Horsham District Council

Mr Nikolas Antoniou
NJA Town Planning Ltd
The Beehive
City Place
Gatwick
RH6 0PA

Hobbits Stall House Lane North Heath Pulborough
Demolition of dwelling and erection of a two storey detached 4 bedroom dwelling with detached double garage. Erection of an equestrian arena and outdoor riding arena together with associated parking. Retention of existing stables and new equestrian facilities

Your application DC/20/1519 has now been determined and I enclose the decision notice. The decision notice contains important information. Please take a moment to read it as further action may be required.

Conditions
Before you start work, information must be submitted for any conditions that require discharge before development can begin. The decision notice will set out what information need to be sent.

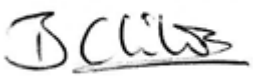
Failure to discharge conditions before commencing development could result in the development being unlawful or enforcement action being taken. You can notify us of your intention to initiate development by completing a pre-commencement notification which will help us to monitor your development. There is no fee to use this service. To do this, or for further information about discharging planning conditions, visit us online at horsham.gov.uk/planning/discharging-a-planning-condition

Community Infrastructure Levy (CIL)
If this development is CIL liable, the requirements of CIL must be met before you start work. Failure to do so could result in additional financial penalties. For further information relating to CIL visit horsham.gov.uk/planning/planning-policy/community-infrastructure-levy/cil-charges-and-how-to-pay

If you have any questions about the decision notice, you can call us and speak to a member of the team on 01403 215187 between 9AM - 5PM, Monday to Friday.

If you are acting as the planning agent for this application, please ensure that the applicant is given a copy of the decision notice and this letter.

Yours Sincerely,



Barbara Childs
Director of Place

Horsham District Council

Mr Nikolas Antoniou
NJA Town Planning Ltd
The Beehive
City Place
Gatwick
RH6 0PA

Application Number: DC/20/1519

TOWN AND COUNTRY PLANNING ACT, 1990 (as amended)
TOWN AND COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Mr and Mrs M Skillman

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby notify you that they PERMIT the following development, that is to say:

Demolition of dwelling and erection of a two storey detached 4 bedroom dwelling with detached double garage. Erection of an equestrian arena and outdoor riding arena together with associated parking. Retention of existing stables and new equestrian facilities

Hobbits Stall House Lane North Heath Pulborough

to be carried out in accordance with Application No. DC/20/1519 submitted to the Council on 12/08/2020 and subject to compliance with the plans/documents and conditions specified hereunder.

Barbara Childs
Director of Place

Date: 23/07/2021

1 **Plans Condition**: The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below.

SCHEDULE OF PLANS/DOCUMENTS

Plan Type	Description	Drawing Number	Received Date
Location plan		H/19/01	12.08.2020
Elevation plan	Proposed	H/19/05	12.08.2020
Elevation plan	Existing Elevation and Roof	H/19/03	12.08.2020
Floor plan	Proposed	H/19/04	12.08.2020
Section plan	Proposed Section AA	H/19/11	12.08.2020
Elevation & Floor plan	Garage as Proposed	H/19/06	12.08.2020
Elevation & Floor plan	Proposed Indoor Arena	H/19/10 REV B	14.10.2020

Roof plan	Proposed	H/19/09	12.08.2020
Elevation plan	Sand School Proposed	H/19/07	12.08.2020
Floor plan	Proposed Indoor Arena	H/19/08	12.08.2020
Layout plan	Proposed Site Layout	H/19/02 REV A	12.08.2020
Design & Access Statement	Planning	NONE	12.08.2020
Supporting Statement	Planning Summary Statement	NONE	12.08.2020
Tree plan	Tree Constraints	LLD1879-ARB-DWG-001 REV 03	12.08.2020
Supporting Statement	Existing Tree Schedule	NONE	12.08.2020
Tree plan	Tree Retention and Protection Plan	LLD1879-ARB-DWG-002 REV 03	12.08.2020
Supporting Statement	Arboricultural Impact Assessment and Method Statement	NONE	12.08.2020
Supporting Statement	Drainage Statement	NONE	12.08.2020
Supporting Statement	Transport Statement	NONE	12.08.2020
Supporting Statement	Agricultural Justification Statement	NONE	12.08.2020
Supporting Statement	Landscape and Visual Impact Assessment	NONE	12.08.2020
Supporting Statement	Ecological Impact Assessment	NONE	12.08.2020
Details plan	TOPOGRAPHICAL SURVEY	H/20/12	14.10.2020
Details plan	LANDSCAPE MASTERPLAN	LLD1879-LAN-DWG-001 01	14.10.2020

Reason: For the avoidance of doubt and in the interest of proper planning.

2 **Standard Time Condition**: The development hereby permitted shall begin 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 **Pre-Commencement Condition**: No development, including any demolition works, shall take place until unless the local planning authority has been provided with either:
a) a licence for bats and great crested newts issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence for bats and great crested newts; and
c) confirmation of the site registration and a method statement supplied by an individual registered to use a Bat Mitigation Class Licence for Bats (relating to the demolition of the existing dwelling).

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as

amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

4 **Pre-Commencement Condition**: No development shall take place (including any demolition, ground works, site clearance) until a further badger survey and updated mitigation statement has been submitted to and approved in writing by the local planning authority. This further survey shall be undertaken to identify whether any Badger activity has changed since the previous surveys were undertaken and whether further mitigation and/or works are required for badgers during the construction phase. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve Protected species and allow the Local Planning Authority to discharge its duties under the Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.

5 **Pre-Commencement Condition**: With the exception of the demolition and removal of existing buildings and any concrete hardstanding no development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:
(a) A pre-demolition preliminary risk assessment which has identified:
- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (c) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.
(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental 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).

6 **Pre-Commencement Condition**: No development shall commence until precise details of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **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).

8 **Pre-Commencement Condition**: No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), details of public engagement both prior to and during construction works,
- safeguarding measures to ensure that the works do not pose danger to users of the adjacent Public Footpaths / Bridleways.

Reason: In the interests of highway safety and the amenities of the area, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

9 **Pre-Commencement (Slab Level) Condition**: No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10 **Pre-Commencement (Slab Level) Condition**: Prior to the development commencing above slab level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:
a) Purpose and conservation objectives for the proposed enhancement measures;
b) detailed designs to achieve stated objectives;
c) locations of proposed enhancement measures by appropriate maps and plans;
d) persons responsible for implementing the enhancement measures;
e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

11 **Pre-Occupation Condition**: Prior to the occupation or first use of the development hereby permitted, a detailed lighting plan illustrating the proposed siting of each external light to be installed shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with approved locations detailed on the plan to be submitted to and approved by the Local Planning Authority and the specifications set out in the Lighting Technical Report submitted to the Council on 24.11.2020 (prepared by Designs for Lighting)

The external lighting shall be installed in accordance with the approved plan and the submitted Lighting Technical Report unless otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and to protect neighbouring amenity in accordance with Policy 33(2) of the Horsham District Planning Framework (2015).

12 **Pre-Occupation Condition**: The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 5(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 5(c), unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this matter is fundamental 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).

13 **Pre-Occupation Condition**: The development hereby permitted shall not be occupied or brought into use until a scheme for the disposal of horse waste has been submitted and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the scheme shall include the following:

- Methods and frequency of stable cleaning, storage, collection and disposal methods.
- Detail of the location of storage of stable waste (muck heaps). These should not be located any closer than 30m from any neighbouring residential boundaries.
- No burning of waste materials on site, including stable waste.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

14 **Pre-Occupation Condition**: Prior to the first occupation of the proposed replacement dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection shall be provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policies 10 and 37 of the Horsham District Planning Framework (2015).

15 **Pre-Occupation Condition**: Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- o Details of all existing trees and planting to be retained
- o Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- o Details of all hard-surfacing materials and finishes
- o Details of all boundary treatments (including those to the proposed outdoor arena)

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

16 **Pre-Occupation Condition**: No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development, and in accordance with Policy 41 of the Horsham District Planning Framework (2015)

17 **Pre-Occupation Condition**: No part of the development shall be first occupied until electric vehicle charging spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. The electric vehicle charging spaces shall thereafter be maintained and remain fully operational unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015).

18 **Post-Occupation Condition**: Upon the occupation of the replacement dwelling hereby permitted, the existing dwelling indicated on plan H/19/01 shall cease to be used for any purpose whatsoever and within a period of one month thereafter the existing dwelling shall be demolished (including the removal of foundations), all materials arising from such demolition removed from the site and the site of the demolished building restored in accordance with details of landscaping to be submitted to and approved in writing by the Local Planning Authority.

Reason: The retention of existing buildings together with the new buildings would result in the proliferation of buildings on the site, detracting from the character of the area which would be contrary to Policy 33 of the Horsham District Planning Framework (2015).

19 **Regulatory Condition**: Other than for a maximum of 5 training sessions (defined as one trainee per session) per week, the stables, sand school, indoor arena and associated outside areas hereby permitted shall operate as a private equestrian facility for the benefit of the occupiers of Heathcote and/or the onsite grooms accommodation and shall not be used for any other commercial purposes (including for the holding of any public events or auctions) or in connection with any form of riding or livery establishment. The owners shall keep a record of all training sessions, dates and attendees at all times for inspection by the Local Planning Authority on request.

Reason: In the interests of amenity and highway impact, to enable the Local Planning Authority to regulate and control the development and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

20 **Regulatory Condition**: The dwelling hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

21 **Regulatory Condition**: No works relating to the construction of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

22 **Regulatory Condition**: No deliveries of construction materials or plant and machinery and no removal of any spoil from the site, shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

23 **Regulatory Condition**: There should be no importation of soil and other fill materials onto the development site unless the soil/fill has been certified as fit for purpose by a competent person and has been subject to analysis by an accredited laboratory to ensure that it is free from contamination.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

24 **Regulatory Condition**: There shall be no burning of materials or waste on site, including stable/horse waste.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

25 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Lizard Landscape Design and Ecology, July 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

26 **Regulatory Condition**: There shall be no exterior lighting/floodlighting unless prior written approval from the Local Planning Authority has been granted by way of formal application.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

27 **Regulatory Condition**: No plant or machinery that generates, or is likely to generate, noise audible beyond the site boundary to be installed without prior written approval from the Local Planning Authority by way of formal application.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

28 **Regulatory Condition**: There shall be no use of a PA system or the playing amplified of music at any times unless otherwise agreed to and approved in writing by the Local Planning Authority by way of formal application.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Note to Applicant
INFORMATIVES

Conditions to be Discharged

Please be advised that there are conditions on this notice that will require the submission of details to be submitted for approval to the Local Planning Authority. To approve these details, you will need to submit an "Application for approval of details reserved by condition" with an application form and pay the appropriate fee. Guidance and the forms can be found at www.planningportal.gov.uk/planning/applications/paperforms

Ordinary Watercourse Consent

Under the Land Drainage Act 1991, any works (permanent or temporary) that have the potential to affect the existing watercourse or ditch's ability to convey water will require Ordinary Watercourse Consent. Ordinary watercourses include streams, drains, ditches and passages through which water flows that do not form the network of main rivers.

Importation of Soils

No soils shall be imported within the development site unless the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. If soils are to be imported, the assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority.

Note to Applicant – Community Infrastructure Levy (CIL):
Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development**.

CIL is a mandatory financial charge on development. To avoid additional financial penalties, the requirements of CIL must be managed before development is commenced (including in the event of any successful appeal).

Payment must be made in accordance with the requirements of the CIL Demand Notice issued.

Note to Applicant
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.

ADDITIONAL INFORMATION

Planning Permission – Important Provisos
If planning permission has been granted, please note that your Notice of Decision refers only to consideration of your proposal under the Town and Country Planning Acts. It is not a building regulations approval and does not mean that you can disregard other Acts of Regulations, or avoid any other legal obligations. Some of these obligations, of particular relevance to your proposal are referred to elsewhere in this note. Before you proceed with your proposal you should ensure that a Building Control application is not required, or has been submitted. The Building Control Department can be contacted on 01403 215151.

If this permission relates to new dwellings, commercial premises or other buildings which will require a new postal address you should contact the Council's Street Naming & Numbering Department as soon as possible or before work commences on site. Further details are available on the Street Naming page on the Council's website or alternatively e-mail streetnaming@horsham.gov.uk or telephone 01403 215139.

It is the responsibility of the developer to provide bins for the development. If you are a developer and need to purchase bins, please email daniel.raymond@horsham.gov.uk or phone 01403 733144.

It must be stressed that the information included on this Notice of Decision may not include all your legal obligations, and it does not grant you rights to carry out works on or over lands, or to access land that is not within your control or ownership.

Amendments
Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non material alterations, or under Section 73 of the Act for minor material alterations. An application must be made using the

standard application form and you should consult with us, to establish the correct type of application to be made.

Monitoring
Horsham District Council monitors the implementation of planning permissions. Please be aware that monitoring officers may visit the application site at various stages of the development to ensure compliance with the approved plans and conditions.

Right of Appeals
If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.

PLANNING COMMITTEE REPORT

TO:	Planning Committee South
BY:	Head of Development and Building Control
DATE:	20 July 2021
DEVELOPMENT:	Demolition of dwelling and erection of a two storey detached 4 bedroom dwelling with detached double garage. Erection of an equestrian arena and outdoor riding arena together with associated parking. Retention of existing stables and new equestrian facilities
SITE:	Hobbits Stall House Lane North Heath Pulborough West Sussex RH20 2HR
WARD:	Pulborough, Coldwaltham and Amberley
APPLICATION:	DC/20/1519
APPLICANT:	**Name:** Mr and Mrs M Skillman **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: Deferred from February committee

RECOMMENDATION: To approve the application, subject to the revised planning conditions.

1. ASSESSMENT

1.1 This application was presented at Planning Committee South, 15th December 2020 (see Addendum 1), where members resolved that the application be determined by the Head of Development with a view to approval, subject to the amendment of conditions in consultation with Local Members.

1.2 Following the first committee meeting officers were made aware of having mistakenly misquoted Paragraph 109 of the NPPF when responding to member questions. In light of this, the application was then presented to the committee for a second time on 16 February 2021 (see Addendum 2). Members voted to defer the application to be presented to committee for a third time subject to the West Sussex County Highways (WSCC) team visiting the site to assess the resultant highways impact on site.

1.3 In the interim, Officers were presented with an alternate highways report submitted by one of the neighbours of the site who objected to the proposal, prepared by Bellamy Roberts. WSCC visited the site on 29 March 2021 and provided further commentary on the application and the neighbour's transport report on 30 April 2021.

1.4 In addition to the Bellamy Roberts report, five (5) neighbouring representations (including one submitted by a solicitors firm on behalf of some residents) have been received since the previous committee presentation *objecting* to the proposal on the following grounds:

- Concern of increased number of HGVs in Nutbourne
- Existing 20mph speed limit in Nutbourne is ignored by usual car users

- The streets of Nutbourne are too narrow for the intended traffic
- The railway bridge is an obstacle for larger vehicles
- Increased traffic on the highway
- Proposal is not clear as to whether this is a private or business use
- Ambiguous assessment by the Council's agricultural consultants
- The scale of the development would clearly represent a commercial use
- Proposed conditions would not adequately control the use of the site
- Loss of previously present natural ponds

1.5 The Bellamy Roberts report has been considered by WSCC. Fundamentally, the report disagrees with the proposed use of the site, and the conclusions reached are on the basis that the operation would be fully commercial. As previously presented to the committee, the intended use of the site would be one of a private use with an ancillary commercial aspect. The applicant's transport statement and accompanying information has been prepared on that basis. The suggested conditions (below) are adequately worded to control this use. On the basis of the proposed private use with an ancillary commercial use, WSCC have not raised any concerns or objections to the data provided within the applicant's transport statement.

1.6 As such, Officers remain of the advice that the proposal does not warrant refusal on highways grounds as there is no unacceptable impact on highway safety, and the residual cumulative impacts on the road network would not be severe, in compliance with Paragraph 109 of the NPPF.

1.7 The recommendation to approve planning permission remains as previous reflecting the full wording of Paragraph 109 of the NPPF. Members are advised to consider whether the application of the full wording of Paragraph 109 would have altered the decision previously reached, and whether the revised conditions referenced above are acceptable to manage the use, transport movements and sustainability credentials of the development. WSCC have now visited the site and have concluded that their findings remain unchanged following their initial desk-based assessment.

1.8 Officers therefore recommend that the application is approved subject to the following conditions.

2. RECOMMENDATIONS

2.1 To approve planning permission, subject to the following revised schedule of conditions:

Conditions:

1 **Standard Plans Condition**: The development hereby permitted shall be undertaken in full accordance with the approved plans.

Reason: For the avoidance of doubt and in the interest of proper planning.

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 **Pre-Commencement Condition**: No development, including any demolition works, shall take place until unless the local planning authority has been provided with either:

a) a licence for bats and great crested newts issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence for bats and great crested newts; and
c) confirmation of the site registration and a method statement supplied by an individual registered to use a Bat Mitigation Class Licence for Bats (relating to the demolition of the existing dwelling).

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

4 **Pre-Commencement Condition**: No development shall take place (including any demolition, ground works, site clearance) until a further badger survey and updated mitigation statement has been submitted to and approved in writing by the local planning authority. This further survey shall be undertaken to identify whether any Badger activity has changed since the previous surveys were undertaken and whether further mitigation and/or works are required for badgers during the construction phase. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve Protected species and allow the Local Planning Authority to discharge its duties under the Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.

5 **Pre-Commencement Condition**: With the exception of the demolition and removal of existing buildings and any concrete hardstanding no development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

(a) A pre-demolition preliminary risk assessment which has identified:
- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) – (c) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental 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).

6 **Pre-Commencement Condition**: No development shall commence until precise details of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **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).

8 **Pre-Commencement Condition**: No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), details of public engagement both prior to and during construction works,
- safeguarding measures to ensure that the works do not pose danger to users of the adjacent Public Footpaths / Bridleways.

Reason: In the interests of highway safety and the amenities of the area, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

9 **Pre-Commencement (Slab Level) Condition**: No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10 **Pre-Commencement (Slab Level) Condition**: Prior to the development commencing above slab level, a Biodiversity Enhancement Strategy for protected

and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

a) Purpose and conservation objectives for the proposed enhancement measures;
b) detailed designs to achieve stated objectives;
c) locations of proposed enhancement measures by appropriate maps and plans;
d) persons responsible for implementing the enhancement measures;
e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

11 **Pre-Occupation Condition**: Prior to the occupation or first use of the development hereby permitted, a detailed lighting plan illustrating the proposed siting of each external light to be installed shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with approved locations detailed on the plan to be submitted to and approved by the Local Planning Authority and the specifications set out in the Lighting Technical Report submitted to the Council on 24.11.2020 (prepared by Designs for Lighting)

The external lighting shall be installed in accordance with the approved plan and the submitted Lighting Technical Report unless otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and to protect neighbouring amenity in accordance with Policy 33(2) of the Horsham District Planning Framework (2015).

12 **Pre-Occupation Condition**: The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 5(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 5(c), unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this matter is fundamental 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).

13 **Pre-Occupation Condition**: The development hereby permitted shall not be occupied or brought into use until a scheme for the disposal of horse waste has been submitted and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the scheme shall include the following:

- Methods and frequency of stable cleaning, storage, collection and disposal methods.

- Detail of the location of storage of stable waste (muck heaps). These should not be located any closer than 30m from any neighbouring residential boundaries.
- No burning of waste materials on site, including stable waste.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

14 **Pre-Occupation Condition**: Prior to the first occupation of the proposed replacement dwelling, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection shall be provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policies 10 and 37 of the Horsham District Planning Framework (2015).

15 **Pre-Occupation Condition**: Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard-surfacing materials and finishes
- Details of all boundary treatments (including those to the proposed outdoor arena)

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

16 **Pre-Occupation Condition**: No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development, and in accordance with Policy 41 of the Horsham District Planning Framework (2015)

17 **Pre-Occupation Condition**: No part of the development shall be first occupied until electric vehicle charging spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. The electric

vehicle charging spaces shall thereafter be maintained and remain fully operational unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015).

18 **Post-Occupation Condition**: Upon the occupation of the replacement dwelling hereby permitted, the existing dwelling indicated on plan H/19/01 shall cease to be used for any purpose whatsoever and within a period of one month thereafter the existing dwelling shall be demolished (including the removal of foundations), all materials arising from such demolition removed from the site and the site of the demolished building restored in accordance with details of landscaping to be submitted to and approved in writing by the Local Planning Authority.

Reason: The retention of existing buildings together with the new buildings would result in the proliferation of buildings on the site, detracting from the character of the area which would be contrary to Policy 33 of the Horsham District Planning Framework (2015).

19 **Regulatory Condition**: Other than for a maximum of 5 training sessions (defined as one trainee per session) per week, the stables, sand school, indoor arena and associated outside areas hereby permitted shall operate as a private equestrian facility for the benefit of the occupiers of Heathcote and/or the onsite grooms accommodation and shall not be used for any other commercial purposes (including for the holding of any public events or auctions) or in connection with any form of riding or livery establishment. The owners shall keep a record of all training sessions, dates and attendees at all times for inspection by the Local Planning Authority on request.

Reason: In the interests of amenity and highway impact, to enable the Local Planning Authority to regulate and control the development and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

20 **Regulatory Condition**: The dwelling hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

21 **Regulatory Condition**: No works relating to the construction of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

22 **Regulatory Condition**: No deliveries of construction materials or plant and machinery and no removal of any spoil from the site, shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

23 **Regulatory Condition**: There should be no importation of soil and other fill materials onto the development site unless the soil/fill has been certified as fit for purpose by a competent person and has been subject to analysis by an accredited laboratory to ensure that it is free from contamination.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

24 **Regulatory Condition**: There shall be no burning of materials or waste on site, including stable/horse waste.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

25 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Lizard Landscape Design and Ecology, July 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

26 **Regulatory Condition**: There shall be no exterior lighting/floodlighting unless prior written approval from the Local Planning Authority has been granted by way of formal application.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

27 **Regulatory Condition**: No plant or machinery that generates, or is likely to generate, noise audible beyond the site boundary to be installed without prior written approval from the Local Planning Authority by way of formal application.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

28 **Regulatory Condition**: There shall be no use of a PA system or the playing amplified of music at any times unless otherwise agreed to and approved in writing by the Local Planning Authority by way of formal application.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

INFORMATIVES

Conditions to be Discharged

Please be advised that there are conditions on this notice that will require the submission of details to be submitted for approval to the Local Planning Authority. To approve these details, you will need to submit an "Application for approval of details reserved by condition" with an application form and pay the appropriate fee. Guidance and the forms can be found at www.planningportal.gov.uk/planning/applications/paperforms

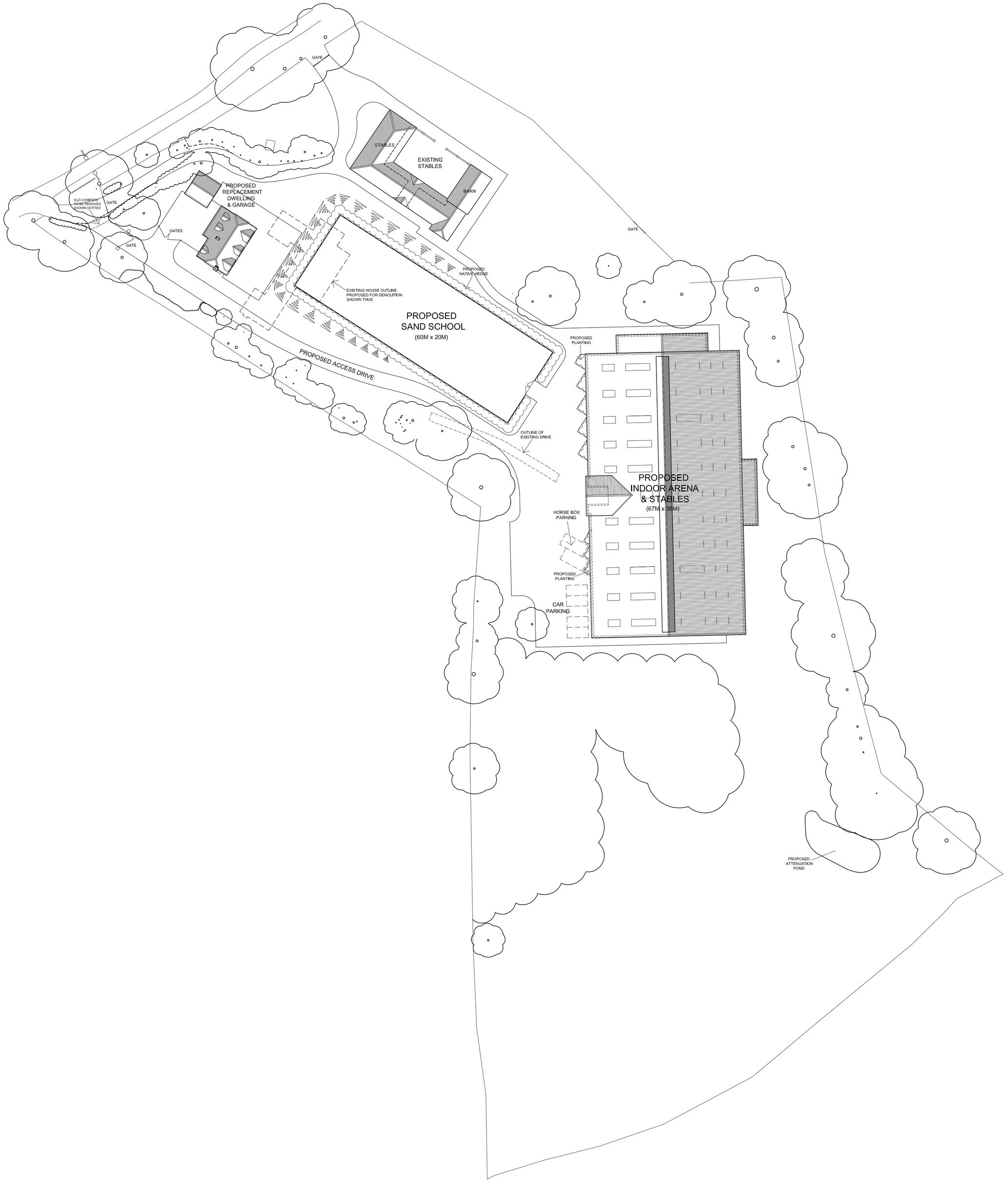
Ordinary Watercourse Consent

Under the Land Drainage Act 1991, any works (permanent or temporary) that have the potential to affect the existing watercourse or ditch's ability to convey water will require Ordinary Watercourse Consent. Ordinary watercourses include streams, drains, ditches and passages through which water flows that do not form the network of main rivers.

Importation of Soils

No soils shall be imported within the development site unless the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. If soils are to be imported, the assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority.

Background Papers: DC/20/1519; Addendum 1; Addendum 2



NORTH

0 10 20 30 40 50m

SCALE BAR (A1 - 1:500 SCALE)

REVISIONS
REVISION A - JULY 2020 - Attenuation pond added.
REVISION B - APRIL 2021 - Horse box parking arrangements revised.

Project: HOBBITS, Stall House Lane, Pulborough	Scale: 1:500 A1 SHEET	Date: 09/2019	
Title: EQUESTRIAN FACILITY SITE LAYOUT	Drg No: H/19/02		Rev: B