Horsham District Council

Our ref: DC/24/0327
Email: Hannah.darley@horsham.gov.uk
Direct Line: 01403 215538

Date: 03 November 2024

Dear Harrison Dun,

APP/Z3825/W/24/3350602 Unit 1, Horsham Trade Park, Foundry Lane, Horsham, West Sussex RH13 5PX

Following the submission of the appeal against the refusal of the full planning application for the Change of use from Vehicle Servicing and MOT centre (Use Class B2) to Storage and Distribution (Use Class B8) together with associated parking (Retrospective), the Local Planning Authority would like the inspector to consider the following:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England. New development in this zone cannot be approved by a competent authority if they would have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

The Local Planning Authority undertook an Appropriate Assessment which was subsequently reviewed by Natural England. It was concluded that insufficient information had been provided to demonstrate with certainty that the 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.

Natural England advises that plans and projects affecting these sites 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 appellant's statement of case advances that the local authority should have requested a Water Neutrality statement at the validation stage if the development required to demonstrate Water Neutrality. The council provide advice and guidance for applicants on their website and at agent forums that outlines when water neutrality is required to be demonstrated. Furthermore, the council provide a pre-application service such that applicant's can be advised of what would be considered as part of an assessment for development. The guidance is unambiguous on the council's website that water neutrality would need to be demonstrated. The council's guidance outlines that whilst householder applications and all development granted under Schedule 2 Parts 1 and 2 of the General Permitted Development Order are excluded from demonstrating water neutrality *"All other development proposals that consume mains water are now required to demonstrate water neutrality."*

The appellant's statement raises concern that the planning officer has not requested a Water Neutrality statement, however this was not required for a determination within the statutory time limit, more so that it was a requirement to be able to conclude with certainty that the proposal was water neutral in this instance. Delays in the determination process in this instance would not have guaranteed the submission of a an approved application, with there being no guarantee that the applicant would be able to demonstrate a Water Neutral proposal. Local Authority have statutory

deadlines to adhere to and in the complete absence of sufficient information to be able to conclude positively the effects on the integrity of the Arun Valley SAC, SPA and Ramsar sites, applications will continue to be determined within the statutory time frame to avoid unnecessary delays to customers.

Given the lack of information, it was not possible to conclude with certainty that there was no potential for increased water abstraction resulting from the proposal, as such the application was screened in for consideration by Natural England. Consequently, and due to the absence of any information from which to make an assessment, Natural England's response concluded that there was insufficient information submitted.

The appellant's statement includes Water Neutrality considerations that were not included as part of the application submission. The submitted water details include a baseline based on water bills from an assumed previous staff number. They detail that the number of staff the previous tenant had is in "in the region of 20 staff" and compare this to the existing 10 employees, such that they conclude there would be a clear reduction in the water usage. They use a BREEAM Wat 1 calculator to demonstrate the figures outlined.

This new information would at first appear to demonstrate some reduction in usage, however there is no submitted evidence that the previous business employed in the region of 20 staff such that the actual baseline staff level is not certain. Whilst it is understood that this usage was from a previous tenant, speculative staff levels are not sufficiently substantiated to conclude the baseline with certainty. As such, this baseline number of staff would not have been accepted if they had submitted this as part of the application as there is no evidence for this figure.

The appellant statement outlines that the current occupier occupied the site from 22/10/2022. The metered water bills prior to the appellants occupation of the site had a reading of 6684.3 on average, worked out from 27th September (6557), 29th march 2019 (6490) and 22nd September (7006).
After the appellant took over the site, the average reading was higher than it was previously, with an average reading of 7180.6. This demonstrates that the proposed use would result in a higher water usage. Given the only robust evidence submitted is water bills which appear to evidence that the proposed usage would increase as a result of the proposal, it would not be water neutral.

As such, the Local Authority would now consider that sufficient information has been submitted to conclude that the proposal would result and has resulted (given that the application is retrospective) in a higher water usage. This development would be contrary to policy 31 of the HDPF, Paragraphs 185 and 186 of the National Planning Policy Framework (2023) and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusion

The Council therefore remain of the view that the scheme as submitted would be contrary to the relevant policies of the Horsham District Planning Framework and NPPF as outlined within the Officer's delegated report. The Inspector is therefore respectfully requested to dismiss the appeal. However, should the Inspector be minded to approve the appeal, a List of Suggested Conditions is attached to this letter. A response to the appellants cost application is attached to this document.

Yours sincerely,

Hannah Darley
Senior Planning Officer

List of Suggested Conditions

1 Approved Plans

2 **Regulatory Condition:** The development hereby permitted shall only be used for storage and Distribution Class B8.

Reason: In the interests of amenity, to enable the Local Planning Authority to regulate and control the development and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition**: The premises hereby permitted shall not be operated on Sundays or Public Holidays or at any time other than between 0700 to 1800 hours. Mondays to Fridays inclusive and 0700 to 1300 house on Saturdays.

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