Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

HRA/25/0014
Naldretts Farm, Naldretts Lane, Rudgwick, Horsham, West Sussex, RH12 3BU

DESCRIPTION:

Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 relating to application DC/23/1052

RELEVANT PLANNING HISTORY:

DC/23/1052	Prior Notification for Change of Use of Agricultural Building to a single dwellinghouse	Prior Approval Not Required 13.09.2023

STATUTORY BACKGROUND

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

ASSESSMENT

Prior Approval (DC/23/1052) was granted on 13.09.2023 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. 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 effect (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 effect, 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.

The building subject of the consent has a nil use water demand. The proposed dwelling has been demonstrated to require a water demand of 108.8l/d. With the average occupancy of 2.86, the overall demand is calculated as 311.17l/d.

In order to offset the proposed use, the applicant intends to replace the onsite stables' mains water intake with rainwater harvesting. Bills have been provided to demonstrate 381.1l/d water demand, which is used by the horse present on the site. On average, the roof is capable of capturing 411.6l/d water, therefore sufficiently offsetting the proposed use as above (roof area of 204m2 x 909.2mm rainfall x 0.9 x 0.9 = 150,236.2l/a (/ 365 = 411.6l/d average)). A 20,000l tank proposed for capture water. 35 days x 311.17l/d demand = 10,890.95l, so 20,000l tank well in excess of drought contingency. Natural England have been consulted on the strategy and agreed that the proposal would not amount to an adverse effect, subject to the completion of a legal agreement to secure the offsite offsetting works.

Whilst the proposal has successfully demonstrated that the proposed demand can be offset, and therefore achieve water neutrality, to date, the applicant has not been able to secure the necessary legal mechanism for the proposed offsite offsetting works. Several updates have been requested by the Council to support proceedings, though none have been forthcoming. In the absence of a legal agreement to secure the necessary mitigations, the Local Planning Authority consider that the proposal would result in a significant adverse impact on the integrity of the Arun Valley SAC, the Arun Valley SPA, and the Arun Valley Ramsar Site.

Recommendation: Application REFUSED

1 It has not been possible to secure a planning obligation that would secure the water neutrality strategy in perpetuity. It cannot therefore be demonstrated 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. Therefore, the Council is unable to discharge its duties under Regulation 75 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Plans list for: HRA/23/0012
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Plans	LOCATION PLAN		21.05.2025
Supporting Docs	WATER NEUTRALITY STATEMENT		21.05.2025

DELEGATED

Case Officer sign/initial RHERMITAGE Date: 14.10.2025

Authorising Officer sign/initial TDALE Date: 28.10.2025