



**Proof of Evidence: Andrew Sierakowski
BSc (Econ)Hons, MSc, GDL, LLM, MRTPI**

Appendices: Part 4

WSCD011 – WSCD015

Acting County Planning Manager, West Sussex County Council

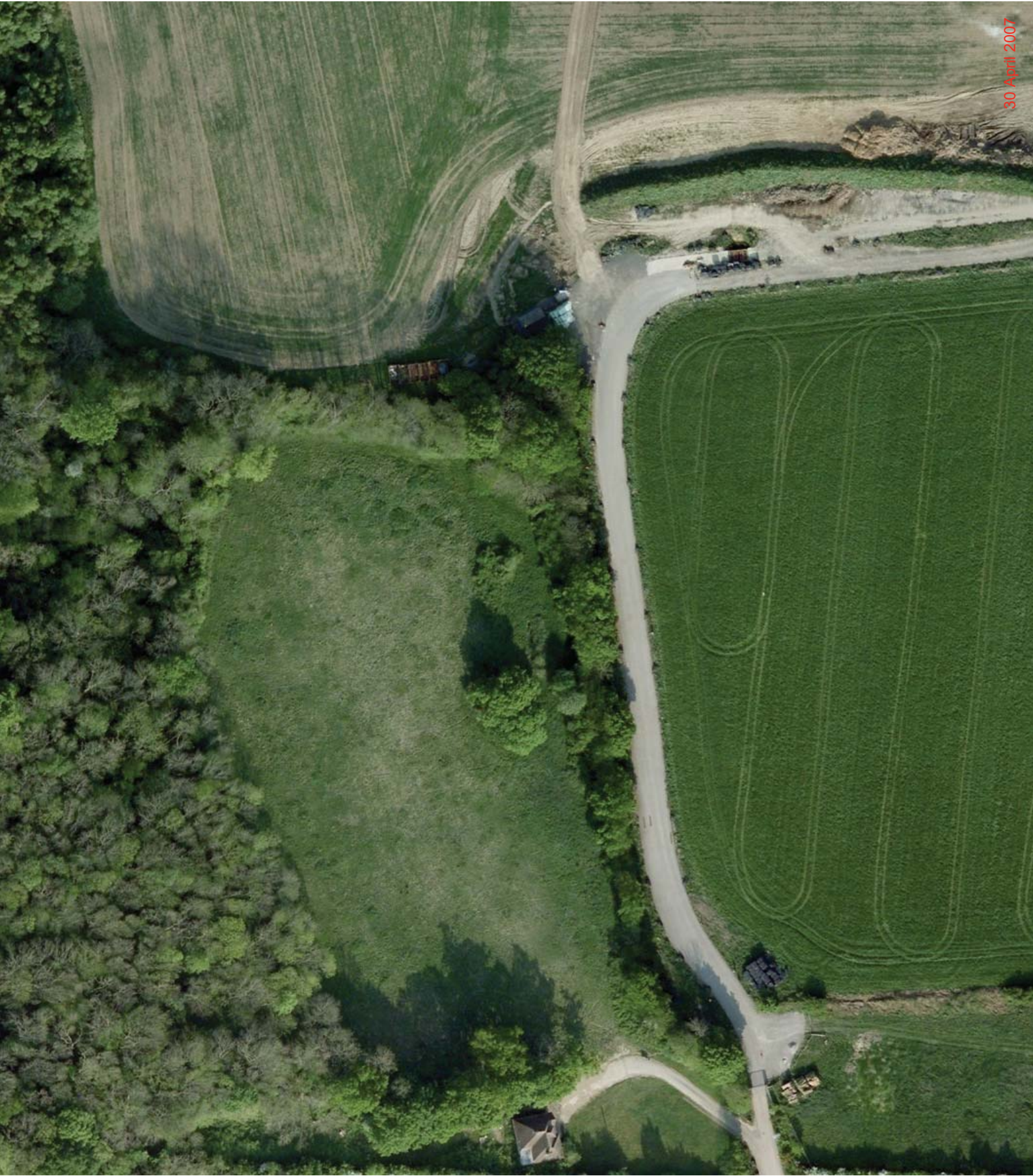
Appeal by PJ Brown (Civil Engineering) Ltd.

**Land East of Dan Tree Farm, London Road,
Bolney, West Sussex, RH17 5QF**

PINS Ref:
APP/D3830/C/23/3319435
MSDC Ref: AP/23/0042

August 2024

WSCD011



30 April 2007

WSCD012

Tel: 01444 882150
Fax: 01444 882151

Bolney Park Farm
Broxmead Lane
Bolney
West Sussex
RH17 5RJ



BOLNEY PARK FARM

Broxmead Lane Bolney, West Sussex RH17 5RJ
Tel 01444 882150 Fax 01444 882151
E mail dane @hickstead.flyer.co.uk

INVOICE

Attn PJ Brown (ref B Pentecost)
Burlands
Charlwood Road
Ifield Wood
Crawley
West Sussex RH11 0JZ

2nd May 2007

Description

Value

Storage Advance payment	11,000.00
Planings Agregate and machinery	

Sub Total

11,000.00

VAT @ 17.5%

1,925.00

TOTAL

12,925.00

Please note new VAT No and Bank Details

Vat No 787-8894-30

Bank details: Lloyds TSB High Street Burgess Hill West Sussex RH15 9AH
sort code 30-91-44 Account No. 1187467

WSCD013

WSCD013 Google Earth Historical Aerial Photograph 28/03/12



Wider context



Compound in closer detail

WSCD014

Application No: **WSCC/077/11/BK**
COUNTY MATTER

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2010

To Mrs S Wright
c/o The D & M Planning Partnership
Riverside Chambers
20 Bridge Street
Godalming
Surrey
GU7 1HY

In pursuance of their powers under the above mentioned Act and Orders, West Sussex County Council hereby notify you that they **PERMIT** the following development, that is to say:-

Development of equine rehabilitation and physiotherapy centre comprising treatment block, horse walker, sand school, car park, grass paddocks, exercise track and engineering operation to form a bund adjacent to the A23 (resubmission of WSCC/001/10/BK) at Park Farm Cottage, Broxmead Lane, Bolney, West Sussex, RH17 5RJ

to be carried out in accordance with your application and plans (as modified by the under-mentioned conditions if any) submitted to this Council on 20 December 2011 (and in accordance with the relevant correspondence a copy of which is attached *) and subject to the conditions specified hereunder:-

Commencement

1. The development hereby permitted shall be begun 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.

Date11/06/12..... Signed
Strategic Planning Manager

***N.B.** The reasons for imposing the above conditions are as specified after the conditions.
The words in brackets do not apply unless a copy of the relevant correspondence is attached.
Your copy of the application, determined as above, is returned herewith for your records.

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES AT APPENDIX A OF THIS FORM

Continuation Sheet

Approved Plans

2. The proposed development shall not take place other than in accordance with the approved information and plans, all received on 20 December 2011:

- Block Plan
- Location Plan
- Drawing 0738/06/2E Masterplan;
- Drawing 0738/06/3B Cross-Sections;
- Drawing 0738/06/4B Planting;
- Drawing 0738/06/5 Site as existing and visual survey;
- Drawing 0738/07/1A Ecology; and
- Stable Plans, Sections and Elevations.

and supporting information, save as varied by the conditions hereafter or any variation thereto that may be agreed in writing by the County Planning Authority.

Reason: To secure a satisfactory development.

Timescales

3. Prior written notification of the commencement of the development shall be provided to the County Planning Authority no less than seven days before such commencement. All inert waste deposition required to create the bund shall cease within 24 months of the commencement of the development. Thereafter the bund shall be landscaped in accordance with schemes to be approved by Conditions 17 and 18.

Reason: To ensure the development is carried out in accordance with the proposed timescales within the application in the interests of amenity.

Materials/Finishes

4. No development other than preparatory groundworks shall be carried out until a schedule of materials and finishes to be used for external walls and roof of the proposed treatment block, surfacing/surface edging (including sand school, horse walker, access routes, car park and exercise track) have been submitted to and approved in writing by the County Planning Authority. The approved scheme shall thereafter be implemented in full.

Reason: In the interests of visual amenity and to ensure a development of high quality.

5. No development other than preparatory groundworks shall be carried out until a plan detailing the proposed horse walker (including dimensions, materials and finishes) has been submitted to and approved in writing by the County Planning Authority. The approved plan shall thereafter be implemented in full.

Reason: In the interests of visual amenity and to ensure a development of high quality.

Date11.10.12..... Signed Strategic Planning Manager

Continuation Sheet

6. Prior to the commencement of development a schedule of all new fencing and gates shall be submitted to and approved in writing by the County Planning Authority. The schedule shall include details of location, style, and finishes of the fences/gates to be used. The fencing and gates shall thereafter be implemented and maintained in accordance with the approved details.

Reason: In the interests of the amenity.

7. No temporary buildings, skips or static plant required during construction operations hereby approved shall be erected or placed on the site until the prior written agreement of the County Planning Authority has been given to their positioning, layout, design, colour and dimensions.

Reason: In the interests of the visual amenities of the locality.

Operational requirements

8. Bund materials shall constitute only inert, uncontaminated material and soils. Prior to the commencement of the development hereby approved a scheme detailing the storage and disposal measures to be taken in the event that contaminated or unsuitable material is brought to the site shall be submitted to and approved in writing by the County Planning Authority. The approved scheme shall thereafter be implemented throughout the course of the construction.

Reason: To avoid unacceptable pollution.

9. The site shall not be used as the operating base for other goods vehicles, plant or equipment not normally required for earthmoving, grading or deposition of fill material on the site. No vehicles, skips, containers or demountable lorry bodies shall be stored overnight on the site without the prior written approval of the County Planning Authority as to their type, number and location.

Reason: In the interests of the general amenities of the locality.

10. Unless otherwise approved in advance in writing by the County Planning Authority there shall be no mechanical processing of imported fill material on site.

Reason: In the interests of amenity.

11. Unless otherwise agreed in advance and in writing by the County Planning Authority no construction operations or deliveries of inert waste materials shall take place and no plant, machinery or vehicles associated with the construction of the development hereby permitted shall operate, outside the hours of:

07.30 and 17.00 Monday to Friday,

07.30 to 13.00 Saturday,

and no work shall occur on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby residential properties

Date11/06/12..... Signed
Strategic Planning Manager

Continuation Sheet

12. No plant, equipment or vehicle shall be used on the site unless fitted and operated at all times with silencing measures to a standard not less than the manufacturer's UK standard specification for that equipment.

Reason: In the interest of the amenity.

13. A copy of this decision notice together with the approved plans and any schemes and/or details subsequently approved pursuant to this permission shall be kept at the site office at all times and the terms and contents thereof shall be made known to supervising staff on the site.

Reason: To ensure the site operatives are conversant with the terms of the planning permission.

14. A record shall be kept on site of the volumes of inert waste material deposited at the site for each working day during the construction period. The records shall detail the number of HGV loads, the volume of material for deposit within each HGV load and be a complete record from the first day of deposition. The record shall remain on site and be made available for inspection upon request of the County Planning Authority.

Reason: To enable the County Planning Authority to monitor the progress of the development and ensure completion in the duration proposed in the application, in the interests of the general amenities of the locality.

Lighting

15. Unless otherwise agreed in writing by the County Planning Authority there shall be no external artificial lighting installed on the site.

Reason: In the interests of the visual amenities of the area and to protect highway safety.

Dust Suppression

16. Prior to the commencement of the development hereby approved, a scheme detailing the measures to be taken for the suppression of dust shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the approved scheme shall be implemented in full throughout the period of construction operations hereby approved.

Reason: In the interests of the amenity and highway safety.

Date 11/06/12

Signed
Strategic Planning Manager 

Continuation Sheet

Landscape/phasing

17. Prior to the construction of the bund a phasing plan detailing the progressive construction of the bund over the implementation period, volumes of material required, and the extent and height of the bund for each phase, shall be submitted to and approved in writing by the County Planning Authority. The bund shall thereafter be constructed in accordance with the approved phasing plan.
- Reason: To ensure the bund is landscaped in appropriate timescales in the interests of the general amenities of the locality.*
18. Prior to the commencement of development a revised landscaping scheme and planting/seeding schedule noting species plant sizes, seeding and proposed numbers, densities and phased implementation throughout construction shall be submitted and approved in writing by the County Planning Authority. Thereafter, the approved landscaping scheme shall be implemented in full. Any trees, shrubs or plants which within a period of 5 years from planting are removed or become seriously damaged, diseased or die shall be replaced in the next planting season with others of such size and species as may be agreed in writing with the County Planning Authority.
- Reason: In the interests of the amenity and of the environment of the development.*
19. Topsoil shall only be stripped when, as far as practicable, in a dry and friable condition. In addition all topsoil shall be used on site and shall be stored at a height of no more than 2m in location/s to be approved in writing by the County Planning Authority.
- Reason: To prevent damage to, and ensure the reuse of, existing soils on site.*
20. For the duration of construction activity hereby approved all retained trees are to be protected in accordance with BS5837:2005 'Trees in relation to construction'.
- Reason: In the interest of environmental amenity.*
21. Prior to the commencement of development, a detailed method statement for the removal or long-term management /eradication of Japanese Knotweed on the site shall be submitted to and approved in writing by the County Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.
- Reason: To prevent the spread of invasive species, which is prohibited under the Wildlife and Countryside Act 1981.*

Date11/06/12.....

Signed
Strategic Planning Manager

Continuation Sheet

Ecology

22. Large woody plants programmed for removal are only to be cleared outside the bird breeding season (March to August inclusive). The plants can be removed at any time if an ecologist confirms that there are no breeding birds using them (Ref: Breeding birds - Wildlife and Countryside Act 1981).

Reason: In the interests of ecology.

23. Prior to the commencement of the development hereby approved a scheme detailing the specification of the proposed pond as detailed in Drawing No. 0738/06/2 Rev D 'Masterplan' dated 11/06, including design measures to ensure a positive contribution to the nature conservation value of the site, shall be submitted to and approved in writing by the County Planning Authority. The approved scheme shall be implemented in full, with the pond constructed, within 6 months of the commencement of the development.

Reason: In the interests of biodiversity.

24. Prior to the commencement of the development hereby approved, details of proposed ecological enhancements, including enhancements to existing wet interests, shall be submitted to and approved in writing by the County Planning Authority. The approved scheme shall thereafter be implemented in full.

Reason: To ensure biodiversity is enhanced.

Water

25. Prior to the commencement of the development hereby approved a scheme of surface water drainage (based on sustainable drainage principles, incorporating ecological enhancements where practicable, and including details of how the scheme will be maintained and managed during construction and upon completion, taking into account the provisions of the submitted Flood Risk Assessment) shall be submitted to and approved in writing by the County Planning Authority. The approved scheme shall thereafter be implemented in full.

Reason: To ensure that the proposed development is satisfactorily drained.

26. Prior to the commencement of the development hereby approved a scheme for the provision and management of a buffer zone alongside the watercourse and during the pond creation shall be submitted to and agreed in writing by the County Planning Authority. The scheme shall include plans showing the extent and layout of the buffer zone; and details demonstrating how the buffer zone will be protected during development and managed/maintained in the long term. The approved scheme shall thereafter be implemented in full.

Reason: In the interests of protecting the watercourse and biodiversity.

Date 11/06/12

Signed
Strategic Planning Manager 

Continuation Sheet

Archaeology

27. Prior to the commencement of development the developer shall arrange for an archaeological organisation or appropriately qualified archaeologists to observe the excavations and record archaeological evidence that may be uncovered as a result of the development in accordance with a written scheme of investigation that shall be submitted to and approved in writing by the County Planning Authority.

Reason: To ensure that potential buried archaeological remains on the site will be adequately recorded.

Highways

28. Prior to the commencement of development a Key Stage 2 Preliminary Assessment, including Preliminary Certification undertaken in accordance with the requirements of the Design Manual for Roads and Bridges Volume 4, Section 1, Part 2 HD22/08 shall be submitted to and approved by the County Planning Authority.

Reason: to ensure the bund and drainage diversion is adequate to protect the A23.

29. Prior to the commencement of the development hereby approved a Key Stage 3 Geotechnical Design and Construction, undertaken in accordance with the requirements of the Design Manual for Roads and Bridges Volume 4, Section 1, part 2 HD22/08, shall be submitted to and approved in writing by the County Planning Authority.

Reason: To ensure the bund and drainage diversion are design and constructed in a way which protects the integrity of the A23 and its drainage.

30. The bund and drainage diversion hereby approved shall be constructed in accordance with the Geotechnical Design Report approved under condition 29, unless otherwise agreed in writing by the County Planning Authority. Thereafter the bund and drainage diversion shall be maintained in good order in perpetuity.

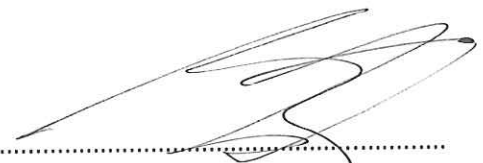
Reason: To ensure the bund and drainage diversion are design and constructed in a way which protects the integrity of the A23 and its drainage.

31. Prior to the commencement of the development hereby approved a scheme shall be submitted to and approved in writing by the County Planning Authority setting out measures to prevent vehicular access between the development and the A23 via the access adjacent to Dan Tree Farm after the bund has been completed.

Reason: to prevent vehicles, particularly slow moving horseboxes, from the using the access to enter and leave the A23, to ensure road safety is protected.

Date 11/06/12

Signed
Strategic Planning Manager



Continuation Sheet

32. Prior to the commencement of the development hereby approved the measures approved in condition 31 shall be implemented in full. Thereafter the approved measures shall be maintained in perpetuity.

Reason: to prevent vehicles, particularly slow moving horseboxes, from the using the access to enter and leave the A23, to ensure road safety is protected.

33. The development hereby permitted shall not be brought into use until car parking spaces have been marked out as indicated on the approved Block Plan. Car parking provision shall thereafter be retained in full.

Reason: To ensure adequate parking provision.

34. Prior to the commencement of the development hereby approved the applicant shall submit a scheme to be approved in writing by the County Planning Authority detailing the measures to ensure that no vehicle shall leave the site in such a condition that earth and mud adhere to the wheels in a quantity which may introduce hazard or nuisance on the highway and actions to be taken in the event of mud or debris arising from the development being present on the highway. Thereafter, the approved scheme shall be implemented in full.

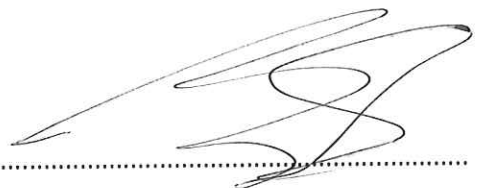
Reason: In the interests of highway safety.

INFORMATIVES

- A. The applicant is advised that should protected species be present work must stop and Natural England informed. A licence may be required from Natural England before works can re-commence, Natural England will advise.
- B. The applicant's attention is drawn to the comments of the Environment Agency (letter dated 26 January 2012) which identifies the need for an Environmental Permit and potentially Land Drainage Consent. Reference is also made to the buffer zone required by condition 26.
- C. With regard to Condition 18 the applicant's attention is drawn to the comments of the Local Development Division (dated 03 February 2010), which highlights the required minor amendments to submitted landscaping scheme and planting schedule.
- D. This decision should be read in conjunction with a 106 legal agreement.

Date 11/06/12

Signed
Strategic Planning Manager



Continuation Sheet

- E. The reasons for granting planning permission are that the proposal accords with National Policy Guidance and complies with Development Plan Policies requiring that the proposed development:
- meets an identified need;
 - is acceptable in terms of highway safety;
 - has an acceptable impact on local landscape (and the High Weald AONB), local ecology and the water environment; and
 - has an acceptable impact on local amenity and environmental health.

F. **Reason for the grant of planning permission.**

In determining the application and in applying the planning conditions, the following planning guidance and policies have been considered:-

National Planning Guidance

National Planning Policy Framework (2012)

Regional Planning Policy

South-East Plan (2009)

Policies W5-W6, NRM4-NRM5 and NRM10.

Local Planning Policy

Mid-Sussex District Local Plan (2004)

Policies G1, C1, C4-6, B1, B4, B18, B23-B24, T4, R1, R6, R12, CS13 and CS22.

West Sussex Waste Local Plan Revised Deposit Draft (2004)

Policies G1-G8, G10 and U9.

This information is only intended as a summary of the reasons for the grant of planning permission. For further details on the decision please see the report by contacting County Planning, West Sussex County Council or visiting the website at <http://www.westsussex.gov.uk/ePlanning>

Date 11/06/12

Signed
Strategic Planning Manager 

YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES.

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.

TOWN AND COUNTRY PLANNING ACT 1990

1 Appeals to the Secretary of State

- (a) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- (b) If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get online at www.planning-inspectorate.gov.uk or by writing to the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.
- (c) The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (d) The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- (e) In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

2

- (a) If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- (b) In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the 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 County Planning Act 1990.

4

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

WSCD015

Case Officer's Report of Delegated Action

Application No: WSCC/077/11/BK

Local Council: Mid-Sussex District Council

Site Address:

Park Farm Cottage, Broxmead Lane, Bolney, West Sussex, RH17 5RJ

Description of development

Development of equine rehabilitation and physiotherapy centre comprising treatment block, horsewalker, sand school, car park, grass paddocks, exercise track and engineering operation to form a bund adjacent to A23 (resubmission of WSCC/001/10/BK)

Relevant Planning History

This application is a resubmission of an application submitted twice before, namely:

- WSCC/001/10/BK - Development of equine rehabilitation and physiotherapy centre comprising treatment block, horse walker, sand school, car park, grass paddocks, exercise track and engineering operation to form a bund adjacent to the A23 (resubmission of BK/185/08) – Refused 24 March 2010;
- BK/185/08 – Development of equine rehabilitation and physiotherapy centre comprising treatment block, horsewalker, sand school, car park, grass paddocks, exercise track and engineering operation to form a bund adjacent to A23 - Refused 21 August 2009.

The reason given for the refusal of both of these applications was:

"On the basis of the information provided, the County Planning Authority is not satisfied that the proposed highway egress is adequate for either the nature or number of construction vehicles required by this proposal, irrespective of the duration of the proposed construction works. The proposed development is therefore, considered likely to have a detrimental and unacceptable impact on highway safety on the A23 in the vicinity of both the intended site egress and the slip road to the south."

The proposal was thereby considered contrary to various development plan policies and other guidance.

Applications for identical built development, but using different access routes, have also been submitted in relation to this site on two occasions (2008 and 2010), namely:

- WSCC/003/10/BK - Development of equine rehabilitation and physiotherapy centre comprising treatment block, horse walker, sand school, car park, grass paddocks, exercise track and engineering operation to form a bund adjacent to the A23 (resubmission of BK/185/08) – Refused 10 January 2011;
- WSCC/023/10/BK - Development of equine rehabilitation and physiotherapy centre comprising treatment block, horse walker, sand school, car park, grass paddocks,

exercise track and engineering operation to form a bund adjacent to the A23 (resubmission of BK/185/08) – Refused 15 April 2010; and

- WSCC/021/10/BK - Development of equine rehabilitation and physiotherapy centre comprising treatment block, horse walker, sand school, car park, grass paddocks, exercise track and engineering operation to form a bund adjacent to the A23 (resubmission of BK/185/08) – Refused 15 April 2010.

The latter two applications were refused on the basis of the impact on highway safety of their taking access from the A23. Application WSCC/003/10/BK was recommended for approval subject to a legal agreement which did not get signed due to complications with a third party landowner.

Environmental Impact Assessment

No EIA required.

Consultations

Consultees & Comments

Mid-Sussex District Council - Planning: No objection to equestrian development which would not have a major impact on the character of the landscape, and would conserve the character of the area. Concerned that proposed bund would not conserve or enhance natural beauty of area and will appear as an artificial feature in the AONB landscape. Does not consider it has been demonstrated that the bund is essential to the equine development. Insufficient justification for major engineering operation in the AONB.

Mid-Sussex District Council - Environmental Health: Agrees with previous comments re. value and reason for bund, and has carried forward comments made in relation to previous application, primarily that there are no guidelines for assessing impact of noise on horses. Concludes that if the intention of the bund is to reduce noise exposure for horses, will do so for only parts of the site. Will fail to provide any benefit for residential properties.

Bolney Parish Council: Agree in principle with the proposal based on the business activity being limited to the development proposed. With regard to the bund itself the Parish Council raise the following concerns **1)** all deliveries shall be made via the A23(M) **2)** the use of wheel cleaning/scrubbing equipment will be required on any permission given for all vehicles leaving the site **3)** Lorry routing to be agreed for all vehicles entering and exiting the site **4)** warning signs to be placed along the A23(M) notifying roads users of the works and emerging vehicles and **5)** that an adequate drainage is provided along the bund so as to prevent water flowing on to the A23(M).

Highways Agency: Direction that conditions be attached to any permission which may be granted.

British Horse Society: No comments received. Comments in relation to previous applications noted that they did not consider the bund was necessary.

Environment Agency: No objection subject to conditions requiring a scheme for the construction of the pond; additional details of ecological enhancements; a detailed method statement for the management of Japanese Knotweed; and a scheme for the management of a buffer zone alongside the watercourse and pond; and an informative indicating the need for an Environmental Permit.

Natural England (Sussex and Surrey Team): No comments to make. Advice given on impacts on AONB and biodiversity.

High Weald AONB Unit: Note that the proposals appear to affect a number of potentially historic field boundaries in the area, seen as a vital component of natural beauty under the AONB Management Plan. Concludes *"the application should ensure that the boundaries are maintained and where possible enhanced to secure their continued contribution to the distinctive character of the AONB. Any removal or alterations to the boundary will have a detrimental impact on the AONB."*

WSSC Archaeology: No objection but a pre-commencement condition to be imposed requiring the developer to arrange for an archaeological organisation or appropriately qualified archaeologists to observe the excavations and record archaeological evidence that may be uncovered as a result of the development, in accordance with a written scheme of investigation to be submitted to and agreed in advance by the County Planning Authority.

WSSC Ecology: No change to previous response which noted: *"No strategic objection subject to the imposition of conditions covering the retention of trees and shrubs during construction and the protection of nesting birds when clearing vegetation/trees. The applicant is advised via an informative that should any protected species be present work must stop and Natural England be informed and that a licence may be required from Natural England before works can re-commence."*

WSSC Highways: Concludes that it is for the Highways Agency to comment on the adequacy of the A23 access. Notes that the vehicular activity associated with the proposed use of site for equine rehabilitation appears to be low-key, and the use of Broxmead Lane for that purpose is acceptable.

WSSC Landscape: generally supportive of application, noting benefits of bund in terms of disturbance, subject to sympathetic gradients and tree cover, and imposition of conditions.

Representations (Main Points)

None received.

Main Material Considerations

This development has previously been subject to extensive consideration in relation to the previous, identical applications. It has been concluded that the development is acceptable in all respects, with the exception of its impact on highway safety. The principle of the development, including the need for the bund, has therefore been accepted in relation to all aspects except highway safety. It is, therefore, this issue, along with any changes to the relevant planning policy, which must be explored.

Conclusions

The Proposal

The proposal would involve the following development:

- Erection of a treatment block (3.5m to the roof ridge and covering an area of 157m²);
- Creation of a horsewalker (approximately 15m diameter);
- Creation of a sand school (800m²);
- Creation of a visitors' car park (119m²);
- Establishment a of grass paddock and an exercise track (approx. 4411m²); and

- An engineering operation to form an acoustic bund 500m in length (north - south), between 36m - 55m in width (west-east) and between 1.5m - 9m in height, formed from 76,500 cubic metres (51,000 tonnes) of inert waste.

The two previous, identical applications (refs. BK/185/08 and WSCC/001/10/BK) were refused solely on the grounds of a 'detrimental and unacceptable impact on highway safety of the A23 and its users'. These conclusions were based on objections from the Highways Agency.

Highway Safety

Because the development would be accessed from the A23, the Highways Agency (HA) has provided the main consideration regarding road safety matters. The HA has indicated that they are satisfied that the use of the access from the A23 would be acceptable for the temporary period proposed, subject to the imposition of conditions.

The HA was asked to clarify why they had reversed their view of the proposal from the objection they raised to the previous applications. They noted that:

"Although the HA has now agreed to the use of the A23 access on a temporary basis, in our assessment of previous similar applications we did not regard the use of this access for construction of the bund at Park Farm as an ideal solution (for the reasons set out in the relevant TR110 forms forwarded to your authority) and we therefore directed that permission should not be granted for an indefinite period of time.

At the time of the previous applications (January 2010) we were aware that another option was available involving a temporary access from Broxmead Lane, which would have been used by all HGV construction traffic, avoiding direct access/egress onto the A23. We informed West Sussex County Council (TR110 dated 15/02/10) that we had no objection to this option.

However, I understand that the application involving this option was refused by West Sussex County Council on 10 January 2011 due to the third party landowner's refusal to enter into the agreement.

As a result of the above, we have agreed to the current application for the use of the A23 access on a strictly temporary basis for HGV traffic connected with the construction of the bund. Our agreement is subject to the conditions set out in our TR110 form dated 2 May 2012." (email from Andrew Oldland dated 21 May 2012)

With the HA having withdrawn their objection, and in doing so having resolved concerns over the 'detrimental and unacceptable impact on highway safety of the A23 and its users' identified in the reason for refusal of the previous applications, it is now considered that the application must be considered acceptable, subject to conditions.

Policy Discussion

The recovery, re-use and recycling of inert wastes and materials (in this instance construction and demolition derived wastes and materials) remains a nationally, regionally and locally preferred method of diversion of waste from landfill. The overriding theme is that waste should be both managed as 'close to source as possible' and that there should be 'a sufficient number and range of facilities to manage waste' within a local authority area, provided that other disbenefits and planning concerns are not caused.

The site has not been allocated for inert waste landfilling or land raising within any existing or emerging waste policy documents and is situated within the High Weald AONB, which is defined as a 'sensitive area'. However, the site stands on medium grade agricultural land, is naturally well screened from the surrounding area and is well served by the County's strategic road network as the A23/M23 - London to Brighton Road lies

adjacent to the western boundary of the site. These positive physical factors, coupled with the imposition of suitable planning conditions containing satisfactory mitigation measures, were considered sufficient to minimise any impacts on the High Weald AONB, the highway network, public amenity and neighbouring land use.

Conclusions and Recommendation

Taking the above into account, the development is considered to be acceptable in planning terms, subject to the imposition of conditions. It is therefore recommended that planning permission is granted.

Decision

Grant planning permission, subject to conditions and informatives.

Conditions

Commencement

1. The development hereby permitted shall be begun 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.

Approved Plans

2. The proposed development shall not take place other than in accordance with the approved information and plans, all received on 20 December 2011:
 - o Block Plan
 - o Location Plan
 - o Drawing 0738/06/2E Masterplan;
 - o Drawing 0738/06/3B Cross-Sections;
 - o Drawing 0738/06/4B Planting;
 - o Drawing 0738/06/5 Site as existing and visual survey;
 - o Drawing 0738/07/1A Ecology; and
 - o Stable Plans, Sections and Elevations.

and supporting information, save as varied by the conditions hereafter or any variation thereto that may be agreed in writing by the County Planning Authority.

Reason: To secure a satisfactory development.

Timescales

3. Prior written notification of the commencement of the development shall be provided to the County Planning Authority no less than seven days before such commencement. All inert waste deposition required to create the bund shall cease within 24 months of the commencement of the development. Thereafter the bund shall be landscaped in accordance with schemes to be approved by Conditions 17 and 18.

Reason: To ensure the development is carried out in accordance with the proposed timescales within the application in the interests of amenity.

Materials/Finishes

4. No development other than preparatory groundworks shall be carried out until a schedule of materials and finishes to be used for external walls and roof of the proposed treatment block, surfacing/surface edging (including sand school, horse walker, access routes, car park and exercise track) have been submitted to and approved in writing by the County Planning Authority. The approved scheme shall thereafter be implemented in full.

Reason: In the interests of visual amenity and to ensure a development of high quality.

5. No development other than preparatory groundworks shall be carried out until a plan detailing the proposed horse walker (including dimensions, materials and finishes) has been submitted to and approved in writing by the County Planning Authority. The approved plan shall thereafter be implemented in full.

Reason: In the interests of visual amenity and to ensure a development of high quality.

6. Prior to the commencement of development a schedule of all new fencing and gates shall be submitted to and approved in writing by the County Planning Authority. The schedule shall include details of location, style, and finishes of the fences/gates to be used. The fencing and gates shall thereafter be implemented and maintained in accordance with the approved details.

Reason: In the interests of the amenity.

7. No temporary buildings, skips or static plant required during construction operations hereby approved shall be erected or placed on the site until the prior written agreement of the County Planning Authority has been given to their positioning, layout, design, colour and dimensions.

Reason: In the interests of the visual amenities of the locality.

Operational requirements

8. Bund materials shall constitute only inert, uncontaminated material and soils. Prior to the commencement of the development hereby approved a scheme detailing the storage and disposal measures to be taken in the event that contaminated or unsuitable material is brought to the site shall be submitted to and approved in writing by the County Planning Authority. The approved scheme shall thereafter be implemented throughout the course of the construction.

Reason: To avoid unacceptable pollution.

9. The site shall not be used as the operating base for other goods vehicles, plant or equipment not normally required for earthmoving, grading or deposition of fill material on the site. No vehicles, skips, containers or demountable lorry bodies shall be stored overnight on the site without the prior written approval of the County Planning Authority as to their type, number and location.

Reason: In the interests of the general amenities of the locality.

10. Unless otherwise approved in advance in writing by the County Planning Authority there shall be no mechanical processing of imported fill material on site.

Reason: In the interests of amenity.

11. Unless otherwise agreed in advance and in writing by the County Planning Authority no construction operations or deliveries of inert waste materials shall take place and no plant, machinery or vehicles associated with the construction of the development hereby permitted shall operate, outside the hours of:

07.30 and 17.00 Monday to Friday,
07.30 to 13.00 Saturday,

and no work shall occur on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby residential properties

12. No plant, equipment or vehicle shall be used on the site unless fitted and operated at all times with silencing measures to a standard not less than the manufacturer's UK standard specification for that equipment.

Reason: In the interest of the amenity.

13. A copy of this decision notice together with the approved plans and any schemes and/or details subsequently approved pursuant to this permission shall be kept at the site office at all times and the terms and contents thereof shall be made known to supervising staff on the site.

Reason: To ensure the site operatives are conversant with the terms of the planning permission.

14. A record shall be kept on site of the volumes of inert waste material deposited at the site for each working day during the construction period. The records shall detail the number of HGV loads, the volume of material for deposit within each HGV load and be a complete record from the first day of deposition. The record shall remain on site and be made available for inspection upon request of the County Planning Authority.

Reason: To enable the County Planning Authority to monitor the progress of the development and ensure completion in the duration proposed in the application, in the interests of the general amenities of the locality.

Lighting

15. Unless otherwise agreed in writing by the County Planning Authority there shall be no external artificial lighting installed on the site.

Reason: In the interests of the visual amenities of the area and to protect highway safety.

Dust Suppression

16. Prior to the commencement of the development hereby approved, a scheme detailing the measures to be taken for the suppression of dust shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the approved

scheme shall be implemented in full throughout the period of construction operations hereby approved.

Reason: In the interests of the amenity and highway safety.

Landscape/phasing

17. Prior to the construction of the bund a phasing plan detailing the progressive construction of the bund over the implementation period, volumes of material required, and the extent and height of the bund for each phase, shall be submitted to and approved in writing by the County Planning Authority. The bund shall thereafter be constructed in accordance with the approved phasing plan.

Reason: To ensure the bund is landscaped in appropriate timescales in the interests of the general amenities of the locality.

18. Prior to the commencement of development a revised landscaping scheme and planting/seeding schedule noting species plant sizes, seeding and proposed numbers, densities and phased implementation throughout construction shall be submitted and approved in writing by the County Planning Authority. Thereafter, the approved landscaping scheme shall be implemented in full. Any trees, shrubs or plants which within a period of 5 years from planting are removed or become seriously damaged, diseased or die shall be replaced in the next planting season with others of such size and species as may be agreed in writing with the County Planning Authority.

Reason: In the interests of the amenity and of the environment of the development.

19. Topsoil shall only be stripped when, as far as practicable, in a dry and friable condition. In addition all topsoil shall be used on site and shall be stored at a height of no more than 2m in location/s to be approved in writing by the County Planning Authority.

Reason: To prevent damage to, and ensure the reuse of, existing soils on site.

20. For the duration of construction activity hereby approved all retained trees are to be protected in accordance with BS5837:2005 'Trees in relation to construction'.

Reason: In the interest of environmental amenity.

21. Prior to the commencement of development, a detailed method statement for the removal or long-term management /eradication of Japanese Knotweed on the site shall be submitted to and approved in writing by the County Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

Reason: To prevent the spread of invasive species, which is prohibited under the Wildlife and Countryside Act 1981.

Ecology

22. Large woody plants programmed for removal are only to be cleared outside the bird breeding season (March to August inclusive). The plants can be removed at any time if an ecologist confirms that there are no breeding birds using them (Ref: Breeding birds - Wildlife and Countryside Act 1981).

Reason: In the interests of ecology.

23. Prior to the commencement of the development hereby approved a scheme detailing the specification of the proposed pond as detailed in Drawing No. 0738/06/2 Rev D 'Masterplan' dated 11/06, including design measures to ensure a positive contribution to the nature conservation value of the site, shall be submitted to and approved in writing by the County Planning Authority. The approved scheme shall be implemented in full, with the pond constructed, within 6 months of the commencement of the development.

Reason: In the interests of biodiversity.

24. Prior to the commencement of the development hereby approved, details of proposed ecological enhancements, including enhancements to existing wet interests, shall be submitted to and approved in writing by the County Planning Authority. The approved scheme shall thereafter be implemented in full.

Reason: To ensure biodiversity is enhanced.

Water

25. Prior to the commencement of the development hereby approved a scheme of surface water drainage (based on sustainable drainage principles, incorporating ecological enhancements where practicable, and including details of how the scheme will be maintained and managed during construction and upon completion, taking into account the provisions of the submitted Flood Risk Assessment) shall be submitted to and approved in writing by the County Planning Authority. The approved scheme shall thereafter be implemented in full.

Reason: To ensure that the proposed development is satisfactorily drained.

26. Prior to the commencement of the development hereby approved a scheme for the provision and management of a buffer zone alongside the watercourse and during the pond creation shall be submitted to and agreed in writing by the County Planning Authority. The scheme shall include plans showing the extent and layout of the buffer zone; and details demonstrating how the buffer zone will be protected during development and managed/maintained in the long term. The approved scheme shall thereafter be implemented in full.

Reason: In the interests of protecting the watercourse and biodiversity.

Archaeology

27. Prior to the commencement of development the developer shall arrange for an archaeological organisation or appropriately qualified archaeologists to observe the excavations and record archaeological evidence that may be uncovered as a result of the development in accordance with a written scheme of investigation that shall be submitted to and approved in writing by the County Planning Authority.

Reason: To ensure that potential buried archaeological remains on the site will be adequately recorded.

Highways

28. Prior to the commencement of development a Key Stage 2 Preliminary Assessment, including Preliminary Certification undertaken in accordance with the requirements of the Design Manual for Roads and Bridges Volume 4, Section 1, Part 2 HD22/08 shall be submitted to and approved by the County Planning Authority.

Reason: to ensure the bund and drainage diversion is adequate to protect the A23.

29. Prior to the commencement of the development hereby approved a Key Stage 3 Geotechnical Design and Construction, undertaken in accordance with the requirements of the Design Manual for Roads and Bridges Volume 4, Section 1, part 2 HD22/08, shall be submitted to and approved in writing by the County Planning Authority.

Reason: To ensure the bund and drainage diversion are design and constructed in a way which protects the integrity of the A23 and its drainage.

30. The bund and drainage diversion hereby approved shall be constructed in accordance with the Geotechnical Design Report approved under condition 29, unless otherwise agreed in writing by the County Planning Authority. Thereafter the bund and drainage diversion shall be maintained in good order in perpetuity.

Reason: To ensure the bund and drainage diversion are design and constructed in a way which protects the integrity of the A23 and its drainage.

31. Prior to the commencement of the development hereby approved a scheme shall be submitted to and approved in writing by the County Planning Authority setting out measures to prevent vehicular access between the development and the A23 via the access adjacent to Dan Tree Farm after the bund has been completed.

Reason: to prevent vehicles, particularly slow moving horseboxes, from the using the access to enter and leave the A23, to ensure road safety is protected.

32. Prior to the commencement of the development hereby approved the measures approved in condition 31 shall be implemented in full. Thereafter the approved measures shall be maintained in perpetuity.

Reason: to prevent vehicles, particularly slow moving horseboxes, from the using the access to enter and leave the A23, to ensure road safety is protected.

33. The development hereby permitted shall not be brought into use until car parking spaces have been marked out as indicated on the approved Block Plan. Car parking provision shall thereafter be retained in full.

Reason: To ensure adequate parking provision.

34. Prior to the commencement of the development hereby approved the applicant shall submit a scheme to be approved in writing by the County Planning Authority detailing the measures to ensure that no vehicle shall leave the site in such a condition that earth and mud adhere to the wheels in a quantity which may introduce hazard or nuisance on the highway and actions to be taken in the event of mud or debris arising from the development being present on the highway. Thereafter, the approved scheme shall be implemented in full.

Reason: In the interests of highway safety.

INFORMATIVES

- A. The applicant is advised that should protected species be present work must stop and Natural England informed. A licence may be required from Natural England before works can re-commence, Natural England will advise.
- B. The applicant's attention is drawn to the comments of the Environment Agency (letter dated 26 January 2012) which identifies the need for an Environmental Permit and potentially Land Drainage Consent. Reference is also made to the buffer zone required by condition 26.
- C. With regard to Condition 18 the applicant's attention is drawn to the comments of the Local Development Division (dated 03 February 2010), which highlights the required minor amendments to submitted landscaping scheme and planting schedule.
- D. This decision should be read in conjunction with a 106 legal agreement.
- E. The reasons for granting planning permission are that the proposal accords with National Policy Guidance and complies with Development Plan Policies requiring that the proposed development:
- meets an identified need;
 - is acceptable in terms of highway safety;
 - has an acceptable impact on local landscape (and the High Weald AONB), local ecology and the water environment; and
 - has an acceptable impact on local amenity and environmental health.
- F. Reason for the grant of planning permission.

In determining the application and in applying the planning conditions, the following planning guidance and policies have been considered:-

National Planning Guidance

National Planning Policy Framework (2012)

Regional Planning Policy

South-East Plan (2009)

Policies W5-W6, NRM4-NRM5 and NRM10.

Local Planning Policy

Mid-Sussex District Local Plan (2004)

Policies G1, C1, C4-6, B1, B4, B18, B23-B24, T4, R1, R6, R12, CS13 and CS22.

West Sussex Waste Local Plan Revised Deposit Draft (2004)

Policies G1-G8, G10 and U9.

This information is only intended as a summary of the reasons for the grant of planning permission. For further details on the decision please see the report by Contacting West Sussex County Council, Planning Services (Development Group) or visiting the website at <http://westsussex.gov.uk/ePlanningOPS>


Equality - Customer Focus Appraisal

As part of the decision-making process, under the Equality Act, public bodies must have due regard to the need to:

- o eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- o advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- o foster good relations between people who share a protected characteristic and people who do not share it.

A Customer Focus Appraisal (CFA) has been provided to show how consideration of equality issues has influenced the decision-making process. The CFA will enable the decision-maker to consider the possible impact on customers and actions to mitigate or avoid any detrimental impact(s).

In the absence of a requirement for the applicant to prepare a CFA WSCC has carried out the appraisal in relation to this development. This concluded that the development would not adversely affect those with 'protected characteristics'.

Date of Report Submission: 21/05/2012	Case Officer Name: Jane Moseley
	Case Officer's Signature 
Date of Final Report: 31/05/2012	Group Manager's Signature 