to be used through AI, this includes checks throughout the night.

Details of the number of horses on site as of 11 June 2024 have been provided. Using Standard Man Day (SMD) data as identified in the Agricultural Budgeting and Costings Equine Business Guide Book (2019), the labour requirement at Woodfalls Stud will be equivalent to 3.15 full-time workers.

Whilst these figures are generally considered as a guide, the Council's Agricultural consultants are of the view that there is an essential need for at least one worker to be resident on site at Woodfalls Stud in order to meet the daily management and welfare requirements of all the horses on site.

Policy 10 of the HDPF affords broad support to sustainable rural economic development, whilst policies 20 and 29 of the HDPF support equestrian related development and rural workers dwellings where appropriate in landscape terms and where a functional need is demonstrated. As considered by the Council's agricultural consultants it is considered that an essential need has been demonstrated and as such, the principle of development is acceptable in this instance. This includes the replacement larger equestrian building and the temporary accommodation. A temporary permission is sought for the dwelling, and would allow the applicant's business plan to be tested over the subsequent three year period. If over this period the business emerged as unviable there would be an opportunity to require the removal of the dwelling and the reinstatement of land to its current state/use.

The principle a modest dwelling for a temporary period, in the form of a log cabin/mobile home, as well as the new equestrian building, is therefore considered acceptable and would accord with the above policies.

Design and Appearance:

Horsham District Planning Framework (HDPF) Policies 32 and 33 seek to promote development of high quality and inclusive design for all development in the district, ensuring that it is complementary of local distinctive character and heritage, integrating with their surroundings. Furthermore, these policies ensure that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant, relates sympathetically with the built surroundings.

The application site where the new building and temporary accommodation would be located is situated to the north of the current American Barn and south of the existing outdoor arena. The overall site is well-screened to the north, east and west and open to Loxwood Road. The proposed single storey tack room, office and AI laboratory will have a brick plinth with timber clad elevations above under a slate tiled roof. The mobile home will be of typical appearance with wood cladding finish. Samples of the materials to be used have been provided. These are considered to sit well within the rural location.

Overall, it is considered that the siting and scale of the proposal would be acceptable given the context of the application site and would not cause harm to the character of the area.

Amenity Impacts:

Policy 33 of the HDPF provides that development will be required to ensure a design that avoids unacceptable harm to the occupiers/users of nearby property and land with sufficient regard to the sensitivity of surrounding development.

The temporary dwelling and replacement equestrian building would be situated within the existing cluster of equestrian buildings to the centre of the site. An objection has been received from the adjacent neighbour to the north east of the site. This raises concerns in relation to noise, pollution and additional traffic. The application site is sited a sufficient distance from adjoining properties with mature soft landscaping and existing buildings positioned between the site and neighbouring residential development such that it is not considered that the proposal would have an unacceptable impact in this regard. It is considered that the nature of the proposed use of the site, as a development of the existing use, would not lead to a significant increase in the level of activity in the countryside, given the existing uses on the site already and the potential for harmful levels of noise or disturbance is considered to be low. The application is therefore considered to be acceptable in this regard.

Highways Impacts:

Policy 40 of the Horsham District Planning Framework states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district. Policy 41 of the Horsham District Planning Framework states that development that involved the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere. Adequate parking facilities must be provided within the developments to meet the needs of the anticipated users.

The site is able to provide sufficient parking for the proposed residential use and replacement of the equestrian building. The proposal is not considered to give rise to a level of intensification of activity at the site that would result in an unacceptable impact to the highway.

Ecology:

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.

Circular 06/2005 identifies that the presence of a protected species is a material consideration in the assessment of a development proposal. If protected species are present, the construction of the bridge and removal of the section of hedgerow could result in harm. It is therefore essential that the presence or otherwise of protection species, and the extent that they may be affected, is established.

The site is situated within the green newt zone. Although within the Bat Sustenance Zone no trees are impacted by the development and the proposed buildings are modest in size and single storey. There is considered to be no ecological impact from the development.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The submitted Water Neutrality Strategy indicates an existing baseline water demand of 173.67lpd which equates to 57.89lppd for each of the x3 fulltime staff on site during the day. This is a BREEAM calculation as no water bills or water meter are available for the site.

The proposed development would comprise a water demand of 169.14 lpd which equates from 23.38 lppd for each of the x3 full time staff on site during the day and 52.7lppd for the dwelling (x1.88 occupancy rate)= 99ld.

This would be achieved through the installation of upgraded fixtures and fittings to the replacement office and low water usage fixtures and fittings to the new dwelling, as well as grey water recycling for the toilets. Full details for the greywater recycling should be secured via a condition.

Examples of low flow rate appliances and fixtures and fittings to achieve the required water usage figures have been provided

The strategy therefore demonstrates that the proposed use would be water neutral. Natural England have been consulted n the Appropriate Assessment and state that they 'concur' with our conclusion that adverse effects on the integrity of the Arun Valley can be ruled out.

Subject to the attachment of the recommended listed conditions Officers are satisfied that the proposed development would be water neutral.

Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

This application was received prior to the introduction of BNG. The proposal is therefore exempt from BNG requirements and there are no objections to the proposal in this regard.

Other Matters:

<u>Drainage</u>

The Council's drainage experts have continuously raised concerns in relation to the drainage detail submitted with this application. The applicants have responded to these objections by submitting a 'Drainage Strategy' prepared by Lanmor Consulting. The Drainage objection has now been overcome with the Drainage experts stating that the drainage design is likely achievable, and should be subject to more detailed design details (secured via condition).

Conclusions:

It is considered that the proposal would make a modest contribution to the rural economy of the District, and would represent a form and level of activity appropriate to its countryside setting not amounting to a significant intensification of use.

As advised by the Council's Agricultural Consultants, the applicant has demonstrated an essential need for an agricultural/ equestrian workers dwelling for a temporary period to serve use of the wider site, in accordance with the submitted business plan, and therefore the principle of development can be supported in this instance.

The proposal has shown that water neutrality can be demonstrated with appropriate conditions recommended.

On balance it is considered that the proposal satisfies the relevant policies of the development plan, and can be recommended for approval accordingly, subject to the conditions listed below.

Given the nature of the conditions to be discharged, and to account for the time required to discharge the conditions and construct the buildings, the temporary permission is to run an additional six months from the date of permission- ie for 3.5 years.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District wide residential	95.11	0	95.11
		Total Gain	**95.11**
		Total Demolition	**0**

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Recommendation: Application Permitted

Conditions:

1 Plans list

2 **Regulatory (Time) Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Temporary Time Condition**: The temporary agricultural workers dwelling hereby permitted shall be removed and the land shall be restored on or before the 20.03.2028, to a condition which has been previously agreed in writing by the Local Planning Authority.

Reason: The proposed development is not considered satisfactory as a permanent measure in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

5 **Pre-Commencement Condition:** No development shall commence until a detailed surface water drainage scheme including a Surface Water Drainage Statement, based on sustainable drainage

principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be fully coordinated with the landscape scheme. The development shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

6 **Pre-commencement (slab level) Condition:** No development above ground floor slab level shall commence until full details of the water efficiency measures and greywater harvesting system required by the approved water neutrality strategy (H20geo Final version 2.0 received 26.03.2024) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

7 **Pre-Occupation Condition:** The development hereby permitted shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or BREEAM equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details for the provision for the storage of refuse and recycling facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to occupation (or use) of the development hereby permitted and thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved plans and photo samples.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10 **Regulatory Condition**: The occupation of the rural workers dwelling hereby approved shall be limited to a person or persons solely or mainly working in association with the use of Woodfalls Stud, Loxwood Road, Rudgwick as identified on the approved site location plan, and resident dependents.

Reason: In the interest of amenity and to enable the Local Planning Authority to regulate and control the development and to comply with policies 20, 26 and 33 of the Horsham District Planning Framework (2015).

11 **Regulatory Condition**: If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

12 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

POSITIVE AND PROACTIVE STATEMENT

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, in order to be able to, where possible, grant permission.

Plans list for: DC/24/0103

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Materials		Photo x2	12.07.2024
Design & Access Statement			10.07.2024
Location & Site plan		24/2206	12.07.2024
Site plan	Proposed	24/2206-3	12.07.2024
Elevation & Floor plan	Proposed temporary dwellinghouse	24/2206-10	18.01.2024
Elevation & Floor plan	Proposed Equestrian building	23/2/2194-11	12.07.2024
Supporting Statement	Drainage Strategy	231718/DS/AG/RS/ 01 v2.0	18.01.2024
Supporting Statement	Water Neutrality	20230724P1	26.03.2024
Supporting Statement	planning	NONE	18.01.2024
Supporting Docs	Letter of support	None	18.01.2024
Supporting Docs	Letter of support	None	18.01.2024

DELEGATED

Case Officer sign/initial Kate Turner Date: 19.09.24

Authorising Officer sign/initial Adrian Smith Date: 20/09/204