Place Services
Essex County Council
County Hall, Chelmsford
Essex, CM1 1QH
www.placeservices.co.uk

Date: 23 May 2025 Our ref: 04348

Bethan Tinning
Horsham District Council
Parkside
Horsham
West Sussex
RH12 1RL

By email only: Planning Department, planning@horsham.gov.uk

Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Horsham District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Application: DC/25/0442
Location: Tanners Farm Mayes Lane Warnham West Sussex RH12 3SG
Proposal: Demolition of existing workshop building and erection of 1no. detached dwelling and associated works. (Application made in the alternative to Prior Approval ref: DC/23/0030).

Thank you for consulting Place Services on the above application.

No ecological objection	☐
Recommend approval subject to attached conditions	☐
Further information required/Temporary holding objection	☒
Recommend Refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

Summary

We have reviewed the Preliminary Ecological Appraisal report (ProHort, Feb 2025) supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation. Please note that comments on mandatory Biodiversity Net Gain are provided by Horsham District Council in-house.

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of mitigation measures for demolition of the confirmed bat roost on site are required provided prior to determination. The reasons for this are outlined below:

European Protected Species:
To fully assess the impacts of the proposal the LPA needs further ecological information for the site, particularly for roosting bats, European Protected Species.

We highlight that Building B1 was confirmed in 2023 as supporting a day roost for Common Pipistrelle (roosting under timber cladding on the southern gable end) as detailed in Appendix 3 of the Bat Emergence and Re-entry Surveys (Arbtech Ltd) submitted for DC/23/0030. This information is available on the LPA's planning portal as are our ecology comments on that application (14 March 2023).

A European Protected Species Mitigation Licence or a Bat Mitigation Class Licence (BMCL) would therefore be required prior to any works commencing on the known bat roost (see Photo 2 and Appendix 1.)

We are concerned therefore that, as the building to be demolished under the revised plans for DC/25/ 0442 is indeed Building B1, we seek confirmation that any conversion/ demolition works will be undertaken supported by a bat mitigation licence.

This information is required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*

This information is therefore required to provide the LPA with certainty of likely impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

See Appeal Decisions Ref: APP/P1560/W/24/3344547 at The Oaks, Clacton Road Weeley Essex CO16 9EF and APP/W3520/W/17/3174638 Pooles Farm, Thorney Green Road, Stowupland IP14 4AJ, where the appeals were dismissed as one of the main issues was the effect of the proposal on protected species. The Inspector could not be sure that there would be no adverse effect on protected species in the absence of ecological information. We also highlight that this information is also requested by the Inspector even where ecology has not been a reason for refusal.

Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. Therefore, as a European Protected Species Mitigation Licence is required

to implement any consented development, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

Additional information
We support the reasonable biodiversity enhancements proposed for protected, Priority and threatened species, which have been recommended in the Preliminary Ecological Appraisal report (ProHort, Feb 2025) to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

We look forward to working with the LPA and the applicant to receive the additional information on roosting bats required to support a lawful decision and overcome our holding objection.

Please do not hesitate to contact us if you have any queries in relation to this advice.

Sue Hooton CEnv MCIEEM BSc (Hons)
Principal Ecological Consultant
Place Services at Essex County Council
Email: PlaceServicesEcology@essex.gov.uk

Place Services provide ecological advice on behalf of Horsham District Council.

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.