MME PLANNING SERVICES

Removal of Condition 4 to CG/33/94

at

Tanglewood Equestrian, Forest Grange, Horsham, West Sussex, RH13 6HX

Planning Statement

Ref: P-039a

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Version 1

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Figure 1: Site Location / Red Line Area

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1. Introduction

1.1 MME Planning Services is instructed to submit an application for the Removal of Condition 4 attached to application reference CG/33/94, granted in August 1994 for the 'Erection of stables and haybarn' at Tanglewood Equestrian, Forest Grange, Horsham, West Sussex, RH13 6HX.

1.2 The condition wording is as follows and tied the use of the equestrian development to the use and occupation of the dwelling at Tanglewood, Forest Grange, Horsham, West Sussex, RH13 6HX, which was previously known as 1 Garage Cottages Forest Grange, as detailed within the condition wording.

> 04 The stables hereby permitted shall only be used in association with the use of 1 Garage Cottages as a dwelling 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 and to enable the Local Planning Authority to regulate and control the development.

1.3 The dwellinghouse at Tanglewood, Forest Grange has been sold to a third party, and therefore the owners of Tanglewood Equestrian and its use for private equestrian purposes no longer has a connection to the residential property at Tanglewood. As such, this application seeks to remove the condition tying the two, now unconnected entities together.

1.4 This statement sets out the proposed scheme in detail with regards to the following aspects; the planning history of the site, the development proposals, the relevant planning policy, the planning merits of the scheme and how the proposals comply with the Council's policies.

2. Site, Surroundings and Background

2.1 The application site relates to an existing private equestrian facility located to the north of Forest Grange, outside of any designated built-up area boundary. The site is therefore located within the countryside in policy terms. The site comprises a number of divided paddocks, along with a sand school and stable building. A lean-to pole barn is located immediately to the south of the stable building.

2.2 The site area measures approximately 2.1ha and this is reflective of that approved under planning reference CG/33/94. There is a formal Bridleway located approximately 305m away from the application site to the east.

2.3 The site is accessed to the south-east, with the site bound by mature trees and woodland to the north and south, and divided paddocks to the east and west. The stable building is of a traditional design with a low-pitched roof and additional space for storage. The soft landscaping to the southern boundary of the site is classified as Priority Habitat.

2.4 As detailed above, the initial approval for the stables / equestrian facility was permitted under planning reference CG/33/94 in August 1994 and included a use condition (Condition 4) which required that the stables be used in association with the use of the dwelling at Tanglewood (formally known as 1 Garage Cottages Forest Grange).

2.5 A sandschool was permitted on the site under planning reference CG/15/00 in June 2000. This permission also included a restrictive use as follows –

> 4. The sand school hereby permitted shall not be used for any commercial purposes or in connection with any form of riding establishment.
>
> Reason: In the interests of amenity and to enable the Local Planning Authority to regulate and control the development.

2.6 As detailed above, the wording for this condition is different to that of Condition 4 attached to application reference CG/33/94, whereby it does restrict the use to effectively private use only, however, does not tie the sandschool to be used in association with the dwelling at Tanglewood (1 Garage Cottages). This will be expanded upon later in this statement.

3. Planning History

3.1 Planning Application – Ref: CG/33/94 – Erection of stables and haybarn Site: 1 Garage Cottages St Leonards Forest Horsham – Decision: Permitted, 10/08/1994. As detailed above, this application included a condition (Condition 4) which tied the use of the approved stables to that of the existing dwelling at Tanglewood (Previously 1 Garage Cottages and is the subject of this current removal of condition application.

Outline Planning Application – Ref: CG/25/96 – Erection of 1 house (outline) Site: Forest Grange (Land Adj) Horsham – Decision: Refused, 02/10/1996.

Planning Application – Ref: CG/15/00 – Sand school Site: Tanglewood Forest Grange Horsham – Decision: Permitted, 20/06/2000. As detailed above, this application included a condition (Condition 4) restricting the use of the sandschool for commercial / livery purposes.

Planning Application – Ref: DC/22/2125 – Erection of detached barn and laying of hardstanding (Retrospective) – Decision: Refused, 02/05/2023. Appeal Allowed, 12/02/2024.

Lawful Development Certificate Application – Ref: 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) – Decision: Refused, 06/03/2023.

Planning Application – Ref: DC/23/2234 – Use of land for part-time fitness boot camp (Retrospective) – Decision: Refused, 19/06/2024. Appeal submitted.

Planning Application – Ref: DC/24/0974 – Proposed change of use of land from equestrian to a mixed use including settled gypsy accommodation site comprising 2 pitches. Retention of existing hardstanding and proposed biodiversity enhancements (Retrospective) – Decision: Currently Under Consideration.

3.2 Enforcement Case – Ref: EN/24/0265 – Breach of condition 4 attached to CG/33/94 (stables to be used in association with house now known as Tanglewood) – Decision/Status: Request that a removal of condition application is submitted by the end of September 2024.

4. Proposals

4.1 As detailed above, permission is sought for the removal of condition 4 attached to application reference CG/33/94, granted in August 1994. This application permitted the erection of a stable building and barn, with condition 4 tying the use of the stables to that of the residential property at Tanglewood (1 Garage Cottages) Forest Grange.

4.2 The existing dwelling at Tanglewood was sold to a third party in June 2024. The applicant completed their purchase of the application site / Tanglewood Equestrian in July 2024. As such, there is no longer a connection between the dwelling and the equestrian facility and this application seeks to regularise this situation, with the equestrian facility considered to form its own planning unit, separate from the dwelling at Tanglewood.

4.3 This situation has been established and the application is submitted following a planning enforcement case opened by the Council, as detailed at paragraph 3.2 of this statement above.

4.4 The stables / equestrian facility the subject of this application has been established on site for approximately 30 years and has always been in use for private purposes for the use and stabling of the previous and current owners' personal horses. No changes to this are proposed and the intension is to retain the stables for private use.

4.5 It is noted that, if deemed necessary, the applicant would be happy for a private use condition to be added to this application, with commercial or livery use of the existing stables restricted. This would be in line with the condition attached to the approved sandschool on site, as detailed at paragraph 2.4 of this statement above. A number of recent examples of permitted applications in relation to stabling / equestrian uses are available where a similarly worded condition has been used which will be detailed later within this statement.

4.6 The proposals do not include any external alterations to the stable building or physical changes to the site or its context in association with the removal of the condition.

5. Planning Policy

National Planning Policy Framework (NPPF) (2023)

5.1 The NPPF sets out the Government's planning policies for England and Wales and how these should be applied. It provides a framework for the preparation of local plans for housing and other development. The NPPF should be read as a whole.

5.2 Running throughout the NPPF is a presumption in favour of sustainable development. Sustainable development is achieved through three main objections which are – economic, social and environmental.

5.4 Paragraph 11 of the NPPF states that for decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless the policies of the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or, any adverse impact of doing so would 'significantly and demonstrably outweigh the benefits' when assessed against the policies of the NPPF when taken as a whole (NPPF paragraph 11 d).

Horsham District Planning Framework (HDPF) (2015)

5.6 Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).

5.7 A Local Development Scheme (LDS) was published in Autumn 2023 by the Council. The LDS sets out the production timetable for the planning documents that this Council will be publishing over the next three years to inform the New Local Plan. Notwithstanding the above, it is evident that the HDPF is now out of date.

5.8 While considered to be out of date, the main HDPF policies relevant to this application are as follows:

- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 29 - Equestrian Development
- Policy 30 - Protected Landscapes
- Policy 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 40 - Sustainable Transport
- Policy 41 - Parking

6. Planning Considerations

Principle of Development

6.1 As detailed above, this application seeks the removal of the use condition which currently ties the existing stable / equestrian facility to the existing dwelling at Tanglewood Forest Grange. The existing stables have always been used as private stabling with no commercial element involved since the stables were erected approximately 30 years ago.

6.2 Given the change in circumstances with the sale of the residential property at Tanglewood to a third party, it is considered that condition 4 attached to planning reference CG/33/94 no longer serves its intended purpose. Indeed, it is considered that given the private use of the stables / equestrian facility and the intension to continue this and the reason for adding the condition, which related to 'amenity', a general private use condition for the proposed stables, as attached to the permission granted on the site for the sandschool under planning reference CG/15/00, is considered to serve the same purpose as the condition which this application seeks to remove.

6.3 In the first instance, it is considered important to establish that the existing stables / equestrian use would be in line with the current policies of the Council.

6.4 As such, it is viewed that the two main policies which must be considered for a development of this type are Policies 26: Countryside Protection; and 29: Equestrian Development of the HDPF.

6.5 Policy 26 states that –

"Outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development of rural areas. In addition, proposals must be of a scale appropriate to its countryside character and location.

Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the level of overall activity in the countryside, and protects, and/or conserves, and /or enhances the key features and characteristics of the landscape character area in which it is located."

6.6 Policy 29 states that –

"Development for equestrian related development will be supported provided that: 1. It can be demonstrated that the re-use of existing buildings on site for related equestrian use is not appropriate; before new or replacement buildings are considered; 2. The proposal would be appropriate in scale and level of activity, and be in keeping with its location and surroundings, and where possible is well related to existing buildings; 3. The proposal should where possible be well related to a bridleway network".

6.7 As detailed above, the site is within a rural setting, outside of any defined built and is situated in the countryside in policy terms. It is therefore considered reasonable to expect and highlight that in this location and similar rural settings, equestrian uses are commensurate in this context. The removal of the condition would continue to allow for the quiet information recreational use of the site, even though it would no longer be connected to a dwelling. In addition, with no physical changes proposed to the building or site and the continued private use, the resulting stables would be appropriate in terms of scale and the level of activity in this location. Furthermore, as detailed above, a formal bridleway is located approximately 305m to the east of the site, so would be well related to the bridleway network as required by Policy 29 of the HDPF.

6.8 Taking the above into account, it is considered that the stables / equestrian use would continue to be appropriate in this location in accordance with the above policies.

6.9 In addition to the above, the appropriateness of the condition and its relevance within the current context must also be factored in.

6.10 Paragraph 56 of the (NPPF) (2023) provides that planning conditions must be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

6.11 Paragraph 56, along with the provisions of the NPPF as a whole, significantly post-date the original grant of planning permission for the stables in 1994, though, in the context of the current application, it is necessary to consider whether condition 4 attached to planning reference CG/33/94 satisfies the criteria set out in NPPF Paragraph 56.

6.12 The are two main points in favour of removing the condition, these being: the condition is no longer necessary, relevant or reasonable, and; the change in ownership to the relevant entities.

6.13 As detailed within the condition wording, the reason given for the imposition of the condition is as follows – "Reason: In the interests of amenity and to enable the Local Planning Authority to regulate and control the Development". The same wording has been used for the condition attached to the permission for the sandschool on the site, under planning reference CG/15/00. However, the sandschool was not tied to the dwelling at Tanglewood.

6.14 As detailed above, there are multiple recent examples of applications for stable buildings / equestrian uses which included more generic wording to limit the use for private purposes only, and did not tie the development to any dwelling or specific address. These include reference numbers DC/20/2328, DC/21/0972, DC/23/0906, DC/23/1020, DC/23/0558 and DC/23/0432. All of these very recent permissions had conditions attached to them which were worded as follows -

> *Regulatory Condition: The stables / development hereby permitted shall not be used for commercial purposes or in connection with any form of riding or livery 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).*

6.15 The above wording is considered to be sufficiently precise and robust to limit the respective approved developments to private use only. There is no officer report attached to application reference CG/33/94 which sets out any specific reasons for tying the stables to the dwelling at Tanglewood.

6.16 Indeed, it is considered that given the identical reason wording within the condition to that of the permitted sandschool condition, it is contended that there is no significant or reasonable reason that the stables / equestrian use should be tied to the dwelling at Tanglewood or any other dwelling.

6.17 Furthermore, and as detailed above, the dwelling at Tanglewood and the stables / equestrian use at Tanglewood Equestrian are now under separate ownerships and have separate titles, with no ties between the respective owners. In addition, the stable building is considered to be located a considerable distance away from the existing dwelling at Tanglewood (approximately 140m) with other residential properties located in between. As such, as well as the tie being lost in terms of ownership, it is also considered that given the distance maintained and mature boundary vegetation present, there is no physical relationship between the equestrian site and the dwelling at Tanglewood.

6.18 Taking all of the above into account, is therefore considered that the removal of this condition would have no perceivable impact when compared to the existing arrangements as the resultant development would still be a stables / equestrian use which is used for private purposes.

6.19 The applicant would be happy for a condition requiring the private use of the site, in line with the wording included within the examples as set out above at paragraph 6.14 of this statement. Overall, the removal of the condition is considered to be compliant with policy and would not result in a marked change in the context of the site beyond that of the existing situation.

<u>Design, Appearance, and Impact on the Setting</u>

6.20 Policy 25 of the HDPF seeks to protect the natural environment and landscape character of the District, including the landform, development pattern, together with protected landscapes and habitats. Development will be required to protect, conserve, and enhance landscape and townscape character, taking account of areas or features identified as being of landscape importance, individual settlement characteristics and settlement separation. In addition, development will be supported where it maintains and enhances the Green Infrastructure Network.

6.21 Policy 30 of The HDPF states that the natural beauty and public enjoyment of the High Weald AONB and the adjoining South Downs National Park will be conserved and enhanced and opportunities for the understanding and enjoyment of their special qualities will be promoted. Development proposals will be supported in or close to protected landscapes where it can be demonstrated that there will be no adverse impacts to the natural beauty and public enjoyment of these landscapes as well as any relevant cross boundary linkages.

6.22 Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.

6.23 As detailed above, no physical changes are proposed in relation to the stable building or the context of the site. The stable building has been in situ for approximately 30 years with the design, scale and siting considered to be appropriate in this rural setting. The removal of the condition would not change the existing situation on site and the application is therefore considered to be acceptable in this regard.

Impact on Neighbouring Amenity

6.24 Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

6.25 As with the design and appearance, no changes are proposed in relation to the use of the building / site as private stabling. As such, the removal of the condition would not result in any additional activities or alter the current context which would be potentially harmful to neighbouring amenity. The application is therefore considered to be acceptable in this regard.

Highways, Access, Parking and Relationship with Bridleways

6.26 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

6.27 No alterations to the existing access from the private road are proposed. Given the nature of the application, it is therefore considered that the removal of the condition would not result in any marked increase in trips to or from the site or any highway safety issues. In addition, and as detailed above, the site is located in close proximity to a formal Bridleway located to the east. The application is therefore considered to be acceptable in this regard.

Ecology and Biodiversity

6.28 Policy 31 of the HDPF states that – Development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate. The Council will support new development which retains and/or enhances significant features of nature conservation on development sites. The Council will also support development which makes a positive contribution to biodiversity through the creation of green spaces, and linkages between habitats to create local and regional ecological networks.

6.29 As there are no proposed alterations to the building or the site, and given the nature of the application, no detrimental ecological impact is anticipated as a result of the application. In addition, given that this application relates to a removal of condition in relation to an application permitted in 1994, the application would be exempt from showing Biodiversity Net Gain (BNG). The application is therefore acceptable in this regard.

Water Neutrality

6.30 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

6.31 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

6.32 The application relates to the removal of condition with no changes to the existing use of the building as a stable. There would be no marked increase in any activities on site or potential water usage or demand as a result of the removal of the condition.

6.33 Taking the above into account, it is viewed that there is no clear or compelling evidence to suggest the nature and scale of the proposed development, which would not amount to a change of use or introduce activity onto the site which is not already taking place, would result in a more intensive use of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The removal of the condition would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

7. Summary and Conclusion

7.1 Overall, the proposal to remove the condition tying the existing stables / equestrian use to the dwelling at Tanglewood is considered to be reasonable and acceptable, with the existing stable building representing an appropriate form of development in its right in this rural location. It is not considered that the removal of the condition would result in a marked increase in activities in this rural location or any additional water demand.

7.2 The proposal would be in accordance with Policies 25, 26, 29, 32 and 33 of the HDPF and therefore, the Local Planning Authority is respectfully asked to grant permission accordingly.

7.3 Thank you in advance of your balanced consideration of the proposed application. Please maintain a dialogue with myself and the applicants if you have any questions, concerns or matters that require further elaboration or clarification.