Horsham District Council

# DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
HRA/24/0005
Thistledown Cottage, Harbolets Road, West Chiltington, Pulborough, West Sussex, RH20 2LG

DESCRIPTION:
Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 relating to Prior Approval consent DC/23/1906

RELEVANT PLANNING HISTORY:

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|---|---|---|
| DC/23/1906 | Prior Notification for change of use from an agricultural building to 2 dwellings (C3 Use class). | Prior Approval Required and PERMITTED on 08.12.2023 |
| DC/23/1481 | Prior Notification for change of use from an agricultural building to 2No. dwellings (Class C3 Use). | Prior Approval Required and REFUSED on 22.09.2023 |
| DC/23/1164 | Prior Notification for the erection of 1no agricultural barn for storage | Prior Approval Required and PERMITTED on 28.07.2023 |
| DC/23/1158 | Prior notification for the demolition of non agricultural outbuilding | Prior Approval Not Required on 07.07.2023 |
| DC/22/0672 | Erection of a two storey rear extension and first floor side extension over existing single storey extension. Construction of a new front porch and replacement of gated entrance to front. | Application Permitted on 23.12.2022 |

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/23/1906 involves the change of use from an agricultural building to 2 dwellings (C3 Use class.

The submitted WNS (prepared by cgs civils-Consulting Civil Engineers. Reference C3114. Rev-P. Dated 23rd April 2024 - updated to reference the existing fittings survey) confirms that the existing water demand for the site is nil.

The proposed dwellings have been calculated to comprise a water demand of 290.40 l/day, prior to any mitigation. By installing the water efficient appliances, it is possible to reduce the water demand on site from 290.40 l/day down to 235.07 l/day.

Re-using the water through rainwater harvesting tanks can further reduce the water demand down to 162.78 l/day. The applicant is willing to install two 1,500-litre rainwater harvesting tanks in order to store the water required by the two dwellings.

Offsetting remaining water demand:
The statement details that the applicant owns an existing nearby 5-bedroom dwelling with five occupants, namely 'Thistledown Cottage', which is served by a mains water meter. Meter readings were taken between Sept 2020 and August 2023. Over this period of 1061 days, a total of 542m3, or 542,000L of water was used by the site, averaging out as 510.85 l/day. This shows that currently 102.17 l/p/day is used on average for each occupant. In addition to the water bills, an Existing Fittings

Survey has been carried out which supports the use of this value (refer to C3114 Existing Fittings Survey).

The applicant proposes to install water efficient fittings, and rainwater harvesting techniques, to the adjacent existing 5-bed dwelling. The existing dwelling has 5 occupants and a total water demand of 510.84 l/day.

The installation of the water efficient fittings listed in the statement will result in a water demand of 89.04 l/p/day. This results in a total water demand of 445.20 l/day for all five occupants. This is a total reduction in water demand of 65.65 l/day.

In order to offset the remaining demand after the existing building has been retrofitted with water efficient fittings, rainwater harvesting techniques are to be implemented to supply the existing property with water to the toilets, washing machines along with 5 l/p/day for outdoor use. To ensure there is sufficient area to allow a 35-day drought storage, an extra 35 days is to be included. As outlined within the statement, the use of rainwater harvesting techniques will reduce the existing dwelling's water demand down to 61.66 l/p/day, or 308.30 l/day in total. This equates to a total reduction in water demand of 202.54 l/day over the existing situation, which is enough to offset the proposed site, with a total reduction of 39.76 l/day over the existing site, resulting in the site becoming water neutral.

As offsetting is sought offsite, a Section 106 Legal Agreement is required to secure any offsetting measures. A draft agreement is currently being considered by the Council. As such, subject to the successful signing of the legal agreement, Officers are satisfied that the proposed development would be water neutral. Natural England have been consulted on this basis and comment no objections subject to the: delivery, management and maintenance of measures identified in the water neutrality statement to achieve water neutrality.

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**

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**Plans list for: HRA/24/0005**
Schedule of plans/documents **approved**:

| Plan Type | Description | Drawing Number | Received Date |
|---|---|---|---|
| Location plan | | | 09.05.2024 |
| Elevation & Floor plan | | 1439 P 003 | 09.05.2024 |
| Supporting Statement | Water Neutrality Report | | 09.05.2024 |
| Supporting Statement | Existing Fittings Survey | | 09.05.2024 |
| Location plan | | | 03.03.2025 |

**DELEGATED**

Case Officer sign/initial Steve Astles Date: 31.03.2025

Authorising Officer sign/initial RHERMITAGE Date: 09.05.2025