Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1818
Westons House, Wimland Road, Rusper, West Sussex, RH12 4QU

DESCRIPTION:

Change of Use for the conversion of existing barn previously used as a day nursery (F1) to residential 1no. dwellinghouse (C3). (Retrospective).

RELEVANT PLANNING HISTORY:

DC/12/0876	Change of use from day nursery (Use Class D1) and conversion to 2 residential dwellings (comprising 1 x 4-bed and 1 x 1-bed units)	Permitted on 05.06.2013

DESCRIPTION OF THE SITE

Permission was granted under DC/12/0876 for the conversion of the nursery to two residential dwellings. The statement provided with the application confirms that a building regulations application was submitted in May 2022 as works began on the conversion. It also asserts that the works were completed in August 2024. Prior to this date the statement mentions internal decoration and refurbishment were carried out and the barn was used as an indoor play area for the applicant's grandchildren a function room and for social gatherings. It is evident from the plans provided and the change in dwelling number that the internal and external works have not been carried out in accordance with DC/12/0876. No evidence has been provided to indicate that conversion in accordance with the approved plans had commenced. It is therefore considered that permission DC/12/0876 has not been implemented and was not extant when the conversion to a single dwelling took place. This application is therefore considered a new application in itself.

Since the granting of DC/12/0876 the Horsham District Planning Framework has been updated, as well as the NPPF.

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 4 - Strategic Policy: Settlement Expansion
Policy 10 - Rural Economic Development
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 30 - Protected Landscapes

Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
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

Rusper Neighbourhood Plan 2018-2031
Policy RUS1: Spatial Plan
Policy RUS3: Design
Policy RUS8: Community Facilities

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 15: Settlement Coalescence
Strategic Policy 16: Protected Landscapes
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 27: Inclusive Communities, Health and Wellbeing
Policy 28: Community Facilities, Leisure and Recreation
Strategic Policy 29: New Employment
Strategic Policy 30: Enhancing Existing Employment

Policy 31: Rural Economic Development
Policy 32: Conversion of Agricultural and Rural Buildings to Commercial, Community and Residential Uses
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District

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:

WSCC Highways:

This application is for the change of use for the conversion of existing barn previously used as a day nursery (F1) to residential 1no. dwellinghouse (C3). The site is located off Wimland Road, an unclassified road subject to a speed restriction of 40 mph. The application is retrospective with the work completed in August 2024.

There are no proposed changes to the existing access arrangements. The barn is accessed via a private track that adjoins the publicly maintained highway at an existing access onto Wimland Road. The private track is maintained as Public Footpath No. 1569 so the LPA may wish to consult the WSCC Public Rights of Way team for comments.

An inspection of data supplied to WSCC by Sussex Police over a period the past five years reveals that have been no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern. This change of use is not anticipated to result in an increased intensification of use on the property.

WSCC Car Parking Demand Calculator indicates that a dwelling of this size in this location would require at least three car parking spaces. From inspection of the plans, the parking area is ample space to accommodate the parking provision and on-site turning appears achievable. The application form states that existing onsite buildings will be used to provide secure cycle parking in accordance with WSCC Parking Standards.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

WSCC Highways: 7th of January 2025

WSCC in its role as Local Highway Authority (LHA) has been reconsulted on the above application, although no new documentation is available to view. The LHA previously provided comment on this application, dated 16/12/2024, raising no highway safety concerns.

The LPA are advised to refer to the LHAs previous consultation response, dated 16/12/2024, for relevant comments.

Public Rights of Way:

The PROW Team has no objection to the change of use but wishes to bring the following matter to the applicant's attention.

Rusper Public Footpath 1569 passes through the application site, within the red line of the application boundary, the Definitive Line being carried along the driveway to the property. It is noted that the path has been unlawfully diverted away from its definitive line and that the currently used route is through fields to the south of the driveway. It is further noted that the Definitive Line is unlawfully obstructed by metal entrance gates to the property.

Should the applicant wish to apply to formally divert the public footpath details can be found at the following link:
https://www.westsussex.gov.uk/land-waste-and-housing/public-paths-and-the-countryside/public-rights-of-way/request-a-change-to-a-public-path/path-diversions-and-extinguishments/

Natural England:

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Robust information demonstrating how the proposed development will not result in increased levels of abstraction within the Sussex North Water Supply Zone.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

Southern Water:

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.

The Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

PUBLIC CONSULTATIONS:

Representations:

None received

Parish Comments: No Objection

As long as the annexe is kept as part of the main property and does not become a separate dwelling.

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

The main considerations of the proposal are the principle of the development, the design and appearance, neighbouring amenity and the loss of the lawful use of the site.

Principle of Development:

The site as pre-existing was in use as a day nursery, where the previous operation ceased in 2011. The building is currently in use as a residential dwelling having been previously converted to ancillary residential use. There is however no evidence to suggest that these residential uses are lawful, and it is therefore considered that the lawful use of the building remains as a community facility.

The site is also located outside of the built-up area boundary, it is therefore within a countryside location in policy terms. As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the Horsham District Planning Framework (HDPF) are of significant weight in the determination of the application. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built-up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge. The site is not allocated.

Policy 2 of the HDPF states that the effective use of land by reusing land that has been previously developed (brownfield land) will be encouraged provided that it is not of high environmental value. The aim of this policy is to encourage the appropriate re-use of brownfield sites in sustainable locations, locating new development in sustainable locations that respect environmental capacity and which have appropriate infrastructure, services, and facilities in place, or in places where these can be realistically provided.

In this countryside location, the proposal is also considered against Policy 26 which seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. This criteria includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas. The proposed development does not meet any of this criteria, nor is it considered to be essential to the countryside location and does not therefore comply with Policy 26 of the HDPF.

The proposed dwelling would be located within the countryside and would not meet any elements of Policies 2, 3, 4 and 26 of the HDPF.

It is however recognised that the proposal would represent the conversion of an existing building, where Policy 10 of the HDPF states that proposals for the conversion of rural buildings to business and commercial uses will be considered favourably over residential in the first instance. In addition, Policy 43 of the HDPF states that proposals that would result in the loss of sites and premises currently or last used for the provision of community facilities or services will be resisted unless equally usable facilities can be conveniently provided nearby. It will be necessary to demonstrate that continued use of a community facility or service is no longer feasible, taking into account factors such as: appropriate marketing, the demand for the use of the site or premises, its quality and usability, and the identification of a potential future occupier. Where it cannot be demonstrated that such a loss is surplus to requirements, a loss may be considered acceptable provided that: an alternative facility of equivalent or better quality and scale to meet community needs is available, or will be provided at an equally accessible location within the vicinity; or a significant enhancement to the nature and quality of an existing facility will result from the redevelopment for alternative uses on an appropriate proportion of the site.

No information has been provided to demonstrate that the existing building could not be used viably or beneficially for an alternative commercial use, where it is considered that this may be possible. In addition, it has not been demonstrated that alternative facilities are provided elsewhere. Whilst it is recognised that the building has not been used as a nursery for an extended period of time, this remains its lawful use. Insufficient information has been provided to demonstrate that the building could not be used for this purpose or an alternative commercial use, and the proposal is therefore in conflict with Policy 10 of the HDPF. Whether there are any other material considerations outweighing this conflict will be addressed in the Planning Balance and Conclusions section below.

Design and Appearance:

Policy 28 of the HDPF seeks to ensure that outside the defined built-up areas, house extensions, replacement dwellings and ancillary accommodation will be supported if the development can be accommodated appropriately within the curtilage of the existing dwelling. In addition, extensions should not be disproportionate to the size of the existing dwelling and should be in keeping with the scale and character of the existing dwelling. The policy states that the cumulative impact of existing extensions will also be taken into account.

Policies 32 and 33 of the HDPF seek to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.

The development includes internal and external alterations to facilitate the conversion to a residential dwelling. This includes the installation of porch, rooflights and dormer, along with alterations to the fenestration and the addition of a pergola. While it is accepted the dormer and porch give The Barn a more domestic appearance this is considered suitable in the context of Westons House. The Barn remains clearly subservient and as a more ancillary building than Westons House, with the overall character of the rural building retained. The development is therefore considered acceptable in respect of design and appearance.

Residential Amenity:

Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

The relationship between The Barn and Westons House is relatively close for a countryside location. The Barns use as a dwelling and the location of the windows result in a more continuous pattern of overlooking for Westons House, than the more sporadic use as a day nursery. Given the distance between the two properties; however, it is not considered the overlooking or any other elements of the proposal have or will cause unacceptable impacts on neighbouring amenity. Furthermore, it is considered that the change of use has facilitated a reduction in the overall level of activity, to the benefit of the neighbouring property.

For these reasons, the development is considered to result in no further harm to the amenities and sensitivities of the neighbouring properties, in accordance with the above policy.

Highways Impacts and Public Right of Way:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

Rusper Public Footpath 1569 passes through the application site, within the red line of the application boundary; the Definitive Line being carried along the driveway to the property. WSCC have drawn the LPA's attention of the fact the path has been unlawfully diverted away from its definitive line and that the currently used route is through fields to the south of the driveway. It is further noted that the Definitive Line is unlawfully obstructed by metal entrance gates to the property.

The applicants have confirmed that the current route of the footpath has been in place since they purchased the site in 2016. Given additional information and regularisation can be addressed by matters outside of the planning system through an application under section 119 of the Highways Act 1980, it is not considered a reason for refusal in this instance. As the footpath location recorded by WSCC allocate it as being within the red line of the site, the applicant is strongly advised to contact WSCC and regularise the route.

Turning to the matter of highways within the site, it is considered adequate parking provision and access is available to the site. It is not considered that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The development is therefore considered to accord with the above policies.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The Water Neutrality Assessment gives the existing (pre-existing) baseline as being for a Day Nursery, however no water bills have been provided and no justification or evidence for the assumed number of children or staff has been provided. It is noted that this use took place in excess of 3 years of the date of the application, with such baseline not considered to meet the Council/Natural England's guidance for calculating an existing baseline. It is therefore considered that the Water Neutrality Statement does not provide sufficient information of a robustness expected to give the accurate and precise water consumption evidence required.

Given the above, the LPA do not deem the information provided to demonstrate a suitable baseline or assessment to demonstrate the proposal would be water neutral.

An Appropriate Assessment has been undertaken, where it has been concluded that the proposal would not be able to demonstrate water neutrality. The proposal would therefore have a significant impact on the Arun Valley SAC, SPA and Ramsar sites. The grant of planning permission would therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 193 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Other Matters:

<u>Climate Change</u>:

Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:

Were the proposal supportable on all other grounds a condition would be recommended securing suitable and relevant measures.

Biodiversity Net Gain (BNG):

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 and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The application is retrospective made under Section 73(A) of the Town and Country Planning Act.

Planning Balance and Conclusions:

Permission is sought retrospectively for the conversion of a day nursery to a three bedroom dwelling. As the site is not allocated for development within the HDPF or a made neighbourhood plan, owing to the site's location outside of the built-up area boundary, the principle of new dwellings in the countryside is resisted under Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework.

It is however recognised that the application relates to the conversion of an existing building, where support for such development is given under Policy 10 of the HDPF. In particular, it is outlined that proposals for the conversion of rural buildings to business and commercial uses will be considered favourably over residential in the first instance. No evidence has been provided to demonstrate that alternative commercial uses have been considered, with no evidence of marketing or appraisal provided. It has not therefore been sufficiently demonstrated that alternative commercial opportunities are not available, where the development is considered to be in conflict with Policy 10 of the HDPF. This is a matter of weight in the planning balance.

It has not been demonstrated that the most recent residential uses of the building have become lawful by virtue of time, where it is considered that the lawful use of the building is as a day nursery. Whilst it is recognised that the building has not been used for this purpose for a period of time, given the lawful use of the building, the loss of the community facility is a material consideration of weight. No evidence has been provided to demonstrate that the use of the building as a community facility or service is no longer feasible, with no evidence of appropriate marketing or demand for the use of the premises presented. In addition, no evidence has been provided to suggest that the building is no longer of a quality or construction that would no longer make it usable for the lawful purpose. It has not therefore been demonstrated to the satisfaction of the Local Planning Authority that the community facility is no longer needed or feasible. The development is therefore in conflict with Policy 43 of the HDPF. This is a matter of weight in the planning balance.

Insufficient information has been provided to demonstrate that the development would be water neutral, where an Appropriate Assessment has concluded that the development would have a likely significant effect on the Arun Valley SAC, SPA and Ramsar sites. The development would therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 193 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017. This is a matter of weight in the planning balance.

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the relevant policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d).

Paragraph 11(d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted

unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 to Paragraph 11(d) of the NPPF states that the policies referred to are those in the Framework relating to habitat sites. Insufficient information has however been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 193 and 194 of the National Planning Policy Framework, thus the Local Planning Authority is unable 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). On this basis, the titled balance derived from paragraph 11(d) of the NPPF does not apply.

While it is recognised that the Council are currently unable to demonstrate a 5-year housing land supply, which is a material consideration of significant weight, it has not been demonstrated that the development would not have a likely significant effect on the designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 193 and 194 of the National Planning Policy Framework, thus the Local Planning Authority is unable 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). In addition, it has not been demonstrated to the satisfaction of the Local Planning Authority that the site is no longer feasible or viable for the lawful or an alternative commercial use, where the loss of the community facility has not been justified. To this effect, the development would be contrary to Policy 10 and 43 of the HDPF.

While the current housing shortfall is a material consideration of significant weight, and the site does adjoin the settlement edge, and the contribution of one market dwelling would bestow socio-economic benefits in the form of housing delivery, the proposed development would result in adverse impacts that would significantly and demonstrably outweigh the modest benefits arising from the contribution of the dwelling to the Council's housing supply. The ability of the development to demonstrate no adverse amenity impact, safe access, and suitable parking and are not considered benefits to the scheme, but would rather be necessary to demonstrate compliance with local planning policies.

The LPA are aware that the property is currently occupied, where the refusal of this application could impact upon the occupier. No evidence has been provided to justify a departure from the development plan policies, and there are no material considerations that would outweigh the harm as identified above.

For the above reasons, the development is considered to be contrary to Policy 1, 2, 3, 4, 10, 26, 31, and 43 of the Horsham District Planning Framework (2015).

Recommendation: Application Refused

Reason(s) for Refusal:

1 The conversion of the building to residential would result in the loss of a community facility, where it has not been demonstrated to the satisfaction of the Local Planning Authority that that the facility is no longer feasible, viable, or usable for this purpose. It has also not been demonstrated that the site could not be used for an alternative commercial purpose. The development is therefore contrary to Policy 10 and 43 of the Horsham District Planning Framework (2015).

2 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham

District Planning Framework (2015), Paragraphs 193 of the National Planning Policy Framework (2024), thus the Local Planning Authority is unable 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).

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/24/1818
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Site plan	Site Layout/Location Plan	24-2701-1 A	29.11.2024
Floor plan	Proposed Ground Floor Plan/Site Layout - First Floor Plan	24-2701-4	22.11.2024
Elevation plan	Elevations	24-2701-5	22.11.2024

DELEGATED

Case Officer sign/initial Alice Johnson Date: 05/02/2025

Authorising Officer sign/initial Tamara Dale Date: 12/02/2025