



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0448

Ebbsworth Cottage , The Street, Nutbourne, West Sussex, RH20 2HE

DESCRIPTION:

Removal of Conditions 5 and 7 of previously approved application reference DC/21/2802 (Erection of a two-bed annexe building providing ancillary residential accommodation in place of a previously demolished annexe building (Retrospective)) relating to water neutrality.

RELEVANT PLANNING HISTORY:

DC/21/2802	Erection of a two-bed annexe building providing ancillary residential accommodation in place of a previously demolished annexe building (Retrospective).	Application 22.03.2024	Permitted	on
DC/23/0339	Erection of a detached carport and log store and the creation of new access to the highway (Retrospective).	Application 29.06.2023	Refused	on
DC/24/0552	Creation of car parking and driveway and facing existing concrete retaining walls with stone to match the front garden wall, extension of existing garden wall.	Application 27.01.2025	Permitted	on
DISC/24/0108	Application for Approval of Details Reserved by Condition 3 and 6 to approved application DC/21/2802	Application 30.08.2024	Permitted	on
DISC/24/0222	Application for Approval of Details Reserved by Condition 4 and 5 to approved application DC/21/2802	Application 15.11.2024	Permitted	on

DESCRIPTION OF THE SITE

The application site relates to a grade II listed two-storey building located to the north of The Street, Nutbourne. The application site is located within a conservation area and is on a narrow section of the highway with no through route. The site is outside of a Built-Up Area Boundary and as such is a countryside location. The dwelling benefits from a garden curtilage extending to the west, north and east of the dwelling and the dwelling sits on the southern boundary with the highway.

Ebbsworth Cottage is a Grade II Listed Building that sits immediately adjacent to the road but at right angles to it. The building is described in the listing as a; 'Restored Grade II C17 or earlier timber-framed building with plaster infilling, ground floor and north end of the first floor rebuilt in stone rubble with red brick dressings and quoins. Thatched roof. Casement windows. One blocked original window with wooden mullions behind. Two storeys. Four windows'. The building is located to the north of The Street within Nutbourne, an unclassified settlement which is described in the Village Design Statement (VDS) as being a small linear rural hamlet dominated by surrounding farmland.

DESCRIPTION OF THE APPLICATION

Application for the removal of Conditions 5 and 7 of planning permission DC/21/2802, which relate to water neutrality measures.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 25- Strategic Policy: The Natural Environment and Landscape Character

Policy 26- Strategic Policy: Countryside Protection

Policy 28- Replacement Dwellings and House Extensions in the Countryside

Policy 31- Green Infrastructure and Biodiversity

Policy 32- Strategic Policy: The Quality of New Development

Policy 33- Development Principles

Policy 34- Cultural and Heritage Assets

Neighbourhood Plan:

The Pulborough Neighbourhood Plan was formally made on 08 October 2025.

Policy 16: Water Neutrality

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (2017)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

Planning Advice Notes:

Facilitating Appropriate Development

Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

None Received

PUBLIC CONSULTATIONS:

Representations:

None Received

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Removal of Conditions 5 and 7

The application seeks the removal of Conditions 5 and 7 attached to planning permission DC/21/2802, which required the development to demonstrate water neutrality in accordance with Natural England's Position Statement of September 2021. That condition was imposed to ensure compliance with the Conservation of Habitats and Species Regulations 2017, given uncertainty at that time regarding the potential effects of increased groundwater abstraction on the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites.

Since the granting of the original permission, the policy and evidential context have materially changed. On 31 October 2025, Natural England formally withdrew its September 2021 Position Statement following the completion and scrutiny of Southern Water's Hardham Basin Environmental Study. Natural England confirmed that a package of agreed measures, including a reduction in the Hardham groundwater abstraction licence and additional eco-logical resilience measures, provides sufficient certainty that new development within the Sussex North Water Supply Zone will not have a likely significant effect on the Arun Valley designated sites. As a consequence, Natural England has advised that local planning authorities are no longer required to undertake Appropriate Assessment or secure water neutrality mitigation for new development on the basis of water scarcity alone.

Notwithstanding the forthcoming licence modification, Horsham District Council, as competent authority, has continued to apply a precautionary approach pending formal implementation of the licence changes. In agreement with Natural England, the Council is utilising verified water savings achieved by Southern Water during 2024/25 through leakage reduction and related measures. These savings amount to approximately 772,591 litres per day and can be attributed to new development without increasing abstraction pressure on the Arun Valley sites. Natural England's standing advice dated 10 November 2025 confirms that reliance on these savings raises no objection and constitutes Natural England's formal response under Regulation 63(3) of the Habitats Regulations.

In this case, Officers have undertaken an Appropriate Assessment which demonstrates that the additional water demand arising from the development permitted under DC/21/2802, when considered alone and in combination with other permissions granted since 31 October 2025, would not exceed the available Southern Water savings. It is therefore concluded that the development will not result in an adverse effect on the integrity of the Arun Valley SAC, SPA or Ramsar sites.

Given the withdrawal of Natural England's 2021 Position Statement, the availability of confirmed water savings, and the conclusions of the Appropriate Assessment, it is considered that Conditions 5 and 7 are no longer necessary to make the development acceptable in planning terms. The condition no longer meets the tests set out in paragraph 56 of the NPPF, as it is not required to mitigate any identified harm. Its removal would not conflict with Policy 31 of the Horsham District Planning Framework or the Council's duties under Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017.

Accordingly, the removal of Conditions 5 and 7 are considered acceptable, and the development permitted under DC/21/2802 can proceed without further water neutrality restrictions, without giving rise to harm to protected European sites.

Recommendation: Application Permitted

Conditions:

2 Not Used

- 3 **Regulatory Condition:** The materials of the proposal must be executed in complete accordance with the details approved under application reference DISC/24/0108, unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this matter is fundamental to ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** The works being undertaken on the site relating to precautionary mitigation measures and/or works to avoid potential impacts to Great Crested Newt during demolition and construction phases shall strictly accord with the approved details submitted and approved under application reference DISC/24/0222. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

5 Not Used

- 6 **Regulatory Condition:** The details and locations relating to the enhancement measures contained within the Ecological Impact Assessment (Lizard Landscape Design and Ecology, November 2022) shall be implemented in full accordance with the details approved under application reference DISC/24/0108, and all features shall be retained in that manner thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance Protected and Priority Species and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

7 Not Used

- 8 **Pre-occupation Condition:** Prior to the occupation of the annexe commencing, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Lizard Landscape Design and Ecology, November 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

- 9 **Regulatory Condition:** The new roof junctions at ridge, eaves and verges shall be built to reflect traditional detailing including exposed rafter feet, cut verges, and hogs back or half round ridge tiles.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special

architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** The new windows fitted in the building hereby permitted shall have timber casements flush fitted with their frames, and its glazing shall include leaded lights as illustrated on plan 2.04 (received by the Council on 13.12.2023)

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** Any roof lights fitted shall be metal framed and sit flush with the roof slope.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** All new and replacement rainwater goods shall be cast iron or cast aluminium or cast effect plastic.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** The annexe hereby permitted shall be used solely for purposes incidental to the occupation and enjoyment of Ebbsworth Cottage, The Street, Nutbourne, Pulborough (as identified on the approved plans), and shall not be used as a separate unit of accommodation, as habitable living accommodation, for any commercial purposes or for any other purpose(s)/use(s).

Reason: The establishment of an additional independent unit of accommodation, additional living accommodation, commercial use or any other use(s) would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policies 26 and 33 of the Horsham District Planning Framework (2015).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/26/0448

Schedule of plans/documents **approved:**

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	PLANNING	NONE	11.03.2026

DELEGATED

Case Officer sign/initial Shazia Penne Date: 19.05.2026

Authorising Officer sign/initial RHERMITAGE Date: 22.06.2026