



Appeal Decision

Site visit made on 21 August 2023

by Robin Buchanan BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Appeal Ref: APP/C3810/W/22/3313857

**Land east of Kingston House, Kingston Lane, Kingston, West Sussex
BN16 1RP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Lloyd against the decision of Arun District Council.
 - The application Ref K/22/22/PL, dated 18 May 2022, was refused by notice dated 29 September 2022.
 - The development proposed is three stables and a barn.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr James Lloyd against Arun District Council. It is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are:
 - the effect of the development on the character, appearance and function of the East Preston and Ferring gap; and
 - whether the site would be in a suitable location with respect to bridleways or other suitable routes available to horse riders.

Reasons

The East Preston and Ferring gap

4. The appeal site is a roughly rectangular horse paddock in the countryside with vehicular and pedestrian access along a track from an off-shoot of Kingston Lane. It is in a wide swathe of mainly undeveloped agricultural fields or horse paddocks that extend south of the A259 Littlehampton Road towards the coast with few scattered, mostly small-scale buildings. This designated gap separates the opposing edges and extent of the built-up areas of East Preston and Ferring and is locally distinctive in the local landscape.
5. The barn would be used to store hay, tack and (unspecified) machinery but at 13m long and 7m wide the footprint of 91m² would be reasonably large. Albeit a low pitched roof with shallow gables it would be about 3m to eaves and 4m to ridge with elevations and roof constructed from metal cladding and a brick plinth. Conditions could ensure a suitable external colour and private use ancillary to the stables and use of the site as a horse paddock. However, it

would have appreciable scale and massing and look more like a modern agricultural barn or industrial/warehouse unit, rather than a traditional rural barn. It would also jut out into the site, at right angles away from a tall hedgerow behind along the west boundary. In layout, appearance and bulk it would, therefore, be conspicuous in some views from public footpaths to the north and east of the site and in part from the site access to the south, which is also a public footpath, over the proposed stables. While not likely discernible in more distant public views due to intervening buildings or landscape features, it would be innately obtrusive and out-of-keeping in this flat, mostly open and exposed landscape.

6. According to the dimensions before me, though not the footprint as shown in the as proposed site plan¹, the stables would be in a row and smaller than the barn; constructed with timber boarding and flat felt roof with overhang on a concrete base. This typical, traditional rural building would be suitable for three horses but the layout would also jut out into the site. Albeit in a corner, it would face the barn across a large concrete hardstanding that also extended a significant distance to the east, further into the site where cars or other items such as trailers or horse boxes could be parked. The stables layout and this stark area of hardstanding and its use would, therefore, be unduly prominent.
7. While their planning status is not clear, I saw some similar traditional stables near the site in the gap but no associated barns, nor have I been informed of any. No specific reason has been given for the size or design of the barn or amount of hardstanding, or why there must be two separate buildings which otherwise adds to the spread of built form on the site. Nor is it clear if the development is for the appellant's horses or for use by up to three different horse owners. On the face of it, the requirement is to meet the reasonable ancillary needs of the appellant's three private stables and related activity, including some car, trailer or horse box parking. The appellant has not, therefore, demonstrated that the development is 'minimal'. In my view the form and appearance of the barn and size of hardstanding would be more appropriate in a commercial equestrian setting.
8. The development would be more towards the edge of East Preston and near some residential buildings on the corner of Kingston Lane. It would not by itself substantially erode the overall integrity of the gap or manifestly close the built-up areas of East Preston and Ferring. However, this windfall piecemeal development would cumulatively extend this already isolated cluster of buildings and encroach further into the countryside. Albeit by a small amount, this would cause a localised reduction in the extent of the gap and so diminish its purpose.
9. The site once contained stables and a barn but these were removed. Though the Council previously granted planning permission for stables on the site these were not built and the permission not implemented, so it has expired. The starting point in this appeal is an undeveloped site with no fall-back position in either regard. In any event, at least some of that development was not the same in layout, extent or form as the current proposal. I have determined the appeal on its individual planning merits.
10. Considering all the above, I find that the development would have a significant adverse impact on the character, appearance and function of the East Preston

¹ Drawing number 2211 01

and Ferring gap. Consequently, it does not comply with Policies EQU DM1(a), D DM1 and SD SP3 of the Arun Local Plan 2018 (the LP) or with Policies KPNP2 or KPNP3 of the Kingston Neighbourhood Plan 2014 (the NP). These policies include that new equestrian buildings and structures should blend into the landscape and reflect the character of the site and surroundings in terms of siting, layout, design and materials. Regard should also be had to the intrinsic character and beauty of the countryside and sense of place. Additionally, development should not individually or cumulatively compromise the integrity of the gap or undermine physical or visual separation between settlements².

Suitable location

11. There is no bridleway next to or near the site in the usual meaning of these words. The surrounding public footpaths (which are not also part of public roads or private access tracks for vehicles) should not, by statutory definition and common courtesy, be used by horses. Direct access from the site to a bridleway or by a short horse ride would clearly be preferable.
12. In the extracts provided, the development plan does not define 'well related' which the Council also means 'within reasonable proximity'. In this spatial sense the nearest bridleways to the site south of the A259, to the west or east, are about a mile away by road (to the east including a railway level crossing). This would take horses a relatively short sedate walk about 15 minutes along the public highway but I saw that some of the roads are busy pedestrian and vehicular routes, including for buses or lorries (so also mitigates against the likelihood of horses trotting or cantering more quickly to these bridleways). Even though horses have a right to use these public highways this would not, in my view, be particularly conducive to safe or pleasant horse riding or for all road users.
13. However, horses could be taken by horse box or lorry to these bridleways by a convenient short drive, or to the bridleway network north of the A259 where there is also a byway open to all traffic (BOAT) including horses. The Pegasus crossing of the A259 indicates anticipation or expectation of demand or desire for horse riders, emanating from paddocks in or near the more urban areas south of this road, to use the public highway to gain access to the bridleway and BOAT network north of it in this more open countryside on rising land.
14. Furthermore, though Kingston Lane south of the site is relatively narrow with no footways, albeit a snapshot at my site visit, there was low traffic volume and speed so significantly less potential for conflict between all road users. The short access track to the site incorporates the route of a public footpath but there is no evidence that it could not be ridden along and, in my view, not unduly interfere with pedestrians. This reasonably long, pleasant rural lane would be conducive to horse riding. It also has a connection south to the coast via Peak Lane which is a BOAT. While this BOAT has overgrowing vegetation in places and currently has narrow safety barriers either side of Coastal Road, it gives access to a long, wide, grass promenade along the foreshore and to the gently shelving stoney beach beyond. I am informed these can be used by horse riders.

² The Council also cited NP Policy KPNP7 in reason for refusal No.1 in its decision notice. However, there is no evidence that parts 1 to 4 of this policy are relevant in this case. I have not been provided with a copy of NP Appendix 4 'Kingston Design Statement' to which part 5 of this policy refers.

15. There is no objective evidence that by any other measure these bridleways, BOATs or roads would be inadequate to assimilate limited additional use by up to three horses. Moreover, there would be choice, including that it would also be possible for horses to be ridden or exercised in the paddocks on the site, albeit in a more limited fashion.
16. Taking all the above into account, I find that the development would be connected in a beneficial way to appropriate destinations in the vicinity of the site and in this functional sense be mutually well related. The site would as a result be in a suitable location with respect to bridleways or other suitable routes available to horse riders. Consequently, it complies with LP Policies EQU DM1(b) and T SP1. These policies include that equestrian development should be well related to the bridleway network, which should be sufficient to accommodate the scale of use with safe access on the highway network to promote use of the bridleway network.

Planning Balance

17. There is no dispute about equestrian use of the site as horse paddocks, which in principle is a suitable and appropriate use in the countryside. Equestrian development can provide recreation and physical activity important for health and well-being or give an income; either way, contribute to the local rural economy such as by using hay or straw as feed or bedding and sourcing equestrian equipment or machinery. Though notable, in the context of the overall nature of the development, these would be modest social and economic benefits so, in my view, have limited weight in favour of the development.
18. However, notwithstanding my finding in the second main issue and that the stables would be inherently suitable in size, design and external appearance, they would not be appropriate in layout. Nor would the barn or hardstanding and neither would be appropriate in size, design or extent. This would cause material harm to the character, appearance and function of this particular part of the countryside which is in a finite designated gap. These are important environmental considerations which I consider have significant weight against the development.
19. The benefits of the development would not, therefore, outweigh the harm.

Conclusion

20. The proposal does not accord with the development plan taken as a whole. There are no other material considerations to indicate that the decision should not be made otherwise than in accordance with the development plan. Consequently, for the reasons given above the development applied for is unacceptable and the appeal does not therefore succeed.

Robin Buchanan

INSPECTOR