

25th March 2026



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Planning
Horsham District Council

Dear Sir/Madam,

Re: Application under Section 73 to Vary Planning Condition 1 and to Remove Planning Condition 4 of Planning Permission Reference DC/24/1464 at Land at Badgers Hollow, Crays Lane, Goose Green, West Sussex, RH20 2LR.

We write on behalf of Mr and Mrs Rye to remove Planning Condition 4 and to vary Planning Condition 1 of Planning Permission Reference DC/24/1464 which was granted on 8th October 2025.

Background

The approved scheme comprises 'siting of three holiday lets, including a composting toilet, a storage container, ground mounted solar panels, reed bed treatment system, associated hardstanding and the creation of a lake (part retrospective).'

Planning Condition 1

Planning Condition 1 lists all the approved drawings and documents. It requires the development to be carried out 'in accordance with' the approved documents, including the Water Neutrality Statement.

Planning Condition 4 states the following:

'The holiday-let units hereby permitted shall not be erected until full details of the rainwater harvesting scheme have been submitted to and approved in writing by the Local Planning Authority. The details shall include...'

Key Planning History

Application Reference	Description of Development	Decision and Date
DISC/25/0312	Application for Approval of Details Reserved by Conditions 3, 4, 5 and 6 to approved application DC/24/1464	Undecided
DC/24/1464	<i>'siting of three holiday lets, including a composting toilet, a storage container, ground mounted solar panels, reed bed treatment system, associated hardstanding and the creation of a lake (part retrospective).'</i>	8 th October 2025

The Proposed Removal of Planning Condition 4

It is proposed to remove Planning Condition 4 from the Decision Notice. The Planning Condition was included on the Decision Notice for the following Reason:

'To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023) and to allow 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 and species).'

In association with the above, it is proposed to vary Planning Condition 1 to remove the reference to the Water Neutrality Statement as an 'approved' document.

This is to allow the development to connect to mains water rather than relying on rainwater harvesting.

Development Plan

The Development Plan for the area and that apply to this proposal are contained within the National Planning Policy Framework (NPPF) and the Horsham District Council Planning Framework (2015).

Planning Assessment

The key planning issue to be considered is whether the Planning Condition complies with the tests that are set out within paragraph 57 of the NPPF.

Paragraph 57 of the NPPF states the following:

'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects.'

This is emphasised in National Planning Practice Guidance (paragraph 003 Reference ID 21a-003-20190723) which sets out the following:

'... planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

- 1. Necessary;*
- 2. Relevant to planning;*
- 3. Relevant to the development permitted;*
- 4. Enforceable;*
- 5. Precise; and*
- 6. Reasonable in all other respects.*

These are referred to in this guidance as the 6 tests, and each of them need to be satisfied for each condition which an authority intends to apply.'

The NPPG also states that *'any proposed condition that fails to meet one of the 6 tests should not be used.'*

Planning Condition 4 requires details of the rainwater harvesting system to be submitted to an approved in writing by the Local Planning Authority. This Planning Condition was put in place in order to ensure that the development is water neutral.

At the time that Planning Permission was granted it was necessary to demonstrate that all new development was water neutral. On 31st October 2025, Natural England issued a Withdrawal Statement confirming that its Water Neutrality Position Statement of September 2021 has been withdrawn.

The Council has confirmed that for applicants who have existing planning permission with conditions requiring compliance with water neutrality mitigation that they will consider applications under s.73 of the Town and Country Planning Act to remove those conditions. This application therefore seeks to remove Planning Condition 4 which relates to water neutrality, and has been applied to the decision on the basis of ensuring that the development is water neutral.

As a result of the Water Neutrality requirements being withdrawn, it is therefore concluded that Planning Condition 4 no longer meets the tests set out at paragraph 57 of the NPPF. The Planning Condition should therefore be removed from the Decision Notice.

In accordance with the removal of Planning Condition 4, the reference to the Water Neutrality Statement as part of the approved list of plans and documents should also be removed from Planning Condition 1. As Planning Condition 4 is removed, there is no longer the requirement to carry out the development in accordance with this document.

This will allow the development to connect to mains water rather than relying on rainwater harvesting.

Yours Sincerely,

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