Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/2023
Beckley Stud , Reeds Lane, Southwater, West Sussex, RH13 9DQ

DESCRIPTION:

Variation of condition 10 of previously approved application reference DC/22/0388 (Retention of existing green steel clad building and mono-pitch lean-to for storage and distribution use by Equine America UK and resulting mixed use of Beckley Stud as a whole for equestrian, residential and commercial purposes) relating to BNG measures.

RELEVANT PLANNING HISTORY:

DC/22/0388	Retention of existing green steel clad building and mono-pitch lean-to for storage and distribution use by Equine America UK and resulting mixed use of Beckley Stud as a whole for equestrian, residential and commercial purposes	Allowed on Appeal 07.05.2025
DC/22/0565	Temporary retention of storage containers at Beckley Stud for a two year period	Application Refused on 15.03.2023
DC/25/1444	Change of Use of Equestrian Stables to Offices (Class E), including the enclosure of the existing stable roof overhang.	Application Refused on 18.09.2026
DC/25/1494	Retention of an outbuilding for incidental domestic storage (Retrospective).	Application Permitted on 04.12.2025

DESCRIPTION OF THE SITE

The application site comprises two separate parcels of land (combined site area of 756sqm) within the northeast corner of the wider site boundaries of 'Beckley Stud,' a commercial equestrian site located to the northeast and 0.4km from the village of Southwater. Beckley Stud is located on the corner of Colstaple Lane and Reeds Lane, the site is accessed via Reeds Lane. The wider site accommodates commercial equestrian stables, and a mobile home within a site that comprises approximately 3.25 hectares (8 acres) of land, set out in individual paddocks with post and rail fencing. The site includes the building subject to this application which occupies that part of the site which was originally granted permission for a horse walker barn shelter.

The character of the area surrounding the site is rural in nature, and largely comprises a matrix of open fields and field boundaries, and mature trees. Built form that does exist in the locality is located close to the roads and mainly associated with the agricultural or equestrian use of the land or sporadic residential dwellings. The wider character of the area includes the Built-up Area Boundary of Southwater which is located to the west of the application site on the west side of the railway line. Oakhurst Business Park is located on the western boundary of the Built-up Area Boundary approximately 365m to the west of the application site and accommodates various commercial businesses.

DESCRIPTION OF THE APPLICATION

The application seeks to vary condition 10 of planning permission reference DC/22/0388 relating to the submission of full details to achieve Biodiversity Net Gain (BNG). The condition states:

10 Within 3 months of the date of this decision, full details illustrating how the scheme would achieve the Biodiversity Net Gain (BNG) recommendations outlined in Tables 2 and 3 of the Ecology BNG Report prepared by Wychwood Environmental dated June 2023, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include plans and measures addressing the following:

(a) Details of all planting and habitat creation to be carried out in order to achieve the mandatory 10% increase in BNG. This should include schedules specifying tree planting; species, planting size, densities and plant numbers and tree pit details; and

(b) Details of the enhanced sheltering opportunities for wildlife on the site.

The approved BNG scheme shall be fully implemented in accordance with the approved details within the first planting season following the date of approval.

Unless otherwise agreed as part of the approved BNG scheme, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

The Applicant proposes a change of wording to this condition as follows:

"The development hereby approved shall be carried out in accordance with the approved Proposed Wildlife Plan (Drg no. AG20815-BS-1096A) and Proposed Planting Plan (Drg No. AG20815-BS-1088A). The approved measures shall be implemented in full within 3 months of the date of this permission and thereafter retained and maintained."

The Supporting Statement outlines that the development subject of the planning permission was retrospective in nature, where the requirements to deliver 10% BNG is not required under the relevant legislative framework. The Statement outlines that the Applicant remains committed to ensuring that the site delivers ecological enhancements proportionate to its scale and context. To secure this, and to ensure the permission remains enforceable, implementable, and aligned with national and local ecological policy, the condition is sought to be varied as above.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (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 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 24 - Strategic Policy: Environmental Protection
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 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 – Parking

Southwater Neighbourhood Plan (June 2021):
Policy SNP 1 Core Principles
Policy SNP 4 Keeping our Roads Moving
Policy SNP 15 Driving in the 21 Century
Policy SNP 16 Design
Policy SNP 17 Site levels
Policy SNP 18 A Treed Landscape
Policy SNP 21 A Growing Economy

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 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 29: New Employment
Strategic Policy 30: Enhancing Existing Employment
Policy 31: Rural Economic Development
Policy 32: Conversion of Agricultural and Rural Buildings to Commercial, Community and Residential Uses
Policy 33: Equestrian Development

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 Ecology Officer: Comment

It is agreed that a condition relating to mandatory BNG has been incorrectly applied, given that the scheme was submitted to HDC prior to the mandatory date(s), and the pre-commencement condition cannot be discharged as retrospective works had already taken place on the site.

Cited policies of the NPPF also relate to net gains for biodiversity, which was previously demonstrated via metric calculations in the original application submission and therefore it is my opinion that the condition should still refer to compliance with the documents from the appeal. Specifically, Tables 2 and

3 of the Ecology BNG Report (Wychwood Environmental, June 2023). Given the previous issues raised with the BNG in October 2025, it was not agreed that the measurable net gain equated to a 10% uplift. As a mandatory 10% is no longer required, these previous enhancements within Tables 2 and 3 of the Ecology BNG Report are considered sufficient to comply with the NPPF policies of general net gains and biodiversity enhancement.

The submission of a metric and Biodiversity Gain Plan as per mandatory legislation is not required, and the habitat enhancements proposed do not need to accord with any statutory instruments or associated user guides.

The original metric and associated report demonstrated that the proposed enhancements were appropriate and could be implemented around the retrospective works. Therefore do not see an issue with the overall condition in principle but recommend removal of the word 'mandatory' and replace reference to biodiversity net gain with habitat enhancements.

Representations:

5 letters of objection were received from 5 separate addresses, and these can be summarised as follows:

- Non-compliance with the requirements of the condition
- Non-compliance and planning breaches
- No evidence to suggest the BNG requirements could not be implemented
- The imposed condition was clear, proportionate, reasonable and necessary
- Scale of development and cumulative industrialisation of the site
- Traffic levels and highway safety
- Historic enforcement

Parish Comments:

Southwater Parish Council: Objection

- Relevant condition was considered necessary, reasonable, and proportionate when imposed
- Proposed variation is unjustified
- The relevant condition has not been complied with within the required time frame and the development is not therefore in accordance with the permission
- Cannot support an application that effectively rewards non-compliance and diminishes environmental safeguards

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

The application seeks to vary condition 10 of planning permission DC/22/0388 relating to the submission of full details to achieve Biodiversity Net Gain (BNG). The condition states:

10 Within 3 months of the date of this decision, full details illustrating how the scheme would achieve the Biodiversity Net Gain (BNG) recommendations outlined in Tables 2 and 3 of the Ecology BNG Report prepared by Wychwood Environmental dated June 2023, shall be submitted to and

approved in writing by the Local Planning Authority. The details shall include plans and measures addressing the following:

(a) Details of all planting and habitat creation to be carried out in order to achieve the mandatory 10% increase in BNG. This should include schedules specifying tree planting; species, planting size, densities and plant numbers and tree pit details; and

(b) Details of the enhanced sheltering opportunities for wildlife on the site.

The approved BNG scheme shall be fully implemented in accordance with the approved details within the first planting season following the date of approval.

Unless otherwise agreed as part of the approved BNG scheme, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

The Applicant has submitted a Supporting Statement which outlines that the development subject of the planning permission was retrospective in nature, where the requirements to deliver 10% BNG is not required under the relevant legislative framework. The Statement outlines that the Applicant remains committed to ensuring that the site delivers ecological enhancements proportionate to its scale and context. To secure this, and to ensure the permission remains enforceable, implementable, and aligned with national and local ecological policy, the condition is sought to be varied as follows:

"The development hereby approved shall be carried out in accordance with the approved Proposed Wildlife Plan (Drg no. AG20815-BS-1096A) and Proposed Planting Plan (Drg No. AG20815-BS-1088A). The approved measures shall be implemented in full within 3 months of the date of this permission and thereafter retained and maintained."

Biodiversity Net Gain is required under a statutory framework introduced by Section 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain, and subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity net gain objective is met. This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the on-site habitat.

Biodiversity net gain does not however apply to retrospective planning permissions made under section 73A of the Town and Country Planning Act 1990. Given this legislative context, the imposition of a condition requiring 10% BNG would not be reasonable, relevant and necessary to the development, and condition 10 of planning permission DC/22/0388 is not considered to meet the relevant tests as outlined within the NPPF.

The Supporting Statement clarifies that the Applicant maintains an intention to carry out biodiversity enhancements across the site, as outlined within the submitted Proposed Wildlife Plan plan reference AG20815-BS-1096A and Proposed Planting Plan plan reference AG20815-BS-1088A. This includes the planting of mixed species tree and scrub to the west of the hardstanding along with the installation of 4no. bat boxes, 5no. nesting bird boxes, 5no. dormouse next boxes, 1no. barn owl box, and a purpose built hibernacula for reptiles.

The details shown within these plans are considered to support biodiversity enhancement across the site and are considered acceptable, in compliance with Policy 31 of the Horsham District Planning Framework (2015) as well as Policy N2 of the NPPF. Subject to securing these measures by condition, biodiversity enhancement is considered to be achieved on site.

For these reasons, it is considered acceptable to vary condition 10 of planning permission reference DC/22/0388 as follows:

10 The development hereby approved shall be carried out in accordance with the approved Proposed Wildlife Plan (Drg no. AG20815-BS-1096A) and Proposed Planting Plan (Drg No. AG20815-BS-1088A).

The approved biodiversity enhancement measures shall be implemented in full within 3 months of the date of this permission and thereafter retained and maintained in accordance with these details.

The approved planting shall be fully implemented in accordance with the approved details within the first planting season from the date of this decision. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 30 years after completion of the development. Any proposed or retained planting which dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

It is considered reasonable to impose further requirements within the condition to ensure that the planting as approved is carried out within the next planting season and that any trees or hedges that are damaged, felled/removed, topped or lopped without previous consent are replaced in the next planting season. This is considered reasonable and necessary to ensure that the biodiversity enhancement measures are successful and retained. Subject to this additional wording, the variation of the condition is considered acceptable.

The application is therefore recommended for approval. For completeness, and as the current application would create a new planning permission on the site, the conditions associated with the existing permission are also recommended; the reasons for these conditions remain as set out in the relevant appeal decision, with the applicant not seeking amendments to any of these further conditions.

Recommendation: Application Permitted

Conditions:

1 The building hereby approved shall be used for the storage and distribution of equine related products only and for no other purpose (including any other purpose in Use Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

2 There shall be no more than 12 employees working across the appeal site, in connection with equestrian use of the appeal site, at any one time, without the prior written consent of the Local Planning Authority.

3 Within three months of the date of this decision, details of the means of surface water disposal drainage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme in a timetable to be agreed with the LPA.

4 All packing and unpacking activities, associated with the storage and distribution building hereby approved, shall only take place inside the building. At no time shall packing and unpacking activities take place outside of the approved building.

5 There shall be no retail sales taking place from the site at any time without the prior written consent of the Local Planning Authority.

6 No plant or machinery, produce, crates, packing materials or waste shall be stacked or stored on the site except within the storage and distribution building hereby permitted.

7 The development hereby permitted shall not result in more than 8 lorry deliveries and collections per week on Mondays to Fridays inclusive between the hours of 08.00 to 18.00, and there shall

be no deliveries by articulated vehicles. There shall be no lorry or articulated vehicles deliveries outside of these times, including the weekend and bank holidays.

8 Plant and machinery shall be operated, processes shall be carried out and deliveries shall be taken at or despatched from the storage and distribution building hereby permitted only between:

- 08:00 hours and 18:00 hours on Mondays to Fridays inclusive;
- 09:00 hours and 13:00 hours on Saturdays;
- And not at any time on Sundays or on Bank or Public Holidays.

9 There shall be no additional external lighting installed, except in accordance with a scheme of external lighting which has been submitted to and approved by the Local Planning Authority.

10 The development hereby approved shall be carried out in accordance with the approved Proposed Wildlife Plan (Drg no. AG20815-BS-1096A) and Proposed Planting Plan (Drg No. AG20815-BS-1088A). The approved measures shall be implemented in full within 3 months of the date of this permission and thereafter retained and maintained in accordance with these details.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or Orders amending or revoking and re-enacting the same, the building hereby permitted, shall not be extended or altered in any way including the addition of external machinery and plant unless planning permission has been granted by the Local Planning Authority.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or reenacting that Order), the building hereby permitted shall be used only for purposes of storage and distribution of equine related products only and for no other purpose (including any other purpose in any class in the schedule to the Town and Country Planning (Use Classes) Order 1987, without express planning consent from the Local Planning Authority first being obtained.

13 The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below:

Schedule Plans/Documents

Location & Block Plan reference AG20815 - BS - 1010 Rev. B
Floor Plan & Elevations Storage Building reference AG20815 - BS - 10021
Proposed Wildlife Plan reference AG20815 - BS - 1096
Planting Plan & Location Plan reference AG20815 - BS - 1088 Rev. A

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/25/2023

Location & Block Plan reference AG20815 - BS - 1010 Rev. B
Floor Plan & Elevations Storage Building reference AG20815 - BS - 10021
Proposed Wildlife Plan reference AG20815 - BS - 1096
Planting Plan & Location Plan reference AG20815 - BS - 1088 Rev. A

DELEGATED

Case Officer sign/initial	Tamara Dale	Date:	15.10.2026
Authorising Officer sign/initial	RHERMITAGE	Date:	21.10.2026