White & Sons Est. 1817

am

1 July 2024

Mrs Barbara Childs
Director of Place
Horsham District Council
Chart Way
Horsham
West Sussex RH12 1RL

Dear Mrs Childs,

Variation of conditions 3 and 4 of DC/24/0079 – Use of an annexe as a separate residential dwelling – 1 Oakwood Cottages Hooklands Lane Shipley Horsham

We have been instructed by Mr C. Marshall to an submit an application to vary conditions 3 and 4 of application ref DC/24/0079 that concerned the proposed use of an annexe being used as a separate dwelling. For the avoidance of doubt the application was not retrospective and it was confirmed under part 3 of the application forms that the development had not already started.

The wording of the conditions of interest are provided in full below:

"3 - Regulatory Condition: Within one (1) month of the date permission is granted, unless otherwise agreed in writing with the Local Planning Authority, full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved water neutrality strategy (12.01.2024) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

4 - Regulatory Condition: Within one (1) month of the details required by condition 2 being approved, evidence shall be submitted to and approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the orsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species)."

The applicant should be afforded the right to choose whether they wish to implement the consent and a reasonable period of time for providing details of water neutrality which has ultimately not been reflected within the two conditions. The six tests for conditions require them to be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other aspects.

As it stands conditions 3 and 4 whilst being relevant to the development as permitted, the request to provide the information within one month of the date of the permission fails to conform to the tests, in particular that relating to the conditions not being enforceable. As the consent has not yet been implemented it is unreasonable for the authority to request that the information is supplied within any fixed timeframe, let alone it being 1 month. Such a limited period is not considered reasonable. At the very least the applicant should have been consulted on such a short timeframe in advance. The applicant's water neutrality consultants have confirmed that they would not have the capacity to provide these details within the period stated. It is ultimately the applicant's choice as to whether or not they implement any planning consent and as a result provide the information that the authority is seeking. As such, it is suggested that the wording of both conditions is changed to allow them to be discharged as pre-occupation with both conditions stating something along the following lines:

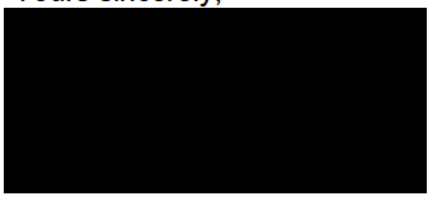
"3. The dwelling hereby permitted shall not be occupied until full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved water neutrality strategy (12.01.2024) has been submitted to and been approved in writing by the Local Planning Authority."

"4. The dwelling hereby permitted shall not be occupied until evidence is submitted to and approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter."

It is suggested that the application would equally assist the authority in correcting the conditions as Condition 4 refers back to "details required by condition 2" when condition 2 does not require any details to be submitted and sets out the standard timeframe for implementation. The application will also avoid any unnecessary enforcement action being taken over a breach of condition which was unavoidable. As it stands the conditions are not considered to be enforceable or reasonable.

I would ask that the agent is contacted should you wish to discuss any other issues associated with this application to ensure that it can go forward with a recommendation to approve.

Yours sincerely,



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