

PLANNING STATEMENT

Section 73 Application – Removal of Water Neutrality Condition

Local Planning Authority: Horsham District Council

Site Address: [26a Amberley Road, Horsham, Rh124In](#)

Original Planning Permission: DC/24/1893

Decision Date: 6 February 2025

1. Introduction

This Planning Statement has been prepared in support of an application made pursuant to Section 73 of the Town and Country Planning Act 1990 seeking the removal of Condition 4 and 6 attached to planning permission DC/24/1893

Condition 4 and 6 requires the approved development to demonstrate and secure water neutrality prior to occupation.

This application is submitted on the basis that there has been a material change in planning and regulatory circumstances since the grant of permission, such that the condition no longer meets the statutory and policy tests for the imposition of planning conditions.

2. Planning Background

Planning permission was granted for the erection of single detached dwelling on 06 February 2025

At the time of determination, the Local Planning Authority was applying a district-wide water neutrality requirement in response to advice issued by Natural England concerning potential impacts of water abstraction on the Arun Valley European designated sites, namely:

- Arun Valley Special Protection Area
- Arun Valley Special Area of Conservation

The condition was imposed as part of a precautionary and interim approach applied universally to new residential development across the district, rather than as a consequence of any site-specific characteristics.

3. Material Change in Circumstances

Since the grant of planning permission, the strategic and regulatory framework addressing water neutrality within West Sussex has evolved.

The previous blanket requirement for individual residential developments to secure bespoke water neutrality measures has been superseded by a strategic mitigation-led approach and Government intervention at a wider level.

As a consequence, comparable residential permissions granted more recently within the district are no longer subject to equivalent water neutrality conditions.

It is therefore evident that the policy basis and regulatory circumstances underpinning the imposition of Condition 4 and 6 have materially changed.

4. Assessment Against the Statutory Tests for Planning Conditions

Paragraph 56 of the National Planning Policy Framework confirms that planning conditions must satisfy six tests: they must be necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable.

It is submitted that Condition 4 and 6 no longer meets these tests.

4.1 Necessity

The condition was imposed solely in response to a district-wide regulatory position that is no longer being applied to new permissions.

In the absence of a current policy requirement or site-specific harm, the condition is no longer necessary to make the development acceptable in planning terms.

4.2 Relevance and Proportionality

The approved development comprises a modest single dwelling and was previously assessed as acceptable in principle and in detailed design terms.

There is no evidence to demonstrate that the development, in isolation, would result in adverse effects that necessitate the retention of this condition in circumstances where the Council is no longer imposing equivalent requirements on comparable schemes.

4.3 Reasonableness and Consistency

The continued retention of the condition would impose an unjustified and disproportionate burden on the applicant.

Moreover, it would give rise to inconsistency in decision-making, contrary to the principles of fairness and proportionality that underpin the planning system.

Where planning circumstances have materially changed, it is appropriate and lawful to vary or remove conditions to reflect the current policy framework.

5. Planning Balance

The proposed removal of the condition would:

- Not alter the scale, design or occupation of the approved dwelling;
- Not give rise to any additional built form or intensification;
- Not result in any material planning harm.

The development remains fully compliant with the development plan when read as a whole.

In these circumstances, there is no defensible planning basis for the continued retention of the condition.

6. Conclusion

The water neutrality condition was imposed under a precautionary, district-wide regulatory approach that has since been superseded.

In light of the material change in circumstances:

- The condition is no longer necessary;

- It fails the policy tests set out within national planning guidance;
- Its retention would be unreasonable and inconsistent with the Council's current decision-making practice.

Accordingly, it is respectfully requested that Condition 4 and 6 be removed pursuant to Section 73 of the Town and Country Planning Act 1990.