White & Sons Est. 1817

jds

27 September 2024

Mrs Emma Parkes
Head of Planning
Horsham District Council
Parkside
Chart Way
Horsham
West Sussex
RH12 1RL

Dear Mrs Parkes

Application for the removal of Condition 4 of permission DC/21/1230
Erection of a log cabin for rural worker
Stakers Gill Stud, Stakers Lane, Southwater, Horsham, West Sussex, RH13 9JQ

I refer to the above application prepared by this firm on behalf of our clients, Mr & Mrs Luckin. The application relates to the removal of the following condition:

4. Pre-commencement (slab level) Condition: No development above ground floor slab level shall commence until a management and maintenance plan for the rainwater harvesting system has been submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include (but not be limited to) the following details:

- ***The sampling regime and parameters etc, recognising that the sampling may need to be undertaken by a DWI certified sampler and analysed by a UKAS accredited lab.***
- ***Detail on how any failure of any samples will be investigated and managed.***
- ***Details, including a plan or schematic, showing the supply - storage tanks, treatment etc, and means to record the total water consumption of each unit***
- ***Detail on what type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used.***
- ***Detail on how the treatment system, pipework, tanks etc will be cleaned and maintained and who will maintain them for the lifetime of the development. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.***
- ***Detail on the continuity of supply during dry periods extending beyond 35 days.***
- ***Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.***
- ***Details of contingency plans to ensure any failure's or reported concerns with the supply are investigated and rectified as soon as possible, including timeframes. This should include notification of the investigation and corrective actions to the local authority.***

The management and maintenance plan shall be operated in full at all times. No alterations or revisions to the approved management plan shall be implemented without the written approval of the Local Planning Authority.

This pre-commencement condition was proposed by the case officer by email on 19th October 2022. The applicant however provided reasons in a response dated 20th October 2024 as to why this pre-commencement condition was not agreed as the proposed rainwater harvesting was not intended to serve the proposed accommodation as potable drinking water and would only meet livestock needs. It is therefore considered that the condition was added in error and therefore should be removed as the condition does not meet the legislative requirements of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

Notwithstanding the above, the applicant did apply to discharge the condition along with the other conditions under reference DISC/24/0068 and set out how he intended to maintain the system regardless. The Council did not discharge the condition issuing a split decision. The officer's report stated that ***"It is agreed that this isn't a requirement in this instance as the rainwater being harvested is intended to be used for drinking water for horses only and is an off-setting rather than mitigation measure (as confirmed in the water neutrality strategy and Appropriate Assessment). It is not however possible to discharge this condition. A Removal of Condition application would be required. It is not therefore possible to discharge this condition at this time."***

Accordingly, this application is made to remove the condition. The application includes the relevant application forms and information for the removal of condition 4.

I trust that the above is satisfactory. However, if you have any queries or require any further information, please do not hesitate to contact me.

Yours sincerely

Julian Sharpe MRTPI
Associate Partner - Planning
Email: julian.sharpe@whiteandsons.co.uk