n.j.a town planning Ltd

MERRYHILL MUSHROOMS, MERRYHILL, STORRINGTON ROAD, THAKEHAM, RH20 3ED

SUPPORTING STATEMENT FOR:

S73 Deletion/Variation of Condition to previously approved application DC/25/0944. Deletion of Condition 6 (Water Neutrality) and replacement with Water Consumption requirements and Variation of Condition 11 relating to the operation of the site

DECEMBER 2025

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RELEVANT INFORMAITON

Variation of Condition 11 Legal Advice - Temple Bright

Decision Notice DC/25/0944 for information

Delegated Report DC/25/0944 for information

1.0 INTRODUCTION & BACKGROUND

1.1 Following the grant of permission on 4 November (DC/25/0944) the Applicant now seeks the removal of the Water Neutrality condition and its replacement with the standard Building Control water condition following recent changes. The Applicant is also seeking variation of condition 11 and the tying of the business to the site. In preparing this application the Applicant has instructed Polly Reynolds of Temple Bright Solicitors and her Adivice/Statement is to be read alongside this statement and neatly summarises the current position:

The site comprises two dwellings, Merryhill and Merryhill Cottage, historically sharing a single curtilage.

The family business, Merryhill Mushrooms has operated since around 2010 from a collection of small timber sheds and the garage at Merryhill, producing and distributing mushroom growing kits via online sales.

Application DC/24/1404 for a larger, two-storey barn was refused on grounds including scale, perceoived intensification of countryside activity, amenity and water neutrality.

The resubmission DC/25/0944 significantly reduced the height and massing of the barn, relocated it to the south of Merryhill and was supported by a Water Neutrality Statement, business information and ecology / BNG material.

The report concludes that the approved scheme represents a proportionate form of rural economic development, consolidating an existing small family business in a single purpose-built insulated building. It does not result in any intensification of commercial activity in the countryside and it complies with Policies 7, 10 and 26 of the Horsham District Planning Framework and with relevant NPPF policy supporting rural economic growth. The approved barn is now intended to be the principal base for the Merryhill Mushrooms business on the site.

2.0 DELETION OF CONDITION 6 (WATER NEUTRALITY)

2.1 As part of this application the removal of condition 6 relating to water neutrality is requested and its replacement with a condition requiring compliance with the Optional Technical Standard of Building Regulations Part G (110 litres of water per person per day).

2.2 This request follows the withdrawal of Natural England's former Position Statement on water neutrality. As confirmed on the Council's website,

"*This follows agreement between Natural England, Southern Water and the Environment Agency that a reduction in the licence cap on water abstraction will ensure with sufficient certainty that development will not adversely impact the protected Arun Valley habitats. This is the primary element of interest to local authorities in making decisions regarding relevant plans or projects, as it removes the connection between abstraction and growth."*

Natural England has now advised that issues of water abstraction can be addressed without requiring individual developments to demonstrate water neutrality. There is no need for water neutrality statements, no payments to SNWCS and no bespoke conditions or s106 obligations requiring water neutrality to be demonstrated.

2.3 Following Natural England's updated position, the Council remains mindful that the area remains one of having significant water stress and as a result "*all applications for new housing will be required by condition to comply with the Building Regulations Part G Optional Technical Standard (currently 110 l/p/d) as required by Policy 37 of the Horsham District Planning Framework"*. This standard limits water consumption to 110 litres per person per day. In respect of existing permissions, the Council's guidance confirms that:

"For applicants who have existing planning permissions with conditions and s106 obligations requiring compliance with bespoke water neutrality mitigation, we will consider applications under s.73 of the Town and Country

Planning Act to remove those conditions, and any associated applications to vary or discharge any relevant s106 obligations. If your permission is for new dwellings, we will instead apply a condition requiring compliance with the Building Regulations Part G Optional Technical Standard referred to above. This is the same condition we applied to all new dwellings prior to the 2021 Position Statement."

2.3 Accordingly, as set out above this application seeks to amend the current permission to remove the water neutrality condition and replace it with a condition requiring compliance with the Optional Technical Standard of Building Regulations Part G (110 litres of water per person per day). The expectation is that this will be applied as a regulatory condition as normal and given the uniqueness of this matter it would not alter the approved scheme.

2.4 In summary it is hoped that having regard to latest guidance this change will be approved as soon as possible.

3.0 VARIATION OF CONDITION 11

3.1 Please see the attached the letter prepared by Polly Reynolds, Planning Solicitor, Temple Bright in support of the variation of condition 11 relating to the tie. Having regard to policy tests it is not considered that references to two named dwellings is required and the replacement preferred wording for condition 11 is as follows:

"The building hereby permitted shall be used only for the commercial operations of the business currently trading as 'Merryhill Mushrooms', or any business of a similar nature carried on by the same operator(s) from the application site, and for no other purpose (including any other purpose within any class in the Schedule to the Town and Country Planning (Use Classes) Order 2020 (as amended)), unless otherwise agreed in writing by the Local Planning Authority."

3.2 The existing Conditions 12 and 13 would remain in force and continue to control the detailed nature and timing of operations. Should officers prefer a slightly different form of wording which secures the same objective, the applicant would be happy to engage accordingly.

3.3 The Council is invited to vary the condition with the wording set out above. Again, the full legal advice and reasoning is set out in the Temple Bright report submitted as part of this application.