



Monday, 02 February 2026

Jason Hawkes
Planning Department
Horsham District Council
Parkside
Chart Way
Horsham
West Sussex
RH12 1RL

Tom Davies MRTPI
Tomdavies@cala.co.uk
07345 287575
Cala South Home Counties Ltd
Dorking Business Park
Station Road, Dorking
RH4 1HJ

Dear Jason,

APPLICATION UNDER SECTION S73 OF THE TOWN AND COUNTRY PLANNING ACT 1990

RM Area 5&6, Mowbray, Horsham, West Sussex.

On behalf of CALA Homes (South Home Counties) Ltd ("CALA"), please find an application pursuant to Section S73 of the Town and Country Planning Act 1990 (as amended) to remove condition 2 and 7 of RM consent DM/24/1927 pursuant to Outline Planning Permission DC/16/1677.

Background

Outline Planning Permission was granted on the North Horsham strategic site (now known as Mowbray) on the 1st March 2018 for *Outline planning application with all matters reserved except access for a mixed use strategic development to include housing (up to 2,750 dwellings), business park (up to 46,450 m²), retail, community centre, leisure facilities, education facilities, public open space, landscaping and related infrastructure.*

A Reserved Matters application for RM Parcel 5 & 6 was submitted in 2024 for *Application for approval of Reserved Matters (internal access, appearance, landscaping, layout and scale) pursuant to Condition 5 of Outline Planning Permission reference DC/16/1677 for RM Areas 5 and 6 comprising 206 (C3 Use) residential units, car and cycle parking, new landscaping, drainage, access and internal roads, and associated infrastructure* (Application ref:DC/24/1927). The application was subsequently approved on the 9th May 2025 and is subject to 15 conditions.

Minor-Material Amendment Sought

Condition 2 on the RM consent (DC/24/1927) states:

No development shall commence until either:

- i) *Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary credits to achieve water neutrality have been secured via the Sussex North Offsetting Water Scheme;*
- or*
- ii) *A site-specific water neutrality mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority. The site-specific water neutrality mitigation scheme shall include full details of the means of any and all onsite and offsite mitigation and any necessary agreements pursuant to S106 of the Town and Country Planning Act 1990 to deliver and secure the approved mitigation; and*
- iii) *The development shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved site-specific water neutrality mitigation scheme has been fully implemented. The approved mitigation shall thereafter be retained, maintained and operated to the same or better water performance standard.*

Condition 7 states:

The development hereby permitted shall be undertaken in full accordance with the water efficiency measures set out in the approved Water Neutrality Statement (Motion- dated 5 December 2024). No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and evidence they meet the required water consumption flow rates. The installed measures shall be retained and operated as such at all times thereafter.

On the 31st October 2025 Natural England issued a Withdrawal Statement confirming its Water Neutrality Position Statement from September 2021 has been withdrawn. The Withdrawal Statement follows agreement between Natural England, Southern Water and the Environment Agency that a reduction in the licence cap on water abstraction will ensure with sufficient certainty that development will not adversely impact the protected Arun Valley habitats.

As a consequence of this, developments are no longer required to demonstrate Water Neutrality or comply with a Water Neutrality Statement going forward. Therefore conditions 2 and 7 of the RM are redundant and can be deleted. It is however expected that a condition to limit water to 110 litres per day per person will be added to the consent and suggested wording is included below:

The dwellings hereby permitted shall not be occupied until optional requirement G2 to the Building Regulations 2010 (as amended) to limit water usage of the dwellings to 110 litres per person per day has been achieved. Water limiting measures to meet this standard shall thereafter be permanently retained.

The proposed wording is broadly similar to the standard condition that was applied to residential consents prior to Natural England's 2021 Position Statement and therefore should be acceptable.

Legislative Context

Section 73 of the Town and Country Planning Act 1990 (as amended) ('S73') provides for amendments to be made to conditions imposed on planning permissions. There is no statutory limit to the degree of change under S73, but they can not relate to the operative part of the permission or extend the time limit.

The National Planning Policy Framework (2024) at paragraph 57 sets out the tests for imposing planning conditions, of relevance here is whether the Water Neutrality conditions are necessary i.e. are they essential to make the development acceptable.

As per recent announcements from Natural England and Horsham District Council Water Neutrality is no longer required in Horsham and therefore the Water Neutrality conditions are no longer required in order to make the development acceptable. Therefore, these conditions can be removed.

Submission Documents

The application comprises the following documents:

- Application form
- Covering Letter
- CIL Form

The application fee of £2,000 (plus Planning Portals service charge) has been paid via the Planning Portal (Reference: PP-14670606)

I would be grateful if you could confirm receipt of this application and I look forward to receiving formal notification of validation in due course.

Thank you

Your Sincerely

A handwritten signature in cursive script that reads "Tom Davies".

Tom Davies MRTPI
Planning Manager
Cala Homes (South Home Counties)