Planning Inspectorate

Appeal Decision

Site visit made on 5 March 2025

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24 March 2025

Appeal Ref: APP/Z3825/W/24/3350033
Land known as Tanglewood Equestrian, Forest Grange, Horsham RH13 6HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Ms Andrea Starns against the decision of Horsham District Council.
- The application Ref is DC/23/2234.
- The development proposed is the use of land for part-time fitness boot camp.

Decision

1. The appeal is allowed and planning permission is granted for the use of land for part-time fitness boot camp at Land known as Tanglewood Equestrian, Forest Grange, Horsham RH13 6HX in accordance with the terms of the application, Ref DC/23/2234, subject to the following conditions:

    1) The development hereby permitted shall be carried out in accordance with drawing Nos A.001, A.002 and A.003

    2) The use hereby permitted shall only take place between the following hours:
    1800 – 1900 on Wednesday
    1000 - 1100 on Saturday
    All activity associated with the permitted use shall not commence more than 30 minutes prior to each one-hour session specified above and shall cease no later than 30 minutes after the end of each one-hour session specified above. Each session shall comprise no more than 20 attendees (excluding staff/trainers).

    3) No floodlighting shall be operated or installed in association with the use hereby permitted.

    4) No music or other amplified sound shall be played during the one-hour sessions or during the 30-minute activity periods prior to or after those sessions as set out in Condition 2.

    5) The sand school as shown on drawing No A.003 shall not be used for any commercial purposes in connection with any form of commercial livery or other commercial equestrian use.

Applications for costs

2. An application for costs has been submitted by the appellant against the Council which is subject to a separate decision.

Preliminary Matters

3. The description of the proposed development included matters that are not acts of development and I have amended the wording accordingly. The use of the land as a part-time fitness boot camp has already commenced and I have determined the appeal on that basis.

Main Issues

4. The main issue is whether the development represents inappropriate development in the countryside having regard to its impact on the character and appearance of the area and its effect on the living conditions of local residents.

Reasons

5. The appeal site is located to the north of Forest Grange outside of the built-up area boundary and so is within the countryside and forms part of the High Weald National Landscape. There are some residential dwellings along Forest Grange with fields and paddocks immediately surrounding the appeal site.

6. The appeal site comprises the existing equestrian sand school, part of a paddock the existing access road and a parking area. Although there is a mobile home located close to the appeal site, its immediate surroundings are mainly equestrian in nature and are entirely compatible with the character and appearance of the area.

7. The appellant has been very specific that the development involves the introduction of two one-hour bootcamp fitness classes per week on Wednesdays between 1800 and 1900 and on Saturdays between 1000 and 1100 and the main equestrian use of the site is to be retained.

8. The appellant sets out that the Council's proposed conditions which would prevent any floodlighting to be operated or installed associated with the bootcamp fitness use, would prevent music or other amplified sound to be played and would restrict the number of attendees, provide sufficient safeguards to ensure that the development would not be harmful to the living conditions of surrounding residents and the amenity of the area. This is consistent with the conclusions of the Officer's Planning Committee Report, and I agree.

9. Moreover, although the development would result in an increase in traffic using Forest Grange, bearing in mind the existing uses that are already served by it and the modest increase in activity associated with the development for a limited time twice a week the increase in activity and traffic does not have an unacceptable impact on the living conditions of residents along the access road or in the vicinity of the appeal site.

10. Consequently, although floodlights serve the existing sand school which the Council confirm are immune from enforcement action, there will be no floodlighting associated with the bootcamp fitness use. On that basis and taking account of the other safeguards outlined above and bearing in mind no new built form is involved, I again agree with the Officer's Planning Committee Report that the scale of the alteration to the use of the land and the increase in activity is modest and the development represents an appropriate quiet recreational use.

11. Although the development being organised as one-hour sessions has a certain structure, I nevertheless consider that classes will be relaxed and friendly and therefore are informal. Further, given that the development would use an existing facility, albeit one linked to an existing dwelling, which comprises a sand school, paddock and an appropriate area of parking, overall the use is appropriate to this sensitive countryside location.

12. In relation to whether the development is essential to this countryside setting, I am satisfied that it complements the existing use of the land and accords with the National Planning Policy Framework (the Framework) which highlights that opportunities for sport and physical activity is important for the health and well-being of communities. Such benefits should not only be confined to built-up areas, but should also be available in the countryside and this weighs in favour of the development.

13. Moreover, given the scale of the development and its limited impact on its surroundings the development conserves the landscape and scenic beauty of the High Wield National Landscape and would not harm the character and appearance of the area.

14. I have taken account of the fact that a tree outside but close to the appeal site boundary has recently been granted a tree preservation order. However, given the lack of any built form of development associated with the development I am satisfied that the development would not unacceptably harm that, or any other tree of high amenity value, nor would it unacceptably harm biodiversity, ancient woodland, irreplaceable habitat, protected species or any priority habitat network.

15. The Framework sets out that development should only be prevented or refused on highway grounds if it would have an unacceptable impact on highway safety or if the residual cumulative impacts on the road network would be severe. The Highways Authority has confirmed that they do not consider that the development would have such impacts and also confirm that adequate parking is provided to serve the development, and I agree. Also, I observed at the site visit that Forest Grange is narrow in some places which does not allow vehicles to easily pass each other. However, bearing in mind the modest increase in vehicle movements which is restricted to twice weekly, this arrangement would not be unsatisfactory from a highway safety perspective.

16. I understand Forest Grange is privately owned and concerns have been raised about whether the appellant has the necessary rights over that land. However, any issues in relation to the use of Forest Grange are private land matters that do not have a material bearing on the determination of this appeal.

17. I therefore conclude that the development does not represent inappropriate development in the countryside having regard to its impact on the character and appearance of the area and its effect on the living conditions of local residents. Consequently, the development does not conflict with Policy 26 of the Horsham District Planning Framework, November 2015, which among other things sets out that outside built-up areas the rural character and undeveloped nature of the countryside will be protected from inappropriate development, that any proposal must be essential to its countryside location and provide for quiet informal recreational use and must be of a scale appropriate to its countryside character and location.

18. The development also accords with the Framework which seeks to ensure that development is sympathetic to local character, and which highlights that opportunities for sport and physical activity is important for the health and well-being of communities. I would only add, that even if I had found that the development did not represent an informal recreational use, given the lack of harm and the fact that it accords with the Framework that would not have weighed so significantly against the development to justify dismissing the appeal.

Other Matters

19. I am aware that the appeal site is located relatively near to Forest Grange Manor which is Grade II Listed. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special regard to the desirability of preserving its setting. The property was built in 1913 in the Jacobean style and its historic built context contributes to its significance. Nevertheless, given the location and extent of the development and bearing in mind there is no significant visual relationship between the appeal site and this building, the development would preserve the setting of this listed building and the contribution that setting makes to its significance. I note the Council has no concerns in this regard either. Consequently, this matter is a neutral factor in the determination of the appeal.

20. I have taken account of other matters raised by local residents which in addition to matters already covered include concerns that the appellant applies for development retrospectively, is trying to secure development on the site to pave the way for further development, that previous retrospective applications have been rejected, that the appellant ignores previous conditions and that there are other outdoor exercise facilities available within the wider area. However, I have determined this appeal on its individual merits and these other matters do not provide compelling reasons to dismiss the appeal.

21. I note that concern has been expressed about the use of mains water in connection with the existing equestrian use. However, that is a separate use to the development before me and I have no concerns in relation to water neutrality associated with this development. Similarly, any condition attached to other planning permissions are separate to this case which would be subject to its own set of conditions linked directly to the specific development of the site for a part-time fitness boot camp.

Conditions

22. I have had regard to the conditions suggested by the parties taking account of the advice in the Framework and Planning Practice Guidance (PPG) and where necessary I have amended them in the interests of precision and clarity.

23. As the development has already commenced it is unnecessary to impose a commencement condition. However, a condition is needed to secure compliance with the approved plans for the avoidance of doubt and in the interests of proper planning.

24. Further, to ensure that the living conditions of local residents are protected it is necessary and reasonable to impose conditions to limit the operating times of the use, to restrict the number of participants, to prevent the use of floodlighting and to prevent the playing of music or any other amplified sound. For the avoidance of

doubt and to protect the living conditions of local residents it is reasonable to impose a condition to ensure that the sand school is not used for commercial purposes in connection with any form of commercial livery or other equestrian use.

25. As outlined above, the appellant has been very clear that the use relates to very specific time slots on Wednesday evening and Saturday morning. The condition suggested by the Council with proposed amendments by the appellant is too wide and imprecise. For example, under the appellant's proposed condition although it would restrict the use to two one-hour sessions per week they could take place on any day of the week between 0900 and 1900. To my mind, such wide discretion in terms of when the fitness sessions could take place would likely come as a surprise to interested parties who have not had the opportunity to comment. Such a condition would also be hard to enforce. Consequently, I will impose a condition that reflects what the appellant has specified. That said, I agree that it is reasonable to allow some allowance for activity to take place prior to and after the sessions.

26. In relation to floodlighting, the appellant has been very clear that they fully accept there is no need for lighting. I have taken that into account in the determination of the appeal. Accordingly, notwithstanding that there are floodlights at the appeal site which the Council accept are immune from enforcement, the condition I have imposed, which is based on the wording suggested by the Council and highlighted by the appellant as a sufficient safeguard to prevent harm to amenity will prevent the use of floodlighting associated with the use approved.

Conclusion

27. For the reasons given above the appeal should be allowed.

S Rawle

INSPECTOR