The Planning Inspectorate

Appeal Decisions

Hearing held on 27 and 28 September 2023

Site visit made on 27 September 2023

by M Madge Dip TP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29/02/2024

Appeal A Ref: APP/Z3825/C/23/3318225
Land at Pear Tree Farm, Furners Lane, Woodmancote, Henfield, West Sussex BN5 9HX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Sampson Tingey against an enforcement notice issued by Horsham District Council.
- The notice, numbered EN/21/0358, was issued on 13 February 2023.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a commercial storage building in the approximate position shown hatched brown on the attached plan.
- The requirements of the notice are to demolish the Building and remove the resulting debris from the land.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed, and the enforcement notice is upheld.

Appeal B Ref: APP/Z3825/W/22/3311819
Pear Tree Farm, Furners Lane, Woodmancote BN5 9HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Sam and Charlie Tingey against the decision of Horsham District Council.
- The application Ref DC/21/1796, dated 30 July 2021, was refused by notice dated 31 May 2022.
- The development proposed is a settled gypsy accommodation site comprising 5 pitches and associated utility buildings.

Summary of Decision: The appeal is allowed subject to conditions.

Appeal C Ref: APP/Z3825/W/23/3316563
Pear Tree Farm, Furners Lane, Woodmancote, West Sussex BN5 9HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Sam Tingey against the decision of Horsham District Council.
- The application Ref DC/22/2149, dated 15 November 2022, was refused by notice dated 25 January 2023.
- The development proposed is retention of building for equestrian storage.

Summary of Decision: The appeal is allowed subject to conditions.

Applications for costs

1. An application for costs was made by Mr Sam Tingey and Mr Charlie Tingey against Horsham District Council in respect of Appeal B. This application is the subject of a separate Decision.

Preliminary Matters

2. The application form submitted in relation to Appeal B only provides details of the applicant's surname, Tingey. The appeal form provides the appellant details as Mr Sam and Charlie Tingey. It was confirmed at the Hearing that the appeal form details are correct.

3. The National Planning Policy Framework was revised in December 2023 (the Framework). The revisions make no substantive changes to the Framework relevant to the appeals before me. There has, therefore, been no need to seek the appellant or Council's comments on this matter.

4. My attention was drawn to the presence of listed buildings in the wider surrounding landscape. Based on my observations, and the evidence provided, these heritage assets are located some considerable distance away, beyond adjacent woodland and other buildings. Furthermore, their significance is largely defined by their age, materials and architectural features. Consequently, I agree with the appellant and Council that the developments before me for consideration are beyond the setting of any designated heritage assets, as such their significance would not be affected.

Appeal A:

5. An appeal on ground (g) is that the period specified in the enforcement notice (Notice), in accordance with s173(9) of the 1990 Act, falls short of what should reasonably be allowed. The appellant argues that 3 months is insufficient to provide for alternative storage facilities to be found. Furthermore, as the building is new, and in good condition, it could be dismantled and re-used elsewhere. Planning permission may need to be secured before it could be re-erected, and a period of 6 months is therefore requested.

6. The building has a simplistic construction, and it would not take any significant amount of time to dismantle it or to remove it from the land. While securing planning permission for it to be erected elsewhere may take some time, that of itself is not justification for the building to remain erected on the appeal site. The items currently being stored would presumably need to be relocated. While I appreciate that there is a need for straw and hay, and perhaps other stored items, to be protected from the weather, this could be achieved by means other than by this building. I therefore find the period specified in the Notice to be reasonable.

7. The appeal on ground (g) fails. The appeal shall be dismissed, and the enforcement notice shall be upheld.

Appeal B:

Policy Context

8. The appeal site is in the countryside, which falls outside the Council's hierarchical approach to the location of new development, and it is not allocated as a gypsy and traveller site. The development does not represent the provision of community facilities, leisure or recreation development. I therefore find that policies 3, 21, 24 and 43 of the Horsham District Planning Framework (excluding the South Downs National Park) (November 2015) (the HDFP) are not relevant.

9. Policy 2: Strategic Development, criterion 10 confirms that the Council's strategic approach to new development will provide for the specific temporary and permanent needs of gypsy and travellers. The parties agree that the number of additional pitches referenced in policy 21 is out of date. The Council is therefore failing to meet the strategic objective set out in policy 2(10) of the HDPF.

10. The Statement of Common Ground (SoCG) handed up at the Hearing confirms that there is a requirement for 60 pitches to be provided within the district over the 10-year period to 2027, rising to a requirement of 93 pitches over a 15-year period. The Council confirmed it does not have a 5-year land supply of pitches for gypsy and travellers. While the revisions to the Framework have changed the approach to calculating need and supply, it is unlikely that they have changed these figures to such a degree that there is no longer a requirement to provide pitches.

11. The SoCG also confirms that the appellant and Council agree that the site is sustainably located in respect of local services and facilities required for day to day living, there are no highway safety or operational highway network concerns, and the development does not affect the significance or setting of a heritage asset. The proposal therefore complies with Policy 23, criteria 1.a, 1.b and 1.d.

12. The appeal site represents a windfall site being considered through the planning process. It is generally accepted that the provision of gypsy and traveller pitches will minimise the distance occupiers have to travel to access services and facilities. The scale of this development is appropriate to the level of existing infrastructure. Adequate provision can be made for parking facilities likely to arise from the residential occupation of the development. Parking demand could increase if future occupiers were to operate businesses from the land. Such demand could be controlled through the imposition of appropriately worded conditions. The proposed development seeks to provide for the specific needs of a recognised minority group. For these reasons, I find that the proposed development complies with policies 22, 40, 41 and 42 of the HDPF.

13. While the reasons for refusal do not cite policies contained within the Henfield Neighbourhood Plan 2017 – 2031 (June 2021) (the HNP), it does form part of the development plan. The Council directed my attention to policies 1.2, 4.1 and 4.4 at the Hearing. Policy 1.2 offers support to development outside the built-up area boundary, where it is appropriate to its location and conforms with HDFP policies or the Framework in respect of development in the countryside. There is no conflict between the proposal and policy P4.1 or P4.4 relating to access to services and facilities, or provision of adequate parking facilities.

Main Issues

14. The main issues are the effect of the proposed settled gypsy accommodation site comprising 5 pitches and associated utility buildings on:

- The character and appearance of the countryside; and
- The integrity of the qualifying features of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar in terms of water neutrality.

Reasons

Character and appearance

15. The site is located within the Henfield and Small Farmlands Landscape Character Area (LCA) as defined by the Horsham District Landscape Character Assessment. This describes the area as having a 'scart footslope rolling farmlands' landscape character type. I saw that Pear Tree Farm sits within an undulating rural landscape of low ridges, divided into a mix of field sizes with a strong hedgerow network incorporating mature hedgerow trees and other areas of mature woodland.

16. The appeal site is located within the countryside, approximately 0.8 kilometres to the east of the settlement of Henfield. Residential development extends out from the settlement in a linear pattern along Furners Lane, although further away from the settlement there are clusters of development set back from the road separated by agricultural land. Pear Tree Farm forms one such cluster of development, including 3 new detached dwellings, a 3 pitch Gypsy and Traveller site, stables used for leisure purposes, and commercial tyre storage with associated buildings and structures.

17. The aerial imagery provided shows that Pear Tree Farm has been developed over recent years. Both operational development and material changes of use have occurred within the property. While some of the development was unauthorised, much has now been regularised or carried out with the benefit of planning permission. It is therefore appropriate to consider the effects of the proposed development in conjunction with the lawful development position, which is that set out in paragraph 16.

18. The appeal scheme would introduce development into what is currently a grassed field. The site has little influence on the wider area as established hedgerows and tree planting around the site's periphery, coupled with intervening development, such as the 3 detached houses and commercial tyre storage, provide effective screening. The development would however be visible from public rights of way located to the south. It would however be seen in the context of a developed site rather than undeveloped countryside. The proposed development would therefore have a negligible visual impact on the LCA.

19. The addition of 5 pitches would inevitably increase the number of occupiers and consequently the level of activity associated with the site, such as vehicle movements. There is however no substantive evidence before me that convinces me that this would have an unacceptable effect on the character of the locality or the wider rural landscape.

20. For these reasons, I find that the proposal would have no significant adverse effect on the character or appearance of the countryside. The proposed development would therefore accord with policies 23 criterion 1.e and 26 of the HDFP, insofar as they seek to ensure that development of gypsy and traveller accommodation does not have an unacceptable effect on the character and appearance of the landscape and that development in the countryside should be of an appropriate scale.

Water Neutrality

21. The appeal site lies within the Sussex North Water Supply Zone. Natural England (NE) has advised that within this area it cannot be concluded that groundwater abstraction is not having an adverse effect on the integrity of designated sites, which include Arun Valley Special Area of Conservation (SAC), Arun Valley Special Protection Area (SPA) and Arun Valley Ramsar site, hereafter referred to as the Arun Valley sites.

22. The Arun Valley sites have been specifically designated for their international importance for nature conservation purposes, in respect of habitats and bird life. Given the site's proximity to the Arun Valley sites and that I find the scheme acceptable in relation to the other main issue, such that I would be minded to allow the appeal on that matter alone, I must undertake an Appropriate Assessment (AA), to consider what impacts, if any, the development would have on the Arun Valley sites. I have undertaken this AA on a proportional basis, drawing on the information provided by the appellant and adopting a precautionary approach.

23. The Arun Valley sites are identified as being one of the most biodiverse floodplain wetlands in England. The reasons for the designations include:

    - SAC – a rare and threatened snail and its supporting wetland habitat.
    - SPA – wintering birds, including winter wildfowl, and the supporting wetland habitats.
    - Ramsar site – wintering birds, rare invertebrates, rare aquatic and wetland plants, and the supporting wetland habitats.

    There are also three Sites of Special Scientific Interest (SSSI) that underpin the above designations.

24. The Inspector in respect of the Sussex Topiary appeal[1], from the evidence before them, concluded that wildlife is declining within these designated sites, and I see no reason to disagree. NE has confirmed that the Arun Valley sites are hydraulically linked to the Lower Greensands Aquifer (LGS) from which water supplies are drawn. It cannot therefore be ruled out that the existing level of water abstraction within the Sussex North Water Supply Zone is not resulting in the degradation of the environment within the Arun Valley sites.

25. In this case, the scheme proposes the development of 5 pitches of accommodation for gypsy and travellers. Consequently, there would be new overnight accommodation provided. This would inevitably result in an increased water supply demand. Normally, new development would be served by a water supply provided by the statutory undertaker, via their established mains supply system. Utilising the mains supply, the development and the Arun Valley sites would be served by the same groundwater unit. This represents a credible impact pathway between the development and the Arun Valley sites. The development would therefore have a likely significant effect on the qualifying features of the Arun Valley sites and their conservation objectives.

26. To mitigate the development's effect on the Arun Valley sites, rather than drawing water from the mains supply, the appellant proposes to utilise a spring

[1] APP/Z3825/W/20/3253886 - proposed change of use to four pitch gypsy site along with the formation of hardstanding and utility/day room buildings – Dismissed 7 November 2022

located on adjacent land in their ownership. A Design Stage Water Neutrality Report, Analytical Report, and a Groundwater Risk Assessment (GRA) were provided in support of this mitigation proposal.

27. NE were not consulted prior to issue of the Notice or as part of the appeal process. Nor did their representative attend the Hearing, where the evidence provided by SLR Consulting was tested. I have however consulted NE in accordance with Regulation 63(3) of the Habitats Regulations 2017 as the Statutory Nature Conservation Body. NE advise that as the GRA states, 'no guarantees can be given to the springs reliability during periods of drought' and that 'if it is found to be unreliable it would be possible to drill and install a groundwater abstraction borehole into the LGS aquifer beneath the site.', the GRA does not provide the level of certainty required for the mitigation to pass through appropriate assessment.

28. Furthermore, NE advise that if a borehole was to be proposed as an alternative, then an Environment Agency permit would be required. A permit application would need to be adequately tested to demonstrate it would provide sufficient mitigation. In the absence of a permit and testing, NE is not content that the spring, as a water supply source, is sufficient to avoid adverse impact to the integrity of the Arun Valley sites and their relevant features. I give NE's concerns great weight.

29. Technical evidence and supporting documentation provided by Mr Keenan of SLR Consulting Limited (SLR) shows the appeal site and adjacent spring do not fall within the same catchment area as the Arun Valley sites. In response to NE's concerns, Mr Keenan confirmed that the spring is served by the LGS, which also supports the Arun Valley sites, however, they are in different catchment areas. As agreed during the Hearing, the spring is not hydraulically connected to the groundwater flow supporting the Arun Valley sites. Mr Keenan argues it is impossible for the use of the spring to affect ground water flow rates to the Arun Valley sites due to the lack of hydraulic connection. From the technical evidence before me, I see no reason to disagree.

30. In terms of the reliability of the spring, the comment in the GRA relating to drought was made prior to Mr Keenan's site visit. After that site visit it was clear to Mr Keenan that the spring is 'very large indeed', with the flow rate estimated on several occasions as being in the order of 2 to 4 litres per second or 173 to 346 cubic metres per day, even at the end of the summer period. The development only requires circa 0.5 cubic metres per day. The flow rate of the spring is between 340 and 700 times greater than what is required by the development. Given the source and volume of the spring, I am satisfied there are no likely circumstances where the spring could not provide the supply required.

31. The evidence also shows that the water is clean enough to drink direct from the spring. However, as good practice, the supply needs to be passed through UV and sediment filters. Appropriately worded conditions would need to be imposed to secure this means of water supply and its continued management and maintenance.

32. Concerns that the development could be connected to the mains water supply in the future could also be addressed by a suitably worded condition. This would need to include provision of a contingency for an emergency situation should the spring supply ever fail. In the unlikely event that there is a

disruption to the spring supply, I am unconvinced that connecting to the mains supply would be an effective solution, given how long it would take for such a supply to be installed and connected. A more likely scenario would be that the occupiers of the pitches would seek a supply of bottled water or water sourced from outside the Arun Valley sites' catchment area. This approach would not be dissimilar to that taken by Gypsies on a day-to-day basis when they are travelling.

33. In my judgement, the evidence provided by Mr Keenan of SLR is objective and credible. Delivering a water supply to the development via the spring provides mitigation that will ensure there is no hydraulic connectivity to the Arun Valley sites. Further, the use of the spring represents a credible form of mitigation, which can be secured through the imposition of appropriately worded conditions. On that basis, I am satisfied that the likely significant effects of the development can be mitigated such that any adverse effect on the integrity of the qualifying features of the Arun Valley sites and their conservation objectives can be ruled out beyond reasonable scientific doubt.

34. Considering my findings above, the development accords with policies 23 criterion 1.c and 31 of the HDPF, and guidance found in paragraphs 180 and 186 of the Framework, insofar as they seek to ensure that development protects sites for biodiversity.

Other matters

35. Each development proposal must be determined on its own merits. While this proposal may be acceptable in planning terms, having regard to the particulars of this case, it does not mean that a similar development elsewhere would be found acceptable. Furthermore, what potential future uses the land or development could be put to are not matters before me for consideration.

36. The site is well screened and set apart from its neighbours. Consequently, the use of the land for the proposed settled gypsy accommodation site would cause no significant loss of residential amenity due to loss of privacy, overshadowing or loss of outlook.

Conditions

37. In addition to the conditions relating to the delivery of a water supply to serve the development identified above, the appellant and Council included details of other suggested conditions within the SoCG. These were discussed at the Hearing, and several were considered unnecessary, and others required re-wording to ensure they meet the relevant tests. Conditions dealing with the matters set out below are necessary, relevant to planning and the development.

38. The standard time limit needs to be imposed to ensure the development occurs in a timely fashion. A condition confirming that the development shall be carried out in accordance with the approved Site Location Plan and Utility Building Plans is required to define the development.

39. Conditions requiring the submission and approval of materials and a Site Development Scheme, to include details of foul and surface water drainage, refuse collection and recycling facilities, external lighting, the internal layout of the site, planting, ecological enhancements, implementation and maintenance are required in the interests of delivering a high-quality development that

preserves the local environment and protects the living conditions of neighbouring and future residents.

40. Restricting the occupation of pitches to Gypsy and Travellers is necessary as the development is justified in accordance with policy 23 of the HDPF. This condition should be worded as set out in Annex 1 of the PPTS[2]. Conditions restricting the number and type of caravans allowed on the site, and preventing industrial, commercial, or business activities are necessary to ensure a high-quality development is delivered and in the interests of residential amenity.

Conclusion on Appeal B

41. For the reasons given above, I conclude the development accords with the development plan as a whole and the appeal shall be allowed.

Appeal C:

Background and preliminary matters

42. In June 1999 planning permission was granted for the retention of 5 stables and a tack room. Drawing number 189/99/01 (HD6) handed up at the Hearing shows that a timber building comprising 3 stables and a hay store and tack room previously occupied part of the footprint of the building the subject of Appeal C. That building stood on a concrete base, which incorporated an apron to the front of the building. A second timber building, comprising 2 stables, also granted by the 1999 PP remains in situ to the north-west of the Appeal C building.

43. In approximately 2020, the 3 stables, hay store and tack room building caught fire. I am told that the building was being used for the storage of tyres at that time. While the remains of that building were removed from the land before my site visit, trees located within the adjacent ancient woodland, behind the Appeal C building, show signs of fire damage.

44. The appellants erected the Appeal C building as a replacement. This building was initially used for commercial purposes. The Council issued an enforcement notice, seeking the removal of this building but not the concrete base upon which it stands, on 13 February 2023. That enforcement notice is the subject of Appeal A, which I concluded shall be dismissed and the enforcement notice upheld.

45. The appellants confirmed at the Hearing that the equestrian storage use would include the storage of hay, straw and tack, associated with the keeping of horses on land at Pear Tree Farm, along with horse drawn carts. It was also confirmed that these items would either belong to the applicants or residential occupiers of the Gypsy and Traveller pitches at Pear Tree Farm. Policy 10 of the HDPF, relates to rural economic development. This policy is not therefore relevant to this appeal.

46. The Council confirmed at the Hearing that reasons for refusal 1 and 2 were based on the likely comings and goings associated with the use of the building for commercial equestrian storage purposes. Following the appellants' confirmation of the nature and scale of the proposed equestrian storage, the

[2] Planning Policy for Traveller Sites as amended December 2023

Council conceded that the development would not detract from the landscape character or ambiance of the countryside. They also confirmed it would not negatively impact upon private and visual amenity of residential occupiers of nearby dwellings or the Gypsy and Traveller pitches by reason of increased noise or other disturbance. From the evidence before me, I see no reason to disagree with the Council's revised position on these points.

Main Issues

47. The appellants propose the retention of the building for use as equestrian storage. The main issues are the effect on:

- The integrity of the qualifying features of the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar site in terms of water neutrality; and
- The ancient woodland.

Reasons

Water Neutrality

48. The Council clarified that reason for refusal 3, relating to the potential effect of the development on the Arun Valley sites, relates to the provision of a water supply to serve the development. No water supply is provided within the building. There are two water supply pipes with taps located nearby, which the appellants confirmed were erected some time ago to serve the lawful equestrian development.

49. In the absence of any water supply to specifically serve the development, there is no impact pathway between the Arun Valley sites and the development. Thereby any impact on the integrity of the qualifying features of the Arun Valley sites and their conservation objectives can be ruled out beyond reasonable scientific doubt. The development would comply with policy 31 of the HDPF and paragraph 186 of the Framework, which seek to preserve, conserve, or enhance biodiversity.

Ancient Woodland

50. A lawful building occupied a similar position to this building from mid/late 1999 until it was demolished following the fire in late 2020. The concrete base upon which the previous building stood provides the floor upon which the appeal building stands. While the upheld enforcement notice requires the removal of this building, it does not require the removal of the concrete base upon which it stands. Furthermore, the Notice could not require the removal of the concrete base as it was not constructed to facilitate the erection of this building, nor did it form part of the building operation undertaken to erect this building. The concrete base will therefore remain in situ regardless of the outcome of this appeal.

51. The main appeal parties agree that the building is a light-weight structure of simplistic construction. I saw that the trees closest to the building are fire damaged. While the previous building may have been partially located under the canopy of adjacent trees, the existing building is not, due to the damage caused by the fire. In my judgement any potential deterioration of the ancient woodland would have occurred because of the construction of the concrete

base and the fire resulting from the unlawful storage activities taking place in the previous building.

52. The erection of this building has not resulted in the loss of ancient woodland. The Council claim that Natural England advice recommends there should be a 15 meters buffer zone between development and the ancient woodland boundary to provide root protection. This building is located within 15 metres of the designated ancient woodland's boundary. The construction of this building took advantage of the existing concrete base and as such could not have caused any damage to tree roots.

53. The fire damaged building's replacement could have been located beyond the 15-metre buffer zone. However, that would have required the construction of an additional concrete base, resulting in the expansion of built development across this rural site. Re-using the existing concrete base is more sustainable and has a lesser impact on the countryside. The canopy of adjacent trees may eventually grow over the building, but this of itself need not cause the deterioration of the ancient woodland. In my judgement, the retention of this building and its use for equestrian storage would cause no significant loss or deterioration of the ancient woodland.

54. The development therefore complies with policy 31 of the HDPF and guidance within paragraph 186 of the Framework, which seek to maintain or preserve green infrastructure and irreplaceable habitats.

Conditions

55. The appellant and Council include suggested conditions within the SoCG. These were discussed at the Hearing, and several were considered unnecessary, and others required re-wording to ensure they meet the relevant tests. Conditions dealing with the matters set out below are necessary, relevant to planning and the development.

56. Details of hard and soft landscaping and surface water drainage disposal are required to ensure a high-quality development and to prevent flooding elsewhere. The provision of a fire hydrant served by an appropriate water supply is necessary to ensure the development has adequate safety facilities.

57. Conditions preventing the use of the building for any purpose other than equestrian storage, removing permitted development rights for extensions to the building, preventing storage or other activities (except loading and unloading) outside the building, and tying the use of the building to the landowner and/or occupiers of the adjacent Gypsy and Traveller pitches are necessary to preserve the living conditions of adjacent residents.

Conclusion on Appeal C

58. For the reasons given above, the development accords with the development plan as a whole and the Framework. I conclude therefore that the appeal shall be allowed.

59. Having regard to s180(1) of the 1990 Act, the upheld enforcement notice shall cease to have effect in so far as it is inconsistent with the grant of planning permission allowed by Appeal C.

Formal Decisions

60. Appeal A is dismissed, and the enforcement notice is upheld.

61. Appeal B is allowed, and planning permission is granted for a settled gypsy accommodation site comprising 5 pitches and associated utility buildings at Pear Tree Farm, Furners Lane, Woodmancote BN5 9HX in accordance with the terms of the application, Ref DC/21/1796, dated 30 July 2021, and the plans submitted with it, subject to the conditions set out in attached Conditions Schedule 1.

62. Appeal C is allowed, and planning permission is granted for retention of a building for equestrian storage at Pear Tree Farm, Furners Lane, Woodmancote, West Sussex BN5 9HX in accordance with the terms of the application, Ref DC/22/2149, dated 15 November 2022, the plans submitted with it, and subject to the conditions set out in attached Condition Schedule 2.

M Madge

INSPECTOR

Conditions Schedule 1 (Appeal B)

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan; and Proposed Utility Building Plans (Scale 1:100@A4).

3. No development shall take place until a scheme, hereafter referred to as the Site Development Scheme, shall have been submitted to and approved in writing by the local planning authority. The Site Development Scheme shall include a timetable for its implementation and details of:

   (a) The means of foul and surface water drainage of the site.

   (b) The facilities for, and the location of, the storage and collection of refuse and recycling.

   (c) External lighting on the boundary of and within the site.

   (d) The internal layout of the site (notwithstanding the submitted 1:500@A2 Site Layout Plan), including: the siting of caravans and pitches; hardstanding; access road; parking; amenity areas; gates; fencing and boundary treatments; vehicle turning space of sufficient size to accommodate a waste/recycling vehicle and that of emergency/fire services.

   (e) Tree, hedge and shrub planting and where appropriate earth mounding including details of species, plant sizes and proposed numbers and densities.

   (f) Ecological enhancements.

4. 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 utility building(s) has been submitted to and approved in writing by the local planning authority and all materials used in the construction of the development hereby permitted shall conform to those approved.

5. There shall be no more than five pitches on the site and on each of the five pitches hereby approved no more than two caravans shall be stationed at any time, of which only one caravan shall be a static caravan.

6. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an

organised group of travelling showpeople or circus people travelling together as such.

7. No industrial, commercial or business activity shall be carried out on the five pitches hereby approved as shown on the Site Development Scheme.

8. No development shall commence until evidence that water from the spring has been sampled by a suitably qualified person and analysed by an accredited laboratory and the findings submitted to the local planning authority. In the event the samples show that any of the parameters are above prescribed concentrations or values, as detailed in Schedule 1 of the Private Water Supplies (England) Regulations 2016, no development shall commence until a mitigation scheme has been submitted to and approved in writing by the local planning authority that demonstrates how the water will be treated to meet the requirements of Schedule 1 of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent). The mitigation scheme shall then be implemented in full prior to first occupation of any pitch and it shall be retained and maintained thereafter at all times.

9. No development above ground floor slab level shall commence until a management and maintenance plan for the spring water supply system has been submitted to and approved in writing by the local planning authority. The management and maintenance plan shall include the following details:

   (a) The sampling regime and parameters etc, recognising that the sampling will need to be undertaken by a suitably qualified person and accredited laboratory.

   (b) Detail on how any failure of any samples will be investigated and managed.

   (c) Details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each of the five pitches.

   (d) Detail on what type of treatment will be installed on the supply, with information clearly indicating that it is appropriate for the amount of water being used.

   (e) Detail on how the treatment system, pipework, tanks etc will be cleaned and maintained and who will maintain them for the lifetime of the development. This should include any re-activation of the system after it has been out of use due to rainfall/use.

   (f) The completion and sharing of Regulation 6 risk assessment by a suitably competent person (as required by the Private Water Supplies (England) Regulations 2016) prior to the water supply being put to use.

   (g) Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.

(h) Details of contingency plans to ensure any failures or reported concerns with the supply are investigated and rectified as soon as possible, including timeframes. This should include notification of the investigation and corrective actions to the local planning authority.

The management and maintenance plan shall be operated in full at all times. No alterations or revisions to the approved management and maintenance plan shall be implemented without the prior written approval of the local planning authority.

10. No pitch shall be first occupied until evidence has been submitted to and approved in writing by the local planning authority that water taken from the water treatment plant meets the requirements of Schedule 1 'Prescribed concentrations or values' of the Private Water Supplies (England) Regulations 2016.

11. No pitch hereby permitted shall be connected to or draw supply from the mains water supply. Where a temporary failure has occurred, the occupiers shall undertake the contingency measures set out in the management and maintenance plan agreed under condition 8 until such time as the system is fully operational.

-END-

Conditions Schedule 2 (Appeal C)

1. Within 3 months of the date of this permission, full details of hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority. The details shall include plans and measures addressing the following:

   (a) Details of all existing trees and planting to be retained.

   (b) Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details.

   (c) Details of hard surfacing materials and finishes.

   (d) Details of management and maintenance of the landscaping within the site.

   (e) Boundary details.

   (f) External lighting details.

   (g) Ecological enhancements.

   The approved landscaping works 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 approved landscaping works. Any approved planting, which 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.

2. Within 3 months of the date of this permission, drainage details of the proposed means of surface water disposal including a scheme for its implementation shall be submitted to and approved in writing by the local planning authority.

3. Within 3 months of the date of this permission a fire hydrant(s) to BS 750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use. The hydrant(s) or stored water supply shall thereafter be retained as such.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order) and the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the building hereby permitted shall only be used for the purposes of equestrian storage

and for no other purposes within Class B8 without express planning consent from the local planning authority first being obtained.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the storage premises hereby permitted shall not be altered or extended without express planning consent from the local planning authority first being obtained.

6. No activities other than loading or unloading shall be undertaken in the open air and no external storage associated with the use of the building for equestrian storage is permitted at any time.

7. Except for the development granted under planning permission DC/23/0639, the site shall not be used for commercial purposes at any time and the use of the building for equestrian storage purposes shall enure for the benefit of the landowner only, including the occupiers of any Gypsy and Traveller pitches permitted within the blue line as detailed on drawing number 20062311_000 rev R0.

-END-

APPEARANCES

FOR THE APPELLANT:

Alan Masters	Counsel for Appeal B
Stephen Whale	Counsel for Appeals A and C
Phil Rowe	Planning Consultant
Rhodri Crandon	Landscape Consultant
Geoff Keenan	Water Consultant
Sam Tingey	Appellant
Charlie Tingey	Appellant
Tracey Tingey	Appellant's Father

FOR THE LOCAL PLANNING AUTHORITY:

Amanda Wilkes	Senior Planning Officer
Adrian Smith	Major Applications Team Leader & Water Neutrality Officer
Mark McLaughlin	Policy Officer
Ines Watson	Landscape Officer
Reg Hawkes	Enforcement Officer

HEARING DOCUMENTS

HD1	2018 Council aerial photo (Appeal B)
HD2	Indicative and Schematic Water Supply Layout plan (Appeal B)
HD3	Statement of Common Ground (Appeals A, B and C)
HD4	Common Ground (Appeals A and C)
HD5	Aerial images dated 2018 and 2023 (Appeals A and C)
HD6	Drg No: 189/99/01 – approved plan for previous stable building