

Our Ref: 02/897



Horsham District Council
Parkside
Chart Way
Horsham
West Sussex
RH12 1RL

22 January 2026

Dear Sirs,

**PENNTHORPE SCHOOL, CHURCH STREET, RUDGWICK, HORSHAM
CREATION OF ALL-WEATHER SPORTS PITCH (DC/19/2573)
DISCHARGE OF CONDITION 7 (COMMUNITY USE AGREEMENT)**

Planning permission was granted on 3rd August 2020 for the removal of 2 existing tennis courts and the creation of a replacement all-weather sports pitch at Pennthorpe School, Church Street, Rudgwick under reference DC/19/2573.

The pre-commencement conditions were discharged by decision notice (ref DISC/22/0019) dated 21st April 2022. The construction of the pitch commenced in February 2023 and was completed by the end of October 2023.

This application concerns condition 7 of permission DC/19/2573 which is the only remaining pre-occupation condition and which states:

'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.'

An application to discharge all 3 pre-occupation conditions (DISC/24/0093) was made in April 2024. This was subject to a split decision where condition 8 (operational management plan) was approved in September 2024 but conditions 6 (landscaping) and 7 (community use agreement) were not approved.

A further application to discharge all three pre-occupation conditions (DISC/25/0052) was made in February 2025. This application included amendments to the operational management plan and so re-discharge of this condition was sought as part of the application even though this had previously been dealt with under the earlier application. This application was also subject to a split decision where conditions 6 (landscaping) and

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8 (operational management plan) were approved but condition 7 (community use agreement) was again, not approved.

It is noted that the CUA has not been approved on both occasions due primarily to comments received from Sport England but also in light of comments from the Parish Council.

First Application – DISC/24/0093

In response to the first application to discharge this condition, Sport England considered that the following details needed to be addressed within the agreement:

- Access to parking and toilet facilities.
- How the facility will be marketed, hire rates and booking arrangements.
- The comparison rates and plan referenced in the CUA needed to be attached.

Following these comments, the split decision notice was issued stating in relation to condition 7 that:

“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”

Second Application – DISC/25/0052

A further application to discharge the condition was then made with an amended CUA which set out details of parking, marketing and booking arrangements, a price of between £40 and £60 per hour for hire of the MUGA pitch (benchmarked against other schools providing MUGA usage) and the plan referenced in the document. The hours of availability for community use were also amended to ensure the school meets its safeguarding requirements for students.

The application also set out that the reason why community users of the MUGA would not have access to changing and toilet facilities is due to safeguarding concerns. There are no separate changing or toilet facilities for the MUGA, these are part of the existing school buildings and are for use by students. Section 4.2 of the CUA sets out a summary of the information which is required from non-student users of school facilities in general and the more extensive list of information required if students are present on site during the hire. Due to the nature of the required information (such as DBS checks and safeguarding training), it is not practical to apply this to community users of the MUGA.

In response to this application, Sport England had two points of concern which were as follows:

- No changing or toilet facilities are to be provided to community users of the pitch.
- The proposed cost was stated as between £40 and £60 per hour which was not clear.

The Parish Council also commented that the pricing arrangements referred to other schools offering MUGA facilities rather than stating a clear price.

The applicant further amended the CUA to set a fixed price of £50 per hour for hire and reiterated that access for community user to the school's existing changing or toilet facilities could not be granted due to safeguarding issues.

The Parish Council acknowledged that this amendment provided the requested clarity on pricing. Sport England maintained the objection to the lack of changing and toilet facilities and requested clarification on whether the facilities at Tandridge and Bohunt schools (which were used as the benchmark for hourly use pricing) were comparable in terms of facilities to see if the cost was reasonable.

The applicant was informed that it would not be possible to make a further amendment to the CUA in response to those comments as part of this application and that a split decision would be issued.

Current Application

This latest application now seeks to discharge in full the final pre-occupation condition (no. 7) attached to DC/19/2573 with a further amendment to the CUA and the information set out below.

The CUA has been amended to set a hire price of £30 per hour for the MUGA. This reflects that the facility offered is the MUGA pitch and parking only, with no access to toilet or changing facilities. This is why the price is lower than that of the other schools mentioned which are larger and have different arrangements which allow them to also provide toilet and changing facilities.

The amended CUA confirms that access to toilet and changing facilities will not be included with hire of the MUGA. As set out above, this is due to safeguarding concerns and the impracticality of obtaining all the required detailed information from casual users of the facilities. Therefore, it is not possible to grant community users access to the school buildings as part of the hire of the MUGA.

As well as being a safeguarding concern, it is also a security matter as the changing and toilet facilities are within the main school buildings. Most of the community use hours are over the weekend when the school is locked for security. It is not possible to leave it open nor is it practical or cost effective to have a member of staff present on site to unlock buildings if they are required. Please see the enclosed letter from a Pennthorpe governor with further detail on this.

It is noted that the original application for the MUGA was primarily to use as a sports facility for the school where it is located. Sport England requested that community use be included for the facility to which the applicant agreed. The suggested condition required that the CUA include "details of pricing policy, hours of use, access by non-educational establishment user, management responsibilities and a mechanism for review". The submitted CUA includes all of this information. No dedicated changing or toilet facilities were proposed at the time of the original application and at that time Sport England did not state that access to other existing school facilities by community users would be required or requested in the future. The applicant's understanding was that they were providing an improved sporting facility for their students and that they were offering use of the facility to

the wider community when it was not in use by the school. This was a positive gesture to make the most use of the pitch which increased access to improved sports facilities. It was not proposed as a separate or dedicated leisure facility for the community.

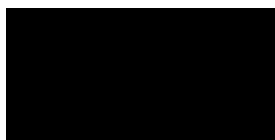
Notwithstanding the above, the school has considered whether it is possible to provide dedicated toilet or changing facilities for the MUGA which could be made available for community use. The existing pavilion building to the west of the outdoor grass pitches would be a potential location for this. However, there is currently no power, water or foul drainage connection to this building and the engineering and cost required to provide these connections (given the distance and steep slope between the school buildings and the pavilion) would make this impractical and financially unviable. Consequently, the school reiterates its position that it would not be possible to include the use of changing and toilet facilities to community users of the MUGA. It should be noted that the facility is priced accordingly and this will be made clear to users prior to booking.

While it is appreciated that Sport England are a relevant consultee, it is noted that their approval is not required in order to discharge the condition relating to the CUA. It is for the Local Planning Authority to take a view on what is practical in the particular circumstances of this case. It is apparent that Sport England will likely not change their position that they will not approve the CUA without the inclusion of changing and toilet facilities. As set out above, it is also apparent that the applicant is unable to change their position that access to these facilities cannot be provided.

Approval of the CUA is the only outstanding pre-occupation condition and there is now only one item within it which is currently not agreed. The practical consequence of this is that the school is technically prevented from utilising this improved MUGA facility until the CUA is approved by the Council. It does not seem reasonable that Sport England would be willing to prevent the use of the MUGA by the school over this narrow issue. During the initial application for replacement of the hard surface tennis courts with the MUGA, Sport England requested clarification and reassurance that the installation of the MUGA would not result in any net loss of the outdoor grass sports pitches. In light of this, it would not be reasonable for them to effectively prevent the school using the MUGA as that would constitute a net loss of facilities.

Consequently, the Council is respectfully requested to take a balanced view on this matter and approve the CUA.

Yours sincerely,



Cathy Fishenden

Planner



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