



Appeal Decision

Hearing held on 3 June 2025

Accompanied site visits made on 2 & 3 June 2025

by Nick Fagan BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Appeal Ref: APP/Z3825/C/25/3360097

Oaklands Stud, formerly known as Tanglewood Equestrian, Forest Grange, Horsham, West Sussex RH13 6HX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Andrea Starns against an enforcement notice issued by Horsham District Council.
 - The notice was issued on 29 January 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised material change of use of the Land from an equestrian use to a mixed use comprising equestrian and the stationing of a mobile home for the purposes of human habitation, as shown in the approximate position hatched in blue on the attached plan together with the associated operational development comprising the installation of a septic tank in the approximate position shown as hatched in brown on the attached plan.
 - The requirements of the notice are to:
 - (1) Permanently cease the use of the Land for the stationing of a mobile home for human habitation.
 - (2) Remove from the Land the mobile home as shown in the approximate position shown hatched in blue on the attached plan, and all associated residential paraphernalia.
 - (3) Remove from the Land all operational development comprising the septic tank as shown in the approximate position hatched in brown on the attached plan and associated equipment incidental to the unauthorised use of the Land.
 - (4) Remove from the Land all materials and debris resulting from the compliance with the above steps (1), (2) and (3).
 - (5) Following steps (1) to (4) above, restore the Land to its former condition before the breach took place.
 - The periods for compliance with the requirements are:

Step 1: 8 (eight) months from the date of this notice takes effect.
Steps 2 (two), 3 (three), 4 (four) and 5 (five): 10 (ten) months from the date this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) & (c) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Applications for costs

2. An application for costs has been made by the third party attending the Hearing against the appellant. This application is the subject of a separate decision.

Preliminary Matters

3. I conducted a full site visit on the afternoon before the Hearing with the appellant's agent and an officer from the Local Planning Authority, the Council. The third party, Forest Grange Private Road Ltd and Forest Grange (Horsham) Management Company Ltd, representatives for whom appeared and took part in the Hearing, requested that I attend again with them present so that they could show me where the boundary shown red on the existing Land Registry title plan is and point out to me the copper beech tree (the subject of the recent Tree Preservation Order) in the verge area immediately to the south of the recent timber fencing erected by the appellant, which I did after the conclusion of the Hearing itself.

Reasons

Ground (c)

4. Ground (c) is that the matters stated in the notice do not constitute a breach of planning control. This ground is raised solely in relation to the septic tank positioned immediately adjacent to the mobile home.
5. The appellant argues that the septic tank is underground and therefore doesn't require planning permission. As the Council and the third party point out, S55(1) of the Act defines 'development' as *'the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change of use of any buildings or other land'*. So, clearly, the septic tank is 'development'. It does not benefit from any permitted development under the GPDO because the current use of the land is unlawful.¹

Ground (a)

6. Ground (a) is that, in respect of any breach of planning control stated in the notice, planning permission ought to be granted.
7. The main issues in the deemed application are:
 - The effect of the development on the character and appearance of the area, with particular regard to the natural beauty of the High Weald National Landscape (HWNL);
 - Its effect on the setting of Grade II listed Forest Grange Manor;
 - Its effect on biodiversity; and
 - Whether other material considerations, including the need for and supply of gypsy and traveller pitches in the District and the appellant's personal circumstances, outweigh any identified harm such as to justify the development.

Character and Appearance

8. The appellant relies on the appeal statement submitted in support of her recent S78 appeal for two new pitches, which were to be located immediately next to (the east of) where her existing mobile home is situated and adjacent to the septic tank

¹ S3 (5) (b) of The Town and Country Planning (General Permitted Development) (England) Order 2015

enclosure. That appeal was dismissed on 28 April 2025, because of the harm to the natural beauty of the HWNL.² Her agent outlined at the Hearing what had changed on the ground since that decision was made.

9. The character and appearance of the area is generally accurately described in that very recent appeal decision and so I repeat much of its description of the site below, albeit amended where appropriate. The main difference is that the appeal site here, attacked by the notice, comprises not just the access road and the site of the two proposed new mobile homes and the septic tank, but the whole of the appellant's land ownership as set out on the current Land Registry title plan³, which includes the whole of the three fields she owns including the sand school, adjacent barn, other outbuilding and the stables and pole barn (or at least part of them), the northern boundary of which is the line of the woods over 100m away.
10. So, the appeal site comprises these three fields, totalling approximately 2 hectares in area. This includes the existing equestrian facility at its southern end, its access route off the Forest Grange main drive, the sand school and barn (which are also the subject of the part-time fitness boot camp permission granted on appeal recently⁴) and touring caravan, the other outbuilding comprising a shower and portable toilet, as well as the hardstanding area on which sits the mobile home, next to it the septic tank attacked by the notice, and immediately to its south the stable building and pole barn.
11. The site is to the north of the Forest Grange access road, which serves a private estate of dwellings. There are existing residential uses near the site, but these are all to the south of the access road. There are various collections of timber sheds to the east and west of the site north of this access road. The group of sheds to the west appears to be occupied by some commercial business. Those to the east appear to be used for storage, either in relation to nearby dwellings (e.g. for bikes) or for maintenance equipment for the fields and paddocks next to the appeal site within the third party's ownership.
12. The April appeal decision described the equestrian facility as being generally well-enclosed by tree belts and woodland, particularly in the vicinity of that (smaller) appeal site, where it opined that dense vegetation permitted only glimpsed views of equine buildings from the access road. However, recent clearance of the invasive rhododendrons by the third party in the area immediately to the south of the site's hardstanding area has meant that the fence line and above it the roof of the stable building and pole barn are now quite visible from the access road, albeit the appellant has erected additional timber fencing to this boundary very recently. I understand from the third party that its intention is to replace the rhododendrons with a native hedge, but this has not yet been done and would no doubt take some years to mature. Having said that, I acknowledge the appellant's point that it was the third party that chose to remove the rhododendrons, exposing the site to wider views from the access road at this point, and the mobile home itself is not really visible from here.
13. The site is within the HWNL, or Area of Outstanding Natural Beauty as National Landscapes were known until recently. The HWNL is one of the best surviving

² APP/Z3825/W/24/3355610

³ Albeit the appellant queries whether this is accurate in view of the fencing to her southern boundary lying outside of the red line on that plan, which explains why the red line on the notice's plan runs through the stable building and its pole barn

⁴ APP/Z3825/W/24/3350033 Allowed 24 March 2025

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.

14. 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 fields⁵ within a woodland setting, with numerous trees on boundaries.
15. 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 now 'seek to further' the statutory purposes of Protected Landscapes, including National Landscapes.
16. Furthermore, paragraph 189 of the National Planning Policy Framework (NPPF) 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.
17. The deemed application seeks change of use of land to a mixed use which includes the mobile home, septic tank next to it and touring caravan. The appellant has planted new lines of natural hedgerow next to the mobile home and in the paddock area immediately to its east (the S78 appeal site), as well as having recently erected the new timber fence on her southern boundary to help screen and securely enclose the site. The new hedgerows, including those at right angles to the existing fields, are obviously linear unit biodiversity enhancements, albeit they will take some time to mature.
18. The mobile home and the residential use of the site with its associated touring caravan and domestic paraphernalia and vehicles undoubtedly has an urbanising effect on the site, which is alien to its character and appearance, notwithstanding the equine (and boot camp) related buildings on the site. Indeed, the latter are part and parcel of the character and lawful use of the land, whereas the residential mobile home is not: there are no other residential uses situated north of the vegetated northern boundary of the Forest Grange access road.
19. Furthermore, the septic tank and the newly planted hedges subdivide the existing field pattern, in contrast to the open character of the surrounding landscape. The mobile home is located on the lawful hardstanding area adjacent to the lawful sand school. However, those are ground-level features which relate to the equine use of the site and are positioned alongside the site access and existing lawful buildings. Conversely, the mobile and related septic tank are residential uses unrelated to the lawful uses of the land and unjustified by them.
20. The mobile is of low height and modest scale and views of it are limited to glimpses from the access road to the south. It would be experienced within the context of equestrian buildings and within a wider context of other residential uses at Forest Grange. But it is readily visible from the adjacent third party land to the

⁵ Fields cleared from woodland, often subdivided by hedges or boundaries retaining trees

east and west of the site and is also visible in glimpses from the publicly permissive path in the woodland to the north of the site.

21. Even if it is not readily visible from Public Rights of Way, 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. The mobile and its related septic tank do not relate sympathetically to the local landscape; on the contrary, they have led to erosion of the local field pattern.
22. The veteran copper beech tree (the TPO tree) lies approximately 10m from the site boundary. It makes a positive contribution to the landscape and biodiversity value of the HWNL. It is unclear whether the recent fencing work has had any adverse effect to the roots of this tree, but it is important that it is safeguarded and the appellant has not demonstrated that it has been when carrying out the recent fencing works.
23. 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.
24. I have acknowledged the recent planning permission on appeal for a part-time fitness boot camp. However, since that represents a use of the land and contains no additional built form to the existing lawful equine use, its effects on the landscape materially differ from the appeal proposal.
25. 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.
26. Policy 23 (subsection e.) of the Horsham District Planning Framework 2015 (HDPF) requires proposals for Gypsy and Traveller accommodation not to have an unacceptable impact on the character and appearance of the landscape. Having regard to NPPF 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.
27. 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 Forest Grange Manor

28. A short distance to the south of the site is the 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.

29. 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 known as The Courtyard built in the 1990s, as well as earlier larger dwellings further to their east.
30. The mobile home is set back from the private access road on the hardstanding beyond the 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, albeit the rhododendron bushes and trees in the part of this area next to the stable block and its pole barn have recently been cleared as explained above. In this location, the tree belt (including the TPO copper beech tree) 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.
31. The Council consider the barns and hardstanding of the equestrian facility has had an adverse impact on the listed building's setting, and the domestic use of the site is in direct 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 (minus the rhododendrons) is proposed to be retained by the development, and there is strong physical and visual separation between the appeal site and listed building, even with the loss of the rhododendrons. Therefore, the 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.
32. For these reasons and having regard to the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I agree that the development preserves the setting of the Grade II listed building, Forest Grange Manor, as the Inspector in the April appeal decision found.
33. It therefore complies with HDPF Policy 34 which seeks to sustain and enhance the historic environment through positive management of development affecting heritage assets.

Biodiversity

34. There is apparently no requirement for the residential use to provide biodiversity net gain given its retrospective nature, as agreed by the Council officers at the Hearing.
35. In terms of protected species, the appellant has submitted with this appeal a copy of the Preliminary Ecological Assessment (PEA) in respect of the recent current application for the conversion of the stable building and pole barn to residential use (LPA Ref DC/25/0462). The site area for that application is much smaller than that of the deemed application and so its conclusions cannot necessarily be relied on in respect of the land attacked by the notice. No PEA has been submitted for the appeal site and so it is unclear whether any protected species have been or could be affected by the unauthorised use.

36. On this basis, I can only agree with the Council that insufficient information has been provided to demonstrate that the unauthorised use and development would have no effect on protected species and its habitat. As such it is contrary to HDPF Policy 31, which seeks a positive contribution to biodiversity including protected species such as bats, birds and great crested newts.

Other Material Considerations

37. 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.
38. 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.
39. 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; indeed, given the recent letter from the Examining Inspector, it may possibly be withdrawn by the Council. The parties agree that the relevant policies in the emerging plan should be afforded no more than limited weight.
40. The Council accepts it is unable to demonstrate a five-year supply of pitches. The provision of a pitch within the context of a shortfall in supply and absence of up-to-date policy, carries significant weight in favour of the deemed application.
41. The appellant submitted late in the appeal process information concerning the traveller status of the appellant's family. Although the appellant herself did not attend the Hearing, her husband/partner Ryan Crumley did, and I was able to ask him relevant questions concerning the family's circumstances.
42. The Council maintains that the appellant is not a gypsy/traveller and neither is Mr Crumley since has lived in bricks and mortar and is not therefore a person of nomadic habit as per the PPTS definition. But from the information Mr Crumley has provided as regards his upbringing and current way of life including horse trading as well as the evidence of such on site, it is clear to me that he is an Irish gypsy.
43. I understand that the appellant herself has two daughters from her previous marriage and Mr Crumley has a young daughter also from a previous marriage. I understand that Ms Starns, who is not herself of gypsy/traveller origin, grew up at Forest Grange. However, the couple and their three daughters comprise a family and it is clear that their way of life together fulfils the definition of gypsies/travellers irrespective of the fact that one or both have lived in bricks and mortar for good periods of their lives.

44. Mr Crumley states that his 9-year old daughter lives with him here 80% of the time, although the Council contest this, not least because she attends Hurstpierpoint College, which is 18 miles away and nearby where her mother lives. Mr Crumley says that his daughter lives with him on the appeal site because she clashes with her mother, and hence only lives with her 20% of the time, although her mother lives near the school in Hassocks. I find that it is unlikely that the daughter lives 80% of her time at the appeal site, just in terms of practical day-to-day life and suspect that she lives in Hassocks for more than 20% of her time, given it is close to her school.
45. The reason I mention this is simply by reference to the consequences of Mr Crumley's daughter's education if I was to uphold the notice. It appears to me, that, even if Mr Crumley and Ms Starns were forced to revert to a life on the road, his daughter could, in order to carry on her schooling at Hurstpierpoint College, live with her mother in Hassocks, even if she doesn't do so now. Ms Starn's eldest daughter is an adult who has already left school.
46. I understand that her younger daughter, who is still at school (in the sixth form), has various health conditions. I understand that it would clearly be in this daughter's interests to have a settled base, given she is registered to a doctor in Handcross nearby.

Planning Balance

47. 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.
48. 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 Landscapes⁶.
49. 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.
50. The provision of a pitch carries significant weight in the scheme's favour. However, the NPPF's policies which protect areas of particular importance, namely National Landscapes, provide a clear reason for refusing the development, added to which is the lack of certainty to demonstrate that the development has not adversely impacted on ecology, specifically protected species. Consequently, there are no material considerations which indicate a decision other than in accordance with the development plan and NPPF policies.
51. I have had due regard to the Public Sector Equality Duty (PSED) set out under the Equality Act 2010 (PSED). I have also considered the rights of the appellant and his family under the Human Rights Act 1998, in particular Article 8 which affords the right to respect for private and family life as well as a person's home. This is a

⁶ As set out at Footnote 7 of the NPPF

qualified right, and interference may be justified where in the public interest. The concept of proportionality is crucial. I take into account the personal circumstances of the appellant and her family in my considerations and do so again specifically in this conclusion having due regard to the requirements of the PSED and in terms of human rights.

52. 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, fostering good relations between them and others, and the human rights of the appellant and her family. Therefore, I conclude that it is proportionate and necessary to refuse the deemed application and dismiss the appeal.

Other Matters

53. The Council, in its final comments, suggests that the appellant's current application proposal (which is as yet undetermined) to convert the stable and pole barn into a dwelling appears to be at odds with her appeal here. If what is meant by that is that the appellant and her family would, if that current application was to be granted (which of course is by no means certain), move from the caravans on the site into this new dwelling, then I agree it would undermine her argument in favour of retaining the mobile home. But, as Mr Rowe emphasised at the hearing, gypsies/travellers are not prevented from applying and building houses. There would be no onus on the appellant or her family to live in the new dwelling.
54. The other matter discussed was water neutrality. Horsham District is subject to new development being water neutral in that development must not add to the use of water within the Sussex North Water Supply Area as measured at the site before it took place, in order to protect the hydrology and thus habitat features and protected species of the nearby European sites, namely the Arun Valley SSSI, SAC, SPA⁷ and Ramsar sites.
55. The main parties agree that this is not a contested issue in this appeal because in the recent S78 appeal for two mobile homes, although the proposal would clearly not be water neutral because of the family's water needs (362 litres per day), a rainwater harvesting system using the roofs of the caravans and the existing stables and barn would fulfil that necessary required amount of water. Furthermore, a filtration and management system for such harvested water would be provided, which is capable, subject to an agreed condition(s), of satisfying the Council's Environmental Health team in terms of the potability of the water, as has been done in other similar applications and appeals for caravans.
56. The Council accepts that this same means of water harvesting, filtration and management would occur for the existing caravans: the mobile home and the touring caravan on the site, so that the current mains water supply to the site could be stopped. In other words, the Council has conducted an appropriate assessment in terms of The Conservation of Habitats and Species Regulations 2017 and found that the development will not, subject to the above water system provision, adversely affect the integrity of the European sites. I have no reason to disagree with this judgement.

⁷ Site of Special Scientific Interest, Special Area of Conservation & Special Protection Area

57. The third party argues that this cannot be correct, because the stable and pole barn proposed conversion to a dwelling will itself require to be water neutral. The rainwater harvesting system from the roof of this converted building cannot serve both that building and the caravans on the site. I agree that would not be possible, given the water demand for both. However, it would be for that application to demonstrate its own water neutrality, which could be attained by other means, failing which it would no doubt be refused for lack of water neutrality.
58. The third party argues that converting the stables would generate the need for another unacceptable equine related building in the HWNL. Whilst that may well be the case, given Mr Crumley's business with horses, that would be a matter to be considered in any subsequent application for such.
59. For these reasons, these other matters, do not amount to additional reasons for dismissing the deemed application.

Conclusion

60. However, in spite of that, for the reasons I set out in the Planning Balance section above, I conclude that the appeal should not succeed. I uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Nick Fagan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

- Phil Rowe, Agent
- Ryan Crumley, husband/partner of Appellant

FOR THE LOCAL PLANNING AUTHORITY:

- Jennifer Baxter, Case officer
- Helen Sissons, Enforcement Officer

FOR THE THIRD PARTY:

- Karen Tipper, Senior Associate, Bell Cornwell
- Peter Barney, Director of Forest Grange Private Road Ltd and local resident
- Simon Briggs, Director of Forest Grange (Horsham) Management Company Ltd and local resident
- Sam Robinson, local resident
- Brian McCauley, local resident

OTHER INTERESTED PARTIES:

- Sheila Marley, Chair of Colgate Parish Council

DOCUMENTS SUBMITTED AT THE HEARING

By the LPA: Conjoined appeal decisions APP/Z3825/C/23/3318225, W/22/3311819 & W/23/3316563 dated 29 February 2024