



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0673

Green Hedges , Church Lane, Ashington, West Sussex, RH20 3JX

DESCRIPTION:

Removal of condition 9 and 10 of previously approved application DC/22/0578 (Erection of 4 No. terraced dwellings with front and rear gardens and parking area to the rear) relating to water neutrality.

RELEVANT PLANNING HISTORY:

DC/22/0578	Erection of 4 No. terraced dwellings with front and rear gardens and parking area to the rear	Application Permitted on 05.08.2022
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RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 15 - Strategic Policy: Housing Provision
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 29 - Equestrian Development
Policy 30 - Protected Landscapes
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
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

Ashington Neighbourhood Plan (made):

ASH1: Overall Spatial Strategy for Ashington
ASH2: Increasing Walking in Ashington
ASH3: Parking Provision
ASH4: Local Heritage Assets

Horsham District Local Plan (2023-40) (Regulation 19):

Policy 9: Water Neutrality

Policy 17: Green Infrastructure and Biodiversity

Policy 19: Development Quality

Policy 20: Development Principles

Policy 21: Heritage Assets and Managing Change within the Historic Environment

Policy 24: Sustainable Transport

Policy 25: Parking

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

Parish Comments:

Ashington Parish Council:

No objections were raised, although it was noted that with condition 10 in particular, as the dwellings have been completed and occupied for several years, it was expected that condition 10 would have already been complied with.

10. Pre-Occupation Condition: ... 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 completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Representations:

1 no. representations have been received objecting to the application for the following reasons: -

- Object to the withdrawal of conditions 9 & 10 relating to water neutrality at the development.
- Water neutrality is in the best interest of the neighbourhood and environment and should remain.
- Water neutrality is beneficial for nature and the environment and as the builder agreed to it, the obligation should remain.
- No concern for nature, having destroyed multiple wildlife habitats when the garden was torn out prior to permission being given to build, with no wildlife survey undertaken beforehand and concept of profit and convenience over nature should not be tolerated.

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:

Planning permission was previously granted for the erection of 4 No. terraced dwellings with front and rear gardens and parking area to the rear. This current application seeks to remove Condition 9 and 10 of approved application DC/22/0578 relating to water neutrality restrictions.

9. ***Pre-commencement (Slab Level) Condition:*** No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved water neutrality strategy (prepared by 'motion', received by the Council on 13.05.2022) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

10. ***Pre-Occupation Condition:*** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (prepared by 'motion', received by the Council on 13.05.2022). 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 completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

Water Neutrality

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. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day.

Accordingly, Officers considers by removing conditions 9 and 10 of the approved planning permission DC/22/0578 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 Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF. It is however considered reasonable and necessary to impose a condition limiting water consumption at the development to 110 litres per person per day. This would be subject of a regulatory condition.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool, and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains (on unregistered sites) and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

- The original planning permission to which this section 73 planning application relates was made or granted before 12th February 2024 (in respect of major development), or before 2nd April 2024 (in respect of non-major development) under Regulation 3 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Other Matters

Officers note that the application form indicates that the development has completed (as of 29.10.2024), and it is understood by the Council that the dwellings are now occupied. However, a number of conditions are still outstanding that require formal discharge prior to the occupation of the dwellings, relating to contamination, landscaping, and cycle parking. As the dwellings are no occupied, the applicant is in breach of these conditions. Accordingly, the conditions have been re-worded to ensure that details are submitted to discharge the condition within three months of this permission. An informative is also attached to ensure that the applicant is aware of this.

Conclusion

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

Recommendation: Application Permitted

Conditions:

2 **Not Used**

3 **Not Used**

4 **Regulatory Condition:** The development hereby approved shall be implemented in accordance with the drainage strategy, drainage method statement and trial pits soakaways details approved under application ref: DISC/23/0052.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition:** The development hereby approved shall be implemented in accordance with the detailed remediation strategy and preliminary risk assessment plan approved under application ref: DISC/23/0052. Any changes to these components require the consent of the Local Planning Authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

6 **Pre-Occupation Condition:** Within three months of the date of this permission, a verification plan shall be submitted to and approved in writing by the Local Planning Authority providing details of the data collected in order to demonstrate that the works set out in under DISC/23/0052 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

7 **Regulatory Condition:** The development hereby permitted shall be implemented in accordance with the detailed biodiversity enhancement strategy approved under application ref: DISC/23/0052. The approved details shall be retained in that manner thereafter.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

8 **Regulatory Condition:** The development hereby permitted shall take place in accordance with the schedule of materials and finishes and colours approved under application ref: DISC/23/0052.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9 **Not Used**

10 **Not Used**

11 **Regulatory Condition:** The development hereby permitted shall be implemented in accordance with the detailed electric vehicles charging approved under application ref: DISC/23/0052. The approved details shall be retained in that manner thereafter.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

- 12 **Pre-Occupation Condition:** Within three months of the date of this permission, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:
- o Details of all existing trees and planting retained
 - o Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
 - o Details of all hard surfacing materials and finishes
 - o Details of all boundary treatments

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 13 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made for that dwelling in accordance with the submitted plans. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 14 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve that dwelling have been implemented in accordance with the approved details as shown on plan 1888-PA-005 (received by the Council on 19.05.2022) and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 15 **Pre-Occupation Condition:** Within three months of the date of this permission, details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 16 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

17 **Not Used**

- 18 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Classes A, AA, B and C of Part 1 or Class AD of Part 20 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and to protect the amenities of the adjoining neighbours in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 19 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 20 **Regulatory Condition:** The dwellings hereby permitted shall meet the requirement of Policy 37 of the Horsham District Planning Framework 2015 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015), and to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

Note to Applicant – Outstanding Condition

Please be advised that there are conditions (6, 12 and 15) on this notice that will require the submission of details to be submitted for approval to the Local Planning Authority prior to occupation. As the development has been completed, and the dwellings are occupied, these conditions have been breached. To approve these details, you will need to submit an "Application for approval of details reserved by condition" with an application form and pay the appropriate fee WITHIN THREE MONTHS OF THE DATE OF THIS PERMISSION. In the interim, these conditions will be monitored by the Council. Guidance and the forms can be found at planningportal.co.uk/planning/planning-applications

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/26/0673

Schedule of plans/documents **approved:**

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	CIL EMAIL	NONE	27.05.2026

Supporting Docs	Cover letter	2022.358.01	27.05.2026
Location plan		2022.358.01BC	27.05.2026
Site plan		2022.358.02BC	27.05.2026
Location & Block plan	Existing Site and Location Plan and Proposed Block Plan	1888 -EX-001	17.03.2022
Plans	Topographic Survey	1888 EX-002	17.03.2022
Elevation & Floor plan	Existing House Plans and Elevations	1888-EX-003	17.03.2022
Elevation plan	Existing Street Sections	1888-EX-004	17.03.2022
Site plan	Site Plan Proposed	1888-PA-005 A	19.05.2022
Elevation plan	Proposed Street Sections	1888-PA-006 B	20.07.2022
Elevation plan	Proposed Elevations	1888-PA-008 B	20.07.2022
Floor plan	Proposed Ground Floor, First Floor, and Roof Plans	1888-PA-007	17.03.2022

DELEGATED

Case Officer sign/initial Halima Chowdhury Date: 15.06.2026

Authorising Officer sign/initial RHERMITAGE Date: 06.07.2026