Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0377
Sayers Farm, Two Mile Ash, Horsham, West Sussex, RH13 0LA

DESCRIPTION:

Extension to existing riding menage and construction of a horse walker.

RELEVANT PLANNING HISTORY:

DC/15/2465	Change of Use from vegetable garden to a 23 x 24 metre Outdoor Riding Arena for private use	Application Permitted on 22.12.2015
SQ/110/94	Construction of a vehicular access Site: Sayers Farm Two Mile Ash Horsham	Application Refused on 14.12.1994
HR/39/86	Demolition of calf shed and pig sty (l.b.c.) (From old Planning History)	Application Permitted on 16.04.1986
HR/32/50	Proposed new dairy and additions to cowhouse Comment: Permitted development byelaws (From old Planning History)	Application Permitted on 14.04.1950

SITE AND SURROUNDS

The application site is land east of the Grade II listed Sayers Farmhouse and Sayers Barn, located east of Two Mile Ash Road The application site has planning permission under DC/15/2465 for a 23 x 24 metre Outdoor Riding Arena for private use, approx. 27m east of the listed property, adjacent south of a hay barn.

The site includes a belt of hedgerow and trees to all boundaries. There is an existing access to the southwest of the site off from Two Mile Ash Road. The area of land is a countryside location for planning purposes, rural in character.

There is evidence of a sand school in the local area, to the southwest of the site within the property of The Moat House, consisting of an approx 60 x 20m riding menage, and exercise arena, permitted under application DC/05/2350.

DETAILED DESCRIPTION

Planning permission is sought for the extension of the existing riding menage, and erection of a horse walker on site. The existing riding menage is approximately 24m x 23m, which is considered smaller than the standard menage size making it not fit for purpose. A 60m x 23m riding menage has been proposed which is considered appropriate for the Applicants to allow for dressage and jumping training for private use. A standard timber 5-bar gate is to provide access to the menage with timber post and rail fencing around the perimeter.

In order to extend the riding menage, approximately 20m of hedging would need to be removed. However, 35m of new* native hedgerow to be planted in replacement to the south of the site.

The addition of a horse walker on site is to give a safe environment to provide horses with regular and routine exercise favoured for their physical and mental wellbeing.

The surface of the proposed menage will be redhill blended equi sand, this does not require watering – only harrowing and grading. The Applicant has confirmed that the menage proposed surface materials do not require watering to maintain the surface.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 29 - Equestrian Development
Policy 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets

Southwater Neighbourhood Plan:
SNP1- Core Principles
SNP16- Design

Southwater Design Statement

REPRESENTATIONS AND CONSULTATIONS RESPONSES

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

Consultations:

HDC Conservation: No Objection

Satisfied the extended sand school and associated fencing will not impact the setting of the adjacent listed buildings. The horse walker is also acceptable in principle as long as this is not intervisible with the listed buildings.

Ecology: No Objection, conditions recommended

NatureSpace - Gt Crested Newts: No Objection, the District License Scheme has been joined

Parish Comments:

No Objection

Representations:

One neighbouring representation received, in support of the application.

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

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

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

PLANNING ASSESSMENT

Principle of Development:

Policy 26 of the Horsham District Planning Framework (excluding South Downs National Park) deals with countryside protection and enhancement and states: Outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria:

1. support the needs of agriculture or forestry;
2. enable the extraction of minerals or the disposal of waste;
3. provide for quiet informal recreational use; or,
4. enable the sustainable development of rural areas.

Policy 29 of the HDPF details that development for equestrian related development will be supported provided that:

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

The application is for an extension to existing riding menage and construction of a horse walker for equestrian purposes for private use only. The site has an established use for equestrian purposes, where the proposal seeks to improve the equestrian facilities. The Planning Statement outlines that the extended sand school is required to enable appropriate facilities for dressage and show jumping and to meet the desired level of training. The Planning Statement outlines that the horse walker is required to provide a safe environment to provide the Applicant’s horses with regular and routine exercise.

The proposed development would be for private use, associated with existing equestrian facilities. Given the established nature of the site, the proposed would not be inappropriate in this context, nor would it be considered to result in an intensification of activity within the rural countryside location. It is recognised that the proposal would result in the loss of some paddock land, but this is not considered to result in a degree of harm to justify a reason for refusal.

The scale of the development is considered appropriate to the private use proposed, and in principle the presence of the menage and horse walker would not amount to a harmful overdevelopment of the site. The proposal would not be expected to significantly increase existing levels of activity at the site. It is therefore considered that the principle is acceptable, subject to all other material considerations.

Character, Appearance and Heritage Impacts:

Policy 32 and 33 of the HDPF seeks to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built

surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.

Policy SNP16 of the Southwater Neighbourhood Plan states that all development must be of high quality design. New development should actively respond to other properties in the vicinity.

The overall site is of significant size and is considered sufficient to accommodate the proposed extended sand school and horse walker. It is recognised that the extended sand school would result in the loss of some paddock land, but given the established character of the site, which already accommodates a sand school and associated equestrian facilities, it is not considered that the proposal would result in further landscape character harm.

Mature vegetation around the boundaries of the site provides screening, with the proposed post and rail fencing to the extended sand school considered to appropriate reflect the rural character of the countryside location. Whilst the proposal would result in the loss of some hedgerow, the replacement native species further to the south would compensate this loss.

The Council's Conservation Officer considers that the extended sand school, horse walker and associated fencing will not impact the setting of the adjacent listed buildings.

For these reasons, it is therefore considered that the visual impact of the proposal is acceptable and would accord with the above policies

Impact on Neighbouring Amenity

Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

Policy SNP16 of the Southwater Neighbourhood Plan states that development should not result in unacceptable harm to the amenities of existing and proposed buildings, particularly with regard to privacy, outlook, daylight and sunlight.

It is considered that the siting and layout of the proposed horse walker and extension of the sand school, given separation distances and boundary treatment, along with the resulting relationship with adjoining properties, would be sufficient to prevent any unacceptable harm to neighbouring amenity.

Ecology:

The applicant submitted a Preliminary Ecological Appraisal (PEA) in March 2024, assessing the potential impact of development on protected species and habitats, and identifying necessary mitigation. Hedgerow H2, consisting of Willow, Hornbeam, Blackthorn, and bramble, will be removed, raising concerns about Hazel Dormice presence. Consequently, a non-licensed Precautionary Method Statement for Hazel Dormice was recommended and later detailed in a specific technical note in June 2024.

The Council's Ecology advisors confirmed no further bat surveys are required as there are no buildings or trees on site with potential for bat roosts. The site is within 12km of The Mens Special Area of Conservation (SAC) for Barbastelle bats, but no records of this species exist within 2km. Four European Protected Species Mitigation Licenses (EPSML) have been granted within 2km for various bat species. The site also lies near Ebernoe Common SAC and the Arun Valley SAC, SPA, and Ramsar site but outside their critical conservation areas.

The 0.27ha site, a horse paddock with a manège and hardstanding, will see the removal of a central hedgerow but the planting of a new species-rich native hedgerow and enhancement of grassland to maintain bat habitat connectivity. There is no anticipated adverse effect on the integrity of the bat SAC. The council is advised to prepare a project-level Habitats Regulations Assessment (HRA) Screening Report.

The hedgerows provide limited habitat for Hazel Dormice and reptiles, supporting the need for precautionary measures as outlined. The council's ecology advisors have sufficient information to determine the application without objections, excluding Great Crested Newts, whose comments are deferred to the NatureSpace Partnership. Mitigation measures must be secured by conditions in any consent to ensure protection and enhancement of species.

Biodiversity enhancements, including bird and bat boxes and log piles, align with the National Planning Policy Framework and should be detailed in a Biodiversity Enhancement Layout. These enhancements demonstrate compliance with biodiversity duties under the NERC Act 2006 and will contribute to biodiversity net gain, avoiding the need for a pre-commencement condition upon approval.

Other Matters:

The application site is within the red Impact Risk Zone for potential impact on Great Crested Newts, as modelled by district licence mapping, where the Council's Newt advisors have been consulted. The applicants have provided a Preliminary Ecological Appraisal prepared by The Ecology Partnership, March 2024. which identifies biodiversity mitigation/enhancements appropriate due to the potential impact of the development on protected species. The councils Newt advisors NatureSpace have been consulted. The proposed development is considered to be relevant to the District Licensing Scheme and a license for development has been granted, and it is considered there would be no likely impact on great crested newts or their habitats. Suggested conditions and informative detailed within the licence are included below.

Water Neutrality

It is noted that the development is within the Sussex North Water Supply Zone, where water extraction could result in an Adverse Effect on the Integrity of Arun Valley Special Protection Area (SPA), Special Area Conservation (SAC) & Ramsar site.

The proposed surface materials are made from redhill blended equi sand, which does not require watering, only harrowing and grading, and the Applicant has confirmed that no watering of the surfacing is required. As such, there is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusion

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

Recommendation: Application Permitted

Conditions:

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 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Technical Note – Non-licensed Precautionary Method Statement for Hazel Dormouse (The Ecology Partnership, June 2024) and Preliminary Ecological Appraisal (The Ecology Partnership, March 2024) as already submitted with the

planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for mobile species Sections 4.22 and 4.27 of the Preliminary Ecological Appraisal (The Ecology Partnership, March 2024), and the Biodiversity Enhancement Layout (ref. 4617-15).

This will 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: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and the Wildlife & Countryside Act 1981 as amended, and s40 of the NERC Act 2006 (as amended).

4 **Regulatory Condition**: The materials and finishes of the development hereby permitted shall strictly accord with the submitted plans, details and application form.

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

5 **Regulatory Condition**: The sand school shall not be used for commercial purposes or in connection with any form of riding establishment.

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

6 **Regulatory Condition**: No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR136 , or a 'Further Licence') and with the proposals detailed on plan "Sayers Farm: Impact plan for great crested newt District Licensing (Version 1)" dated 27th March 2024

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence (WML-OR136, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

7 **Regulatory Condition**: No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR136, or a 'Further Licence'), and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR136, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

NOTE TO APPLICANT

It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation

from the planning authority which permits the development to proceed under the District Licence (WML-OR136, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newt are thereby committed then criminal investigation and prosecution by the police may follow.

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/0377

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Elevation plan	Proposed	4617 - 13	07.03.2024
Supporting Statement	Preliminary Ecological Appraisal	NONE	07.03.2024
Location & Block plan		4617 - 01 REV A	07.03.2024
Block plan	Proposed (Horse Walker Included)	4617 - 17	03.04.2024
Elevation & Floor plan	Proposed section	4617 - 11	07.03.2024
Elevation & Floor plan	Proposed details	4617 - 12	07.03.2024
Supporting Statement	Heritage and planning	NONE	18.03.2024
Supporting Statement	NatureSpace Gt Crested Newt Mitigation Principles		02.04.2024
Supporting Statement	NatureSpace Best Practice Principles		02.04.2024
Supporting Statement	Impact Plan for Gt Crested Newt Licensing		02.04.2024
Supporting Statement	NatureSpace certificate/license		07.05.2024
Existing Block Plan			13.05.2024
Proposed Block Plan		4617 - 10B	13.05.2024
Supporting Statement	Technical Note – Non-licensed Precautionary Method Statement for Hazel Dormouse (The Ecology Partnership, June 2024)		04.06.2024
Supporting Statement	Proposed Biodiversity Enhancement Layout	4617 - 15	28.06.2024

DELEGATED

Case Officer sign/initial	Steve Astles	Date:	19.07.2024
Authorising Officer sign/initial	RHERMITAGE	Date:	29.07.2024