Horsham District Council

Mr Ben Kirk
Manorwood
Suite 114
26 The Hornet
Chichester
PO19 7BB

Our ref:	DISC/23/0234
Your ref:	New hall lane conditions
Email:	planning@horsham.gov.uk
Direct Line:	01403 215166
If Calling Please ask for:	Tamara Dale
Date:	16th September 2024

Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure England) Order 2015

Approval of details reserved by condition 3,4 and 5 to approved application DC/20/2269

Land at 521105 113285 New Hall Lane Small Dole West Sussex

The Authority has considered your application, and I can confirm that the submitted information is **NOT** acceptable pursuant to the following conditions:

3. **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.

   i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
   ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

   The approved details shall be adhered to throughout the construction period.

   Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

   Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

5. **Pre-Commencement Condition**: No development shall commence until a detailed plan showing the measures to divert the public sewers has been submitted to and approved in

writing by the Local Planning Authority, in consultation with Southern Water. The development shall be carried out in accordance with the approved details.

Reason: As this matter is fundamental to ensure that the development is properly serviced and to comply with Policies 32, 33 and 38 of the Horsham District Planning Framework (2015).

For the following reasons: -

1 Insufficient information has been provided with regards to Condition 4 (means of foul and surface water disposal) thus the Local Plannig Authority are unable to discharge this condition.

2 Insufficient information has been provided with regards to Condition 5 (measures to divert the public sewers) thus the Local Plannig Authority are unable to discharge this condition.

3 Conditions 3, 4 and 5 are considered to form a conditions precedent. Following the CG Fry v SoS and Somerset Council High Court decision, the grant of the details submitted pursuant to these conditions would constitute an implementing consent that would enable development that has not previously demonstrated water neutrality to be delivered. The development would consequently contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2021), thus the Local Planning Authority is unable 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).

This letter constitutes a legal document which should be regarded as an addendum to the original planning application.

If you have any queries or require further information, please do not hesitate to contact the Case Officer.

Yours faithfully



Emma Parkes
Head of Development and Building Control

ADDITIONAL INFORMATION

Right of Appeals
If you are aggrieved by the decision to refuse permission for the proposed development then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or ‘minor commercial’ (shop front) development, and within 6 months for other types of planning

applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.