Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1203
The Dairy Barn, Bognor Road, Broadbridge Heath, West Sussex, RH12 3PS

DESCRIPTION:
Variation of Condition 3 of previously approved application DC/22/1679 (Conversion of existing garage into an annexe, with installation of a new roof dormer and alterations to window and door openings.) Relating to Water Neutrality Statement.

RELEVANT PLANNING HISTORY:

DC/22/1679	Conversion of existing garage into an annexe, with installation of a new roof dormer and alterations to window and door openings.	Application Permitted on 30.05.2023

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 40 - Sustainable Transport
Policy 41 - Parking

Warnham Neighbourhood Plan:
W5: Design

Warnham Parish Design Statement

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Horsham District Local Plan (2023-40) (Regulation 19):
Policy 9: Water Neutrality
Policy 13: The Natural Environment and Landscape Character
Policy 14: Countryside Protection
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles
Policy 25: Parking

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:
Natural England: No Objection, subject to appropriate mitigation being secured.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Representations:
None received

Parish Comments:
Warnham Parish Council: Objection. The Parish Council believes that the Water Neutrality Statement applies to this planning application and recommends that the condition is not removed. The Parish Council requests that the report is redone and based on two people instead of one. The Parish Council objects to the planning application.

Member Comments:
None received

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

This application seeks a variation of condition 3 of this permission, to amend the Water Neutrality Statement contained within the related wording (of the condition). The originally approved Water Neutrality Statement as referenced in the existing condition included rainwater harvesting to serve some of the water requirements for the annexe. The revised Statement subject of this application would omit the rainwater harvesting element of the proposal.

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known 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 approved development entails a 1-bed annexe where average occupancy figures would expect 1.32 occupants. The Water Statement sets out a consumption rate of 81.43 l/d, with mitigation within the existing dwellinghouse reducing water consumption to 252 l/d. This approach would ensure there would be no increase in water consumption as a consequence of the approved annexe, and rainwater harvesting is not necessary for the development to achieve water neutrality.

It is noted that the Parish Council have objected to the removal of the water neutrality requirements. This application does not seek to remove the requirements but seeks to amend the way that water neutrality is delivered on the site. The calculations within the Statement are based on average occupancy of the proposed annexe which reflects the Council's approach set out in published guidance.

An HRA Appropriate Assessment has been carried out by the Council and Natural England has been consulted on the approach. Natural England has raised no objection provided that appropriate conditions are included to secure the mitigation. This is secured through the varied condition 3, and subject to this condition the proposal will not have an Adverse Effect on the Integrity of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects.

The principle of development on the site has been established through the previous granting of planning permission under planning application ref: DC/22/1679. The Planning Practice Guidance confirms that in deciding a variation of condition application (under s73) the local planning authority must only consider the disputed condition/s that are the subject of the application, it is not a complete re-consideration of the application. The variation of condition 3 does not raise any further considerations.

Conclusions:

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

Recommendation: Application Permitted

Conditions:

2 **Standard Time Condition**: The development hereby permitted must be commenced by the 16.05.2026.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Pre-Occupation Condition**: The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (Water Neutrality Statement AEG0829_RH12_Horsham_08 dated 14.11.2024). The residential annexe hereby permitted shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy 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 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**: The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of Dairy Barn as a dwelling and shall not be used as a separate unit of accommodation.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over-intensive use of the site and/or lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policies 26 and 33 of the Horsham District Planning Framework (2015).

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: DC/24/1203

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Block plan		003	15.08.2024
Supporting Statement		AEG0829_RH12_Horsham_08	14.11.2024

DELEGATED

Authorising Officer sign/initial Guy Everest Date: 01.04.2025