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Planning Department
Horsham District Council
Albery House
Springfield Road
Horsham
West Sussex
RH12 1GA

8th September 2026

Dear Planning Department,

RE: DC/25/0708 - 75 Crawley Road Horsham West Sussex RH12 4DS

On behalf of our client, I am writing in relation to planning application DC/25/0708, relating to 75 Crawley Road, Horsham, West Sussex, RH12 4DS, which granted permission for the:

"Variation of condition 1 of previously approved application reference DC/23/0344 (Change of use from Class E (a) on ground floor and residential flat above, to 1no residential dwelling including alterations to roof) to amend the design and layout of the approved scheme."

Planning permission was granted on 8 July 2025

The permission is subject to a number of conditions, including Condition 3 and Condition 4, both of which relate specifically to water neutrality.

Condition 3 requires that:

> *"No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved water neutrality strategy ... have been submitted to and approved in writing by the Local Planning Authority."*

The stated reason for the condition is:

> *"To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites..."*

Condition 4 requires that:

> *"No dwelling hereby permitted shall 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 for that dwelling has been implemented in full."*

The stated reason is again to ensure that the development is water neutral and to avoid an adverse impact upon the Arun Valley SAC/SPA and Ramsar sites.

Change in Circumstances

At the time the original planning permission was determined, the Sussex North Water Resource Zone (WRZ) was subject to the water-neutrality requirements arising from Natural England's Position Statement of 14 September 2021.

That Position Statement identified the Sussex North WRZ as an area of serious water stress and resulted in development within the affected area being required to demonstrate water neutrality.

In response to that position, a Water Neutrality Statement was submitted in support of the development by Falcon Energy, received on 28 February 2023, and that a further water-neutrality supporting statement was submitted on 29 April 2025. However, Natural England subsequently withdrew its Position Statement on 31 October 2025. This represents a material change in circumstances since the imposition of Conditions 3 and 4.

Current Position

Following the withdrawal of Natural England's Position Statement, Horsham District Council has confirmed that applications are no longer required to provide:

1. A Water Neutrality Statement;
2. A payment into the Sussex North Water Compensation Scheme (SNWCS); or
3. Bespoke planning conditions or Section 106 obligations relating to water neutrality.

The Council has also confirmed that, where existing planning permissions contain bespoke water-neutrality conditions, applications made under Section 73 of the Town and Country Planning Act 1990 (as amended) may be considered to remove such conditions.

Planning Assessment

Conditions 3 and 4 of permission DC/25/0708 were imposed specifically to ensure that the development achieved water neutrality and to prevent an adverse effect upon the Arun Valley protected sites.

The wording of both conditions demonstrates that their justification is entirely linked to the former water-neutrality situation.

There is no separate planning justification identified within the decision notice for requiring the development to comply with a bespoke water-neutrality strategy beyond the protection of the Arun Valley SAC/SPA and Ramsar sites.

Statutory Tests for Planning Conditions

Planning conditions should only be imposed where they satisfy the established statutory tests, including that they are:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

In the circumstances of this case, the continued retention of Conditions 3 and 4 is no longer justified. The conditions were imposed specifically to secure water neutrality and prevent an adverse impact upon the Arun Valley protected sites. Their justification has therefore fallen away following Natural England's withdrawal of its Position Statement.

As with similar applications including DC/26/1018, for the removal of water neutrality conditions, the Officer noted:

> To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.
>
> Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day.
>
> Accordingly, Officers consider that the removal of condition 7, would not result in an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF. It is however considered necessary and reasonable to impose a condition requiring that water consumption of the approved development not exceed 110 litres per person per day.

The conditions related to this application should therefore consequently be removed.

Any subsequent water usage requirement can also be included as a regulatory condition, similar to other approved applications such as DC/26/0921, as highlighted below:

> As water neutrality can now be addressed through the strategic measures above, it is acceptable and appropriate to remove the conditions relating to the original method of meeting water neutrality. The conditions attached to DC/23/2242 below have been reattached to this permission, and none have been discharged at this point. A condition limiting water consumption to 110lppd has been added.

Regulatory Condition: The dwellings hereby permitted shall not be occupied until optional requirement G2 to the Building Regulations 2010 (as amended) to limit water usage of that dwelling to 110 litres per person per day has been achieved. Water limiting measures to meet this standard shall thereafter be retained.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA and Ramsar sites in accordance with Policy 31 of the HDPF, Paragraph 193 of the National Planning Policy Framework (2024), and to enable the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

Yours sincerely

Moishe Goldstein
Founder & Managing Director

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