

Newfoundout East
Reeds Lane
Horsham

The Chief Planning Officer
Horsham District Council
Albery House,
Springfield Road,
Horsham,
RH12 2GB

26th February 2026

RE: Planning Application: DC/25/2023, Variation of condition 10 of previously approved application reference DC/22/0388 (Retention of existing green steel clad building and mono-pitch lean-to for storage and distribution use by Equine America UK and resulting mixed use of Beckley Stud as a whole for equestrian, residential and commercial purposes) relating to BNG measures.

Dear Sir/ Madam,

I write in relation to application **DC/25/2023**, which seeks a Variation of Condition 10 of the previously approved planning permission **DC/22/0388**, granting permission (on appeal) for the retention of the green steel-clad building used by Equine America at Beckley Stud.

Condition 10 was imposed by the Planning Inspectorate and relates to planting and biodiversity.

The condition reads:

10) Within 3 months of the date of this decision, full details illustrating how the scheme would achieve the Biodiversity Net Gain (BNG) recommendations outlined in Tables 2 and 3 of the Ecology BNG Report prepared by Wychwood Environmental dated June 2023, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include plans and measures addressing the following:
(a) Details of all planting and habitat creation to be carried out in order to achieve the mandatory 10% increase in BNG. This should include schedules specifying tree planting; species, planting size, densities and plant numbers and tree pit details;

and

(b) Details of the enhanced sheltering opportunities for wildlife on the site.

The approved BNG scheme shall be fully implemented in accordance with the approved details within the first planting season following the date of approval.

Unless otherwise agreed as part of the approved BNG scheme, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

(Source PINS appeal decisions APP/Z3825/C/23/3324026 & APP/Z3825/W/23/3324019 7th May 2025)

The requirements of the condition are clear, and the Inspector sets out the reason for imposing the condition in paragraphs 47 and 48 of the appeal decision.

An application was made to Horsham District Council in July 2025 under reference DISC/25/0217, seeking to discharge condition 10 and condition 3 (Drainage). This application was subsequently withdrawn on December 2025 following discussions with the Local Planning Authority over the BNG Condition and additional information required for drainage at the site.

In making the above application the applicant confirmed in the application forms that the development approved under Permission DC/22/0388 was commenced on the 1st August 2020, and completed on the 28th August 2020. This is somewhat surprising for the reason that the building subject of DC22/0388 was stated by the applicant in their appeal submissions as having been built to replace a horsewalker barn shelter that was approved under permission DC/20/0613 on the 5th August 2020. From this timeline it appears that the erection of a horsewalker barn was carried out without the benefit of planning permission, a retrospective application was then made for its retention, and four days before a decision was made to grant retrospective permission for the horsewalker barn, the applicant commenced works to replace the horsewalker barn with a storage and distribution barn for their equestrian supplements business. This “replacement” for the horse walker barn is on a totally different part of the site, outside of the redline area for the horsewalker barn and it is not understood how this could be considered a replacement as it is on a different part of the site and used for a different purpose.

Notwithstanding the somewhat equivocal and questionable premise for the origins of the storage barn, the Planning Inspectorate has granted planning permission on appeal for the building.

The planning permission was granted subject to various conditions and it is clear law that all conditions imposed on a planning permission must be adhered to in order for that permission to be implemented lawfully. If an applicant or developer chooses to not comply with conditions, then the development is unlawful and subject to enforcement under the planning acts.

Looking in detail at condition 10 imposed by the Inspector, it required that within three months of the Inspectorate's decision on the 07th May 2025, the applicant submit:

- 1) full details of planting and habitat creation in order to achieve the mandatory 10% Biodiversity Net Gain (BNG).
- 2) Details of the enhanced sheltering opportunities for wildlife on the site

The condition then goes on to require that the measures in 1&2 above be fully implemented in the first planting season following the date of approval.

The condition then had a final requirement that (unless agreed as part of the BNG scheme) no trees or hedges may be removed or damaged for a period of five years without the prior written consent of the Local Planning Authority, and any tree that is removed or dies within this 5 year period must be replaced in the next planting season with others of a similar size and species.

To date, these requirements have not been complied with, and the development is therefore in breach of the conditions and is therefore without the benefit of planning permission.

The applicant now seeks to vary the wording of the condition under section 73a to allow an alternative condition worded:

The development hereby approved shall be carried out in accordance with the approved Proposed Wildlife Plan (Drg no. AG20815-BS-1096A) and Proposed Planting Plan (Drg No. AG20815-BS-1088A). The approved measures shall be implemented in full within 3 months of the date of this permission and thereafter retained and maintained.

The reason given by the applicant's agent for seeking this change is that they consider the requirement for a 10% BNG increase to be "*inappropriate and unimplementable*". The basis

for this argument as set out by the agent is that mandatory BNG is not applicable to retrospective applications/permissions.

In this instance, it is clear from the submitted documents for permission this is not correct. The BNG enhancement measures set out in the Letter of June 2023 from Wychwood Environmental, submitted with the appeal of the application for retrospective planning permission, confirm that 10% increase in BNG can reasonably be provided within the wider site through the planting of 6 medium sized trees, 11 smaller trees and 100sqm of mixed scrub.

While this 10% increase in BNG is not statutorily required, it is required by the permission as a condition, and evidence that it could be achieved was submitted by the applicant and accepted by the inspector as planting and BNG improvement that was required in order to make the development acceptable, and in accordance with Policy 31 of the Horsham District Local Plan.

The applicant has provided no evidence that their proposed BNG improvements cannot be implemented.

Quite simply the applicant has chosen to not comply with the condition, and now seeks a less onerous condition as a replacement.

This is not acceptable and I **OBJECT** in the strongest terms to any variation of this condition that would lead to less than 10% BNG improvement on the site, or to any reduction in the Wildlife Sheltering measures proposed by the applicant and secured by condition by the Inspector, or to any lessening of the 5 year replacement period for newly planted trees and hedgerows.

I am concerned that any alteration to the conditions may allow the applicant to:

- Undertake only minimal or token planting;
- Remove planting at a later stage; and
- Avoid being bound by long-term environmental obligations.

While I do not object in principle to a reasonable extension of time for compliance with Condition 10, I strongly object to any dilution of its substance.

The wording of condition 10 imposed by the Planning Inspectorate was clear, proportionate, reasonable and necessary in order to make the impact of the development acceptable. For this reason, it should remain in force to its full extent.

If any variation of condition 10 is allowed, it must secure the following:

- Provision of 10% BNG increase on the site when compared to the submitted 2023 metric by Wychwood Environmental. This must be carried out fully in the next planting season (November to March) following the determination of an application.
- Provision of all the Wildlife sheltering opportunities set out in the 2023 letter from Wychwood Environmental. These must be provided within 2 months of the determination of an application.
- Unless otherwise agreed as part of the approved BNG scheme, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species

I trust that this letter is clear and sets out the planning based reasons for my OBJECTION to application DC/25/2023.

Yours faithfully

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