Planning Inspectorate

Appeal Decision

Site visit made on 31 March 2025

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2025

Appeal Ref: APP/Z3825/W/24/3355610
Tanglewood Equestrian, Forest Grange, Horsham, West Sussex 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/24/0974.
- The development proposed is 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.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The area of hardstanding marked on submitted plan PRR1 as 'parking and turning' was granted planning permission in 2024 for the purpose of turning of hay lorry, trailer deliveries, and commercial horse boxes[1]. At time of my site visit, a static caravan was in situ at the area of hardstanding. The siting of the static caravan does not correspond with the location of the pitches as shown on plan PRR1. Nonetheless, the existing static caravan is within the appeal site boundary, and therefore a change of the use of the land has occurred in part.

Main Issues

3. The main issues in this appeal are:

- The effect of the proposal on the character and appearance of the area, with particular regard to the natural beauty of the High Weald Natural Landscape;
- The effect of the proposed development on the setting of Grade II listed building Forest Grange Manor;
- The effect of the proposed development on biodiversity, with particular regard to whether the proposal would secure a biodiversity net gain;
- The effect of the proposed development on the integrity of European sites; and
- Whether other material considerations, including the need for and supply of pitches, outweighs any harm identified such as to justify the development.

[1] Appeal ref: APP/Z3825/W/23/3324123

Reasons

Character and appearance

4. The appeal site comprises land within an existing equestrian facility. It includes the facility's access route, hardstanding, and a rectangular area within existing paddocks. The site's immediate context comprises barns and stable buildings, sand school, and an open area of paddocks divided by post and wire fencing.

5. The site is to the north of Forest Grange, an access road serving a private estate of dwellings. Therefore, there are existing residential uses near the site. However, the facility's equine use is formative of the site's character.

6. The equestrian facility is generally well-enclosed by tree belts and woodland, particularly in the vicinity of the appeal site where dense vegetation permits only glimpsed views of equine buildings from the access road. The site is within a rural, countryside location with a green, natural and vegetated character.

7. The site is within the High Weald National Landscape (HWNL). The HWNL is one of the best surviving medieval landscapes in northwest Europe, valued for its scenery, tranquillity 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.

8. The site and surrounding landscape contain paddocks, fields, tree belts and woodland, including the ancient and semi-ancient woodland of St Leonard's Forest. The site and its wider setting therefore comprise characteristic features of the HWNL, as identified by the High Weald AONB Management Plan, namely large, enclosed and some smaller, irregular, assart fields within a woodland setting, with numerous trees on boundaries.

9. The statutory purpose of National Landscapes is to conserve and enhance the natural beauty of the area. Section 245 of the Levelling-up and Regeneration Act 2023 amended the duty on relevant authorities in respect of their functions which affect land in National Landscapes. Relevant authorities must 'seek to further' the statutory purposes of Protected Landscapes, including National Landscapes.

10. Furthermore, paragraph 189 of the National Planning Policy Framework (the Framework) instructs that great weight be given to conserving and enhancing the landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to these issues.

11. The proposal seeks change of use of land to a mixed use which would include two pitches of gypsy accommodation. The proposal would include the retention of existing buildings, hardstanding and landscaping. In addition, the proposal would include biodiversity enhancements and planting of native hedging.

12. The proposed pitches would each accommodate a single static caravan and would have a hardstanding area for siting of a touring caravan, and parking and turning of vehicles. No day rooms are shown on the plans, and whilst they are a common feature of gypsy sites and may be required to meet the needs of future occupants, I have nothing before me to suggest future occupiers would have a need for further outbuildings. I have determined the proposal on the basis of the submitted plans.

13. Submitted plan PRR1 shows the proposed pitches sited to the north of the stable block within an area which presently comprises part of an open paddock. The siting of caravans and hardstanding, and the residential use of the site with associated domestic paraphernalia and vehicles would have an urbanising effect on the site. This would result in the encroachment of development and domestic features into the open area of paddocks.

14. Furthermore, each pitch would be enclosed by hedgerow planting which would subdivide the existing field pattern, in contrast to the open character of the surrounding landscape.

15. The proposed pitches would be adjacent to the area of hardstanding and sand school. However, these are ground-level features which relate to the equine use of the wider site and are positioned alongside the access route and existing buildings. Conversely, the proposed pitches would intrude beyond the obvious boundary of the paddocks.

16. Caravans are of low height and modest scale. The site is well-screened by existing vegetation, and together with the proposed hedge planting, views of the proposed pitches would be limited to glimpses and would be experienced within the context of equestrian buildings and within a wider context of other residential uses at Forest Gate.

17. However, the high protection afforded to National Landscapes does not exist only in visually prominent locations. The field pattern is a characteristic feature of the HWNL, and the proposal does not clearly demonstrate how the proposal would relate sympathetically to the local landscape without erosion of the field pattern.

18. Furthermore, there is a veteran beech tree approximately 10m from the site boundary which makes a positive contribution to the landscape and biodiversity value of the HWNL. Whilst acknowledging there is some existing hardstanding in proximity of the tree, the proposal fails to demonstrate that unnecessary losses or harm to natural features would be avoided or adequately mitigated.

19. Since the site is small and the proposal comprises just two pitches, the extent of erosion of the field pattern would be limited. However, this harm would be counter to the statutory duty to further the purposes of Protected Landscapes and would fail to conserve and enhance the landscape and scenic beauty of the HWNL, which the Framework affords the highest status of protection.

20. I note planning permission has recently been granted within the equestrian facility for a part-time fitness boot camp[2]. However, since the scheme represents a use of the land and contains no built form, its effects on the landscape materially differ from the appeal proposal.

21. For the reasons set out above, the proposed development would have an adverse impact on characteristic features of the HWNL. The proposal therefore fails to demonstrate it would conserve or enhance the natural beauty of the National Landscape. Consequently, the proposal would harm the character and appearance of the area.

22. Policy 23 of the Horsham District Planning Framework 2015 (HDPF) requires proposals for Gypsy and Traveller accommodation not have an unacceptable

[2] Appeal ref: APP/Z3825/W/24/3350033

impact on the character and appearance of the landscape. Having regard to Framework paragraph 189 and the statutory duty for Protected Landscapes, the effects of the proposal on the character and appearance of the HWNL would amount to an *unacceptable impact* for the purposes of Policy 23. The proposal would therefore conflict with the policy.

23. In addition, the proposal would conflict with HDPF Policies 25, 30 and 33 which protect the landscape character, natural beauty, and public enjoyment of the HWNL and support the retention of important landscape and natural features.

Setting of Grade II Listed Building

24. A short distance to the south of the site is Grade II listed building, Forest Grange. The building was constructed in 1913 as a large house in a Jacobean style, and later used as a private school. It is built of red brick in English bond with Bath stone dressings, a Horsham stone slab roof, and clustered brick chimney stacks. The building is roughly L-shaped and asymmetrical, with two-storeys and attics with irregular fenestration, including mullioned windows and four flat-roofed dormers. The central gable has four, centred, arched doorways with sidelights. The building's historic and architectural interest contributes to its significance.

25. Whilst the listed building is experienced within a wider landscape context of fields and woodland, its immediate context contains parking areas and outbuildings associated with its residential use, and a row of dwellings situated to the east.

26. The proposed pitches would be set back from the private access road within an existing paddock area beyond a stable block. Forest Grange is set back from the main route of the private access road by a landscaped area comprising mature trees set within a fork in the access road. A dense, mature tree belt runs along the boundary of the equestrian facility. In this location, the tree belt provides a high degree of enclosure to the existing equestrian facility and significantly restricts intervisibility between the appeal site and listed building. Therefore, landscape features provide a high degree of physical and visual separation between the appeal site and the listed building.

27. The Council consider the barns and hardstanding of the equestrian facility has had an adverse impact on the listed building's setting, and the proposed domestic use of the site would be in contrast to the expected setting of the historic country house. However, as set out above, residential uses are a typical feature of the area surrounding the listed building. The existing tree belt is proposed to be retained by the development, and there is strong physical and visual separation between the appeal site and listed building. Therefore, the proposed development would not erode the ability to appreciate and understand the listed building's historical context and would have a neutral effect on the listed building's setting.

28. For these reasons and having regard to the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal would preserve the setting of Grade II listed building, Forest Grange Manor.

29. The proposal would therefore comply with HDPF Policy 34 which seeks to sustain and enhance the historic environment through positive management of development affecting heritage assets.

Biodiversity

30. Biodiversity Net Gain (BNG) is a mandatory requirement of Schedule 7A of the Town and Country Planning Act 1990 (TCPA) (as inserted by Schedule 14 of the Environment Act 2021).

31. The appellant asserts the proposal is exempt from the statutory BNG condition as there is an existing mobile home situated on the land[3]. However, the proposal does not contain clear justification to demonstrate the development would comply with any exemption set out in paragraph 17 of Schedule 7A of the TCPA. Therefore, I cannot be certain the proposed development would be exempt, and the statutory BNG condition is deemed to apply to the proposed development.

32. The proposal does not contain the minimum information required by Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 for the purposes of the statutory BNG condition. Therefore, the proposal fails to demonstrate it would achieve at least a 10% increase in biodiversity value relative to the pre-development onsite habitat.

33. The statutory framework for biodiversity net gain involves the discharge of the biodiversity gain condition following the grant of planning permission. The determination of the Biodiversity Gain Plan (BGP) under this condition is the mechanism to confirm whether the development meets the biodiversity gain objective. Therefore, development cannot commence until the BGP is approved.

34. On this basis, the PPG indicates it would generally be inappropriate to refuse an application on grounds the biodiversity gain objective will not be met. Rather, decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged[4].

35. The site is an area of paddock and is close to a corridor of woodland with potentially high ecological/wildlife and biodiversity value. Therefore, the site's wider landscape context comprises assets of ecological value. The Council asserts the site has potential to be used as habitat and a connector for various species. The appellant has provided no ecological information, and the biodiversity value of any existing on-site habitat is not quantified.

36. The site is a relatively small portion of a larger area of grassland. Therefore, whilst it may possess some biodiversity value, the site does not appear to contain significant habitat or unique features necessary to support protected species.

37. The siting of caravans and domestic uses would erode the open, undeveloped character of the site, and thus would diminish the site's biodiversity value. However, the proposal would include planting of native hedging which would be capable of contributing positively toward the site's biodiversity value.

38. Subject to submission of a BGP, I consider the biodiversity gain condition would be capable of being discharged. Consequently, whilst the proposal provides insufficient information for the purposes of the statutory BNG, this is not a reason to refuse planning permission.

[3] Previously approved under LPA ref: DC/22/2125
[4] Planning Practice Guidance, Paragraph: 019 Reference ID: 74-019-20240214

39. As set out above, the proposal does not demonstrate it would be exempt from the mandatory requirement for BNG. Therefore, subject to the BNG condition being discharged, the proposal would provide an increase in biodiversity value. On this basis, the proposal would comply with Policy 31 of the HDPF which requires development proposals contribute to the enhancement of existing biodiversity and create and manage new habitats where appropriate.

European sites

40. The appeal site is within the Sussex North Water Supply Zone. Natural England advise it cannot be concluded with the required certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar sites. The Arun Valley SPA/SAC is afforded protection by the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

41. The conservation objective for the SPA is to ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the aims of the Wild Birds Directive. The qualifying features of the SPA are its population of Bewick's swan and waterbird assemblage.

42. The conservation objective for the SAC is to ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the favourable conservation status of its qualifying features, namely, the little whorlpool ram's-horn snail.

43. The proposal would result in an increase in water abstraction associated with occupation of the two proposed pitches. The proposal would therefore have a likely significant adverse effect on the integrity of the SPA/SAC.

44. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of a European site. I may consider measures to secure mitigation with a view to ensuring that the proposal would not adversely affect the integrity of European sites.

45. Natural England require proposals either await an area-wide water neutrality strategy or demonstrate water neutrality. The Water Neutrality Statement (WNS) sets out the site's baseline water consumption is zero. The Part G calculator provided indicates that each caravan would use 96.2 litres per day per person. When taking into account the occupancy figures proposed, the overall site usage would be 361.72 litres per day.

46. To off-set the site's increase in water usage, rainwater harvesting systems would collect rainwater using the roofs of the caravans and the existing barn. Rainwater would be filtered to a potable standard, and the proposal demonstrates there would be sufficient roof area to yield the required water plus a 60-day drought tolerance. Planning conditions would be necessary to secure submission of water quality test results to the Council, to secure the implementation of the management plan, and to ensure the proposed water neutrality measures are maintained in perpetuity.

47. During the appeal, Natural England were consulted and raised no objection subject to the imposition of conditions relating to the treatment of rainwater, and delivery, management and maintenance of the WNS's water neutrality measures.

48. Subject to securing the strategy for water neutrality and treatment of collected rainwater through planning conditions, the proposal would not increase water abstraction. Therefore, the potential harm to the integrity of the Arun Valley SPA/SAC would be adequately mitigated.

49. I therefore consider appropriate mitigation would be secured and is necessary to make the development acceptable in planning terms. Consequently, the proposal would not have significant effects on the integrity of the Arun Valley SPA/SAC and the proposal would satisfy the requirements of the Habitats Regulations.

50. The proposal would therefore comply with HDPF Policy 31 which requires development with the potential to impact the Arun Valley SPA/SAC be carried out in accordance with mitigation measures.

51. In addition, the proposal would comply with paragraphs 192 and 193 of the Framework which safeguards internationally designated sites and requires proposals avoid or mitigate significant harm to biodiversity.

Other considerations

52. The Planning Policy for Traveller Sites (PPTS) requires local authorities to set pitch targets and identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against this target.

53. Policy 21 of the HDPF makes provision for 39 net additional permanent pitches within the period of 2011-2017. A development plan document intended to provide a supply of sites to 2027 did not proceed to submission. A call for sites was held in 2020, and the Gypsy and Traveller Accommodation Needs Assessment January 2020 identified a need for 93 pitches across the period to 2036. Whilst Policy 22 of the HDPF provides a criteria-based policy for provision of Gypsy and Traveller sites, I have been provided no evidence of supply arising from such windfall development. Therefore, the HDPF does not make adequate provision for an up-to-date supply of pitches.

54. The draft Horsham Local Plan identifies a need for 77 pitches across the district and includes draft site allocations for 80 pitches. However, whilst the draft Local Plan has been submitted for examination, I have been provided no details of its likelihood of adoption. Nor have I been provided evidence to suggest the relevant policies in the emerging plan should be afforded more than limited weight.

55. In addition, examples of recent appeal decisions suggests that constraints in the water environment have frustrated the supply of pitches[5].

56. The Council accepts it is unable to demonstrate a five-year supply of pitches. The provision of two pitches within the context of a shortfall in supply and absence of up-to-date policy, carries significant weight in the scheme's favour.

Planning Balance

57. Paragraph 24 of the PPTS requires proposals for pitches be assessed and determined in accordance with the presumption in favour of sustainable development. Since the Council is unable to demonstrate a five-year supply of deliverable pitches, paragraph 11 of the Framework is engaged.

[5] Appeal ref: APP/Z3825/W/20/3265226 & APP/Z3825/W/20/3253886

58. However, paragraph 11(d)(i) of the Framework instructs planning permission should not be granted where policies in the Framework protect areas or assets of particular importance provide a strong reason for refusing the development. Such national policies include those relating to National Landscapes[6].

59. As set out above, the proposal would harm the natural beauty of the HWNL and would conflict with paragraph 189 of the Framework which instructs that great weight must be given to conserving and enhancing the landscape and scenic beauty of National Landscapes, which have the highest status of protection in relation to these issues.

60. The provision of two pitches carries significant weight in the scheme's favour. In addition, subject to the BNG condition being discharged, there would be a small, positive effect on biodiversity. However, the Framework's policies which protect areas of particular importance, namely National Landscapes, provide a clear reason for refusing the development. Consequently, there are no material considerations which indicate a decision other than in accordance with the development plan.

Proportionality assessment

61. I have been provided no details of the personal circumstances of the current occupants of the static caravan presently on the site, and the future occupants of the proposed pitches are not known.

62. However, the proposed development would provide accommodation for gypsies and travellers as defined by the PPTS. Such future occupants may include persons with protected characteristics for the purposes of the Public Sector Equality Duty (PSED) set out under the Equality Act 2010. Whilst I have had due regard to the PSED, in this circumstance the harms associated with the development, including harm to the natural beauty of the HWNL, outweighs its benefits in terms of eliminating discrimination against persons with the protected characteristics of ethnicity, advancing equality of opportunity for those persons, and fostering good relations between them and others. Therefore, I conclude that it is proportionate and necessary to dismiss the appeal.

Conclusion

63. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

E Dade

INSPECTOR

[6] As set out at Footnote 7 of the Framework.