



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0968

Land To The Southwest of Blindmans Wood, Woodland Lane, Colgate, West Sussex, RH13 6HU

DESCRIPTION:

Change of use from agricultural to dog walking area (Retrospective)

RELEVANT PLANNING HISTORY:

DC/20/2064

Prior notification for the creation of a forestry track.

Prior Approval Required and
PERMITTED on 19.03.2021

DESCRIPTION OF THE SITE

The site is an area of existing agricultural land situated within a rural countryside setting. The land is characterised by open grassed area. The wider site is rural in nature, and the existing land is undeveloped. To the north-west of the site is an area of Ancient Woodland which abuts the boundary of the application site. Access to the site is via the agricultural track from a private road off Grouse Road. No extensive engineering works, permanent structures, commercial buildings, or intensive operational infrastructure is proposed as part of the application.

DESCRIPTION OF THE APPLICATION

The application seeks retrospective planning permission for the use of an area of existing agricultural land for professionally managed dog exercise sessions. Works started in January 2022. The use intends to provide a safe, secure, and controlled countryside environment for dogs to be exercised under supervision. The proposed operation is designed to remain low intensity in nature. The site operates on a restricted basis only, with operating hours limited to Monday to Friday between 10:30-13:30. There will be no evening operations, no weekend use and no public events associated with the site. The proposal will accommodate approximately 20 dogs on site at any one time. The dogs will be collected and transported to and from the site by The Paws Park as part of an organised and professionally managed service.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development

Policy 10 - Rural Economic Development

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

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

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 13: The Natural Environment and Landscape Character

Strategic Policy 14: Countryside Protection

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 31: Rural Economic Development

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (2017)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

Parish Design Statement

Planning Advice Notes:

Facilitating Appropriate Development

Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

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

Consultations:

HDC Arboriculture: Comment

No trees at the site are subject to statutory protection, either through a Tree Preservation Order (TPO) or by virtue of the site being located within a Conservation Area. However, the woodland to the north of the field is designated Ancient Woodland.

Ancient Woodland is identified within the NPPF 2026 as an irreplaceable habitat and, as such, appropriate safeguards should be incorporated to ensure that the woodland and its associated root protection areas are not adversely affected by the proposed change of use. Whereby, the proposed change of use has the potential to increase visitor numbers and dog activity adjacent to the off-site Ancient Woodland, and possibly with it should any dogs stray from the main field area, this may result in increased recreational pressure, disturbance to wildlife, trampling of woodland ground flora, and other indirect effects upon this irreplaceable habitat.

The proximity of the proposed change of land use is currently within the minimum recommended buffer to AW of 15m. As such, from the submitted information, it has not been demonstrated that the change of and intensification of the use of the site will not have a negative impact on the AW.

Therefore, appropriate mitigation measures are required to avoid adverse impacts upon the adjacent Ancient Woodland.

HDC Environmental Health: Comment [Summary]

There is insufficient information contained within the application to properly assess the proposal.

Given the scale of the operation (5 days a week with 20 dogs, they will be meeting the business test and should be licenced by their local authority). We will need to see evidence of a licence in place for the company at their home address where overnight boarding is offered.

Given that this is an exercise field to be used Monday – Friday 10:30 – 13:30, this appears to be proposing a daycare facility for dogs. This is licensable activity and it will need to be licensed by

Horsham District Council. In order to become licensed, the site will need to meet the DEFRA guidelines for the activity, and this requires certain provisions being made available for the dogs. This will include some form of shelter to protect from adverse weather conditions. In addition to this, there is a need to provide sufficient staff, so the Health and Safety at Work Act applies. There must be provisions made for their welfare also. This will mostly centre around WC provisions as food and water can be brought to site as it is a 3 hour maximum stay on site.

If the applicant does not think that this legislation applies to their activity, please provide us with further detail on the proposal.

WSCC Highways: Comment [Summary]

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

PUBLIC CONSULTATIONS:

Representations:

1 letter of Objection have been received from 1 address, objecting to the application on the following grounds:

- Site situated in ancient woodland within an area of outstanding natural beauty
- Accessible via private lane that is funded and maintained by residents of Woodlands Lane
- No mains water supply
- No toilet facilities for staff
- No electricity
- Storing touring caravan on site unlawfully

Parish Comments:

Colgate Parish Council: Objection [Summary]

CPC raises several concerns about the site and application, which include that the fencing is not high enough to contain the dogs being exercised, the large number of dogs being exercised at any one time is a concern and no provision has been made for the removal of dog waste. Dog excrement waste is considered a trade effluent. The Environment Act 1990 sets out the duty of care regarding waste. A waste Disposal Licence may be required at the site. There are regulations and guidelines for how dogs are transported and there are some concerns that there are too many dogs being exercised off lead at a time with no shelter being provided to protect them from the elements. There is a risk to the animals and contrary to guidance.

CPC are concerned about the number of structures on the site that may require planning permission and are contrary to what the applicant has stated in the application. The Planning Statement does not provide any evidence that this application is in support or benefit of the local rural economy as the application states all of the dogs being transported are from out the County.

CPC also query the map provided. The red line plan shows the applicant has ownership over a private road. Woodlands Lane is privately owned so CPC would suggest the plan is queried.

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

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.

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.

PLANNING ASSESSMENT

Principle of Development:

Policy 10 of the HDPF states that in the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle. Any development should be appropriate to the countryside location and must:

(1) Contribute to the diverse and sustainable farming enterprises within the district or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy and/or promote recreation in, and the enjoyment of, the countryside;

Policy 26 of the HDPF 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 overall level of 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.

The application seeks retrospective permission for the change of use of the land from agricultural to a private dog walking and exercise area operated by The Paws Park. The planning statement details that the proposed use would provide professionally supervised dog exercise sessions within a secure and controlled environment. The proposed operating hours are limited to Monday-Friday 10:30-13:30. There will be no evening or weekend operations, no public events and no unrestricted public access. There would be no more than 20 dogs on site at any one time, which will be supervised by experienced handlers. The dogs will be collected directly from clients and transported to the site by the operator. It is considered that the change of use from agricultural to dog exercising area would not have a detrimental impact on the site or the surroundings and the principle is therefore acceptable in accordance with Policies 10 and 26 of the HDPF, subject to all other material considerations.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves, and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district.

The planning statement confirms that there would be physical elements to the proposal. The existing field will remain open and undeveloped in appearance, continuing to read visually as countryside. No buildings, engineering structures, floodlighting, formal parking areas or urban infrastructure are proposed. The proposal avoids any visual impacts, with the site simply an agricultural field with a fence surrounding the site to mark the boundary of the site and prevent any dogs escaping the field. Due to the limited nature of the proposed use and absence of any development, the proposal is not considered to be harmful to the character and appearance of the rural countryside location.

Whilst the Parish Council has suggested the provision of additional fencing, Officers consider that further fencing would introduce a more suburban and domesticated appearance into this otherwise open rural landscape. The existing level of enclosure is considered sufficient for the nature of the use,

and requiring additional fencing would result in increased visual intrusion that would be harmful to the character and appearance of the countryside.

Trees and Landscaping:

To the north of the site is an area designated as Ancient Woodland. Ancient Woodland is identified within the NPPF 2026 as an irreplaceable habitat and, as such, appropriate safeguards should be incorporated to ensure that the woodland and its associated root protection areas are not adversely affected by the proposed change of use. The proximity of the proposed change of use is currently within the minimum recommended buffer to Ancient Woodland of 15m. HDC Arboriculture considered that the proposed change of use has the potential to increase visitor numbers and dog activity adjacent to the off-site Ancient Woodland and this may result in increased recreational pressure, disturbance to wildlife, trampling of woodland ground floor, and other indirect effects upon this irreplaceable habitat. Appropriate mitigation measures are therefore required to avoid adverse impacts upon the adjacent Ancient Woodland. However, it is considered that due to the nature of the proposal, which would involve no infrastructure or engineering works, the proposal would not likely have a harmful impact on the Ancient Woodland. It is considered that the proposal would be acceptable.

Residential Amenity:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

The objection received is acknowledged. The application site is located a sufficient distance from any nearby residential properties. Due to the nature of the site and lower ground level, the nearest dwellings are situated a significant distance away and therefore there are unlikely to be harmful impacts to amenity arising from the use of the site as a dog exercising area. Whilst it is acknowledged that there may be a degree of noise arising from the operation, this will be limited to the restricted operating hours of 10:30 to 13:30 Monday to Friday. Furthermore, concerns raised by local residents, the Parish Council and consultees regarding potential noise and the management of animal waste can be satisfactorily addressed through planning conditions requiring the submission and implementation of a Noise Management Plan and Waste Management Plan. These measures will ensure that the use operates in a controlled manner and that any impacts on the amenities of nearby residents remain acceptable. The proposal does not involve customer or public visits to the site, and so the level of movement, activity and general disturbance at the site will be limited. It is therefore not considered that the proposal would result in unacceptable levels of noise, disturbance or activity that would give rise to harm to neighbouring residential amenity.

Highways Impacts:

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

The proposal would utilise the existing private access track. There are no alterations proposed to the existing access arrangements. Due to the scale of the operation, with dogs collected and brought to the site by the operator, WSCC Highways did not anticipate that the proposal would give rise to a significant material intensification of use. Parking is provided at the site, and there appears to be sufficient space for turning. The Local Highways Authority did not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. No highways concerns are therefore raised.

Water Neutrality:

A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species

Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day.

Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG) (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains (on unregistered sites) and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

- The application is retrospective made under Section 73(A) of the Town and Country Planning Act.

Conclusions:

The proposal is therefore considered to accord with the relevant local and national planning policies and is therefore recommended for approval.

Recommendation: Application Permitted

Conditions:

- 2 **Regulatory Condition:** The use hereby permitted shall operate and shall not be open for trade or business except between the hours of 10:30 and 13:30 Monday to Friday.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 3 **Regulatory Condition:** There shall be no overnight kennelling / boarding of dogs on the site.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** There shall be no more than 20 dogs on site at any one time.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6 **Regulatory Condition:** Within 3 months of the date of the permission hereby granted, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The management measures shall be implemented within 1 month of the date of the approval and shall be complied with thereafter for the duration of the use.

The Plan shall include but not be limited to, management responsibilities during all operating hours, measures to minimise and control noise (including dog barking) from activities and operations at the site.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents and users of land, in accordance with Policies 33 of the Horsham District Planning Framework (2015).

- 7 **Regulatory Condition:** Within 3 months of the date of the permission hereby granted, a waste management plan detailing how animal waste will be removed from the site and disposed of shall be submitted to and approved in writing by the Local Planning Authority. The management measures shall be implemented within 1 month of the date of the approval and shall be complied with thereafter for the duration of the use.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents and users of land, in accordance with Policies 33 of the Horsham District Planning Framework (2015).

- 8 **Regulatory Condition:** The use hereby permitted shall only operate as a professionally managed dog exercise facility where dogs are transported to and from the site by the operator of the site. The site shall not be used by members of the public for private dog walking, dog exercise, or dog hire sessions.

Reason: To ensure the use remains of a scale and nature appropriate to its countryside location and to safeguard the amenities of the locality, in accordance with Policies 10, 26, 32 and 33 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT

It is noted that the business model as proposed would require a licence from Environmental Health. The applicant is advised that this will need to be acquired from Horsham District Council.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/26/0968

Schedule of plans/documents **approved:**

Plan Type	Description	Drawing Number	Received Date
Location plan		139/2026/1a	25.06.2026
Site plan	Proposed	139/2026/1	26.05.2026

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 25.09.2026

Authorising Officer sign/initial RHERMITAGE Date: 28.09.2026