



Appeal Decision

Site visit made on 21 October 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2025

Appeal Ref: APP/Z3825/W/25/3371529

Land at The Old Dairy, Blackstone Gate Farm, Henfield Road, Albourne, Hassocks BN6 9JJ

- 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 Mrs Caroline Jones of Oh My Dog 247 Limited against the decision of Horsham District Council.
 - The application Ref is DC/23/1594.
 - The development is described as the erection of dog grooming/reception building, alterations to design and use of stables for mixed equestrian and dog daycare and change of use of land for exercising dogs and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of dog grooming/reception building, alterations to design and use of stables for mixed equestrian and dog daycare and change of use of land for exercising dogs and associated works at Land at The Old Dairy, Blackstone Gate Farm, Albourne, Hassocks BN6 8JJ in accordance with the terms of the application, Ref DC/23/1594, subject to the conditions in the attached Schedule.

Preliminary Matters

2. The description of development in the heading above and the formal decision has been taken from the planning application form. In section E of the appeal form it is stated that the description of development has not changed from that stated on the application form. However, a different description has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the original application form. I do not consider that this has prejudiced any of the parties and I have proceeded with the appeal on this basis.
3. The application form states that the development has already taken place. I have therefore dealt with the appeal on the basis that planning permission is being sought retrospectively for the development.
4. The appellant has submitted a Technical Note 1: Water Neutrality Statement¹ (WNS). I consider the proposal before me (should the WNS be included), is essentially the same as the scheme that was considered by the Council and therefore that the appeal process is not being used to evolve the scheme. Furthermore, the Council has had the opportunity to comment on this information. As such I am satisfied that the information does not alter the proposed

¹ Dated 17 July 2025, prepared by Motion.

development to an extent that anyone involved in the appeal would be prejudiced or impacted should I accept the WNS.

5. The other appeal on the site regarding the construction of 1 no. dwelling (Ref: APP/Z3825/W/25/3371528) is the subject of a separate decision.
6. On 31 October 2025, Natural England (NE) notified relevant local planning authorities that its advice has now changed on the basis of new evidence. Consequently, NE has withdrawn its 'Position Statement for Applications within the Sussex North Water Supply Zone Interim Approach September 2021' (PS). In collaboration with the Environment Agency and Southern Water, NE has agreed a package of ecological resilience measures and proposed licence amendments that will address the risk of further decline of the Arun Valley sites as a result of the existing abstraction. These measures are to be implemented by March 2026. In Natural England's view this provides certainty that development in the Sussex North Water Supply Zone (WSZ) will not have a likely significant effect on the Arun Valley sites in line with the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).

Main Issue

7. The main issue is the effect of the proposed development on the integrity of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites, with regard to water neutrality.

Reasons

8. The appeal site draws its water from groundwater abstraction in the WSZ, which affects the Arun Valley SPA, SAC and Ramsar sites. The SPA, SAC and Ramsar sites are European sites protected under the Habitats Regulations. Under the Habitats Regulations, an Appropriate Assessment is required in relation to the effect of the development on the integrity of the sites. This responsibility falls to me as competent authority in the context of this appeal.
9. The Arun Valley SPA, SAC and Ramsar sites consist of low-lying grazing marsh, largely on alluvial soils with an area of peat derived from a relict raised bog. The conservation objectives for the Arun Valley SAC & SPA are 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.
10. The qualifying features of the Arun Valley SAC & SPA include its assemblage of waterfowl, in particular shoveler, teal, wigeon, and Bewick's swan, and its populations of little whirlpool ramshorn snail. The features of the Arun Valley Ramsar include seven threatened wetland invertebrate species, four nationally rare, and four nationally scarce plant species, with diverse and rich flora including species of duckweed, watercress, milfoils, dropworts, and pondweeds.
11. In September 2021 NE issued a PS to the relevant local planning authorities advising that new development within the Sussex North WSZ should demonstrate water neutrality. This is to protect the Arun Valley habitats from potential impacts linked to Southern Water's groundwater abstraction at Pulborough. However, NE's PS has now been withdrawn. This indicates that it can be concluded that existing abstraction within Sussex North WSZ is not having an impact on the Arun Valley

SPA, SAC and Ramsar sites and advises that development within the WSZ would not add to this impact.

12. I conclude that the development does not adversely affect the integrity of the Arun Vally SPA, SAC and Ramsar site. The development therefore accords with Policy 31 of the Horsham District Planning Framework, the Habitats Regulations and, insofar as it relates to habitats sites, the Framework, which collectively require all impacts on habitats sites to be mitigated for.

Other Matters

13. The Council has not raised any objections with respect to the design and scale of the development. I see no reason to reach a different conclusion given the scale and nature of the development. Whilst concerns have been raised in respect of the noise generated by the development, the development includes a Noise Management Plan and hours of operation that can be secured by condition, if I were to allow the appeal. This would mitigate the impact of the noise generated by the development.
14. Permission has been sought retrospectively for the development. Nevertheless, the provisions of Section 73A of the Town and Country Planning Act 1990 allow for the submission of retrospective applications, which are subject to the same considerations as those made prior to development commencing.
15. The objective of Schedule 7A of the Town and Country Planning Act 1990 is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.
16. The mandatory condition requiring biodiversity net gain of at least 10% is imposed on permissions granted pursuant of a planning application made on or after 12 February 2024 or 2 April 2024 for small developments such as this. Given that the application was made before 2 April 2024, the development is exempt from the biodiversity gain condition.

Conditions

17. As the development has already taken place, it is not necessary to impose a condition requiring that the development is carried out in accordance with the approved plans.
18. To safeguard the living conditions of the occupants of neighbouring dwellings, conditions are included ensuring compliance with the operating hours and Noise Management Plan, and ensuring that development is used for the stated purposes. Conditions are also included to ensure that on-site car parking is provided and retained and that appropriate waste management is carried out. A condition is also included to control external lighting to protect the environment of the area.
19. The suggested conditions in respect of water neutrality are not required or necessary given NE's withdrawal of the PS.

Conclusion

20. For the reasons given above the appeal should be allowed.

J Pearce

INSPECTOR

Schedule of Conditions

- 1) Within three months of the date of this permission, a Waste Management Plan detailing the storage and collection of waste associated within the permitted uses shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with these approved details and retained thereafter.
- 2) Within one month of the date of this permission, the car parking spaces as shown on plan reference 030 shall be implemented in accordance with the approved details. These car parking spaces shall be retained thereafter as such.
- 3) The use of the site hereby permitted shall be for the purposes of dog day care, dog grooming, and private equestrian purposes only.
- 4) The dog day care and dog grooming activities shall operate on the site between the hours of 07:30 and 18:00 inclusive, and at no times on public and bank holidays.
- 5) The development hereby permitted shall be carried out in accordance with the approved Noise Management Plan dated January 2025.
- 6) No external lighting or floodlighting shall be installed.

End of Schedule