PLANNING COMMITTEE REPORT

TO:	Planning Committee
BY:	Head of Development and Building Control
DATE:	7th January 2025
	Removal of Condition 4 of previously approved application CG/33/94 (Erection of stables and haybarn) relating to the tie to the existing dwelling at Tanglewood.
SITE:	Tanglewood Forest Grange Horsham West Sussex RH13 6HX
WARD:	Colgate and Rusper
APPLICATION:	DC/24/1499
APPLICANT:	**Name:** Ms Andrea Starns **Address:** C/O Agent 3 Bowness Close Ifield Crawley West Sussex RH11 0SN

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

RECOMMENDATION: To approve planning permission subject to appropriate condition

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Permission is sought to remove Condition 4 attached to planning application reference CG/33/94, which was granted in August 1994. This permission granted permission for a stables and haybarn. Condition 4 tied the use of the stables to the residential property at Tanglewood (formerly 1 Garage Cottages), Forest Grange, as part of the approved development. In June 2024, the existing dwelling at Tanglewood was sold to a third party, and the applicant subsequently purchased the application site, referred to as Tanglewood Equestrian, in July 2024. As a result, there is no longer an association between the dwelling and the equestrian facility. This application seeks to regularize the situation by formally recognizing the equestrian facility as a separate planning unit, independent of the dwelling at Tanglewood.

DESCRIPTION OF THE SITE

1.3 The application site comprises an existing private equestrian facility situated to the north of Forest Grange, outside any designated built-up area boundary, and is therefore considered to be within the countryside in planning policy terms. The site includes divided paddocks, a

sand school, and a stable building, with a lean-to pole barn located directly to the south of the stable building.

1.4 The site spans approximately 2.1 hectares, consistent with the area approved under planning application reference CG/33/94. A formal bridleway lies approximately 305 meters to the east of the site. Access to the site is via the southeast, with boundaries defined by mature trees and woodland to the north and south, and divided paddocks to the east and west. The stable building features a traditional design with a low-pitched roof and incorporates additional storage space. Soft landscaping along the southern boundary is classified as a Priority Habitat.

1.5 The site is within the High Weald Area of Outstanding Natural Beauty. Woodland to the north of the site is classed as Ancient Woodland. The site is close by a cluster of dwellings to the south west. Forest Grange is a large building which is part of this cluster. This is a Grade II listed building.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES
The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework December 2024:

Horsham District Planning Framework (HDPF 2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 29 - Equestrian Development
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 – Parking

Neighbourhood Plan:
Colgate has not been designated as a Neighbourhood Plan area.

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 16: protected Landscapes
Strategic Policy 17: Green Infrastructure and Biodiversity

Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Policy 33: Equestrian Development

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

CG/33/94	Erection of stables and haybarn Site: 1 Garage Cottages St Leonards Forest Horsham	Application Permitted on 10.08.1994
CG/34/94	Erection of one double garage Site: Tanglewood St Leonards Forest Horsham	Application Permitted on 24.08.1994
CG/25/96	Erection of 1 house (outline) Site: Forest Grange (Land Adj) Horsham	Application Refused on 02.10.1996
CG/14/97	Single and 2-storey extensions to front side and rear Site: Tanglewood Forest Grange Horsham	Withdrawn Application on 27.06.1997
CG/31/97	Single & two-storey extensions Site: Tanglewood Forest Grange Horsham	Application Permitted on 06.11.1997
CG/15/00	Sand school Site: Tanglewood Forest Grange Horsham	Application Permitted on 20.06.2000
DC/10/1190	Convert ground floor of existing double garage into granny annex	Application Permitted on 10.08.2010
DC/22/2125	Erection of detached barn and laying of hardstanding (Retrospective).	Application Refused on 02.05.2023
DC/22/2126	Application to confirm the continuous mixed use of equestrian facility including the stationing and occupation of a caravan / mobile home providing independent accommodation for a period in excess of ten years prior to the date of this application (Lawful Development Certificate - Existing).	Application Refused on 06.03.2023
DC/24/1240	Erection of a single storey front porch to relocate main entrance, internal alterations, alteration of a rear double door into a window	TBC

3. OUTCOME OF CONSULTATIONS

3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk.

INTERNAL CONSULTATIONS

3.2 **HDC Compliance Officer:** Comment.
The dwelling known as 1 Garage Cottages (later Tanglewood) was identified for sale. The owner was informed that selling the dwelling while retaining the land would breach condition 4. Consequently, the owner submitted application DC/24/1499 to remove this condition, which is now pending consideration.

PUBLIC CONSULTATIONS

3.3 Representations:
15 letters of Objection have been received from 15 addresses, objecting to the application on the following grounds:

- Undermining Original Conditions: Removal of Condition 4 is seen as undermining its original intent to protect the landscape, regulate development, and safeguard local amenity.
- The proposal conflicts with Horsham District Planning Framework (HDPF) policies.
- The site has been associated with repeated breaches of planning conditions, unauthorized structures, and unapproved commercial uses (e.g., bootcamps, mobile homes, yurt retreat), raising concerns about the applicant's trustworthiness.
- Unregulated commercial use would introduce noise, light pollution, and disturbances, reducing the peaceful enjoyment of neighbouring properties.
- Increased traffic on a narrow, private, unlit lane poses risks to pedestrians, cyclists, and wildlife.
- Manure Storage: Proximity of manure storage to residential properties and water supplies contravenes environmental standards and breaches existing conditions.
- Harm to Protected Landscapes: The site lies within the High Weald National Landscape, requiring special protection that the proposal fails to address.
- Existing developments, such as electric gates and non-native boundary trees, contribute to a suburbanized appearance, harming the rural character.
- Potential damage to sensitive ecosystems and veteran trees raises ecological concerns.
- Proximity to Forest Grange Manor: The site's location near the Grade II listed Forest Grange Manor raises concerns about harm to its historical setting without any public benefits to offset this harm.
- Repeated Applications and Appeals: A pattern of rejected applications and appeals indicates a persistent attempt to enable commercial use despite consistent refusals.
- Misstatements in Application: Neighbours highlight inaccuracies in the planning statement, including disputed land ownership claims and misleading diagrams.
- Restrictive Covenants: Covenants limit the land's use to agricultural or pastoral purposes. Neighbours argue these restrictions are being ignored.
- The private road leading to the bridleway is owned by residents, with no lawful access granted to the applicant.
- Manure storage near residential properties and water supplies breaches environmental standards and original approval conditions.
- The proposal fails to justify harm to the Grade II listed Forest Grange Manor or provide public benefits.
- The planning diagram includes land not owned by the applicant, raising questions about the proposal's scope and accuracy.

3.4 Parish Comments:
Colgate Parish Council: Objection.

Colgate Parish Council objects to the planning application, citing concerns about the proposal to remove Condition 4 entirely. While the applicants claim the site will remain in private use, the Parish Council notes multiple pending applications suggesting otherwise. They propose modifying Condition 4 to remove only the words "shall only be used in association with the use of 1 Garage Cottage as a dwelling and," ensuring the condition continues to prohibit commercial or riding establishment use. The revised condition would state: *"The stables hereby permitted shall not be let out or used for commercial purposes or in connection with any form of riding establishment."*

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

Principle of Development and Planning Assessment:

6.1 This application seeks to remove Condition 4 of planning application reference CG/33/94, which was granted in August 1994. The condition tied the use of the stables to the residential property at Tanglewood (formerly 1 Garage Cottages), Forest Grange. However, in 2024, the equestrian facility and the dwelling were sold to separate owners, resulting in the equestrian facility functioning independently of the dwelling. The application seeks to regularize this situation by formally recognizing the equestrian facility as a separate planning unit.

6.2 The principle of development for the equestrian facility has already been established through the granting of planning permissions CG/33/94 and CG/15/00, which approved the stable building, barn, and sand school under specific conditions. These permissions ensured the site's use was compatible with its rural surroundings and aligned with strategic objectives for countryside development. The proposed removal of Condition 4 has been assessed against the relevant policies of the Horsham District Planning Framework (HDPF) to ensure continued compliance with these objectives.

6.3 Policy 26 of the HDPF, which seeks to protect the intrinsic character and beauty of the countryside, supports the proposal, as the equestrian facility remains appropriately scaled, with no physical changes or intensification of activities that might harm its rural setting. Similarly, Policy 29, which promotes equestrian facilities where they are suitable in scale and maintain the rural character, is upheld. The continued private use of the site ensures it integrates harmoniously with the surrounding landscape without introducing commercial operations or causing environmental disruption. Furthermore, Policy 33, which requires development to respect local character and safeguard neighbouring amenity, is satisfied by the proposal, as removing Condition 4 will not generate adverse impacts such as increased

traffic, noise, or visual intrusion. By maintaining its private use and adhering to these policies, the equestrian facility retains its established role within the countryside while allowing for practical adjustments reflecting changes in ownership.

6.4 The applicant proposes replacing Condition 4 with a restriction limiting the use of the site to private equestrian purposes, prohibiting commercial or livery use. This approach reflects modern planning permissions in Horsham District and ensures continued compliance with local and national policies. Given the current separation of ownership, Condition 4 no longer serves its original purpose, and its removal would align with the NPPF's criteria that planning conditions must be necessary, relevant, and reasonable.

6.5 The removal of Condition 4 is necessary to regularize the current circumstances and ensure the planning controls governing the equestrian facility align with its practical and legal reality. Originally imposed to tie the use of the stables to the residential property at Tanglewood, the condition has become obsolete following the separate sale of the dwelling and equestrian facility in 2024. Retaining this condition would serve no planning purpose and create an unreasonable and unenforceable restriction on the lawful operation of the equestrian facility.

6.6 In planning terms, the condition no longer meets the tests set out in Paragraph 57 of the NPPF, which requires conditions to be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Given the physical and legal separation of the equestrian facility from the dwelling, Condition 4 is no longer relevant to the development as it exists today. It is also unnecessary, as the proposal to retain the site for private equestrian use, with a prohibition on commercial or livery activities, ensures compliance with the relevant policies in the HDPF.

6.7 Furthermore, retaining the condition would unreasonably constrain the lawful use of the equestrian facility. The equestrian development was established as a standalone use under permissions CG/33/94 and CG/15/00 and continues to operate in a manner that complies with Policy 26 (Countryside Protection), Policy 29 (Equestrian Development), and Policy 33 (Development Principles) of the HDPF. These policies collectively support equestrian facilities that maintain rural character, are of appropriate scale, and safeguard local amenity. The private use of the site adheres to these principles, and the absence of any physical changes or intensification of activities ensures there is no negative impact on the surrounding countryside or neighbouring properties.

6.8 By removing Condition 4 and replacing it with a restriction to private use, the planning controls will align with modern planning practices in the district and address any potential concerns about future intensification. The Council has provided a new regulatory condition to ensure the continued private use of the site. In conclusion, retaining Condition 4 would be unreasonable and unjustified, given the current ownership and operational circumstances, and its removal is essential to reflect the practical realities of the equestrian facility while ensuring ongoing compliance with planning policy. The replacement condition provides a balanced approach, maintaining appropriate controls over the site's use while removing outdated and impractical restrictions.

Design and Appearance:

6.6 No physical changes proposed.

Residential Amenity:

6.7 Policy 33 of the Horsham District Planning Framework (HDPF) seeks to ensure that all development avoids unacceptable harm to the amenity of nearby properties and land, taking into account issues such as noise, privacy, and other environmental impacts. This application to remove Condition 4 has been carefully assessed against this policy, alongside the objections raised by neighbouring residents and Colgate Parish Council.

6.8 The removal of Condition 4 is proposed to reflect the separation of the equestrian facility from the residential property at Tanglewood (formerly 1 Garage Cottages), ensuring planning controls remain reasonable and relevant to the site's current operational reality. Concerns raised by neighbours and the Parish Council have been addressed to safeguard residential amenity and maintain strict regulatory oversight over the use of the site.

6.9 Residents' objections have highlighted concerns that removing Condition 4 would undermine the original intent of the condition, potentially leading to unregulated commercial activities and subsequent noise, light pollution, and increased traffic. These issues are particularly sensitive given the site's location within a tranquil rural area served by a narrow, private lane. Further concerns were raised about the proximity of manure storage to residential properties and water supplies, as well as the impact of unauthorized developments and activities historically associated with the site.

6.10 The Parish Council echoed these concerns, suggesting that rather than removing Condition 4 entirely, it should be amended to retain its prohibition on commercial use or riding establishments. This reflects the importance of maintaining rural character and protecting the amenity of surrounding properties.

6.11 The objections have been carefully considered, and it is acknowledged that the historical breaches and unauthorised uses of the site have contributed to mistrust among local residents. However, this application explicitly proposes a replacement condition to address these concerns, limiting the site's use to private equestrian purposes and prohibiting commercial or riding establishment uses. This ensures that potential noise, traffic, and disturbance impacts raised in public comments are mitigated, providing a clear regulatory framework for the future use of the site.

6.12 It is also essential to note that the removal of Condition 4 aligns with modern planning practices, ensuring conditions remain necessary, relevant, and enforceable, as emphasized by Paragraph 57 of the National Planning Policy Framework (NPPF). The condition as originally drafted is no longer enforceable or relevant due to the separation of ownership between the equestrian facility and Tanglewood. By replacing it with a regulatory condition tailored to the site's current use, the Council retains control over its operations, addressing both the concerns raised and the need to ensure planning conditions are fair and reasonable.

6.13 Furthermore, Policy 33 of the HDPF is satisfied as the site's use will remain limited to private equestrian activities, with no intensification or physical changes proposed. The site will continue to operate in a manner consistent with its rural surroundings, avoiding any undue impact on the amenity of nearby properties. The new condition explicitly restricts the scope of activities to prevent commercial use, directly addressing the fears of noise, light pollution, and traffic increases.

6.14 In conclusion, while public and Parish concerns about residential amenity are valid, the replacement of Condition 4 with a regulatory condition limiting the site to private equestrian use adequately mitigates these issues. The new condition ensures continued compliance with Policy 33 of the HDPF and provides reassurance to neighbours and the Parish Council that commercial activities will not be permitted. This balanced approach ensures that residential amenity is preserved, the rural character of the area is maintained, and planning controls remain enforceable and reasonable.

Climate Change

6.15 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity, and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:

o Dedicated refuse and recycling storage capacity

Conclusions:

6.16 This application seeks to remove Condition 4 of planning permission CG/33/94 to reflect the separation of ownership between the equestrian facility and the residential property. Tanglewood (formerly 1 Garage Cottages). The equestrian facility has functioned independently of the dwelling since 2024, making the original condition obsolete.

6.17 The principle of development for the equestrian facility remains established through earlier permissions and continues to align with Policies 26, 29, and 33 of the Horsham District Planning Framework (HDPF). These policies collectively support equestrian uses in rural areas, provided they are appropriately scaled, maintain rural character, and safeguard local amenity. The proposed removal of Condition 4, accompanied by a replacement condition restricting the site to private equestrian use and prohibiting commercial or livery operations, ensures compliance with these policies while addressing public and Parish concerns about noise, traffic, and potential intensification.

6.18 The replacement condition aligns with modern planning practices and meets the tests of necessity, relevance, and reasonableness set out in Paragraph 57 of the National Planning Policy Framework (NPPF). By ensuring the facility is limited to private equestrian purposes, the Council retains regulatory oversight while allowing for practical adjustments to reflect the site's current operational reality.

6.19 No physical changes are proposed, and there is no evidence of harm to residential amenity, rural character, or the surrounding countryside. Measures addressing climate change, such as improved refuse and recycling storage, further demonstrate the applicant's commitment to sustainable development.

6.20 In conclusion, the removal of Condition 4 is essential to regularize the use of the equestrian facility, ensuring the planning framework remains reasonable, enforceable, and relevant. The replacement condition strikes a balance between protecting local amenity and rural character while addressing the practical needs of the site. Approval of this application, subject to the revised regulatory condition, is therefore recommended.

7. RECOMMENDATIONS

Conditions:

1. **Regulatory Condition**: The stables and sandschool hereby permitted shall only be used for private equestrian purposes and shall not be let out or used for commercial purposes or in connection with any form of riding establishment.

Reason: In the interests of amenity, to enable the Local Planning Authority to regulate and control the development and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

2 **Regulatory Condition**: The materials to be used for the development hereby permitted shall be in accordance with those which have been agreed with the Local Planning Authority unless the previous written consent of the Local Planning Authority is obtained for any alternative.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition**: The external walls of the building herby permitted shall be dark stained with a timber preservative.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: The resultant waste and manure shall not be stored or burnt within 30m of nearby residential properties.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: CG/33/94