FINAL COMMENTS

LAND KNOWN AS TANGLEWOOD EQUESTRIAN,
FOREST GRANGE,
HORSHAM,
RH13 6HX

LPA Reference: DC/23/2234

APPEAL REFERENCE: APP/Z3825/W/24/3350033

Appellants Comments on LPA Statement and Third Party Representations

1.0 **Introduction**

1.1 The following comments are made by the Appellant in response to the LPA's statement and third party representations on the above appeal.

1.2 These final comments do not wish to repeat the case forwarded by the Appellant within their main statement, however seeks, where appropriate to address the points raised.

1.3 The LPA in their appeal statement comment as follows:

"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."

1.4 The proposal was not refused on grounds of 'insufficient information' resulting from the lack of an acoustic assessment or transport assessment. The proposed development does not meet the thresholds required for the submission of either such reports. The Highway Authority nor Environmental Health in responding to the application refer to the need for such assessments to support the application. The Case Officer in their report to Committee did not disagree with the consultee responses of Environmental Health and the Highway Authority in this respect. Discussion of such by the LPA at this stage in their appeal statement is therefore not relevant to this appeal.

1.5 The application has clearly set out the proposed development and the Appellant set out in their appeal statement that they are willing for conditions to be imposed restricting the operation of the development. This can be appreciated in the following extract from the Appellants appeal statement.

> The number of users would be a limited number which can be controlled by condition, combined with a short duration for the actual sessions. The use would be very contained within the site.
>
> The appellant is content to have the sessions (timing and attendees) limited by planning condition as well as conditions controlling lighting and sound amplification. The appellant fully accepts there is no need for either lighting or sound amplification.

Extract from planning statement

1.6 The LPA in their appeal statement set out a List of Suggested Conditions. Condition 5 (see below) seeks to place a restriction on the timings of the sessions – with the Council's suggested condition seeking to restrict any sessions to take place between the hours of 9am and 6pm.

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).

Extract from Council's Suggested List of Condition 5

1.7 Having regard to the retrospective nature of the application, the hours proposed in Condition 5 **would not meet with the existing operation on site.**

1.8 The proposed development including hours of operation were clearly set out in the Planning Statement (Wednesday 6-7pm and Saturdays 10-11am).

> This application seeks retrospective permission to use the land indicated on the application drawings for outdoor bootcamp fitness classes. These classes will operate as follows:
>
> - classes will be held on the sand school surfacing during cooler weather
> - during warmer months classes will be held in one of the adjacent paddocks
> - approximately 10-20 number of attendees at each class
> - two classes per week (Wednesdays 6-7pm and Saturdays 10-11am)
> - there are no facilities provided for attendees (i.e., toilets/showers) – attendees simply turn up on site, do the class, then leave (there is a portaloo on site for the equestrian use; in 'urgent' situations, attendees will be allowed to use this)
> - no artificial lighting is proposed

Extract from planning statement

1.9 The Environmental Health Officer in their consultation response to the application advised "*these proposals are unlikely to increase potential for any adverse impact however this department make the follow comments for consideration*

1. *There should be no playing of music during sessions*
2. *The proposed hours of use in the Planning Statement are adhered to"* (*our emphasis added)*

1.10 The Appellant is of the opinion that having regard to the consultation response from Environmental Health wording the condition until 19:00 hours would not be harmful to

amenity and would ensure the existing operation on site is captured via planning condition.

1.11 Additionally, the low key nature of the proposed development (two classes per week), the distance to the closest residential occupiers from the proposed development (which is separated by a highway and intervening landscape features), the restrictions proposed in Condition 2 (no floodlighting to be operated or installed in association with the bootcamp use) and 3 (no music or other amplified sound to be played during boot camp sessions) alongside the restriction on the number of attendees (condition 5) that sufficient safeguards are in place to ensure the proposed development, including allowing the Wednesday session between 6-7pm would not be harmful to the amenity.

1.12 The Appellant therefore suggests the following amended condition wording which would allow for the Wednesday 6pm – 7pm session time plus a more realistic 30 min set and pack up time either side of the sessions.

'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 19:00 hours. All activity associated with the boot camp sessions shall not commence more than 30 minutes prior to each one of the one hours sessions and shall cease no later than 30 minutes after the end of each of the one hour sessions. Each session shall comprise no more than 20 attendees (excluding staff/ trainers)."

1.13 Some third party representations make reference to a number of issues which were not cited as refusal reasons in the decision notice. The lack of reasons for refusals on these grounds confirms the proposal is acceptable in these other regards.

1.14 Some third party representations make reference to floodlighting at the site. The Officer report to Committee references the presence of floodlights stating they "*have become immune from enforcement action by virtue of having been in situ for more than 10 years. This was confirmed via an enforcement case which obtained installation receipts from the company that installed them in 2010/11. Notes from the case file also indicated that aerial photos indicated the shadows of floodlights as far back as 2012."*

1.15 Reference is made to a tree for which an application for a TPO has been submitted – as acknowledged by the third party representation the TPO has not been confirmed.

1.16 Comments are also raised in relation to covenants in respect to the access route which are civil matters.

1.17 For the reasons set out in the Appellant's main statement and supplemented within these final comments, we believe the appeal proposals to be an entirely appropriate form of development and it is respectfully requested that the appeal be allowed.