

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                        |              |
|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|--------------|
| <b>Ref. No:</b>                              | DM/26/0128                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Case Officer:</b>                   | Deborah Lynn |
| <b>Application Type:</b>                     | Full Application                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                        |              |
| <b>Proposal:</b>                             | Change of use of land from agricultural use to equestrian use, erection of stable building, and construction of all-weather outdoor riding area; with associated hard/soft landscaping, and access arrangements. Amended site plan received 17.06.2026 showing revised position of outdoor riding arena, together with amended supporting documentation including ecology and BNG assessment, tree report and flood risk and drainage assessment. |                                        |              |
| <b>Site:</b>                                 | The Foal Barn, Wyndham Farm, Wineham Lane, Wineham, Henfield, West Sussex, BN5 9AN,                                                                                                                                                                                                                                                                                                                                                               |                                        |              |
| <b>Validation Date</b>                       | 19 Jan 2026                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Overall Expiry Date:</b>            | 10 Aug 2026  |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Pre-Com Conditions Date Agreed:</b> |              |
| <b>Recommendation:</b>                       | Permission                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Recommendation Date:</b>            | 27 Aug 2026  |
| <b>Target Date:</b>                          | 16 Mar 2026                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Recommending Officer Signature:</b> | Deborah Lynn |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 7 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |                 |              |             |
|------------------------------|-----------------|--------------|-------------|
| <b>Signed and Agreed By:</b> | Stephen Ashdown | <b>Date:</b> | 28 Aug 2026 |
| <b>Comments:</b>             |                 |              |             |

## MID SUSSEX DISTRICT COUNCIL

**DM/26/0128**

**The Foal Barn, Wyndham Farm, Wineham Lane, Wineham, Henfield, West Sussex, BN5 9AN**  
**Change of use of land from agricultural use to equestrian use, erection of stable building, and construction of all-weather outdoor riding area; with associated hard/soft landscaping, and access arrangements. Amended site plan received 17.06.2026 showing revised position of outdoor riding arena, together with amended supporting documentation including ecology and BNG assessment, tree report and flood risk and drainage assessment.**  
**Mr And Mrs S Platt**

### **SUMMARY OF REPRESENTATIONS**

A total of 6 objection letters received, raising the following concerns:

- Due to topography of land, concerned that people using the sand school will be able to see directly into our property and garden at Brook House, reducing privacy.
- No mention of hardstanding in plans, where will large horse lorries and cars park? If parked on land will have headlights shining into our property. Likely to cause obstructions on lane.
- Will also have light from floodlights from the stables and sand school shining into property, affecting residential amenity, wildlife and character of countryside - there are several bats and barn owls living in area. Will impact dark skies.
- Flooding is regular problem within locality. Topography of land means proposal is likely to increase surface water runoff onto neighbouring properties, such as Brook House and Wickhams.
- Recommendation that surface water discharge into a watercourse / ditch adjacent to Brook House is likely to increase foul water flooding into garden of Brook House where there is already a problem with rats.
- Average number of horses kept for private recreational purpose is 2. 6 stables is excessive.
- Proposal will generate significant quantities of manure and waste; where will this be stored? Without strict enforceable waste management controls, likely to lead to unpleasant odours, runoff pollution and contamination of nearby properties / land and water courses. This is a nitrate vulnerable zone so manure cannot be stored on site.
- Horse manure attracts flies, particularly during warmer months. Increase in fly populations would impact neighbouring residents ability to enjoy homes and gardens.
- Proposal will add to increasing number of horse lorries and cars on Wineham Lane. Access to sand school is via Gratten Lane only, a historic public bridleway and footpath adjacent to 2 listed buildings, also used as vehicular right of way for Wyndham Farm site. Lane is narrow and not designed to accommodate traffic associated with a business of this scale.
- Traffic on lane has increased with existing equestrian centre at Wyndham Farm.
- Proposal would create congestion and pose safety risks. No assessment submitted regarding whether existing infrastructure can accommodate increased traffic.
- Proposal represents an overdevelopment of the site and is incompatible with character of the area.
- Proposal would have negative impacts on the heritage assets on this site.
- Land is deemed agricultural and should remain so to guarantee diversity in an area heavily impacted by equestrian activities.
- Additional traffic likely to add to deterioration of road surface and destruct grass verges, creating risk of erosion, rutting and long term damage to lane.
- Owners of land sold large equestrian centre next door and now want to build another and squeeze it onto a small plot that is unsatisfactory for such development.
- Proposal would introduce significant amount of noise on a quiet rural lane. Equestrian activities typically begin early in morning and continue through day, including horse transporters, deliveries, machinery for arena maintenance. Would materially harm the peaceful character of the area and impact neighbouring residential amenities.
- We understand that a previous equestrian application in this location was refused.

- There will be no additional support for local economy with regards to feed and equestrian services as already utilised on the site; only short term benefit will be construction work.
- Preventing coalescence is clearly breached by no. of planning applications on the site. There are now 4 houses on the site where there were originally 2 houses with adjoining barns and stabling.
- There will be increased noise, air and light pollution.
- If minded to approve, urge you to add conditions for lighting, recreational use, no future development for stabling, effective flood risk assessment, waste management plan and adherence to registered title stipulations for the view from Wyndham Farmhouse not be impacted.
- View from Wyndham Farmhouse already impacted with piles of rubble, equestrian machinery.

## **SUMMARY OF CONSULTEES**

### **WSCC Highways**

The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

### **WSCC Public Rights of Way**

No objection.

### **MSDC Conservation Officer**

I note that a revised site plan has been received showing the location of the proposed arena amended to sit slightly further to the south, so that a tree is protected. In my opinion this will not materially affect the impact on the adjacent heritage assets. Please therefore continue to rely on my previous comments in this respect (conclusion noted below):

Based on the plans in front of us, a degree of adverse impact on the traditional agricultural character of the land concerned will occur due to the scale and nature of works proposed. This will be harmful to the special interests of the heritage assets at Wyndham Farm and Mercers Farm, and the manner in which these are appreciated. I would place the level of harm arising from the current scheme at the lower end of the less than substantial scale in all cases:

- Wyndham Farm house- a low level of less than substantial harm.
- Mercers Farm house and barn- a very low level of less than substantial harm.

These harms would stand under paragraph 215 of the NPPF to be weighed against the public benefits of the proposal, if any, bearing in mind the great weight that must be given to the conservation of assets, and the requirement for clear and convincing justification for any harm that the Framework also requires.

With respect to the NDHAs at Wyndham Farm, I would identify a low level of harm to assets of a mid-level of interest in the local context.

### **MSDC Ecological Consultant**

No ecological objection subject to attached conditions.

### **MSDC Environmental Protection**

No objection subject to conditions.

### **MSDC Flood Risk and Drainage**

No objection to the proposed development on flood risk and drainage grounds, subject to condition.

### **MSDC Tree Officer**

No objection subject to condition.

### **NatureSpace Partnership**

Confirmation that District Licence has been applied for in respect of great crested newts. No objection subject to conditions and informatives.

### **Southern Water**

No objections to the amendments of foul drainage.

### **TWINEHAM PARISH COUNCIL OBSERVATIONS**

Twineham Parish Council continues to object and stands by its comments of 18th February 2026 (noted below):

Twineham Parish Council wishes to object to this application.

The applicants have sold off a substantial amount of stabling and an outdoor sand school and now find themselves without these facilities. The application, for an outdoor sand school and stabling for 6 horses on a relatively small site (which floods at the northern end), seems excessive. This would seem to be overdevelopment of the site.

The site in question is in close proximity to two Grade 2 Listed Buildings, and the proposed development will have a detrimental effect on them.

In the event that planning permission is granted for this site, Twineham Parish Council would request that the present temporary stabling is removed.

As has been raised in the pre-app advice, the scheme does cause "harm" to the surrounding setting of the listed buildings and additionally does not provide any public benefit to balance this harm.

We should like to add that we are concerned about the constant building works at Wyndham Farm and the detrimental and cumulative effect this is having on the neighbouring residents.

### **INTRODUCTION**

This application seeks planning permission for the change of use from agricultural to equestrian use, the erection of a stable building and construction of an all-weather outdoor riding area with associated hard / soft landscaping and access arrangements.

### **RELEVANT PLANNING HISTORY**

DM/24/1966 - Change of use of land from agricultural use to equestrian use, erection of stable building, horsewalker, and construction of all-weather outdoor riding area; with associated hard and soft landscaping. (Amended description 08.11.2024, amended site plan received 26.11.2024). Withdrawn 06.02.2025.

### **SITE AND SURROUNDINGS**

The application site is an irregular shaped agricultural field located to the north of a group of residential properties including The Foal Barn, which form part of the wider Wyndham Farm holding. The site is accessed via Gratten Lane, a track and public bridleway (route TWI/4T/1) which runs in a west/east direction to the east of Wineham Lane.

Wyndham Farm and Wyndham Farm Stables and Stud adjoin the site to the east whilst residential properties on Wineham Lane adjoin the field to the west. A grade II listed building, Wyndham Farmhouse lies to the southwest of the application site, on the corner of Wineham Lane and the PROW whilst the grade II listed property at Mercers lies opposite Wyndham Farmhouse to the south.

The field is enclosed by established vegetation, trees and hedging on its western, eastern and northern sides. There is a fall in land levels across the site, generally from southeast to northwest.

In terms of planning policy, the site lies within the countryside. Part of the site also lies within a great crested newt red impact risk zone. Part of the site at its northern end lies within Flood Zone 2 and 3.

## **APPLICATION DETAILS**

This application seeks permission for a proposed change in use of the land from agricultural to an equestrian use.

Plans show that a stable building comprised of 6 stables and a tack room is proposed to the northeastern corner of the field. The stable block has a 'L' shaped plan form and will be constructed from timber boarding above a shallow brick plinth with a hipped roof finished with clay tiles. The building is shown to measure approximately 16.3 metres in length (both wings) and 5.6 metres wide (including eaves overhang) by 4.3 metres high. A concrete apron will adjoin the building to the east and south.

An all-weather outdoor riding area is proposed to the south of the stable building. This will measure 30 metres wide by 50 metres long and will be enclosed by a 1.2 metre high post and rail fence, surrounded by a hedgerow of native species. The arena will be finished with a rubber / sand mix.

A new hardcore access track with grass central divide is proposed along the eastern edge of the site; this will tie into a new gated access point in the southeastern corner of the site which adjoins the public bridleway.

The stables and riding arena are proposed to be used for private recreational purposes.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

*'In dealing with such an application the authority shall have regard to:*

- a) The provisions of the development plan, so far as material to application,*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

*'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Twineham Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration

### **Mid Sussex District Plan**

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP12 Protection and enhancement of countryside  
DP21 Transport  
DP22 Rights of way and other recreational routes  
DP26 Character and design  
DP29 Noise, air and light pollution  
DP34 Listed buildings and other heritage assets  
DP37 Trees, woodland and hedgerows  
DP38 Biodiversity  
DP41 Flood risk and drainage

### **Site Allocations DPD**

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

Relevant policies:

SA38 air quality

### **Twineham Neighbourhood Plan**

The Neighbourhood Plan was made on the 24th March 2016.

Relevant policies:

TNP2 design  
TNP4 landscape and environment

### **Other Material Considerations**

#### *Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)*

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 is currently at Examination with initial hearings held in February/March 2026. The Council is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS4 flood risk and drainage  
DPS6 health and wellbeing

DPN1 biodiversity, geodiversity and nature recovery  
DPN2 biodiversity net gain  
DPN4 trees, woodland and hedgerows  
DPN6 noise impacts  
DPN8 light impacts and dark skies  
DPN9 air quality  
DPC1 protection and enhancement of the countryside  
DPB1 character and design  
DPB2 listed buildings and other heritage assets  
DPT2 rights of way and other recreational routes  
DPT4 parking and electric vehicle charging infrastructure

### *Mid Sussex Design Guide Supplementary Planning Document (SPD)*

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

### *National Planning Policy Framework (NPPF) (August 2026)*

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 17 sets out the three overarching objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 18 advises that *'these objectives should be delivered through the preparation and implementation of development plans and the application of the policies in this Framework; they are not criteria against which every development proposal can or should be judged. Development plans and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

Policy S3 of the NPPF concerns the presumption in favour of sustainable development and advises:

*'1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:*

- a. Policy S4 in this Framework should be applied when considering development proposals within settlements;*
- b. Outside settlements, policy S5 should be applied; and*
- c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.'*

Paragraph 2 of Appendix A advises that *'development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted or made against this Framework. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework.'*

### *Planning (Listed Buildings and Conservation Areas) Act 1990*

## **ASSESSMENT**

The main issues deemed relevant to the consideration of this application are:

- Principle of development;
- Design and impact on character of area;

- Impact upon the setting of the listed buildings;
- Highways and public right of way (PROW);
- Impact upon neighbouring amenities;
- Impact upon trees;
- Ecological impact;
- Flood risk and drainage.

## **Principle of development**

The application site is an agricultural field located within the countryside.

Policy DP12 of the District Plan concerns the countryside and states in part that:

*'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:*

*o it is necessary for the purposes of agriculture; or*  
*o it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.*

*Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.*

*The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.'*

Whilst there are no specific development plan policies concerning equestrian development, policy S5 of the updated NPPF notes the following:

### **'S5: Principle of development outside settlements**

*1. Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:*

*a. Development for: agriculture, horticulture and forestry; outdoor sport and recreation; allotments; cemeteries and burial grounds; mineral extraction and processing; engineering operations and infrastructure (including for transport, energy, water and telecommunications); roadside facilities in accordance with policy TR5; national defence and security; or which is solely for nature conservation, restoration and/or enhancement;...'*

As the proposed development is intended for private recreational use, the principle of development is deemed acceptable under the above policy.

Whilst the loss of the agricultural use is regrettable, the site is not significant in size and falls within flood zone 2 and 3 at its northern end, with much of the field remaining undeveloped. Currently the field is used as a paddock area for horses. Natural England mapping records indicate that the field has a low likelihood of being 'best and most versatile' (BMV) agricultural land, i.e. agricultural land graded 1 to 3a and consequently it is not deemed necessary to protect the land from non-agricultural development proposals.

In view of the above, the principle of development is deemed acceptable.

## Design and impact on character of area

One of the objectives of achieving sustainable development as set out under NPPF paragraph 17 is to ensure that proposals 'contribute to protecting and enhancing our natural, built and historic environment'.

Policy N2(d) of the NPPF advises that in order to contribute positively to the natural environment, and support nature's recovery, development proposals should *'conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) where possible; and use appropriate landscaping to help create a well-designed place and integrate the development into its surroundings.'*

As previously noted, policy DP12 is relevant when considering development proposals within the countryside, which will be protected in recognition of its intrinsic character and beauty.

Policy DP26 of the District Plan relates to character and design and requires all proposals, including alterations and extensions, to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside as well as addressing the character and scale of the surrounding buildings and landscape.

At Neighbourhood Plan level, policy TN4 relates to landscape and environment and advises in part that development proposals that respect local landscape quality, ensuring that views and vistas are maintained wherever possible will be supported. The policy also requires schemes to be accompanied by a landscaping scheme.

Policy TN2 concerns design and requires all development to be of good design and contribute positively to the local character and rural setting. Proposals should also use quality materials that are sustainably sourced where feasible and utilise appropriate landscape.

The proposed site plan includes sectional drawings which show the proposed stable building in relation to the existing dwellinghouse. The stable building would be sited some distance from the dwellinghouse and situated at a lower level such that the building should not appear visually obtrusive within the locality. The proposed building would be of traditional form, with sympathetic materials proposed that reflect the rural character of the area.

The proposed development is considered relatively small scale and would represent a form of development that is compatible with the rural setting of the site and surrounding area. Sand schools are a feature within the locality as shown in the aerial photo provided on page 10 of the Planning Statement; an equestrian centre also adjoins the site to the east. Whilst the proposal would result in the development of existing undeveloped land, a large proportion of the site would remain undeveloped.

Plans show that the existing temporary stable block on the land would be removed, with new hedgerow planted around the perimeter of the riding arena and the northern and southern boundaries of the field; new trees are also proposed adjacent to the southern boundary as well as a species rich hedgerow at 90 degrees to the northern site boundary.

The proposed planting should assist in screening the stable building within the locality. Given the fall in land levels and its modest scale, it is not considered that the proposal would appear visually prominent in views from the adjoining public bridleway that runs along the lane to the south. Sympathetic materials are proposed for the building and riding arena whilst the access track is proposed to have a wide grass central divide.

No external lighting or flood lighting is proposed that could have a detrimental effect upon the surrounding rural landscape.

In view of the above, the proposed development is considered to maintain the landscape and rural character of the District, thereby according with aforementioned development plan policies and the relevant policies within the NPPF.

## Impact on setting of listed buildings

The site is considered to fall within the setting of Wyndham Farmhouse, a grade II listed building dating from the early 17th century which lies to the southwest of the site.

Converted farm buildings immediately to the south of the application site and east of the listed farmhouse may date from the 18th century, and would be likely considered as non-designated heritage assets (NDHAs).

Mercers, a grade II listed building dating from the 15 - 16th century lies immediately to the south of Gratten Lane, opposite Wyndham Farmhouse and is adjoined by a separate grade II listed barn dating from the 18th century and a former stables building.

Both farmhouses at Mercers and Wyndham Farmhouse are recorded in the West Sussex Historic Farmstead and Landscape Character Assessment as a historic farmstead of the post medieval period.

Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that:

*'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

This stance is reflected under policy DP34 of the District Plan which requires development proposals to protect listed buildings and their settings, with special regard given to protecting the setting of a listed building.

Section 20 of the NPPF relates to conserving and enhancing the historic environment, with policies HE6 deemed particularly relevant:

*'HE6: Proposals affecting designated heritage assets*

- 1. When considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.*
- 2. Development proposals which would have a positive effect on a designated heritage asset should be supported.*
- 3. Any harm to a designated heritage asset will be a matter of considerable importance and weight, which should be dealt with in accordance with paragraphs 4 to 6 of this policy.*
- 4. Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed.*
- 5. Where a development proposal would cause substantial harm to, or the total loss of, the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or loss, or if all of the following apply:*
  - a. The nature of the heritage asset would otherwise prevent all reasonable uses of the site;*
  - b. No suitable use for the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
  - c. Conservation by grant-funding or some form of not for profit, charitable or public ownership is not possible; and*
  - d. The harm or loss is outweighed by the benefit of bringing the asset back into use.*

6. *Within this context, development which would cause substantial harm to, or the total loss of, the significance of grade II listed buildings, or grade II registered parks or gardens, should be exceptional; while development which would cause substantial harm to, or the total loss of, assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional'.*

Policy HE7 relates to non-designated heritage assets and states that:

*'1. Development proposals which would have a positive effect on a non-designated heritage asset should be supported.*

*2. Where a development proposal would harm the significance of a non-designated heritage asset, this should be weighed against the benefits of the proposal and a balanced judgement made, having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.*

*3. Where a development proposal would cause substantial harm to, or the total loss of, the significance of a non-designated heritage asset, it should only be supported where the harm or loss is outweighed by the benefits of the proposal, having regard to the scale of the harm or loss and the significance of the non-designated heritage asset.'*

The Council's Conservation Officer has been consulted on the proposal and has advised the following:

"In all cases, the surviving rural setting around the farmsteads will be considered to contribute strongly to the significances of the assets within them, in particular those aspects of that significance which are drawn from historical illustrative and aesthetic values. The pre-application site, which currently consists of open fields, forms a significant part of the immediate setting to the north of the pair of farmsteads, and is particularly prominent in terms of the Wyndham farmstead, including in views from both the farmhouse and farm buildings (in particular the barn). It also contributes to the context within which the farmstead pair, in particular Wyndham farm, are appreciated in views from the PROW which runs between them, as well as to longer views towards Wyndham Farm from Wineham Lane to the north...

As above, the surviving rural setting of the heritage assets at Wyndham Farm and Mercers Farm is considered to make a strong positive contribution to their special interests and the manner in which these are appreciated. The site forms part of that rural setting and contributes to a greater or lesser extent to the special interests of these various assets. The introduction of structures associated with keeping and training of horses will adversely affect the traditional open and verdant character of agricultural land of this nature, as was considered to be the case in respect of the withdrawn planning application. The current application is reduced in scale and amended to place the stables and sand school more discretely so that the impact on the character of the field concerned and views from the direction of Wyndham Farm and the adjacent PROW will be consequently less. The inclusion of planted screening, which post pre-application advice now also includes trees, while attracting only limited weight due to its potentially ephemeral nature, is also helpful in this respect...

Based on the plans in front of us, a degree of adverse impact on the traditional agricultural character of the land concerned will occur due to the scale and nature of works proposed. This will be harmful to the special interests of the heritage assets at Wyndham Farm and Mercers Farm, and the manner in which these are appreciated. I would place the level of harm arising from the current scheme at the lower end of the less than substantial scale in all cases:

- Wyndham Farm house- a low level of less than substantial harm.
- Mercers Farm house and barn- a very low level of less than substantial harm.

These harms would stand under paragraph 215 of the NPPF to be weighed against the public benefits of the proposal, if any, bearing in mind the great weight that must be given to the conservation of assets, and the requirement for clear and convincing justification for any harm that the Framework also requires."

The above comments were made prior to the NPPF being updated; it would appear that NPPF policy HE6.4 would now be applicable in place of paragraph 215.

Whilst the Conservation Officers' concerns are noted, the Planning Officer does not share their view that the proposal would have a harmful impact upon the setting of the listed buildings at Wyndham Farmhouse and Mercers.

The riding school would be sited approximately 65 metres from the boundary of Wyndham Farmhouse and over 100 metres from the listed farmhouse. The stable building would be sited approximately 125 metres from the boundary of the property and 165 metres from the listed farmhouse. Given the distance of the proposed development from the listed farmhouse and the fall in land levels, it is considered that there would be limited intervisibility between the two. The proposed stable building is also considered of a sympathetic design and materials such that the development would not look out of place in the rural context. In addition, the existing temporary stable building would be removed with further hedging and tree planting proposed, including around the riding arena, which should assist in screening the development. As such, it is not considered that the proposal would have a harmful impact upon the setting of the listed buildings thereby complying with policy DP34 of the District Plan and relevant NPPF paragraphs. This approach reflects the stance taken under a similar planning application at Chatesgrove, Cross Colwood Lane in Bolney, reference DM/23/2276, whereby no objection was raised on heritage grounds to a proposed stable building and riding arena despite being sited closer to the listed building than that currently proposed.

Likewise, it is not considered that the proposal would have a harmful impact upon the converted farm buildings to the south of the application site, although there would be more intervisibility between the buildings and proposal.

In view of the above, the proposed development is deemed acceptable on heritage grounds.

### **Impact on neighbouring amenity**

Policy DP26 of the District Plan refers to amenity and states that development proposals should '*not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution*'.

Policy DP29 relates to noise and light pollution stating in part that '*the environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:*

#### *Noise pollution:*

- o It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- o If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

*Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.*

*In appropriate circumstances, the applicant will be required to provide:*

- o an assessment of the impact of noise generated by a proposed development; or*
- o an assessment of the effect of noise by an existing noise source upon a proposed development;'*

#### *Light pollution:*

- o The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*

*o The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;*

Policy SA38 of the Mid Sussex Site Allocations DPD has superseded District Plan policy DP29 in respect of air pollution and states in part that 'the Council will require applicants to demonstrate that there is not unacceptable impact on air quality.'

Policy P3 of the NPPF deals with living conditions and policy and requires proposals not to give rise to unacceptable levels of harm to neighbouring residents.

A number of representations have been received from adjoining residents raising concerns that the proposal would create a number of issues in terms of generating additional noise and disturbance, light pollution and potential overlooking. Concerns have also been raised regarding where manure would be stored and the potential for water courses to be contaminated and also smells and odours which would attract flies and vermin.

The Council's Environmental Protection Officer has commented on the proposal as noted below:

"The proposal involves the change of use of land from agricultural to equestrian, together with a new stable building, an all weather riding arena and a new access. The planning submission confirms that the facilities are intended for private recreational use only, and the applicants have indicated they are willing to accept a condition securing this.

Noise associated with private equestrian activity is typically low level, intermittent and comparable to other rural uses. As the development will be restricted to private recreational purposes, there will be no commercial scale activity such as lesson changeovers, amplified instruction or increased traffic movements. A condition limiting the use to private recreation is therefore sufficient to control activity levels and protect local amenity without needing to impose specific operational hours for the riding arena.

Stable waste can give rise to odour, flies and vermin if not managed properly. To avoid such impacts, a condition requiring a stable waste management plan is recommended. This should explain how manure will be stored, handled and removed, confirm that no burning of waste will occur, ensure waste is not stored close to residential boundaries, and include measures to prevent run off into nearby watercourses. With appropriate management in accordance with an agreed scheme, no unacceptable impacts on neighbours are anticipated.

No external lighting is shown within the submitted plans. To safeguard residential amenity, a condition is recommended requiring full details of any proposed lighting, including hours of use and an assessment of potential impact, to be submitted and approved prior to installation. However, if the applicant confirms that no external lighting is proposed, or demonstrates that any lighting would be so minimal as to raise no amenity concerns, Environmental Protection would be happy to discuss the removal of this condition.

During the construction period, some temporary disturbance may occur. To minimise impacts on neighbours, I would recommend a number of conditions in relation to construction."

In view of the above, no objection has been raised to the proposal on environmental health grounds subject to conditions being imposed in respect of securing a private use, a stable waste management plan, details of external lighting on the site and construction and delivery hours.

Concerns have also been raised that riders using the riding arena would be able to overlook onto neighbouring gardens and properties to the west of the site such as Brook House. The proposed site plan indicates that at its closest point the arena would be sited approximately 53 metres from the western boundary of the site with Brook House and Wickhams. The rear boundary of the properties are currently lined with established hedging with trees interspersed. Whilst land levels gently decline to the west, given the distance of the riding school from the properties it is not considered that the proposal would create undue overlooking as to cause significant harm to neighbouring amenities in terms of reducing privacy.

In view of the above and subject to condition, the proposed development is deemed acceptable in that it should not cause unacceptable harm to neighbouring amenities in terms of reducing privacy or creating unacceptable levels of noise, air or light pollution. The proposal therefore complies with policies DP26 and DP29 of the District Plan and policy P3 of the NPPF.

## **Highways and Public Right of Way**

The proposed development includes a new track along the eastern edge of the site which will tie into a new gated access point in the south eastern corner of the site, providing access onto Gratten Lane and the public highway.

Policy DP21 of the District Plan relates to Transport and requires development proposals to be sustainably located to minimise the need for travel and that schemes protect the safety of road users and pedestrians, amongst other criteria. In addition, development proposals should provide *'adequate car parking for the development, taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable.'*

District Plan policy DP22 relates to rights of way and other recreational routes and states that rights of way will be protected by ensuring that development does not result in the loss of or does not adversely affect a right of way unless a new route is provided which is of at least an equivalent value and which does not sever important routes.

Concerns have been raised by local residents that the proposed development would generate additional traffic within the locality and on Gratten Lane, creating congestion and posing safety risks as well as additional noise and disturbance and potential degradation of the lane. Queries have also been raised regarding parking arrangements.

The Local Highways Authority ((LHA) at West Sussex County Council has been consulted on the proposal and has advised that whilst no parking provision is designated for the stables, that as the stables are for a private use, the proposal would not be anticipated to generate the same demands on access and parking as those of a livery / boarding yard. The LHA considers that the traffic movements of the private stables would likely not exceed that of the potential of the current agricultural use and that there appears to be space within the site to facilitate a turn and allow vehicles to egress onto the publicly maintained highway in a forward gear. As such the proposal is not considered to have a severe impact on the operation of the Highway network, and therefore is not contrary to NPPF paragraph 116. Consequently there are no transport grounds to resist the proposal.

The NPPF has been updated since the LHA comments were received, with policy TR6 now relevant when assessing transport impacts. Section 4 of the policy states:

*'Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.'*

Whilst relevant wording has changed from severe impact to severe adverse impact, the proposed development is deemed acceptable on transport grounds.

The Public Rights of Way Team at WSCC has also been consulted on the proposal. No objection has been raised to the proposal although detailed points have been provided for the applicant to note. Safe and convenient access should be available at all times across the full width of the PROW. In addition, it is an offence to damage the surface of a PROW without the consent of the PROW Team; the applicant would be liable and required to make good the surface satisfactory to the WSCC PROW Team.

In view of the above, the proposed development is deemed acceptable from a highways perspective, thereby complying with policies DP21 and DP22 of the District Plan and policy TR6 of the NPPF.

## Impact upon trees

Policy N2 (d) of the NPPF states that development proposals should *'conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) where possible; and use appropriate landscaping to help create a well-designed place and integrate the development into its surroundings.'*

Policy DP37 of the District Plan refers to trees and states in part that: *'development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.'*

Policy TNP4 of the Neighbourhood Plan states at point 3 that all development schemes should be accompanied by a landscaping scheme which aims to retain amenity and historic trees and hedgerows.

A number of established trees are dotted along the eastern and western boundaries of the site, with a category A1 Oak tree (T1) sited adjacent to the northeastern corner of the riding arena and a category B Oak tree (T2) sited to the east of the proposed stable building. No trees are proposed to be removed for the proposed works.

Plans have been amended during the application process to show the riding arena shifted to the south to lessen potential impact upon the category A1 Oak tree.

An updated Arboricultural Impact Assessment (AIA), Method Statement (AMS) and Tree Protection Plan (TPP) have been submitted in this respect. The AIA notes that whilst the riding arena will marginally encroach into the RPA of tree T1, a no dig approach will be followed and as the surface preparation will not disturb the roots and the finished surface will consist of sand, which allows water to infiltrate, the impact on the tree will be minimal. The proposed post and rail fence surrounding the arena will require the installation of 2-3 posts within the RPA; the impact of these works should be negligible, affecting less than 1% of the RPA. All posts will be driven into the ground; no concrete will be used within the RPA.

The Council's Tree Officer has reviewed the proposal and has raised no objection provided that the development is carried out in accordance with the AIA, AMS and TPP; a condition can be imposed in this respect.

The proposal therefore accords with policy DP37 of the District Plan, TNP4 of the Neighbourhood Plan and policy N2 of the NPPF.

## Ecological impact

NPPF policy N2 concerns improving the natural environment and requires development proposals to *'consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced (including through requirements for biodiversity net gain where these apply).'* Proposals should also minimise any adverse impacts on biodiversity.

N2.2 states:

*'If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then the development should be refused.'*

This stance is reflected under policy DP38 of the District Plan which states that biodiversity will be protected and enhanced by ensuring that development proposals contribute and take opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, whilst protecting existing biodiversity so that there is no net loss.

A Preliminary Ecological Assessment (PEA) and Ecology and Biodiversity Net Gain Assessment has been submitted. The PEA advises that the site supports opportunities for foraging and commuting bats

and that there is no evidence of badger activity. Common reptiles are present at the margins of adjacent fields and the site also provides suitable habitat for dormice. The Ecology and BNG assessment also identifies hedgehogs present on the site.

The Council's Ecologist has been consulted on the proposal and is satisfied that sufficient information has been provided to ensure that appropriate mitigation measures will be secured to protect priority species and habitats. Sufficient information has also been provided to secure biodiversity net gain. Subject to conditions requiring mitigation measures to be carried out in accordance with the PEA, a biodiversity enhancement layout and a wildlife sensitive lighting design scheme to be provided, the proposal is considered to comply with District Plan policy DP38.

The site also lies within a great crested newt red impact zone and is surrounded by 13 ponds which lie within 500 metres of the development proposal. The applicant has applied to the Council's District Licensing Scheme, operated in association with NatureSpace Partnership, to ensure that the proposed development can proceed without any adverse impact upon great crested newts. NatureSpace Partnership has advised that they have no objection, subject to mandatory conditions and informatives being added to the decision notice.

In view of the above, the proposed development is deemed acceptable on ecological grounds, thereby according with policy DP38 of the District Plan and policy N2 of the NPPF.

## **Flood Risk and Drainage**

District Plan policy DP41 relates to flood risk and states in part that:

*'Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.'*

The application site lies partly within Flood Zone 1 and partly within Flood Zones 2 and 3 associated with the adjacent ordinary watercourse. The revised proposals have relocated the proposed stable building and riding arena such that the built development is located outside the areas of highest flood risk, whilst retaining the land adjacent to the watercourse as undeveloped.

Neighbouring residents have raised concerns that the proposal may increase flooding, which is a regular problem, within the locality and may lead to the contamination of water courses.

An updated Flood Risk Assessment and Drainage Strategy has been submitted during the application process. This details that due to the clay soils present on site, infiltration has been discounted as a method of surface water disposal. As such, the strategy proposes to manage surface water runoff through a sustainable drainage system incorporating attenuation storage with a controlled discharge to the adjacent ordinary watercourse.

Plans show that washdown from the stables will be collected by yard gullies installed at the edge of the concrete hardstanding which will discharge to a chemically lined silage tank to be emptied manually.

The Council's Flood Risk and Drainage Team has been consulted on the proposal and advised that:

"The revised drainage strategy demonstrates that post-development runoff rates will be restricted to an appropriate greenfield equivalent discharge rate and that sufficient attenuation storage has been provided to accommodate the critical storm events, including an allowance for climate change...

The applicant has provided correspondence from the LLFA on the Ordinary Watercourse Consent requirements.

The submitted strategy also includes appropriate water quality treatment measures together with details for the future inspection and maintenance of the proposed SuDS features.

This is acceptable in principle, subject to detailed design.

### Foul Water Drainage

The submitted information includes proposals for the management of foul drainage associated with the equestrian use, together with measures for the storage and management of manure and stable washdown to minimise the risk of pollution to nearby watercourses.

This is acceptable in principle, subject to detailed design."

Subject to condition, no objection is raised to the proposal on flood risk and drainage grounds. As such, the proposal is considered to accord with policy DP41 of the District Plan and the relevant NPPF policies.

### Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:

'The condition is that the development may not be begun unless—

- (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and
- (b) the planning authority has approved the plan (see paragraph 15)'.

### **PLANNING BALANCE AND CONCLUSION**

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Twineham Neighbourhood Plan.

Policy S3 of the revised NPPF states that decisions on development proposals should apply a presumption in favour of sustainable development. As the proposed development falls outside a settlement and is listed as an approved form of development under policy S5 1.a of the NPPF, the principle of development is deemed acceptable. This policy states that the proposal should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision making policies in the Framework.

The proposed equestrian development is considered compatible with the character of the area and is of an appropriate design, form and scale such that it should not appear visually obtrusive within the landscape or in views from the public right of way. Whilst the Council's Conservation Officer has raised concerns that the proposal would have a harmful impact upon the setting of nearby listed buildings and non-designated heritage assets, the Planning Officer does not agree in this instance, due to the distance between the development and heritage assets and allowing for land levels and the modest scale and rural nature of the development.

The proposal is not considered to cause significant harm to neighbouring amenities in terms of affecting outlook and privacy or creating additional noise, air or light pollution. Nor is the proposal considered to have a severe adverse impact upon highways, by reason of the proposal being for a private recreational use.

Consideration has been given to local flooding and drainage issues to ensure that the proposal should not exacerbate flooding or result in the contamination of the watercourse.

The proposal is also deemed acceptable from an ecological perspective, with regards to impact upon trees and protected and priority species and habitats. The development would also provide a 10% biodiversity net gain.

The proposed development is therefore considered to accord with policies DP12, DP21, DP22, DP26, DP29, DP34, DP37, DP38 and DP41 of the Mid Sussex District Plan, policy SA38 of the Mid Sussex Site Allocations DPD and policies TNP2 and TNP4 of the Twineham Neighbourhood Plan and relevant policies of the NPPF.

Decision:       Permission

Case Officer: Deborah Lynn