Horsham District Council

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Date: 09 August 2024

Dear Mr Pocock,

APP/Z3825/W/24/3345086 – Abbott's Shed, Hole Street, Wiston, BN44 3DH

Following the submission of the appeal against the refusal of the retrospective application for the laying of additional hardstanding and the change of use of land for open storage purposes, stationing of a caravan for mess accommodation, and the stationing of associated storage containers, the Local Planning Authority would refer the Inspector to the Delegated Report, and would like to reiterate the reasons for refusal as follows.

Refusal Reason 1

Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The appeal has been supported by an updated Water Neutrality Report by cgs civils. This relies upon an existing baseline from a different site, where it is stated that the operation is relocating from. No specific details of this location have been provided, and it is not clear whether this site is located within the Sussex North Water Supply Zone. Notwithstanding this, an existing site elsewhere cannot be relied upon to evidence an existing baseline. Furthermore, the Statement relies upon the demand arising from the activities taking place on the site currently. These activities, which include mess accommodation and associated facilities, are currently unlawful and cannot therefore be relied upon to inform a baseline.

The Water Neutrality Report has calculated the existing baseline using the water demand arising from unlawful uses on the site. As this use is unlawful, the water demand arising from these uses cannot be relied upon as an existing baseline. There is also some uncertainty with regard to the number of employees at the site and engaged with the business. The Water Neutrality Statement refers to 1no. employee, however several individuals were present during the site visit. It is not therefore considered that the water strategy has been calculated accurately and appropriately precautionary.

Insufficient mitigation measures have been proposed to address the likely demand of the development, where there is no certainty that the suggested water demand reflects the actual demand arising from the development. Insufficient information has therefore been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction.

An Appropriate Assessment was carried out by the Local Planning Authority, in consultation with Natural England, where it was considered that further information was required to address the aforementioned points.

The updated Water Neutrality Statement has not addressed the above concerns, where it remains that there is insufficient information to conclude with certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley sites. The proposed development is therefore considered to be contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

Refusal Reason 2

Insufficient information has been provided to demonstrate that the proposed development would have no adverse impact on protected species and its habitat, and to establish how the development will contribute to measurable Biodiversity Net Gain, contrary to Policy 31 of the Horsham District Planning Framework (2015).

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.

Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, among other things, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 186 of the NPPF continues that when determining planning applications, Local Planning Authorities should refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts, adequately mitigated, or as a last resort, compensated for. Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Paragraph 010 of the ‘Natural Environment’ PPG recognises that planning decisions have the potential to affect biodiversity outside as well as inside relevant designated areas. Planning Authorities need to consider the opportunities that individual development proposals may provide to

conserve and enhance biodiversity and contribute to habitat connectivity in the wider area. In this context, it is useful to consider among other things, the potential effects of a development on habitats or species and whether an ecological survey is appropriate.

Paragraph 018 of the PPG continues that information on biodiversity impacts and opportunities needs to inform all stages of development. An ecological survey will be necessary in advance of a planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate.

The appeal site comprises an area of land which formerly comprised grassland, with connection maintained to the wider field in which the appeal site sits. The site is located in close proximity to a corridor of woodland, with agricultural fields and hedgerows located within the vicinity. Ponds are located 140m to the south and 400m to the east. Given this context, the site has the potential to be used as habitat and a connector for various species.

The Appellant has provided no ecology information to demonstrate that the site would not impact on biodiversity and habitat, and it is not therefore possible to conclude that the proposed development would have no adverse impact on protected species and its habitat or contribute to measurable biodiversity net gain. The proposal is therefore considered to be contrary to Policy 31 of the Horsham District Planning Framework (2015).

Conclusion

The Council remains of the view that the scheme as submitted would be contrary to the relevant policies of the Horsham District Planning Framework and NPPF. The Inspector is therefore respectfully requested to dismiss the appeal.

Yours sincerely,

Tamara Dale
Applications Team
Horsham District Council

List of Suggested Conditions

1 **Approved Plans**

2 **Regulatory Condition**: The development hereby permitted shall be undertaken in full accordance with the Water Neutrality Report (reference C2818 Rev P1 dated 23.05.2024). Within 1 month of the permission hereby granted, evidence shall be submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The approved measures shall be installed within 1 month of written approval from the Local Planning Authority and shall be retained as such thereafter.

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 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

3 **Regulatory Condition**: Within 1 month of the date of the permission hereby granted, details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development shall be submitted to the Local Planning Authority. The approved cycle parking facilities associated with the development shall be fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: Within 1 month of the date of the permission hereby granted, details of the charging of electric vehicles by way of fast charging points, including their specification and means of allocation, to service the development shall be submitted to the Local Planning Authority. The means for charging electric vehicles shall be retained as such thereafter.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition**: Within 1 month of the date of the permission hereby granted, details for the provision for the storage of refuse and recycling facilities shall be submitted to the Local Planning Authority. The approved cycle parking facilities associated with the development shall be fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition**: Within 1 month of the date of the permission hereby granted, a Delivery, Collection & Service Management Plan, which includes details of the types of vehicles, how deliveries and collections will take place and the frequency of deliveries facilities shall be submitted to the Local Planning Authority. All deliveries and collections shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Polices 33 and 40 of the Horsham District Planning Framework (2015).

7 **Regulatory Condition**: External storage shall take place in the area of land annotated as 'Area of Storage' on the Block Plan only and shall not exceed a height of 3m.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

8 **Regulatory Condition**: The caravan stationed on the land shall be used for the purposes of mess accommodation in association with the business operating from the site, and shall not be used for the purposes of residential accommodation.

Reason: The establishment of an additional independent unit of residential accommodation would give rise to an over-intensive use of the site and/or lead to an unsatisfactory relationship contrary to Policies 26 and 33 of the Horsham District Planning Framework (2015).

9 **Regulatory Condition**: The premises shall not be open for trade or business except between the hours of 08:00 and 18:00.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10 **Regulatory Condition**: No deliveries to or from the site in connection with the development hereby approved shall take place outside of 09:00 hours to 18:00 hours Monday to Saturday and shall not be carried out at any time on Sundays, Bank or public Holidays.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11 **Regulatory Condition**: No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).