Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

HRA/24/0014
Rowfold Lodge
Coneyhurst Road
Billingshurst
West Sussex
RH14 9DD

DESCRIPTION:

Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 relating to Prior Approval consent DC/24/0304

RELEVANT PLANNING HISTORY:

DC/24/0304	Prior Notification for Change of Use of Agricultural Building to a single dwellinghouse	Permit prior approval 18.04.2024

STATUTORY BACKGROUND

The Conservation of Habitats and Species Regulations 2017
The Town and Country Planning Act 1990

ASSESSMENT

Prior Approval DC/24/0304 was granted on 18.04.2024 for the following:

Prior Notification for Change of Use of Agricultural Building to a single dwellinghouse

An informative was attached to the consent that advised the applicant that the decision relates solely to whether the Prior Approval of the Local Planning Authority was required. It did not confirm that the proposal represented Permitted Development.

Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended states that planning permission for development described as permitted development in Schedule 2 is granted subject to the provisions of the Order, and Regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). Regulation 75 of the Habitat Regulations states that it is a condition of any planning permission granted by a general development order (such as the GPDO) that development likely to have a significant effect on a European Site 'must not be begun' until the developer has received written notification of the approval of the local planning authority under Regulation 77.

Regulation 76 provides that an applicant may first apply in writing to the appropriate nature conservation authority for its opinion as to whether their development is likely to have a relevant effect.

This present application represents a submission under Regulation 77 of the Habitat Regulations for the Council's confirmation as to whether or not the proposal would have an adverse effect on the integrity of the designated areas Arun Valley sites.

A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an

adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching.

Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development (145.2litres per day), alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day. At the time of writing, applications for some 124 homes and 0 m^2 floorspace with a total mains water consumption of circa 34,100 litres per day have been granted planning permission since the 1st November 2025 (the day after Natural England withdrew its 2021 Position Statement). Natural England standing advice raises no objection to this approach. Whilst it is noted that the Appropriate Assessment requires all new residential development to meet the Building Regulations Optional Technical Standards for Water Efficiency in place at the point of decision (currently 110 l/p/d), in this case it is not possible to apply conditions to this application. The development would otherwise be required to meet the 'normal' water performance standard of 125 l/p/d under the Building Regulations which, given the significant volume of spare water capacity referred to above, would not result in any impact on the Arun Valley sites.

Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with s.70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

Recommendation: Application Permitted

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: HRA/25/0004
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
None			

DELEGATED

Case Officer sign/initial Kate Turner Date: 17.11.2025

Authorising Officer sign/initial Adrian Smith Date: 18/11/2025