Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

HRA/24/0002
Unit 10, Tanners Farm, Mayes Lane, Warnham, Horsham, West Sussex, RH12 3SG

DESCRIPTION:

Regulation 77 of the Conservation of Habitats and Species Regulations 2017 in respect of Prior Approval reference DC/23/1052

RELEVANT PLANNING HISTORY:

DC/23/0030	Prior notification for the demolition of existing class B1(c) workshop building and construction of new dwellinghouse (Class C3).	Prior Approval Required and PERMITTED on 08.01.2024

STATUTORY BACKGROUND

The Conservation of Habitats and Species Regulations 2017
The Town and Country Planning Act 1990

CONSULTATION

Natural England: No Objection

ASSESSMENT

Prior Approval (DC/23/0030) was granted on 08.01.2024 for the following:

Prior notification for the demolition of existing class B1(c) workshop building and construction of new dwellinghouse (Class C3).

An informative was attached to the consent that advised the applicant that the decision relates solely to whether the Prior Approval of the Local Planning Authority was required. It did not confirm that the proposal represented Permitted Development. The site lies within the Sussex North Water Supply Zone where Natural England has advised that water abstraction cannot be concluded as having no adverse effect on the integrity of the Arun Valley Special Area Conservation (SAC), the Arun Valley Special protection Area (SPA) and the Arun Valley Ramsar Site, following the publication of their Position Statement (September 2021).

Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended states that planning permission for development described as permitted development in Schedule 2 is granted subject to the provisions of the Order, and Regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). Regulation 75 of the Habitat Regulations states that it is a condition of any planning permission granted by a general development order (such as the GPDO) that development likely to have a significant effect on a

European Site 'must not be begun' until the developer has received written notification of the approval of the local planning authority under Regulation 77.

Regulation 76 provides that an applicant may first apply in writing to the appropriate nature conservation authority for its opinion as to whether their development is likely to have a relevant effect.

This present application represents a submission under Regulation 77 of the Habitat Regulations for the Council's confirmation as to whether or not the proposal would have an adverse effect on the integrity of the designated areas Arun Valley sites.

Regulation 77(1) of the Habitats Regulations states that an application must be made to the Local Planning Authority and for the purposes of its consideration, the Local Planning Authority must assume that the development is likely to have a relevant affect (2). As per Section (3) of the Regulation, the appropriate nature conservation body (in this case, Natural England) must be consulted on the application. Where the nature conservation body does not consider that the development is likely to have a relevant affect, their representation must be forwarded to the applicant (4 and 5).

Regulation 77(6) states that *'In any other case in which the application has been sent to the appropriate nature conservation body, the local planning authority must, taking account of any representations made by the appropriate nature conservation body, make an appropriate assessment of the implications of the development for the European site or European offshore marine site in view of that site's conservation objectives.* Regulation 77(7) then states that: *In the light of the conclusions of the assessment the local planning authority may approve the development only after having ascertained that it will not adversely affect the integrity of the site.* Conversely, if it cannot be ascertained that the development would not result in an adverse effect, the local planning authority may refuse the application.

This application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 in respect of Prior Approval consent DC/23/0030 (Prior notification for the demolition of existing class B1(c) workshop building and construction of new dwellinghouse (Class C3)) has been considered by the Local Planning Authority.

The submitted strategy indicates an existing baseline water demand of 0l/d. The proposed development would comprise a water demand on **158.8l/d**. Through the use rainwater harvesting and onsite efficiencies, the proposed water demand would be reduced to **106.14l/d**. The proposal incorporates offsite offsetting to an address owned by the applicant within the water supply zone (Little Tanners, Tanners Farm), reducing the existing water demand from **324.24l/d** (162.21 x 2 actual occupancy) to **196.44l/d** (98.22 x 2) (an overall reduction of 128l/d). The strategy therefore demonstrates that the proposed use would use less water than the existing use.

Subject to the attachment of the completion of a legal agreement to secure the offsite offsetting measures, Officers are satisfied that the proposed development would be water neutral.

An Appropriate Assessment was prepared on this basis and Natural England have raised no objection to the assessment, with the consultation response received concurring with the above view. The project will not have a Likely Significant Effect on the designated features of the Arun Valley SAC/SPA/Ramsar site, either alone or in combination with other plans and projects. A legal agreement has been completed to secure the offsite offsetting works. Therefore, the Local Planning Authority consider that the proposal would not result in a significant adverse impact on the integrity of the Arun Valley SAC, the Arun Valley SPA, and the Arun Valley Ramsar Site. The Council can therefore approve the development under Regulation 75 of the Habitats Regulations.

Recommendation: Application Permitted

NOTE TO APPLICANT
The works to convert the agricultural building into a dwelling granted under Prior Approval consent DC/23/0030 permitted on 08.01.2024 shall be undertaken in strict accordance with the submitted Water Neutrality Assessment (received by the Council on 04.03.2024).

Plans list for: HRA/24/0002
Schedule of plans/documents **approved**:

Supporting Statement	Water Neutrality Statement	04.03.2024

DELEGATED

Case Officer sign/initial RHERMITAGE Date: 15.11.2024

Authorising Officer sign/initial TDALE Date: 18.11.2024