Horsham District Council

Our ref: DC/23/2234
Your ref: APP/Z3825/W/24/3350033
Email: Hannah.darley@horsham.gov.uk
Date: 5th November 2024

Dear Neil Devereux,

APP/Z3825/W/24/3350033 - Land Known As Tanglewood Equestrian, Forest Grange, Horsham, West Sussex, RH13 6HX

Following the submission of the appeal against the refusal of the Full Planning application for the use of land for part-time fitness boot camp (Retrospective), the Local Planning Authority would refer the Inspector to the Planning Committee Report and would like to reiterate the reasons for refusal as follows.

Policy 26 which seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. This criteria includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas.

The High Weald Area of Outstanding Natural Beauty is one of the best surviving medieval landscapes in North West Europe, valued for its scenery, tranquility and wildlife. Its distinctive features include rolling hills and valleys covered with a mosaic of small fields surrounded by hedges and abundant woods. The landscape is scattered with historic farmsteads linked by a network of ancient routeways. The legal purpose of an AONB is to conserve and enhance natural beauty and a 'statement of significance' is set out in the High Weald Management Plan 2024 which confirms what is significant about this particular AONB's natural beauty.

Refusal Reason 1

"The application site does not meet Policy 26 of the HDPF as it states this area is outside of the built up area boundary, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. The proposal does not meet any of the criteria regarding agricultural, forestry, extraction of minerals and it does not make for a quiet and informal recreational use. The application site is a very sensitive area of the AONB. Any increase in noise or traffic would lead to a loss of amenity for nearby residents."

The minutes of the Planning Committee include consideration of the sensitive location of the application site, being in a quiet rural area in the countryside and an AONB. It was considered that an intensification of the use of the site resulting from the proposal would represent a new use that was not essential to its countryside location and subsequently, not in accordance to policy 26 of the HDPF. It is understood from the Planning Committee that noise, the AONB, traffic and amenity were considerations relative to the current lawful enjoyment of the site where any intensification would need to be considered in terms of potential harm to the rural character of the site. The comments of Highways and Environmental Health reported in the Officer's report are clearly not binding on the eventual outcome on an application decided at committee and are a matter of subjective judgement.

In the absence of an Acoustic assessment or transport assessment to evidence the contrary, it was the subjective judgement of the committee that the proposal would result an increase in noise given that bootcamps would usually result in a level of noise, which relative to the current tranquility of the site, would represent harmful development and result in an unacceptable impact on the rural countryside character. Without evidence to suggest the contrary, the Planning committee evaluated that the 20 attendees visiting the site would bring vehicles and potentially result in amenity harm through noise, thus contributing to a harmful impact on the AONB.

Yours sincerely,

Applications Team
Horsham District Council

List of Suggested Conditions

1 **Approved Plans**

2 **Regulatory Condition**: No floodlighting shall be operated or installed in association with the boot camp use of the site hereby permitted.

Reason: To safeguard the visual amenities of the countryside and AONB, and nearby residents in accordance with Policy 30 and 33 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition**: No music or other amplified sound shall be played during the boot sessions hereby permitted.

Reason: In order to minimise the acoustic impact of the approved development to ensure development does not result in unacceptable harm to the amenities of nearby occupiers/users of land in accordance with Policy 24 and 33 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: The sand school shall not be used for any purposes in connection with any form of commercial livery.

Reason: In the interests of amenity with Policy 33 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition**: There shall be no more than two one-hours boot camp sessions per week and such sessions shall only take place between the hours of 09:00 and 18:00 hours. All activity associated with the boot camp sessions shall not commence more than 20 minutes prior to each one of the one hours sessions and shall cease no later than 20 minutes after the end of each of the one hour sessions. Each session shall comprise no more than 20 attendees (excluding staff/trainers).

Reason: In the interests of amenity with Policy 33 of the Horsham District Planning Framework (2015).

Consideration for costs application

Under the provisions of the Planning Practice Guidance (PPG) the respective parties in planning appeals are expected to meet their own expenses unless a party has acted unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process. “Unreasonable” is used in its ordinary meaning, and unreasonable behaviour in the context of an application for an award of costs may be either procedural (relating to the process) or substantive (relating to the issues arising from the merits of the appeal). The PPG continues that an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.

The Appellant has submitted a costs claim which outlined that the Council acted unreasonably as the Planning Committee failed to substantiate the reason for refusal on justifiable grounds. Furthermore, it is outlined that the Council have failed to determine the application in a timely manner.

Applications that are required to go to Planning Committee are subject to greater delays, as the officer reports are subject to additional processes which may result in a delay. The Planning committee must examine the relevant information pertinent to the case, including the recommendations of the Planning Officer and the consultation responses, but can reach their own conclusions by attaching different weight to the planning merits of the case. In this instance, whilst the appellants statement outlines that there was an unclear and unsubstantiated reasoning for the Planning Committee decision, it is noted that discussion of the merits and concerns of the impact of the proposal did take place during the Planning committee. The minutes from the Planning Committee outline that councillors had due regard to the current existing context of the application site, being within an AONB which they considered to be a quiet rural area such that an introduction of a use that result in an intensification of activity within the site through noise and disruption to residents through increased traffic would harm this rural character and not be in accordance to policy 26 of the HDPF.

Consequently, it is not considered that the planning decision reached by the Planning Committee constitutes unreasonable behaviour on the part of the Council which has resulted in the Appellant incurring unnecessary expenses.