Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
HRA/24/0017
The Old Dairy, Cowfold Road, Coolham, Horsham, West Sussex, RH13 8QJ

DESCRIPTION:
Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 in respect of Prior Approval consent DC/24/1053

RELEVANT PLANNING HISTORY:

DC/24/1053	Prior Notification for Change of Use of Agricultural Building to a single dwellinghouse (Class C3)	Prior Approval Required and PERMITTED on 02.09.2024.

STATUTORY BACKGROUND

The Conservation of Habitats and Species Regulations 2017
The Town and Country Planning Act 1990

CONSULTATION

Natural England: No Objection

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- The delivery, management and maintenance of any measures identified in the applicant's water neutrality statement are required to ensure that the proposed development will not result in increased levels of abstraction within the Sussex North Water Supply Zone.

ASSESSMENT

Prior Approval (DC/24/0667) was granted on 21.06.2024 for the following:

Prior Notification for Change of Use of Agricultural Building to a single dwelling house

An informative was attached to the consent that advised the applicant that the decision relates solely to whether the Prior Approval of the Local Planning Authority was required. It did not confirm that the proposal represented Permitted Development. The site lies within the Sussex North Water Supply Zone where Natural England has advised that water abstraction cannot be concluded as having no adverse effect on the integrity of the Arun Valley Special Area Conservation (SAC), the Arun Valley Special protection Area (SPA) and the Arun Valley Ramsar Site, following the publication of their Position Statement (September 2021).

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 76 provides that an applicant may first apply in writing to the appropriate nature conservation authority for its opinion as to whether their development is likely to have a relevant effect. This present application represents a submission under Regulation 77 of the Habitat Regulations for the Council's confirmation as to whether or not the proposal would have an adverse effect on the integrity of the designated areas Arun Valley sites.

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.

This Regulation 77 application was accompanied by a Water Neutrality Statement V3 (WNS). The baseline water consumption figure was calculated as NIL. The proposed water consumption from the new dwelling is 140.62 litres per day. The strategy proposes 100% rainwater harvesting to collect water off the roof and re-use for potable and non-potable water.

In order to ensure that the 100% rainwater harvesting is adhered to, a Section 106 Legal Agreement has been entered into, with this providing a mechanism whereby the measures to achieve water neutrality can be secured in perpetuity.

An Appropriate Assessment was prepared on this basis and Natural England have raised no objection to the assessment, with the consultation response received concurring with the above view. 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. A legal agreement has been completed to secure the offsite offsetting works. 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

Plans list for: HRA/24/0017
(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
Supporting Statement	Water Neutrality Report by		02.10.2024

	Promethean Planning dated 09.11.2024.		

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 11.03.2025

Authorising Officer sign/initial Tamara Dale Date: 12.03.2025