Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
HRA/23/0026
Grainingford Farmhouse, Horsham Road, Five Oaks, West Sussex, RH14 9AT

DESCRIPTION:
Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 relating to Prior Approval consent DC/23/1873

RELEVANT PLANNING HISTORY:

DC/23/1873	Prior Notification for Change of Use of Agricultural Building to 2No dwellinghouses (C3 Use class).	Prior Approval Required and PERMITTED on 04.12.2023

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

CONSULTATION
Natural England: No Objection - subject to appropriate mitigation being secured: -

The proposed development falls within the Sussex North Water Supply Zone; As set out in Natural England's Advice Note regarding Water Neutrality within the Sussex North Water Supply Zone, the existing water supply in the Sussex North Water Supply Zone cannot be ruled out as contributing to the declines in wildlife within internationally protected sites in the Arun Valley SPA, SAC and Ramsar site. Achieving water neutrality is recognised as a suitable method to rule out potential adverse effects on the integrity of these sites arising from development.

Considering the supporting information provided by the applicant(s) and your authority's Habitats Regulations Assessment (HRA) concur with the conclusion of your authority's HRA appropriate assessment insofar that adverse effects on the integrity of the Arun Valley Designated sites can be ruled out, as such:

No objections subject to the delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality.

ASSESSMENT
Prior Approval DC/23/1873 was granted on 04.12.2023 for the following:

Prior Notification for Change of Use of Agricultural Building to 2No dwellinghouses (C3 Use class).

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. The site lies within the Sussex North Water Supply Zone where Natural England has advised that water abstraction cannot be concluded as having no adverse effect on the integrity of the Arun Valley Special Area Conservation (SAC), the Arun Valley Special

protection Area (SPA) and the Arun Valley Ramsar Site, following the publication of their Position Statement (September 2021).

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.

Regulation 77(1) of the Habitats Regulations states that an application must be made to the Local Planning Authority and for the purposes of its consideration, the Local Planning Authority must assume that the development is likely to have a relevant affect (2). As per Section (3) of the Regulation, the appropriate nature conservation body (in this case, Natural England) must be consulted on the application. Where the nature conservation body does not consider that the development is likely to have a relevant affect, their representation must be forwarded to the applicant (4 and 5).

Regulation 77(6) states that *'In any other case in which the application has been sent to the appropriate nature conservation body, the local planning authority must, taking account of any representations made by the appropriate nature conservation body, make an appropriate assessment of the implications of the development for the European site or European offshore marine site in view of that site's conservation objectives.* Regulation 77(7) then states that: *In the light of the conclusions of the assessment the local planning authority may approve the development only after having ascertained that it will not adversely affect the integrity of the site.* Conversely, if it cannot be ascertained that the development would not result in an adverse effect, the local planning authority may refuse the application.

This Regulation 77 application was accompanied by a water neutrality statement (WNS) (Melin Rev D) The baseline water consumption figure was calculated as NIL. The proposed water consumption from the new dwelling is 315.7 litres per day. Rainwater Harvesting is proposed *to collect water off the barn conversion roof area and re-use this for WCs and Washing Machines (WM). Further low-flow efficiency fittings would be used within the consented development.*

The off-site mitigation measures are capable of achieving a total of 351.32 l/p/d – derived from 171.39 l/p/d RWH for pool and livestock needs, and 179.93 l/p/d RHW and efficiency measures in the main house.

In order to ensure that the offsite offsetting measures are adhered to, a Section 106 Legal Agreement has been entered into, with this providing a mechanism whereby the measures to achieve water neutrality can be secured in perpetuity.

An Appropriate Assessment was prepared on this basis and Natural England have raised no objection to the assessment, with the consultation response received concurring with the above view. The project will not have a Likely Significant Effect on the designated features of the Arun Valley SAC/SPA/Ramsar site, either alone or in combination with other plans and projects. Therefore, the Local Planning Authority consider that the proposal would not result in a significant adverse impact on the integrity of the Arun Valley SAC, the Arun Valley SPA, and the Arun Valley Ramsar Site. The Council can therefore approve the development under Regulation 75 of the Habitats Regulations.

Recommendation: Application Permitted

NOTE TO APPLICANT
The works to convert the barn into 2x dwelling under Prior Approval consent DC/23/1873 permitted on 04.12.2023 must be undertaken in strict accordance with the submitted Water Neutrality Assessment (Melin Rev D Received 24.01.2024)

Plans list for: HRA/23/0026
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	WATER NEUTRALITY STATEMENT	REV D	29.01.2024
Supporting Statement	RAINWATER HARVESTING SYSTEMS- TECHNICAL NOTE		07.06.2024

DELEGATED

Case Officer sign/initial Kate Turner Date: 11.07.2024

Authorising Officer sign/initial RHERMITAGE Date: 15.07.2024