

Our ref: CEB

5 December 2025

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Horsham District Council
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Dear Sir / Madam

Beckley Stud, Reeds Lane, Southwater, West Sussex, RH13 9DQ
Application to Vary Condition 10 attached to Planning Permission Reference
DC/22/0388

I write on behalf of Equine America to request a variation of Condition 10 attached to planning permission reference DC/22/0388. The permission was granted on appeal and related to a retrospective application/appeal for the following:

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

Condition 10 requires the submission and approval of Biodiversity Net Gain (BNG) proposals prior to the commencement of development and is worded as follows:

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.*

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Registered in England



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.

Following review of the planning history and the circumstances of the original application, we wish to clarify that the development was retrospective in nature, with the works already substantially completed at the time of determination. Under the Environment Act 2021 and associated guidance, BNG requirements do not apply to retrospective development, as no further habitat impact arises from works that have already occurred. As such, the imposition of a condition requiring BNG measures was not consistent with the relevant legislative framework.

While the condition was imposed in error, 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 we propose that Condition 10 is varied to require compliance with an Ecological Enhancement Plan.

We therefore respectfully request that Condition 10 be reworded as follows, or as per alternative wording if preferred by the planning authority:

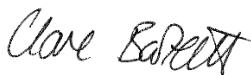
The development hereby approved shall be carried out in accordance with the approved Proposed Wildlife Plan (Drg no. AG20815-BS-1096A) and Proposed Planting Plan (Drg No. AG20815-BS-1088A). The approved measures shall be implemented in full within 3 months of the date of this permission and thereafter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

This revised wording removes the inappropriate and unimplementable BNG requirement while continuing to secure meaningful ecological benefits in line with Policy 31 of the Horsham District Planning Framework and paragraph 186 of the NPPF.

The referred to Proposed Planting Plan and Proposed Wildlife Plan are submitted in support of this application. These detail site-specific measures that can be delivered effectively given the retrospective status of the development.

We trust that the above provides sufficient justification for varying Condition 10. We would welcome any further discussion or clarification if required.

Yours faithfully



Clare Bartlett MRTPI PISEP
Director

Enc: Approved Ecology Report (which formed part of the original application)



Drg No. AG20815-BS-1088 Rev A Proposed Planting Plan and Location Plan
Drg No. AG20815-BS-1096 Rev A Proposed Wildlife Plan
Application and CIL forms

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