White & Sons Est. 1817

PINS Ref: APP/Z3825/W/24/3348147

16 October 2024

Daniel Reid
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Mr Reid,

Response Statement
Appeal by Mr Nigel Francis
Site Addresses: Amiesmill Farm, Kerves Lane, Horsham, RH13 6RL

The Council's Statement of Case suggests that the previous concerns over the relationship of the proposed dwelling with the stables to the east have not sufficiently changed to make the proposals acceptable. The Council maintain that the relationship is undesirable simply because there is an equestrian use at the complex. This assumption is too simplistic and fails to have sufficient regard to the previous Inspector's assessment (Appendix 2 of the Appellant's Statement). The Inspector's concerns were not due to the relationship with equestrian use in principle but were nuanced at paragraph 12 by the nature of the equestrian use being a "DIY livery" which it was recognised at paragraph 13, had the potential to be "noise intensive, either in terms of general operations through the level of people coming and going or from the equines themselves" with "people, traffic and horses going past the appeal building."

Since the previous appeal the Council have approved an application for alterations to the stables, with the demolition of some elements, specifically for private use and to reduce the number from 13 down to 5 and alternative access arrangements to the east (Appendix 1 of the Appellant's Statement). The result of these changes which have been implemented is such that the nature of the use of the stables has fundamentally changed and is less intensive following the implementation of this consent. There are far fewer associated vehicular movements as the stables are not let to multiple individuals and now only stable the appellant's family horses. The application also approved alternative access which is now in place and does not involve vehicular traffic, people or horses coming past the appeal building. The relationship is therefore materially different.

The Council note that the closest stables would now be 31m from the appeal building instead of the 16m within the previous appeal, with hay and tack stores and a cart store in between. However, the with the eastern part of the appeal

building being a garage the separation from the habitable spaces would in fact be 37.5m away, with built form in between.

The Council criticise that a noise assessment has not been provided. However, the relationship between the proposal and the stables is a matter which can be considered as a planning judgement, without the reliance on technical assessments.

The Council's suggested pre-commencement condition is agreed by the appellant if considered necessary by the Inspector. Although, given that NPPF paragraph 56 states that pre-commencement conditions should be avoided and that there is no evidence of contamination at the site throughout the appellant's family's ownership of the farm for several generations, the appellant would prefer a condition which required assessment and remediation only if any contamination is encountered.

There would be no objection to the following condition "Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority."

The appellant notes that development with prior approval in the District requires subsequent Habitat Regulations Assessment under Sections 75/77 of the Conservation of Habitats and Species Regulations 2017 in order to constitute permitted development, to ensure that the development is either water neutral or within appropriate offsetting to ensure no impact on the Arun Valley SAC, SPA and Ramsar designations.

Yours sincerely,

[redacted]
Associate Partner
[redacted]