

17 July 2026

Attention: Ms Alice Johnson
Planning Team
Horsham District Council
By email Only

SLR Project No.: 433.000146.00001

LPA Reference No.: DC/25/2057

RE: "Planning Application for 68 homes at Land North of Little Slaughterford, Chapel Road, Barns Green, West Sussex."

Dear Ms Alice Johnson,

Following the third-party representations received in relation to wastewater treatment and sewage, we thought it would be helpful to set the position in planning terms.

Firstly, it is important to note that Southern Water, the statutory undertaker, have raised no objection to the proposals and confirmed that sufficient capacity exists in the foul sewage network. They have confirmed their position three separate times on the 18th June, 29th April and 22nd January 2026. Their position, as the statutory consultee and expert on this matter, attracts significant weight.

Secondly, the National Planning Policy Framework (NPPF) clearly distinguishes between matters which fall within the planning system and those which are regulated through separate statutory regimes. National planning policy is clear that planning decisions should not duplicate or second-guess the separate regulatory controls governing wastewater treatment and environmental permitting.

Paragraph 201 of the National Planning Policy Framework (NPPF) states:

"The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities."

This approach has been consistently endorsed by Planning Inspectors, who have repeatedly concluded that concerns regarding wastewater infrastructure do not justify withholding planning permission where the relevant statutory consultees raise no objection and the statutory regime can deliver any necessary infrastructure improvements.

Table 1: Recent Appeal Decisions

Appeal Reference	Decision	Key Points
APP/F1610/W/24/6002934 – Land East of Cotswold Business Village	Allowed	Inspector accepted that the wastewater treatment works lacked capacity but concluded this was not a reason to refuse permission because the statutory undertaker had legal duties to provide the necessary upgrades and paragraph 201 of the NPPF requires decision-makers to assume those statutory regimes will operate effectively.

Appeal Reference	Decision	Key Points
APP/L3815/W/22/3291160 – Land south of Clappers Lane, Earnley	Allowed	Concerns regarding wastewater infrastructure did not justify refusal where the statutory consultees raised no objection. Reinforces reliance on the statutory regulatory regime. In this instance Southern Water is the provider.
APP/A4520/W/25/3365110 – Former Whitburn Lodge Public House	Allowed. Decision on costs was also allowed.	Inspector concluded that wastewater concerns were appropriately addressed through the statutory framework. Demonstrates the consistent application of paragraph 201 of the NPPF. The Costs Decision is particularly strong and sets out the Inspector's view about the appeal in overall terms and is worth reading in full.

Sections 94 and 106 of the Water Industry Act 1991 place legal duties on sewerage undertakers to provide and maintain an effective sewerage system and to permit connections to the public sewer where the statutory requirements are satisfied. Building Regulations provide an additional layer of control, with Schedule 1, Part H of the Building Regulations 2010 requiring all new development to incorporate satisfactory foul drainage, including connection to the public sewer where one is reasonably available.

The wider policy context is entirely consistent with this approach. Paragraph 20 of the NPPF requires strategic policies to make sufficient provision for infrastructure, including utilities, to support sustainable development, whilst paragraph 129 confirms that planning policies and decisions should support development which makes efficient use of land, taking account of the availability and capacity of infrastructure. These provisions recognise that infrastructure planning is principally addressed through the plan-making process and the relevant statutory regimes, rather than through the determination of individual planning applications.

Against that policy and statutory background, Southern Water re-confirmed in its consultation response dated 18th June 2026 that there is capacity available at the relevant wastewater treatment works to serve the proposed development, whilst the Environment Agency raised no objection in its consultation response dated 30th April 2026.

In these circumstances, there is no technical evidence before the Council to demonstrate that wastewater infrastructure provides a planning reason for refusing planning permission. The proposal is therefore fully consistent with paragraphs 20, 129 and 201 of the NPPF, the Water Industry Act 1991, the Building Regulations 2010 and the established approach adopted by Planning Inspectors that matters relating to wastewater infrastructure should be addressed through the separate statutory sewerage and environmental permitting regimes rather than through the planning process.

There is therefore no material planning grounds on which to refuse permission in relation to foul drainage matters.

I hope this has been of assistance, but if you have any queries, do let me know.

Yours sincerely,

SLR Consulting Limited



Nick Billington, MRTPI
 Technical Director - Planning

Attachments: Relevant Planning Appeals

