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**PLANNING APPLICATION MADE UNDER SECTION 73 FOR THE VARIATION
OF CONDITIONS 1, 12, 13, 14, 15, 19, 37, 38, 39, 44, 45, 46 of DC/23/2152**

For

**ERECTION OF 28 DWELLINGS AND ASSOCIATED ENGINEERING
OPERATIONS AND WORKS INCLUDING AN ONSITE BOREHOLE WATER
SUPPLY**

At

LAND TO THE NORTH OF HIGH BAR LANE, THAKEHAM, WEST SUSSEX

**D&M REF: 100/23/MS
January 2026**

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1.0 INTRODUCTION

- 1.1 This Planning Statement is submitted on behalf of our client to seek the variation of conditions 1, 12, 13, 14, 15, 19, 37, 38, 39, 44, 45, 46 of planning permission DC/23/2152. That application granted permission for the *Erection of 28 Dwellings and Associated Engineering Works Including Onsite Borehole Water Supply*.
- 1.2 The application to vary conditions is essentially split into two main aspects. The variation of condition 1 concerns the approved plans which this application seeks to vary. The remainder of the conditions relate to water neutrality. This statement is divided into sections on these matters for ease of reference.
- 1.3 This application does not seek to alter the requirements of any other condition noting the requirement for many to be discharged prior to the commencement of development or at the appropriate time.
- 1.4 The NPPG provides guidance concerning conditions and in relation to applications for their variation.
- 1.5 Fundamentally, for the reasons set out in Section 6 of this statement we do not consider that the variations/removals as proposed would alter the determination of the application. Indeed, it is contended that the revision would deliver additional benefits; these would principally be in relation to the impact of the proposal in terms of meeting the challenges of a changing climate, and improvements to housing mix to deliver affordable housing which meets an identified need.
- 1.6 It is contended that in these circumstances the variation of condition would be appropriate. Such a variation would allow the development to come forward in a more efficient and timely manner realising the benefits of the scheme at the earliest opportunity.
- 1.7 This statement will seek to set out why the current conditions should be varied/removed.

SCOPE OF SUBMISSION

- 1.8 The table below summarises the proposed variation to condition 1, including list of plans.

Condition 1 Plans to be Varied

(03) 004 – Plots 4 and 5 – Elevations	25-2125 - 320A - Plot 4 & 5 - Elevations
(03) 005 – Plots 4, 5, 6 and 7 – Sections	25-2125 - 321 - Plot 4, 5, 6 and 7 - Sections
(02) 005 – Plots 6 and 7 – Floor Plans	25-2125 - 410D - Plot 6 & 7 - Plans
(03) 006 – Plots 6 and 7 – Elevations	25-2125 - 420A - Plot 6 & 7 - Elevations
(02) 006 – Plots 8, 9 and 10 – Ground and First Floor Plans	25-2125 - 510D - Plot 8, 9 & 10 - Plans 1 of 2
(02) 007 – Plots 8, 9 and 10 – Second Floor and Roof Plans	25-2125 - 511D - Plot 8, 9 & 10 - Plans 2 of 2
(03) 007 – Plots 8, 9 and 10 – Front and Rear Elevations	25-2125 - 520A - Plot 8, 9 & 10 - Elevations 1 of 2
(03) 008 - Plots 8, 9 and 10 – Side Elevations	25-2125 - 521A - Plot 8, 9 & 10 - Elevations 2 of 2
(03) 009 – Plots 8, 9 and 10 – Sections A-A and B-B	25-2125 - 522 - Plot 8, 9 & 10 - Sections
(02) 008 – Plots 11 and 12 – Floor Plans	25-2125 - 610D - Plot 11 & 12 - Plans
(03) 011 – Plots 11 and 12 – Elevations	25-2125 - 620A - Plot 11 & 12 - Elevations
(03) 012 – Plots 11 and 12 – Sections	25-2125 - 621 - Plot 11 & 12 - Sections
(02) 009 – Plots 13, 14, 15 and 16 – Ground and First Floor Plans	25-2125 - 710D - Plot 13, 14, 15 & 16 - Plans 1 of 2
(02) 010 – Plots 13, 14, 15 and 16 – Second Floor and Roof Plans	25-2125 - 711D - Plot 13, 14, 15 & 16 - Plans 2 of 2
(03) 013 - Plots 13, 14, 15 and 16 – Elevations	25-2125 - 720A - Plot 13, 14, 15 & 16 - Elevations 1 of 2 25-2125 - 721A - Plot 13, 14, 15 & 16 - Elevations 2 of 2
(03) 014 - Plots 13, 14, 15 and 16 – Sections	25-2125 - 722 - Plot 13, 14, 15 & 16 - Sections
(02) 011 – Plots 17, 18 and 19 – Ground and First Floor Plans	25-2125 - 810D - Plot 17, 18 & 19 - Plans 1 of 2
(02) 012 – Plots 17, 18 and 19 – Second Floor Plans	25-2125 - 811D - Plot 17, 18 & 19 - Plans 2 of 2
(03) 015 – Plots 17, 18 and 19 – Elevations	25-2125 - 820A - Plot 17, 18 & 19 - Elevations
(03) 016 – Plots 17 to 22 – Section	25-2125 - 821 - Plot 17, 18, 19, 20, 21 & 22 - Sections
(02) 013 – Plots 20, 21 and 22 – Ground and First Floor Plans	25-2125 - 910D - Plot 20, 21 & 22 - Plans 1 of 2
(02) 014 – Plots 20, 21 and 22 – Second Floor and Roof Plans	25-2125 - 911D - Plot 20, 21 & 22 - Plans 2 of 2
(03) 017 – Plots 20, 21, and 22 – Elevations	25-2125 - 920A - Plot 20, 21 & 22 - Elevations
(02) 015 – Plots 23 to 28 (Apartment Block) – Ground Floor and First Floor Plans	25-2125 - 1010 - Plot 23, 24 & 25 - Plans

(02) 016 - Plots 23 to 28 (Apartment Block) – Second Floor and Roof Plans	25-2125 - 1110 - Plot 26, 27 & 28 - Plans
(03) 018 - Plots 23 to 28 (Apartment Block) – Front and Rear Elevations	25-2125 - 1020 - Plot 23, 24 & 25 - Elevations
(03) 019 - Plots 23 to 28 (Apartment Block) – Side Elevations	25-2125 - 1120 - Plot 26, 27 & 28 - Elevations
(03) 020 - Plots 23 to 28 (Apartment Block) – Section A-A	25-2125 - 1021 - Plots 23, 24, 25, 26, 27 & 28 - Sections
(01) 007 – Proposed Roof Plan	25-2125 - 101B - Proposed Site Plan 25-2125 - 105A - Key Plan
(04) 020 – Streetscenes 1:200	25-2125 - 106 - Street Elevations

It should be noted that the plans for units 1, 2 and 3 have already been varied by virtue of the non-material amendment (DC/25/2111) and these remain unchanged.

- 1.9 The other conditions proposed for removal all concern water neutrality. Since the removal of the water neutrality position by Natural England, we no longer consider these to be reasonable in the inclusion of the decision.

STRUCTURE OF PLANNING STATEMENT

- 1.10 The purpose of this statement is to set out the proposed development in further detail and assess the proposal against the relevant national and local planning policies and other material considerations.
- 1.11 The statement will include the following sections: site description, planning history, description of the proposal, relevant planning policy, planning considerations, and conclusion.

2.0 DESCRIPTION OF SITE AND LOCALITY

- 2.1 The site, as shown on the location plan below, is located to the north of High Bar Lane and measures circa 1.8ha in total.
- 2.2 The land is irregular in shape consisting of three distinct areas: the main field where the majority of the housing would be located, the smaller area to the east and the land between Massey Close and the development site.
- 2.3 To the south of the site is High Bar Lane which consists of a varied palette of residential properties. There are further residential properties to the east of the site at Massey Close; the closest properties are newly constructed. To the west the site adjoins the local play area, and the Mushroom Farm is located to the north. It is understood that a revised application is imminently due for submission for the residential redevelopment of this site.
- 2.4 The larger development in Thakeham is located a short distance to the east and includes a number of amenities including a village shop, Parish Hall and vet practice alongside play equipment and sports fields.
- 2.5 The land is currently undeveloped and is not currently farmed nor has it ever been. The new bridleway dissects the site east to west and is incorporated into the proposed site layout.
- 2.6 The land is separate from the highway by intermittently planted trees and hedging, though some of these trees are showing signs of degradation.
- 2.7 There is a range of architectural styles within the area including gabled features. There is no one clear pattern of development with properties addressing the road at various frontages and points including some which are set back further than others.
- 2.8 The equipped area of children's play to the west also benefits from a small playing field with goal posts and basketball hoops.
- 2.9 The emerging Local Plan described Thakeham as a medium-sized village of sufficient size to cater for the day-to-day needs of its residents. Owing to the size of the village two sites were included in the emerging Local Plan, the one subject of this application and the site to the west along High Bar Lane.
- 2.10 The site is therefore recognised as being within a sustainable location being adjacent to the built-up area boundary and a short walk from the village's amenities.

3.0 PLANNING HISTORY

3.1 The planning history for the site is shown in the table below:

Application Reference	Description	Decision
DC/25/2111	Non-Material Amendment to previously approved application DC/23/2152 (Erection of 28 dwellings) for an increase in the size of internal/external wall thickness and other external architectural changes (windows and doors and labelling of external materials) in relation to dwellinghouses on plots 1-3 inclusive, and location plan red line clarification.	NMA Approved
DC/23/2152	Erection of 28 dwellings and associated engineering operations and works including an onsite borehole water supply.	Approved
DC/23/0269	Erection of 40 dwellings, creation of a pump park, and associated engineering operations and works. Retention of bridleway and installation of a borehole soakaway to the east of the development.	Withdrawn

3.2 The ‘parent’ permission of this application is the most important being that under reference DC/23/2152, however, a subsequent non-material amendment was agreed earlier this year.

3.3 Having regard to the nature of the proposal as a variation there is not a need to revisit all of the matters of determination of the parent permission and only those as part of the revision.

4.0 THE PROPOSAL

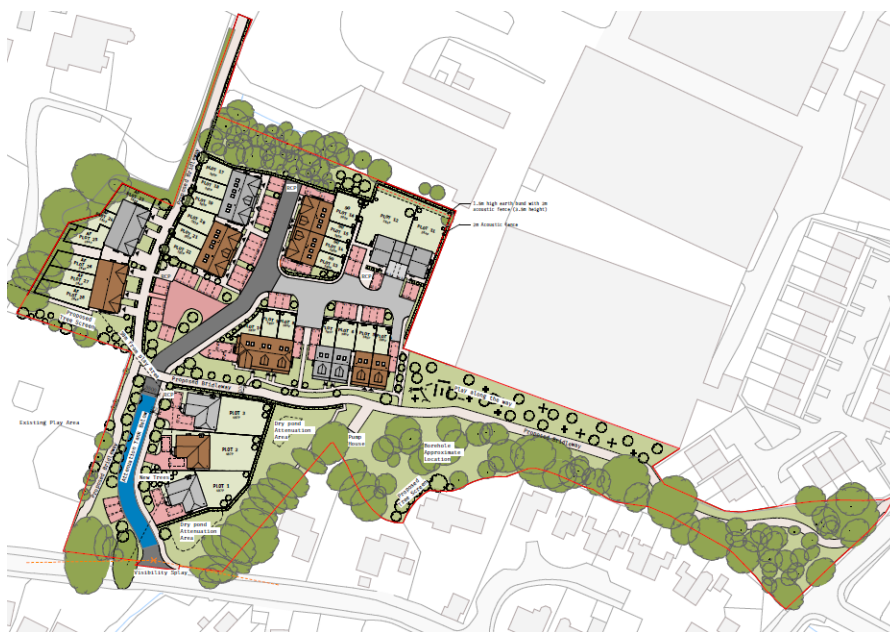
- 4.1 The application proposes the variation of conditions 1, 12, 13, 14, 15, 19, 37, 38, 39, 44, 45, 46 of DC/23/2152.
- 4.2 As set out in section 1 of this statement these conditions relate to both the proposed plans (condition 1) and water neutrality.
- 4.3 It is proposed that condition 1 be varied to allow for the revised plan set, with the other conditions removed. It is recognised, however, that so as to remove the other conditions there would be a need to impose a new regulatory condition requiring compliance with the Optional Technical Standards of Part G to provide for 110 litres of water per person per day.
- 4.4 The table set out in section 1 includes the relevant existing plans and those sought for revision.
- 4.5 The reason for the variation of the plans is twofold. Firstly, it would allow the units to be constructed in partnership with HEMPSAN[®]; the details of which are set out below but in essence deliver significant benefits to the energy efficiency of the development and significantly reduce the carbon footprint of the build. Secondly, the revision of unit types has been worked up through discussion with a registered provider who has expressed conditional interest based on such revisions – it should be highlighted that no other formal interest has been forthcoming at this time.
- 4.6 The variation would also work on the dwellings, as approved, to continue (in line with other conditions) during which time the applicant can engage with the highway authority to achieve the relevant agreements.
- 4.7 The wider application would continue to grant 28 dwellings and associated operations alongside a borehole.
- 4.8 The below details are provided as a written statement of the design and access principles of the site.

Use

- 4.9 The current site consists of an undeveloped field which, although it has not been actively farmed in the past, would constitute agricultural land as the default position. The proposed development would alter this use so that the land would provide space for 28 C3 residential units. This is as per the consented parent permission.

Layout

- 4.10 The proposed layout would remain largely unaltered. The development would continue to benefit from a principal road running on a north/south axis with secondary roads to the east of such. Public Rights of Way would continue to also dissect the site on such axis.
- 4.11 In comparison to the consented scheme the most significant change to the layout concerns the dwellings to the west of the existing footpath. In the originally consented scheme, a small block of flats was approved in this location. Following the involvement of HEMSPAN[®] and the Registered Provider it is now proposed to provide these units as two small runs of terraces.



Proposed Site Plan

- 4.12 Internally, the dwellings would largely remain consistent with the approved plans though the external and internal walls (including roofing) have been enlarged to allow for the use of HEMSPAN[®] as a sustainable construction product. Other internal changes include to the housing mix and are identified within the proposed plans.

Amount

- 4.13 The proposal continues to seek permission for the erection of 28 dwellings and associated operational works.
- 4.14 The total area of development for the internal units is set out in the table at Appendix 4.

- 4.15 Garden depths would be appropriate to the size of the units but vary across the development.

Scale

- 4.16 The scale of the proposed dwellings remains largely unchanged with units being two storey in form with accommodation in the roof of some units.
- 4.17 The proposed revision does alter the size of the units by way of making the external and internal walls larger to accommodate the HEMSPAN[®] product. The approved block of flats is proposed to be replaced with two small rungs of terrace housing which whilst spanning a greater width is of a reduced scale in comparison.

Appearance

- 4.18 The overall design approach for the units remains unchanged. The revised plan seeks to alter the arrangement so they can be constructed using the HEMSPAN[®] product. The design approach, however, to the external form remains unchanged.
- 4.19 It is not proposed to vary the conditions relating to conditions or similar and these aspects therefore would remain unchanged from the previous determination on site.

Landscaping

- 4.20 The wider landscaping of the site would remain unchanged. Areas would remain dedicated to landscaping, play along the way etc. The most significant change to the landscaping being the removal of communal gardens associated with the previously consented block of flats and in its place the inclusion of private gardens.

Access

- 4.21 The proposed access would remain unchanged from the consented scheme which was considered to be suitable for the site. The proposed development would not materially alter the likely impacts on highway capacity either.
- 4.22 The proposed total amount of parking would be altered with a modest reduction from the consented number of spaces to providing a total of 70 spaces. This provision still exceeds the guidance set out in relevant development plan documents.

5.0 PLANNING POLICY AND GUIDANCE BACKGROUND

- 5.1 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 There has been no changes to either local or national policy since the determination of the parent permission last year. The development plan therefore remains the Horsham Development Framework 2015.
- 5.3 The Council are in the process of updating the Development Plan, but this has incurred significant delays and the weight to be afforded to the emerging policies should be limited.

Planning Policy Constraints

- 5.4 The application site is subject to the following planning constraints:
- Countryside Location – outside of any defined settlement

Central Government Planning Policy Guidance

- 5.5 The National Planning Policy Framework (NPPF) was first introduced in March 2012 and replaced planning policy statements (PPSs) and planning policy guidance notes (PPGs). The NPPF sets out national planning policy to be taken into account by Councils when preparing new local plans and when taking decisions on planning applications.
- 5.6 The NPPF has recently been updated with a revised version being published in December 2024. This was published following the determination of the application in August 2024. There continues to be a strong presumption in favour of sustainable development and at paragraph 3 it advises the Framework should be read as a whole.
- 5.7 Paragraph 7 states the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 states achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). However, paragraph 9 states these are not criteria against which every decision can or should be judged. Decisions should also take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 5.8 Paragraph 12 states the following:

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

- 5.9 The most relevant sections of the NPPF in relation to this proposal are 2 (Achieving Sustainable Development), 4 (Decision Making), 5 (Delivering a sufficient supply of homes); 8 (Promoting healthy and safe communities); 9 (Promoting Sustainable Transport); 11 (Making Efficient Use of Land); 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (Conserving and enhancing the natural environment).
- 5.10 Section 2 sets out that the planning system should contribute toward achieving sustainable development. It states the Local Planning Authorities should apply a presumption in favour of sustainable development and not delay the issuing of approvals for such. Paragraph 11 sets out the application of the tilted balance.
- 5.11 Section 4 encourages Council's to engage with early pre-application engagement as it offers significant potential to improve the efficiency and effectiveness of the planning application system. This application is made as a Section 73, and the previous comments are therefore highly material to the determination of the scheme as submitted.
- 5.12 Section 5 states that it is the Government's objective to significantly boost the supply of homes. To deliver this it requires Council's to identify the appropriate housing need for the district and to establish an appropriate buffer. The housing need assessment for the district is currently be revisited as part of the emerging district wide Local Plan. This assessment indicates that there is likely to be a significant increase in the number of homes required within the plan period. The housing demand for Thakeham was previously set out in the adopted Neighbourhood Plan and Local Plan, both of which are out of date. Additionally, based on the publication from December 2025, the Council is only able to demonstrate a housing land supply equivalent to 1.7 years' worth of supply. The proposed variation whilst not altering the number of units provided does improve the deliverability of such units further benefiting the housing land supply position.
- 5.13 Section 8 sets out planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction and create safe and accessible space. The proposed design has been developed in a way to ensure a high quality of life and create safe spaces. The application provides sufficient private amenity space to each unit and also some community facilities notable in the form of the proposed play along

the way which would enhance the pedestrian connection between the two play areas in Thakeham.

- 5.14 Section 9 deals with sustainable transport. It sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network. The proposed development would include a safe access and would not result in a net gain of dwellings that would prejudice highway safety. No objection was previously raised on transport grounds.
- 5.15 Section 11 sets out that development should promote an effective use of land in meeting the need for homes and other uses. It sets out that development should encourage multiple benefits from urban and rural land and promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing. The proposed development would make an effective use of the land resulting in an appropriate density and design for the location. The proposed variation alters the layout of the units whilst still providing 28 dwellings across the site.
- 5.16 Section 12 deals with the requirement for good design, which it notes is a key aspect of sustainable development and is indivisible from good planning. We submit that the proposal would comply with the relevant paragraphs that it would functional well and add to the overall quality of the area; be visually attractive as a result of good architecture; and be of a high-quality design that assimilates well with the area. The proposed dwellings have been designed to reflect the character of the area and respond well to the context of the area. The design approach to the scheme remains largely unaltered from the previous consent.
- 5.17 Section 14 requires development proposals to support the transition to a low carbon future and be proactively planned to mitigate and adapt to a changing climate. The principal driver for the variation is to ensure that the units can be delivered using the HEMSPAN[®] product. The use of the product improves not only the energy efficiency of the proposed units but also has significant benefits in terms of embodied carbon. Additional information about the HEMSPAN[®] product is provided separately in the appendices.
- 5.18 Section 15 of the NPPF deals with conserving and enhancing the natural environment. It states that development should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Furthermore, it should protect and enhance biodiversity and geodiversity. The site is not located within any landscape or nature conservation designations and is not within any particularly sensitive location being well screened from longer distance views. The proposed revisions do not alter this assessment.

Local Development Plan

5.19 The approved Development Plan for this site therefore comprises the policies of the Horsham District Framework.

5.20 The relevant policies are considered to be as follows:

- Policy 1 – Sustainable Development
- Policy 3 & 4 – Development Hierarchy and Settlement Expansion
- Policy 15 – Housing Provision
- Policy 16 – Meeting Local Housing Needs
- Policy 24 – Environmental Protection
- Policy 25 – District Character and Natural Environment
- Policy 26 – Countryside Protection
- Policy 31 – Green Infrastructure and Biodiversity
- Policy 32 – Quality of New Development
- Policy 33 – Development Principles
- Policy 35 – Climate Change
- Policy 36 – Appropriate Energy Use
- Policy 37 – Sustainable Design and Construction
- Policy 38 – Flooding
- Policy 39 – Infrastructure Provision
- Policy 40 – Sustainable Transport
- Policy 41 – Parking
- Policy 42 – Inclusive Communities
- Policy 43 – Community Facilities, Leisure and Recreation

5.21 The relevant policies of the Neighbourhood Plan are:

- Policy 1 – A Spatial Plan for the Parish
- Policy 6 – Design
- Policy 8 – Subdivision of Agricultural Land
- Policy 9 – Development in the Countryside
- Policy 10 – Green Infrastructure and Valued Landscapes
- Policy 11 – Local Green Spaces

5.22 The following documents are also of some relevance to this application:

- National Planning Policy Guidance (NPPG)
- Horsham District Transport Study Technical Note (April 2015)

- Sussex Air Quality Guidance (2019)
- Natural England Water Neutrality Position Statement and subsequent withdrawal
- Climate Action Strategy 2024

6.0 PLANNING CONSIDERATIONS – VARIATION TO CONDITION 1

- 6.1 This section of the planning statement will focus on the variation of condition 1, being the condition links to plan numbers.
- 6.2 The proposed changes to the plans are outlined in the submitted plans and are driven by two factors. The first is to enable the construction of all units using the HEMSPAN[®] product. HEMSPAN[®] is a construction technology business developing bio-based, circular systems to capture and store atmospheric carbon in buildings. It relies on pre-fabric panel systems the installation of which requires the buildings to be redesigned to allow for such.
- 6.3 The second driver for the change is following discussion with Registered Providers. As is set out in the supporting information the marketing of the designated affordable units on the policy compliant mix of tenures included within the existing legal agreement has not yielded any success to date. Whilst this is the case, there is a firm expression of interest from Octopus (a registered provider) in the units at the mix set out within the Section 106 but not in the flatted development or housing mix as consented. In light of such it is proposed to vary the flatted part of the approval to two terraces and to alter the housing mix.
- 6.4 Whilst a Section 73 constitutes a new planning permission it would not be appropriate to revisit every aspect of the permission as previously considered particularly where these elements are not subject of the proposed variation. Those topics which we consider do not need to be revisited are:
- Sustainability of Location and the Principle of Development in such regards
 - Loss of Minerals
 - Settlement Coalescence
 - Protected Landscape
 - Archaeology
 - Contamination
 - Air Quality
 - Open Space and Play Space
 - Access
 - Highway Capacity
 - Highway Safety
 - Sustainable and Active Travel
 - Ecology (excluding Water Neutrality set out in the section below)
 - Drainage and Flooding

- 6.5 It is our consideration that the conclusion on these matters would be unaltered and the proposal would not change the consideration of benefits/harms on such matters for determination. The assessment of the revised plans on the remainder of the topics (with the exception of water neutrality) are addressed within this section of the report.

Principle of Development

- 6.6 The principle of housing in this location has been established by virtue of the grant of the parent permission. This grant in turn followed the proposed allocation of the site within the emerging local plan. This clearly demonstrates that the site in terms of its sustainability, connection to amenities, number of units etc was considered in principle to be appropriate to the site.

Housing Land Supply

- 6.7 It is, however, still incumbent on the Local Planning Authority to consider the revision as a matter of principle. On this matter it is firstly highlighted that the Council's published housing land supply position has worsened from that included within the committee report as part of the previous determination falling from 2.9 years to 1.7 years. Whilst in both instances there is a clear under supply of housing the need for new homes is evidently more acute and even more significant.
- 6.8 In the determination of this application therefore there are two points of consideration. Firstly, it is highlighted that in the absence of a suitable housing land supply the titled balance at paragraph 11d) is engaged. This requires the Council (subject to footnote 7) to grant permission unless the benefits of such are significant and demonstrably outweighed by the harms. It is our consideration that the proposal delivers a larger suite of benefits than the existing permission.
- 6.9 Secondly, and of consequence to the housing land supply position is that the proposed alteration would result in an improvement to the deliverability of the site meaning that the new homes can be realised at even greater pace than the existing permission allows. This is secured not only through the construction method with prefabricated panelled systems being built out at much faster rates than traditional techniques, but also through securing a registered provider.
- 6.10 Given the Council's housing land supply position we consider that the improvement to the deliverability of the site compared to the current permission. We consider that this should be considered as a positive benefit weighing in favour of the proposed variation. The reason for such being that it will allow the development to help address the under delivery of homes in a timelier manner which is of critical importance given the acute and realised need for such within the district.

Housing

- 6.11 The application would result in a revised housing mix both for the affordable and market units. In consideration of the previous determination on site the Council found that whilst the housing mix did not deliver the size of homes identified as needed across the borough in that it delivered a higher proportion of larger units compared to small ones this was acceptable given the context of the site.
- 6.12 The table below compares the housing mix of the extant permission with that subject of the proposed change.

Extant				Proposed		
	Affordable	Market	Total	Affordable	Market	Total
1 Bed	2		2			0
2 Bed	4	2	6	6	2	8
3 Bed	4	9	13	4	13	17
4+ Bed		7	7		3	3

- 6.13 The loss of the one-bedroom units is as a result of flatted units which is direct response to the interest of the registered provider.
- 6.14 In comparison to the SHMA which provides the most updated guidance for the determination of units the proposed scheme would result in an under delivery of 1 and 4+ bedroom properties but would deliver a greater proportion of 2 and 3 bed housing which is of greater demand across both market and affordable tenures.
- 6.15 Additionally, the registered provider has stated that the proposed revised layout would allow for the delivery of a greater number of 2 and 3 bed affordable rental units. This is demonstrated on the revised plans and in the table below.

	Affordable Rent	Shared Ownership
2 bed	0	6
3 bed	4	0
4 + bed	0	0

- 6.16 As per paragraph 6.33 of the committee report the Council's Housing Officer has identified a greater need for 2 and 3 bedroom units within the Thakeham area. We therefore consider that the proposed revision to the housing mix on site would assist with addressing this localised issue to a greater extent than the consented scheme. This is, however, realised by the removal of the flatted element of the proposed development.

- 6.17 As per the table above if the proposed amendments are approved the affordable housing can be delivered on the basis of the tenure envisaged within the signed Section 106 agreement without the need for engagement with the relevant clauses of such agreement which allow the tenure mix to be readdressed. On this matter it is highlighted through the marketing reports that the tenure mix envisaged by the S106 has not been successful.
- 6.18 We consider that the proposed housing mix would be remain as appropriate to the development of the site when balancing the character of the area with the identified housing need in the area. We consider that the delivery of a greater number of family sized properties for affordable rent weighs in favour of the proposed development alongside discussion regarding its deliverability in this regard.

Impact on the Townscape and Landscape Character of the Area

- 6.19 Policy 25 seeks to preserve, conserve and enhance the landscape and townscape character of the district. It requires regard to be given to individual settlement characteristics and the general space around different settlements.
- 6.20 Policy 26, states that outside built-up area boundaries the rural character and undeveloped nature of the countryside to be protected against inappropriate development.
- 6.21 Additionally policy 32 requires proposal to be complementary to the locally distinctive character of and area and positively contribute to the sense of place.
- 6.22 Policy 6 and 10 from the Neighbourhood Plan states that major development schemes should blend into the countryside as much as possible and that developments will be supported where they protect and retain and where possible enhance the green infrastructure and valued landscape features.
- 6.23 The principle of the development in terms of the quantum of units and spacing within the site was considered positively by the Council's landscape consultant in the determination of the previous decision. This was informed by the submitted landscape visual impact assessment. Having regard to the proposed revision of the design we do not think that there would be a material change to the conclusion of that assessment.
- 6.24 The main changes can be summarised as the design revisions to the main units and the change from the flatted units to the proposed terraces. The wider site layout including position of the roadways, parking etc remains unchanged.
- 6.25 It is acknowledged that some of the dimensions on the units alters including a modest increase to the height of the building, however, we do not think that these would have a material change to the impact of the scheme on the wider landscape context of the area.

- 6.26 In terms of the new terraces we highlight that these would be positioned within the same location as the consented flats with the car parking location remaining unchanged. The terraces would occupy an area further to the north than the consented scheme, but the height and the overall massing of the block would be reduced. Accordingly, whilst there may be a slight increase in the spread of the footprint in this location the overall bulk and massing would be reduced. We consider that this would not alter the overall conclusion of the landscape assessment and in terms of the long-range views to the site we consider the amendments to be wholly appropriate and not alter the previous determination on such.
- 6.27 Space would be retained within the site to allow for the landscaping as proposed within the original scheme likewise the same trees to be retained on site would be the same. It is acknowledged that the revisions result on trees to the west now backing onto private gardens rather than communal space; however, these have been left specifically outside of the private gardens so as to be under the care of the management company not individual occupiers.
- 6.28 In terms of the design approach to the scheme this remains largely unchanged from the consented scheme. The site continues to be located in close proximity to more recent development providing a suburban context to the site. The amended proposal would continue to reflect this context with development remaining set back from High Bar Lane and the forms of the buildings, layout and density reflecting the character of the area.
- 6.29 The comments regarding the site's layout, design approach etc within the previous report at paragraphs 6.55-6.56 remain unchanged. The proposal retains the overall design approach of two and two and half storey properties but slightly increases the external dimensions so as to allow them to be constructed using HEMSPAN® as a construction product.
- 6.30 In terms of the flatted elements and the change to the proposed terraces we consider that this would continue to respond to the character of the area. We are conscious of the comments made in the previous officer's report at paragraph 6.57 – 6.58. Within these paragraphs officers considered the flatted elements to be acceptable based on the wider design approach in an attempt to reflect a 'manor house' divided with appropriate materials shared across the site.
- 6.31 It is our consideration that the terraces replacing the flatted development would continue to be appropriate to the character of the area. The wider design across the site would be reflected in the terraces, however, additional areas of detailing have been adding to the proposed units so as to break up the form across the site.

- 6.32 It is our consideration that the introduction of the terraces to the north west of the site would not change the overall conclusion regarding the proposal in terms of design. The terraces would also deliver the benefit of allowing for the housing to be delivered with a register provider in place reflecting additional benefits from the proposed design changes.

Environmental Protection and Amenity

- 6.33 As set out above we do not consider that there would be a change to the bulk of the considerations in this regard, however, it is recognised that there is a need to consider the revised scheme in terms of the impact on existing and future occupiers.
- 6.34 It is acknowledged that the proposal alters the dimensions of the buildings including a modest increase to the height and the overall external dimensions. Whilst this is the case, the units would continue to be well spaced from neighbouring off-site properties. In light of such we consider that there is no change to the determination of the officer's report at paragraph 6.67 and 6.68.
- 6.35 The proposed terrace in place of the flatted development would not alter this conclusion either. These units would remain well separated from the offsite neighbours.
- 6.36 Within the site we do not consider that the overall relationship between properties would materially alter. The revisions to the majority of the housing types are minimal with modest increases to the external dimensions. There would not, however, be fundamental changes to the layout of the site, position of windows etc. The extent of such is that these units would not alter the relationship between units.
- 6.37 The proposed terraces would alter the relationship between properties on the north west corner of the site. In place of the flatted development which included habitable rooms within the roof space would be replaced with two storey terraces. The southern most terrace block would not alter the consideration between these elements and units 17 – 22. The additional northern terrace would introduce built form closer to the rear gardens of units 20-22 (inclusive), however, the separation distance would remain such that there would not be any adverse overlooking or impacts by reason of loss of lights, overbearing etc. The distance between windows would exceed 20m with circa 10m between the new terraces and the rear of these gardens. We consider that such relationships are wholly appropriate within a new suburban development and would ensure that future occupiers benefit from suitable amenity provision.
- 6.38 Externally the size of gardens, with the exception of the terraces, would remain unaltered. The terraces would all benefit from private gardens of generous proportions. The majority would be directly to the rear of the properties with the exception of the northern

most unit which would benefit from a side and rear garden. The overall external area of each property would be of high quality providing future occupiers with suitable external amenity.

6.39 It is further highlighted that the distance between the properties and the neighbouring play space would continue to exceed the distances prescribed in the consideration of the previous proposal ensuring that future occupiers would not be adversely impacted by the noise impacts associated with such. We further highlight that the use of HEMSPAN[®] within the construction process would deliver additional benefits with regard to the insular properties including noise.

6.40 Having regard to the above it is our contention that the revised proposal would continue to preserve the amenity of the surrounding area and the amenity of future occupiers.

Highways – Parking

6.41 We do not consider that the revisions would alter the assessment of the proposal in terms of the access, road layout or site capacity. It is, however, acknowledged that the proposed revisions revise the parking arrangement on site.

6.42 Paragraph 6.87 of the committee report considers the parking arrangement of the consented scheme. It was identified that based on the WSCC guidance there would be a need for 60.7space and that the provision of 69 spaces with 8 visitor spaces was reasonable allowing for any overspill parking demand.

6.43 The revised housing mix would alter this requirement to an identified need of the following

No. Bedrooms	No. of Units	Demand	Total
2	8	1.7	13.6
3	17	2.2	37.4
4	3	2.7	8.1
		Total	59.1

6.44 The proposed development would deliver 61 number of spaces with an additional 9 visitor spaces. This would continue to exceed the WSCC guidance.

Climate Change

6.45 One of the most significant changes arising from the proposed variation to the plans is that the revision will allow for the use of HEMSPAN[®] as a construction method across the site.

- 6.46 HDPF Policies 35, 36 and 37 require development mitigates the impacts of climate change, in reflection of Chapter 14 of the NPPF. Additionally, the Council declared a Climate Emergency in 2023 following which the Council introduce a climate action strategy and plan. This forms a material consideration in the determination of the case.
- 6.47 HEMSPAN[®] is a UK-based construction systems manufacturer specialising in high-performance building systems that meet and exceed current Building Regulations. HEMSPAN[®]'s BIOHAUS[®] closed-panel system integrates structure, insulation, and airtightness into a single, factory-produced solution, delivering consistently high standards of fabric performance, thermal efficiency, and construction quality. The proposed use of this system supports the delivery of net-zero-ready homes with very low operational energy demand, contributing to 'zero bills' outcomes for future occupants. Through robust off-site manufacture, accredited testing, and rigorous quality assurance, HEMSPAN[®] provides a reliable, compliant, and proven solution that enhances build quality and performance while remaining fully consistent with the approved development principles.
- 6.48 The use of such across the site will result in both the market and affordable units being constructed in a manner which means that they are carbon negative, and with the highly insular properties, inclusion of renewable energies etc. can result in utility bill free occupation.
- 6.49 It is, our consideration, that this should weigh significantly in favour of the proposed development and would go above and beyond the policy aims and address the express aims of the climate change strategy.
- 6.50 More widely the use of HEMSPAN[®] within the site will demonstrate that it can be utilised at scale delivering significant advancement to the construction industry and sustainability within the wider area.

Conclusion on Variation of Plans

- 6.51 Having regard to all of the above it is our contention that there are clear benefits of the revised scheme. The proposed revision would allow for the following benefits all of which we contend can be afforded significant weight in the determination of the case:
- Delivery of Affordable Housing that meets the identified needs more closely than the approved scheme;
 - Improvements to the deliverability of the site given that it would address the concerns raised by Registered Providers and bring in support of Octopus;
 - Significant benefits to achieving the objectives of addressing the changing climate and allowing for the use of HEMSPAN[®]; and

- Benefits to future occupiers by way of insulation and benefits of renewable energy promoting the highest standard of construction.

7.0 VARIATION/REMOVAL – WATER NEUTRALITY

- 7.1 The other conditions sought for removal/variation as part of the application are those related to water neutrality. These being conditions 12, 13, 14, 15, 19, 37, 38, 39, 44, 45, 46.
- 7.2 At the time of the determination of the previous application the Council were required to determine it in light of the position statement from Natural England in relation to abstraction from the Arun Valley and the need for water neutrality.
- 7.3 Since the determination of the application, however, Natural England have withdrawn this position statement, and the matter of securing water neutrality is no longer necessary meaning new homes can connect to mains water infrastructure.
- 7.4 This follows agreement between Natural England and the Environment Agency that a reduction in the license cap on abstraction would ensure that there is sufficient certainty that development will not adversely impact on the habitats within Arun Valley. These habitats being the principal element of interest to Horsham in making decisions regarding relevant proposals, as it removed the connection between abstraction and growth.
- 7.5 Following receipt of Natural England's withdrawal statement, the Council has confirmed that it will no longer be launching the Sussex North Water Certification Scheme (SNWCS). In its place and noting that the area remains one of significant water stress, there is a requirement for new housing to comply with the Building Regulations Part G Optional Technical Standard. This is currently set at being equivalent to 110 litres of water per person per day.
- 7.6 For existing permissions, the Council's website states:
- For applicants who have existing planning permissions with conditions and s106 obligations requiring compliance with bespoke water neutrality mitigation, we will consider applications under s.73 of the Town and Country Planning Act to remove those conditions, and any associated applications to vary or discharge any relevant s106 obligations. If your permission is for new dwellings, we will instead apply a condition requiring compliance with the Building Regulations Part G Optional Technical Standard referred to above. This is the same condition we applied to all new dwellings prior to the 2021 Position Statement.*
- 7.7 This application therefore seeks permission to vary/remove the existing conditions relating to water neutrality and replace them with a regulatory condition requiring compliance with the Optional Technical Standards of Part G to provide for 110 litres of water per person per day. As is common practice the implication of such a condition

would allow the stricter building control regulations to be applied and in light of such, we do not consider that the replacement condition requires any formal discharge but can instead be worded in the manner of a regulatory condition.

- 7.8 We consider this aspect of the Section 73 variation to be straightforward and simply seeks to update the permission in line with the current position.
- 7.9 We highlight that in this instance that whilst the title of the application includes reference to an on-site borehole water supply this could still be provided under the description of the development. This does not prevent water being supplied via the mains water network.

8.0 CONCLUSION

- 8.1 This application is made under Section 73 of the Town and Country Planning Act seeks to vary conditions 1, 12, 13, 14, 15, 19, 37, 38, 39, 44, 45, 46 of planning permission DC/23/2152. That application granted permission for the *Erection of 28 Dwellings and Associated Engineering Works Including Onsite Borehole Water Supply*.
- 8.2 The majority of these conditions relate to water neutrality which is no longer required given the withdrawal of the water neutrality statement. The removal of these conditions and the inclusion of one relating to the consumption of water at 110L is wholly appropriate to the determination.
- 8.3 The variation of condition 1 seeks to allow for the use of HEMSPAN® as a construction method across the site delivering significant benefits set out in section 6 above. The variation also seeks to remove the flatted elements and replace the six units with two rows of terraces which would address concerns raised by registered providers and gain the support of one.
- 8.4 This statement has clearly set out why, when assessed against case law and guidance within the NPPG that there is a clear justification for the variation of the condition so as to not delay development coming forward.
- 8.5 We therefore respectfully request that the conditions be varied.
- 8.6 We trust that you have been provided with sufficient information to determine the application, however, please let me know if you require anything further.

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