The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987 8927
Switchboard 0117-987 8000
Fax No 0117-987 8769
GTN 1374

RECEIVED

Mr R N Thornton BA Hons Dip Arch
The Studio
Station Road
STEYNING
West Sussex
BN44 3YL

Your Ref:
A32.1/RNT
Our Ref:
T/APP/Y3805/A/97/276255/P9

Date: 02 JUN 1997

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR AND MRS ROSTRON
APPLICATION NO: SU/68/96/TP

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Adur District Council to refuse planning permission for new stables at The Pump House, Erringham Farm, Mill Hill, Shoreham-by-Sea. I have considered the written representations made by you and by the Council. I inspected the site on 18 March 1997.

2. I note that the proposal was amended to include a garage and other accommodation. I shall therefore determine the appeal on the basis of the revised description which appears on the decision notice as: "Stable/garage building (garage, 2 stables, foaling box & tackroom)". The drawings relating to this revised description are Nos. A32:1 003 (coloured as shown on the copy attached to the Council's statement), and A32:1 004.

3. From what I have seen and read, I consider the two main issues to be: firstly, whether there is a compelling need to provide a larger building in the countryside in the designated Area of Outstanding Natural Beauty (AONB) having regard to the policies to strictly control building in such areas; and secondly, whether the development as proposed would harm the character and appearance of the landscape of the countryside and AONB.

4. The development plan for the area comprises the West Sussex Structure Plan 1993 and the Adur District Local Plan 1996. The broad thrust of the development plan policies such as Structure Plan policy C1 and Local Plan policy AC1 is to strictly control all new building in the countryside. In the Sussex Downs Area of Outstanding Natural Beauty (AONB), policies C2, AC2 and AC3 provide that development will only be permitted in compelling circumstances and that such development as is permitted in the AONB must be in sympathy with the landscape and not harm the visual quality of the area. Policy AC15 of the Local Plan includes specific criteria for development involving horses and refers to supplementary guidance in Design Bulletin No. 3 produced by the Council.

5. Addressing the first main issue, I note that the building is intended to replace an existing smaller temporary building which currently occupies a similar site and is constructed of similar materials. The compelling need for this smaller building was accepted when temporary planning permission was granted in 1995. At the time of my site inspection, I

observed that the current building was in use as a garage for one car and for domestic storage. Other garage and storage space in the building had recently been adapted to create a loose box for a thoroughbred mare and a second smaller and more makeshift box for a pony. The mare and the pony were grazing in your client's field.

6. The development plan's strict control of building in the countryside and the AONB is supported by paragraphs 2.4 and 4.8 of Planning Policy Guidance (PPG) note 7 "The Countryside - Environmental Quality and Economic and Social Development" issued by the Secretary of State for the Environment in February 1997. Within this framework, Annex F of PPG 7 seeks a positive approach towards planning applications for horse-based development which respects the rural environment. I find that policy AC15 and the Design Bulletin support this approach. They allow for new stable buildings in the countryside provided that they meet environmental criteria and are supported by a "compelling need". The Bulletin describes this need as relating to the size of the landholding and the degree of exposure to which horses may otherwise be subjected.

7. Using the figures provided in the Design Bulletin, it would appear that your clients own sufficient land to provide grazing for 2 or 3 horses. This would correspond to the size of building which your clients seek. The land may be considered to represent the fragmentation of a larger farmholding which the guidance discourages. However, the guidance provides that the siting of stables close to other buildings or "concealed" from view could allow an exception. The proposed building would be close to the house and partially concealed from view. The guidance also states that stables can be justified to provide shelter where the horses are thoroughbred, which the mare is. Policy AC15 says that only temporary permissions are to be granted for temporary structures unless it is evident that the need is long term. I do not have evidence of your clients' long term needs but the proposed building would be of suitable lightweight timber construction to serve as a temporary building and you have not opposed a temporary planning condition.

8. Taking the above factors into account, I conclude in relation to the first main issue that a "compelling need" for the larger stables and ancillary storage for tack and feed can be demonstrated for the purposes of policy AC15(a). The provision of garaging for two cars would replace that previously accepted as meeting a compelling need and would render the parked vehicles less conspicuous in the landscape.

9. Turning to the second main issue, I found that the present building blends well into the landscape by reason of its siting adjacent to woodland at the foot of a slope and its use of materials of subdued colour. The building closely adjoins the existing house in a similar position and is partially concealed by the house, nearby trees and the adjacent hill but is visible from the public footpath which passes through Erringham Farm. Nevertheless it does not appear out of place, particularly in the context of the ugly complex of farm buildings nearby which dominate views within the downland valley. Current external storage around the building is more conspicuous but the need for this could be diminished by the provision of a larger building.

10. The wider but lower building now proposed to be constructed of similar materials in a similar position would not be significantly more conspicuous than the present building. Further planting of native trees and shrubs could help to conceal the larger building if allowed time to mature. I therefore conclude in relation to the second main issue that the proposed building would not harm the character and appearance of the landscape of the countryside or the AONB. It would thus accord with the relevant parts of Structure Plan policies C1 and C2, and Local Plan policies AC1, AC2, AC3 and AC15.

11. I have taken into account all other matters raised in written representations but these do not outweigh the considerations which have led to my decision.

12. I have considered the planning conditions which the Council has requested should the appeal be allowed and I broadly agree with them for the reasons stated subject to minor editing and to the substitution of a 10 year time period for the permission in place of the suggested 5 years. My reasons for this are: firstly, that I consider that a timber building of the type proposed would have an expected life of at least 10 years before significant deterioration could be expected; secondly that it would allow time for the landscaping to become established; and thirdly, that this would be a suitable time to review the appellants' family requirements for the accommodation. An additional condition concerning the materials to be used would help to ensure that the colours blended with the surroundings.

13. I note that your clients object to the condition removing permitted development rights. However, such a condition already applies to the original curtilage as part of the permission for the conversion of the main building to a house. I consider that the restriction should extend to the larger site as the erection of further structures as permitted development on this sensitive site in addition to the large proposed building could easily harm the character and appearance of the landscape of the AONB.

14. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for a stable/garage building (garage, 2 stables, foaling box & tackroom) at The Pump House, Erringham Farm, Mill Hill, Shoreham-by-Sea in accordance with the terms of the application (No SU/68/96/TP) dated 29 May 1996 and the amended plan nos. A32.1/003 & 004 subject to the following conditions:

1. the building hereby permitted shall be removed and the land restored as grassland on or before 30 June 2007;

2. this permission relates only to the application as amended by the revised plans (refs A32.1/003 & 004) received by the Council on 29 July 1996;

3. notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no new buildings or structures shall be erected within the application site other than that expressly authorised by this permission;

4. the building shall be used solely for stabling, garaging and/or storage being purposes incidental to the enjoyment of the dwelling and of the agricultural use of the adjoining land;

5. no development shall take place unless and until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping which shall include indications of all existing trees and hedgerows within the application site and details of those to be retained, together with measures for their protection in the course of development; all planting, seeding, or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become damaged or diseased shall be replace in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

6. no development shall be carried out until the existing storage building permitted under ref. SU/162/94/TP has been demolished and any materials which are not be used in the new development have been removed from the property;

7. no development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority; development shall be carried out in accordance with the approved details.

15. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

16. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully

[redacted]

R P E MELLOR BSc Dip TRP DipDesBEnv DMS MRTPI ARICS
Inspector

ADUR
DISTRICT COUNCIL

ADUR DISTRICT COUNCIL

CIVIC CENTRE, HAM ROAD
SHOREHAM-BY-SEA
WEST SUSSEX BN43 6PR

TEL: 01273 263222

PLANNING PERMISSION

TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

APPLICATION NUMBER **SU/214/99/TP**

Details of development

RETENTION OF STORAGE BUILDING (RENEWAL OF SU/162/94)

Location of development to which application relates

PUMP HOUSE
MILL HILL
SHOREHAM BY SEA
WEST SUSSEX. BN43 5FA

Permission

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the above development in accordance with the application and relevant correspondence and subject to compliance with the conditions specified on the attached Schedule.

Your copy of the application, determined as above, is returned herewith for your records



Chief Officer Planning & Development Services

08-02-00

MR D P ROSTRON
THE PUMP HOUSE
MILL HILL
SHOREHAM BY SEA
WEST SUSSEX, BN43 5FA

TP02

ADUR DISTRICT COUNCIL

CIVIC CENTRE, HAM ROAD
SHOREHAM-BY-SEA
WEST SUSSEX BN43 6PR

TEL: 01273 263222

PLANNING PERMISSION

TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

APPLICATION NUMBER **SU/214/99/TP**

Schedule of Conditions

1 The building hereby permitted shall be removed on or before the expiration of the period ending on 31 December 2010.

Reason: *To enable the Local Planning Authority to review the special circumstances under which this permission is granted and to retain control over a building which, owing to its construction materials, is likely to deteriorate.*

2 The building shall be used solely for garaging vehicles, storage or other purposes incidental to the enjoyment of the dwelling and/or the agricultural use of the adjoining land.

Reason: *In the interests of amenity.*

Chief Officer Planning & Development Services

TP02S

ADUR
DISTRICT COUNCIL

ADUR DISTRICT COUNCIL

CIVIC CENTRE, HAM ROAD
SHOREHAM-BY-SEA
WEST SUSSEX BN43 6PR

TEL: 01273 263222

NOTIFICATION TO APPLICANT

TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM ARTICLE 25 OF THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT.

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act, 1990 within six months of the date of this notice. Appeals must be made on a form which is obtainable from the Department of the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ. The Secretary of State has power to allow a longer period of notice for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act, 1990.

3. In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act, 1990.

4. Further correspondence about this application should quote the reference number at the top right hand corner of the form.

5. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.

TP30

ADUR DISTRICT COUNCIL

CIVIC CENTRE, HAM ROAD
SHOREHAM-BY-SEA
WEST SUSSEX BN43 6PR

TEL: (0273)455566

PLANNING PERMISSION

TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING GENERAL
DEVELOPMENT ORDER 1988 (AS AMENDED)

APPLICATION NUMBER **SU/162/94/TP**

Details of development

STORAGE BUILDING (RETROSPECTIVE) AND EXTENSION OF RESIDENTIAL CURTILAGE

Location of development to which application relates

TO N.W. OF 'THE PUMP HOUSE'
MILL HILL
SHOREHAM-BY-SEA

Permission

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the above development in accordance with the application and relevant correspondence and subject to compliance with the conditions specified on the attached Schedule.

Your copy of the application, determined as above, is returned herewith for your records

Director of Development Services

06/02/95

RECEIVED
2 MAR 1995
DEREK SCOBLE RIBA

S L HARVEY
PUMP HOUSE
MILL HILL
SHOREHAM-BY-SEA
WEST SUSSEX

TP02

ADUR DISTRICT COUNCIL

CIVIC CENTRE, HAM ROAD
SHOREHAM-BY-SEA
WEST SUSSEX BN43 6PR

TEL: (0273)455566

PLANNING PERMISSION

TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988 (AS AMENDED)

APPLICATION NUMBER **SU/162/94/TP**

Schedule of Conditions

1 The building hereby permitted shall be removed on or before the expiration of the period ending on 31st December 1999.

Reason: *To enable the Local Planning Authority to review the special circumstances under which this permission is granted and to retain control over a building which, owing to its construction materials, is likely to deteriorate.*

2 This permission relates to the application as amended by the revised plan (89/17/03 Rev B) received on 22nd December 1994.

Reason: *For the avoidance of doubt and because the application as originally submitted was unacceptable.*

3 Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 as amended, no other buildings or structures shall be erected on the extended residential curtilage hereby permitted.

Reason: *To preserve the character of the landscape.*

4 The building shall be used solely for garaging vehicles, storage or other purposes incidental to the enjoyment of the dwelling and/or the agricultural use of the adjoining land.

Reason: *In the interests of amenity.*

Director of Development Services

TP02S

ADUR DISTRICT COUNCIL

CIVIC CENTRE, HAM ROAD
SHOREHAM-BY-SEA
WEST SUSSEX BN43 6PR

TEL: (0273)455566

NOTIFICATION TO APPLICANT

TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING GENERAL
DEVELOPMENT ORDER 1988 (AS AMENDED)

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TP30