Horsham District Council

Ms Cathy Fishenden
Enplan
111 High Street
Lewes
BN7 1XY

Our ref:	DISC/24/0093
Your ref:	Pennthorpe MUGA pre-occupation c
Email:	planning@horsham.gov.uk
Direct Line:	01403 215180
If Calling Please ask for:	Jacques Burrowes
Date:	20th September 2024

Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure England) Order 2015

Application for Approval of Details Reserved by Conditions 6, 7 and 8 to approved application DC/19/2573

Pennthorpe School Church Street Rudgwick West Sussex

The Authority has considered your application, and I can confirm that the submitted information is acceptable pursuant to the following condition(s):

8. **Pre-occupation Condition**: The use hereby permitted shall not commence until an operational management plan has been submitted and approved in writing by the local planning authority. This should include but not be limited to, hours of operation, management responsibilities during all operating hours, measures to control noise from site and demonstrating how users of the facility will be prevented from causing nuisance for people in the area. The use hereby permitted shall thereafter be operated in accordance with the approved details.

   Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and in the interests of the amenities of the neighbouring properties, in accordance with Policy 33 and 43 of the Horsham District Planning Framework (2015).

Date of approval - 20th September 2024

Consent is hereby GRANTED pursuant to Condition 8.

The development shall be implemented in accordance with the approved plans and details listed in the schedule below.

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received

			Date
Supporting Docs	MUGA Operational Management Plan		19.09.2024

I can also confirm that the submitted information is **NOT** acceptable pursuant to the following condition(s):

6. **Pre-occupation Condition**: Notwithstanding previously submitted information, prior to the first occupation/use of the new building hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:
   - Details of all existing trees and planting to be retained
   - Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
   - Details of all hard surfacing materials and finishes
   - Details of all boundary/perimeter treatments including fencing
   - Details of any external lighting
   - Section/plan drawings of existing and proposed land levels to include details of any proposed retaining walls or banking required

   The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation/use of any part of the development. Unless otherwise agreed as part of the approved landscaping, 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 unless the Local Planning Authority gives written consent to any variation.

   Reason: To ensure a satisfactory development that is sympathetic to the landscape and countryside character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7. **Pre-occupation Condition**: Use of the development shall not commence until a community use agreement has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the AGP and include details of pricing policy, hours of use, access by non-[educational establishment] users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

   Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy 33 and 43 of the Horsham District Planning Framework (2015).

Consent is hereby REFUSED pursuant to conditions 6 and 7 for the following reason:

1. It has not been demonstrated to the satisfaction of the Local Planning Authority the landscape details submitted in relation to condition 6 (Landscape details) for the retrospective works would adequately mitigate visual harm caused by the retrospective removal of the woodland. The development, therefore, is in conflict with the provisions of Policy 33 of the Horsham District

Planning Framework (2015) and Paragraph 180(b) of the National Planning Policy Framework (2023).

2. It has not been demonstrated to the satisfaction of the Local Planning Authority that the details submitted pursuant to the requirements of Condition 7 include the details required by Condition 7 as the Community Use Agreement (undated) does not provide the necessary level of detail required. The submitted details therefore fail to satisfy the requirements of Policy 33 and 43 of the Horsham District Planning Framework (2015) in this regard.

This letter constitutes a legal document which should be regarded as an addendum to the original planning application.

If you have any queries or require further information, please do not hesitate to contact the Case Officer.

Yours faithfully



Emma Parkes
Head of Development and Building Control

ADDITIONAL INFORMATION

Right of Appeals
If you are aggrieved by the decision to refuse permission for the proposed development then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State 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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at

least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.