Lewis & Co Planning
town planning consultants

APPEAL STATEMENT OF CASE

APPEAL AGAINST REFUSAL OF PLANNING APPLICATION: DC/24/0820

BY DYNAMIC CLIMATE

SITE: THE SMITHY, BOLNEY ROAD, COWFOLD, WEST SUSSEX, RH13 8AA



DECEMBER 2024

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1.0 INTRODUCTION

1.1 This statement is submitted on behalf of Dynamic Climate in support of the planning appeal relating to The Smithy, Bolney Road, Cowfold, West Sussex. The appeal is against Horsham District Council's refusal of planning application DC/23/0820.

1.2 Planning permission is sought for the *Erection of an additional storey to provide first floor office space.*

1.3 The application was validated by the Council on 28th May 2024 and refused, for a single reason, under delegated powers on 16th September 2024.

1.4 The relevant extract from the Decision Notice is included below.

> 1 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraph 186 of the National Planning Policy Framework (2023), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

1.5 The central matter of this appeal is whether the extension to the office would lead to increased water use.

1.6 This statement demonstrates that planning permission should be granted for the extension to the office. Analysis is provided of:

- The site and area
- Proposed development
- Matters found acceptable
- Water neutrality

1.7 In summary it is the Appellant's case that extension to the office will lead to a reduction in water use, as no additional employees will be on site and a rainwater harvesting strategy is proposed.

2.0 SITE & SURROUNDING AREA

2.1 The Smithy is a single storey pitched roof building on the south side of Bolney Road in Cowfold village centre. It is located opposite the Cowfold Recreation Ground and close to the village hall. The site is now used as the offices for a local company supplying heating, air conditioning and ventilation systems – the Appellant.

2.2 The building is architecturally unremarkable. It has mixed brown-brick elevations with a low-slung pitched roof of brown clay tile. The mixed fenestration is black aluminium and timber framed.



(The Smithy, Bolney Road, Cowfold)



(The Smithy - side elevation)

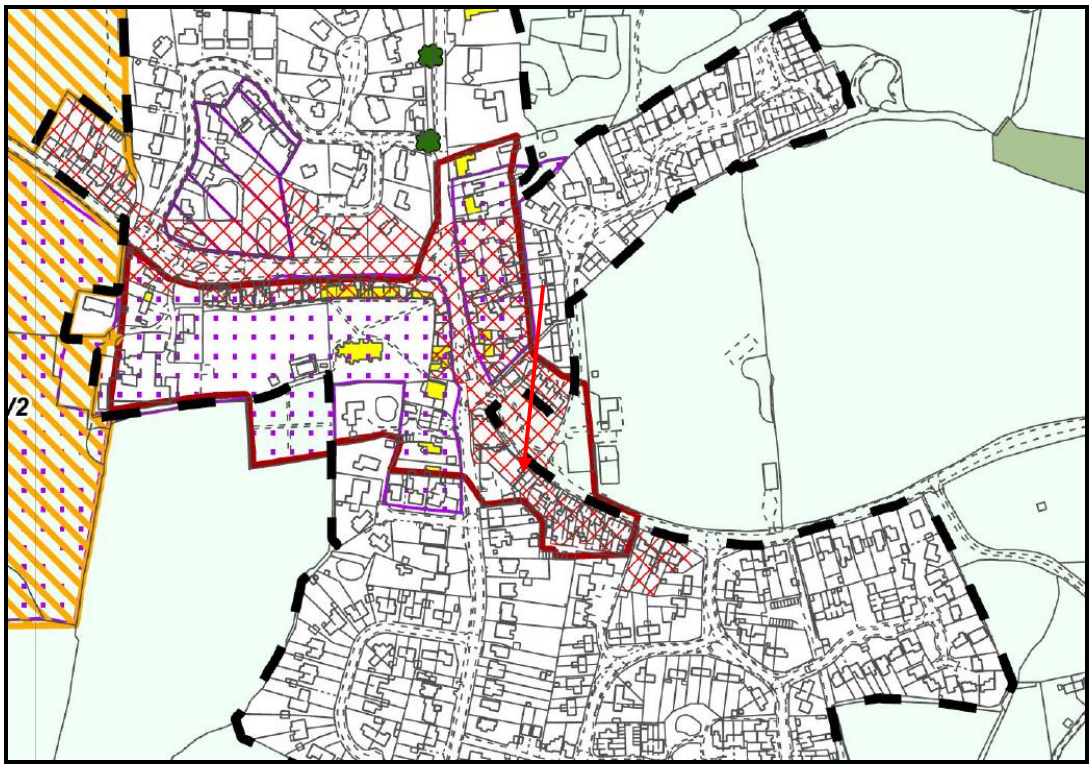
2.3 The site is in a mixed-use area of Cowfold, a medium-sized village south of Horsham. The immediate neighbours are residential – two-storey houses to the east; mid-rise apartment building to the west. A small collection of shops, restaurants, offices and hairdressers are to the north-west.



(Aerial image of site and area: Google Earth)

2.4 The emerging Horsham District Local Plan Policies Map (Extract overleaf) shows that The Smithy is within:

- the built-up area boundary (black dashed line)
- the Cowfold Conservation Area (red line)
- an Air Quality Control Zone (red grid)



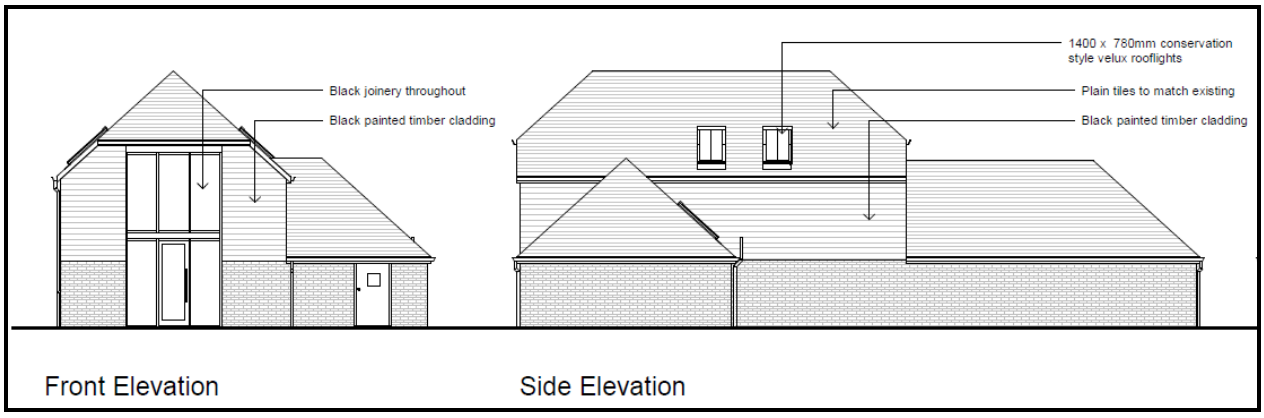
(Extract emerging Horsham District Local Plan Policies Map – Cowfold)

2.5 Cowfold, as with most of Horsham District, is within the Water Neutrality Area – Susex North Water Supply Zone. Developments within this zone must not add to pressures on protected wildlife sites in the Arun Valley via increased water abstraction.

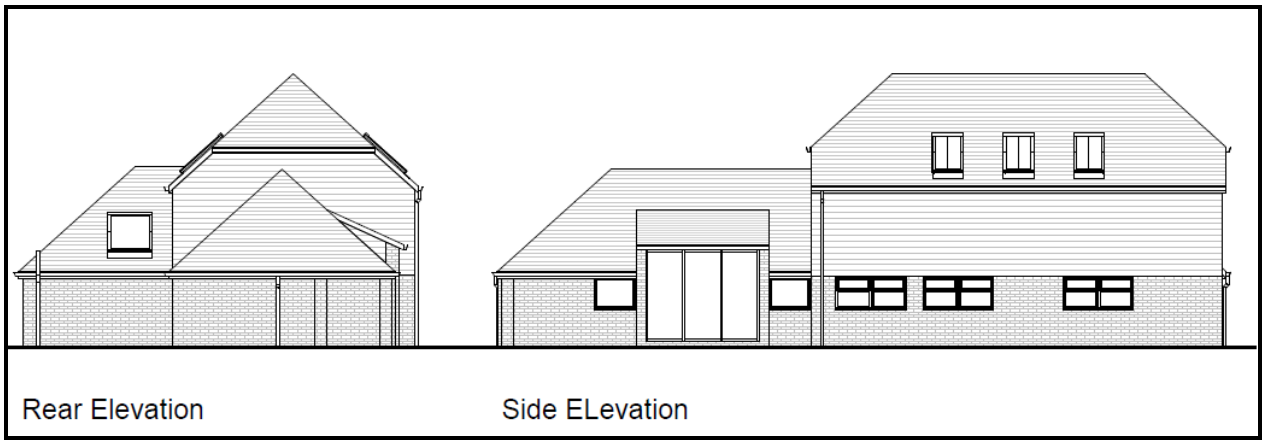
3.0 PROPOSED DEVELOPMENT

3.1 The development proposed at The Smithy is the erection of an additional storey to provide first floor office space (E class) at the existing offices. The additional storey would be to the north-east part of the building, with the north-west and south parts (closest to the apartments) remaining single storey.

3.2 The extension will have a barn-hipped roof of clay tile similar to the existing roof. The new first floor will be clad in black-painted timber boards arranged horizontally. Five conservation-style rooflights would be installed to the new roof (two to the west plane / three to the east plane). Double height glazing will be installed to the front elevations giving the entrance to the office greater presence.

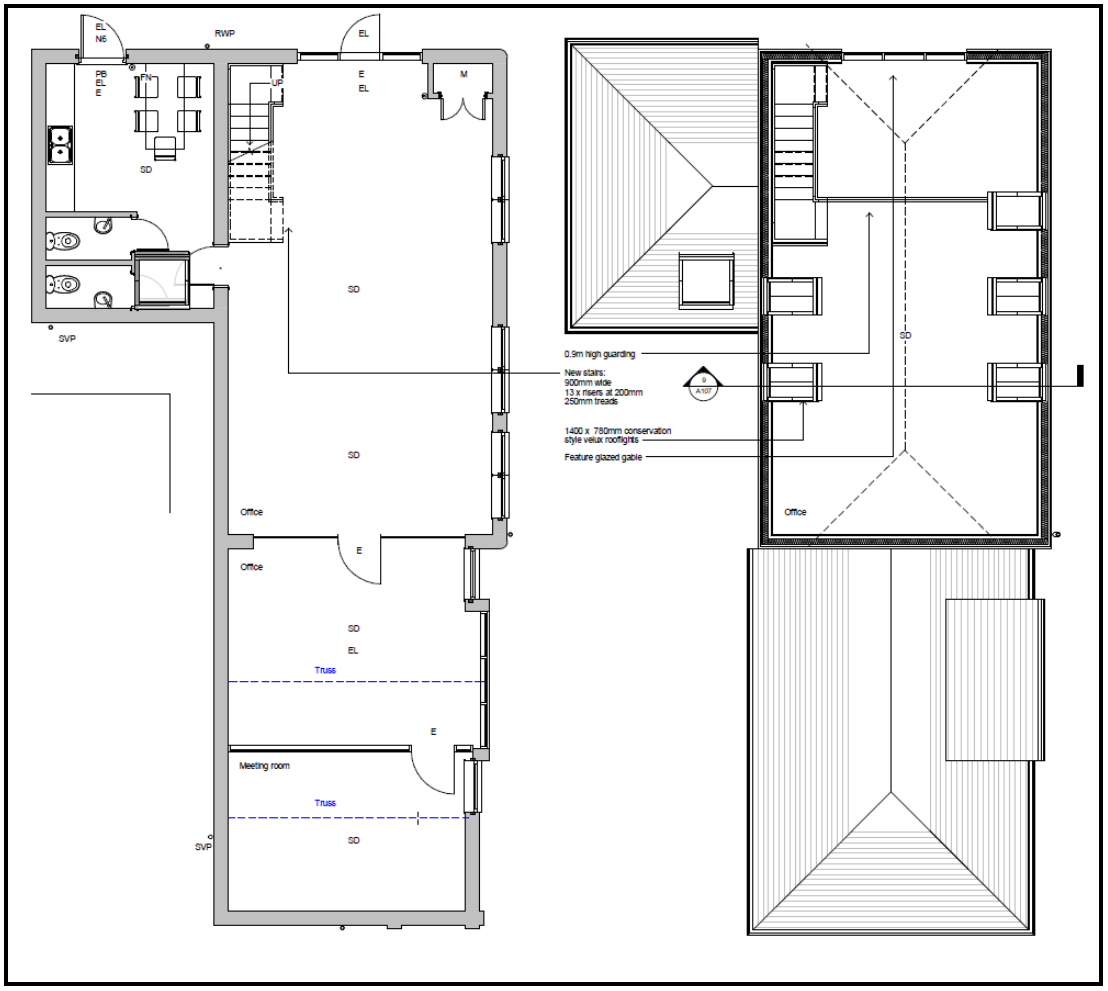


(Proposed front and side(west) elevations)



(Proposed rear and side(east) elevations)

3.3 Internally the new first floor will be a mezzanine level providing approximately 39m2 of space and creating a double height lobby. Six desk spaces from the existing ground floor will be relocated to the first floor to create more room for the existing employees. The kitchen and WC area, rear director's office and meeting room will remain as existing.



(Proposed floor plans)

3.4 The applicants do not intend to increase the number of employees at the offices. The existing 10 employees will be retained. The purpose of the development is to create better working conditions and enhance the appearance of the site.

4.0 MATTERS FOUND ACCEPTABLE

4.1 The first-floor extension to the office at The Smithy was refused for a single and confined matter relating to water neutrality. Before making the Appellant's case on that matter, it is highlighted that all other matters pertaining to the development were found acceptable. The Appellant's case on the principle of development, local amenity, the design and appearance of the enhanced office building, environmental sustainability, ecology and biodiversity and the significance of the Cowfold Conservation Area was put forward in the Planning and Heritage Statement that supported DC/24/0820. The Planning and Heritage Statement is submitted with the Appeal Documents.

4.2 With regard to the principle of development the Council agreed that (references taken from the Officer / Delegated Report for DC/24/0820):

- The proposal would comply with Horsham District Planning Framework 2015 Policy 9: Employment development.
- The existing use is for office purposes, the proposal extension at first floor level would result in a continuation of the building's current use. The increase in built form is modest and would be appropriate to the scale of Cowfold village.
- The proposed development would contribute to the diversity and viability of the village and is considered to be acceptable in principle.

4.3 With regard to local amenity, the Council found that:

- It is not considered that the increase in height would be to such an extent that the resultant proposal would result in a harmful loss of light to neighbouring properties.
- Following consultation with West Sussex County Council Highways it is not considered that any harmful impacts would be caused to local roads or parking availability in the village.

4.4 With regard to the design and appearance of the extended office, the Council found that:

- The concerns of the Parish Council are noted however the scale, position and overall design of the first-floor extension are considered sympathetic to the

design of the building and character of the surrounding conservation area, and no harm on design grounds is identified.



(3D illustration of proposed office)

4.5 With regard to ecology and biodiversity, the Council found that:

- No protected species (particularly bats) would be harmed by the proposal.
- The development would be exempt from Biodiversity Net Gain but would make a voluntary contribution to local biodiversity through hedgerow planting and a bird box.

4.6 As can be seen, DC/24/0820 was found acceptable on most relevant grounds. The only matter contented by the council was the information submitted relating to Water Neutrality. The intention to reduce water usage through a rainwater harvesting system was not objected to. Instead, the baseline information used was queried. This matter is discussed in the following section as the Appellant's case is made that the development will be water positive and that planning permission should be granted.

5.0 WATER NEUTRALITY

5.1 The council's single reason for refusal relates to water neutrality. In September 2021 Horsham District Council received a Position Statement from Natural England as water abstraction for drinking water may be having a negative impact on protected wildlife sites in Arun Valley (Arun Valley Special Area of Conservation (SAC), Special Protected Area (SPA) and Ramsar Site).

5.2 The reason for refusal states that insufficient information was provided to demonstrate, with a sufficient degree of certainty, that harm was not being caused to the integrity of these wildlife sites through increased water abstraction. The Council stated that notwithstanding what has been submitted in the regard, there is insufficient robust information to clearly demonstrate the development would not result in additional water abstraction.

5.3 The application was supported by a Water Neutrality Report (WNR) prepared by civil engineers CGS Civils (included in the Appeal Documents).

5.4 The Smithy does not have a water meter, meaning the Appellant's pay an estimated fixed rate for their water use. The engineers were not able to provide a specific water use figure through water bills. Instead, the engineers used BREEAM guidance for the average use of the water fittings in the office.

5.5 The WNR confirmed that there is no intention to increase the number of employees working from the building. However, it notes that the extension would provide office space for an additional six employees on site. This scenario needs to be accounted for to demonstrate the development would be water neutral.

5.6 The engineers therefore proposed the use of rainwater harvesting to reduce any future water usage. The rainwater harvesting system would supply water to flush the two toilets in the office. Water would then only be abstracted from the mains supply for the basin taps and kitchen sink tap.

5.7 The WNR concluded that the water demand of the extended office would be reduced by 3 litres per day (l/d) over the existing situation. As can be seen the development would have a positive impact on water abstraction and should be supported.

5.8 Natural England were consulted on the application. Natural England stated that further information was required and that the information in the WNR should show the efficiency of the proposed water neutrality measures. Despite regular correspondence with the Planning Officer, the Appellant was not made aware of this request for revised information. The Natural England consultation was apparently received on 22nd July 2024. Throughout the Appellant's contact with the Planning Officer through July and August clarification was asked for on ecology matters but not on water neutrality.

5.9 The Natural England consultation also does not specify what further information was being requested. This was only made available to the Appellant through the Officer's Report after the application had been determined.

5.10 The water neutrality section of the Officer Report queries the use of BREEAM guidance for the baseline water use figures of the office. The Council note that no flow survey or water bills were submitted to substantiate the usage figure. The Council queried the 11.5 litres per day (l/p/d) figure quoted saying this is much lower than the 30-40 l/p/d anticipated for an office use. The Council do not state where this anticipated 30 – 40 l/p/d derives from.

5.11 The Council state that the unevidenced baseline figure is then used as the basis for their proposed usage, meaning that both the existing usage and proposed figures are uncertain. The Council also queried how much water the existing toilets use to enable confirmation of the rainwater that would need to be captured to achieve the water usage savings. Further that the rainwater tank proposed appears to be outside the red line boundary of the application site.

5.12 The Appellant was not given any opportunity to comment on these queries. The last the Appellant heard before the decision was made was that the application was to be taken to Planning Committee with a recommendation to grant permission.

5.13 Regarding the baseline figures queries, notwithstanding how the baseline figures were reached the proposed rainwater harvesting to supply toilets will clearly lead to a reduction of water demand on site. This in turn would lead to a reduction in water abstraction and reduced pressure on the protected habitat sites. The Council's refusal of the application without seeking clarification or further

information demonstrates a completely unreasonable approach to decision making.

5.14 Regarding the capacity of the rainwater harvesting tank, the WNR included calculations to show that a sufficiently sized tank would supply the office's toilets and cover a 35 day drought period.

5.15 Regarding the location of the rainwater harvesting tank, the indicative location as shown in the WNR was within the site's red line. Further, an updated plan was submitted throughout the application which showed the tank could also be positioned to the main rear of the office building which is certainly within the red line. The updated plan was requested to clarify the scale bars.

5.16 The Council were unreasonable in coming to such a negative and uncollaborative conclusion in refusing the application when a reasonable strategy for water neutrality mitigation had been proposed.

5.17 Now aware of the Council's queries, the Appellant has commissioned an updated Water Neutrality Report and Existing Fittings Survey to support this appeal (included within the Appeal Documents).

5.18 The updated WNR confirms that the BREEAM calculator has been adjusted from a generic usage calculator to a specific office calculator. The BREEAM water efficiency calculator workings are included as an appendix to the updated WNR to substantiate the findings. The Existing Fittings Survey evidences and evaluates the water using facilities in the office.

5.19 The existing water usage at the office is increased to 193.1 l/d based on 10 employees or 19.31 l/p/d. This is based on 14 l/p/d for the two toilets (7 l/p/d each), 3.27 l/p/d for the basin taps (1.69 l/p/d each) and 2.04 l/p/d for the kitchen sink tap. Accounting for 16 potential employees the proposed water usage without any mitigation would be 308.96 l/p/d.

5.20 The updated WNR maintains that this water usage can be significantly reduced via rainwater harvesting to supply the office's toilets. The rainwater harvesting would remove the 14 l/p/d applicable to the two toilets from the water demand of site. Therefore, the proposed water use of the developed offices via water abstraction would be 5.31 l/p/d or 84.96 l/p/d. To ensure there is enough captured

water to supply the toilets the updated WNR confirms the Appellant would install a 7,500 litre rainwater harvesting tan (justified by included calculations).

5.21 The updated WNR concludes that the reduction in water demand at the extended offices, with the rainwater harvesting in place, would be 108.14 l/p/d. This represents a substantial reduction in water abstraction related to the office use and would have a net positive impact on water neutrality.

5.22 The proposed mitigation strategy (rainwater harvesting) shows a clear intention to reduce abstracted water demand at The Smithy. Were there any doubt about the accuracy of these calculations planning conditions can be applied to a grant of permission requiring calculations and details of the rainwater harvesting tank to be submitted to and approved by the Council.

5.23 Through the recently recovered appeal *APP/Z3825/W/23/3333968* the Secretary of State has confirmed that a pre-commencement condition requiring a site-specific water neutrality mitigation scheme to be agreed by the Council can reasonably be applied to a grant of planning permission. The Inspector's Report to the Secretary of State on *APP/Z3825/W/23/3333966,* the Planning Inspectorate Decision Officer's cover letter and list of conditions are appended to this Statement of Case.

5.24 The effect of this appeal decision is that where there is a reasonable strategy proposed for water neutrality this can be subject to a grampian condition and does not need to be subject to a legal agreement. In this case a reasonable strategy has been proposed and the Inspector is able to apply planning conditions to ensure the details of the strategy are acceptable.

5.25 As can be seen, the appeal development will be water neutral through the implementation of a rainwater harvesting strategy. The developed office building will significantly reduce water when compared to the existing office building. If there is any doubt about the water neutrality calculations, then a planning condition can be applied requiring further details be submitted to and approved by the council.

6.0 CONCLUSION

6.1 Planning permission is sought at The Smithy, Bolney Road, Cowfold for the *Erection of an additional storey to provide first floor office space.* The additional office space is intended to improve the working conditions for the existing 10 employees on site and not facilitate additional employees working in the building.

6.2 The application (DC/24/0820) was refused for a single reason relating to water neutrality. The Council confirmed that the principle of extending the office building, the potential impact on local amenity, the design and appearance of the extended office within Cowfold Conservation Area, the avoidance of harm to ecology and the increase in biodiversity on site were all acceptable.

6.3 A detailed Water Neutrality Report was submitted with DC/24/0820 and proposed a rainwater harvesting tank to supply water to the office's two toilets. The rainwater harvesting strategy demonstrates the Appellant's clear intention to reduce water abstraction relating to the site's use. The Council refused the application due to queries about the baseline figures used to formulate the rainwater harvesting strategy. The Appellant was not given an opportunity to respond to any queries the Council had. The application was refused without warning.

6.4 Notwithstanding the clear intention to reduce abstracted water demand via rainwater harvesting the Appellant has commissioned an updated Water Neutrality Report to support this appeal. The updated Report shows that existing water use at the offices equates to 193.1 litres per day. As the proposed extension would feasibly provide space for 16 employees the potential water use of the developed site, with no water use mitigation, would be 308.96 litres per day. The rainwater harvesting strategy would reduce future demand to 84.96 litres per day, resulting in a significant reduction of 108.14 litres per day over the existing use.

6.5 Were there any doubts about the updated calculations a recent appeal recovered by the Secretary of State confirms that planning conditions can be applied requiring a site-specific water neutrality scheme be agreed by the Council.

6.6 In light of the above the Inspector is respectfully requested to allow the appeal and grant planning permission accordingly.