Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
HRA/24/0001
Applegate Farm, Stonepit Lane, Henfield, West Sussex, BN5 9QT

DESCRIPTION:
Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 relating to Prior Approval consent DC/24/0264

RELEVANT PLANNING HISTORY:

DC/24/0264	Prior Notification for the erection of an agricultural barn for storage of machinery	Prior Approval Not Required on 14.03.2024

STATUTORY BACKGROUND:
The Conservation of Habitats and Species Regulations 2017 (as amended)
The Town and Country Planning Act 1990
The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Consultations:

Natural England: No Objection

ASSESSMENT:

Approval from the Local Planning Authority is sought pursuant to Regulation 77 of the Protection of Habitats and Species Regulations 2017 (as amended), in respect of development under Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), where it was considered that Prior Approval was not required, pursuant to ref: DC/24/0264.

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 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.

The application site falls within the Sussex North Water Supply Zone (the Supply Zone), where mains-water is supplied by way of groundwater abstraction within the Arun Valley. Within its 'Position Statement' of September 2021, Natural England advise that the effects of existing groundwater abstraction within the Supply Zone cannot be objectively demonstrated as compatible with the conservation objectives of a number of habitat sites. As named within the Natural England Position Statement relevant sites include the Arun Valley SAC, SPA and Ramsar sites.

Natural England, within its Position Statement, advise that decisions on planning applications should await the development of a water-neutrality strategy on a strategic basis. In the absence of a strategic solution to achieving water-neutrality within the Supply Zone, Natural England advise that individual plans and projects, where it is critical that these proceed, must demonstrate neutrality in respect of the use of mains-water such as to avoid contribution to the known adverse effect upon the integrity of Arun Valley habitat sites by reason of increased use of groundwater resources.

The development subject of Ref DC/24/0264 involves the erection of a storage building to store agricultural machinery in connection with the adjacent agricultural fields.

As set out in the floor plan the primary purpose of the storage building will be for the secure storage of agricultural machinery. It is not considered that the erection of an agricultural barn with the floorplan as shown on submitted drawing no 'Ref P-01' submitted 23.02.2024 would result in any additional water using activity over and above what is already on the wider site. Natural England have been consulted on this basis.

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

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/24/0001

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	23.02.2024
Elevation, Roof & Floor plan	Planning Arrangement	P-01	23.02.2024

DELEGATED

Case Officer sign/initial Steve Astles Date: 10.04.2024

Authorising Officer sign/initial RHERMITAGE Date: 05.08.2024