

PLANNING STATEMENT

Section 73 application for the removal and variation of Conditions 7 and 10 of planning permission DC/22/1538

Site: Land at 515666 126464, Quarry Way, Southwater, West Sussex

Local Planning Authority: Horsham District Council

1. Introduction

This Planning Statement has been prepared in support of an application made under section 73 of the Town and Country Planning Act 1990 to remove and vary Conditions 7 and 10 attached to planning permission DC/22/1538 for the erection of 1 no. 3-bed detached dwellinghouse with a single garage and additional off-road car parking space.

The purpose of this application is to update the permission so that it reflects Horsham District Council's current published position on water neutrality.

2. Site and Planning Background

Planning permission DC/22/1538 grants consent for the erection of a new detached dwellinghouse with associated garage and parking.

Conditions 7 and 10 presently secure water neutrality requirements through bespoke mitigation. At the time the permission was granted, those requirements reflected the Council's then-applicable approach to water neutrality within Horsham District.

Since then, Horsham District Council has published updated guidance confirming a material change in its approach to water neutrality following the withdrawal by Natural England of its September 2021 Water Neutrality Position Statement on 31 October 2025. The Council confirms on its website that no water neutrality statement is now required, no payment into the Sussex North Water Certification Scheme is required, and no bespoke conditions or section 106 obligations are required to demonstrate water neutrality.

3. The Proposal

This application seeks:

- a. the removal of Condition 7; and
- b. the removal or variation of Condition 10, as applicable, insofar as it requires bespoke water neutrality mitigation.

Where the development is for a new dwelling, it is acknowledged that Horsham District Council's current position is that permissions should instead secure compliance with the

Building Regulations Part G Optional Technical Standard by condition. The application therefore invites the Council to remove the existing bespoke water neutrality requirements and, if considered necessary, replace them with an appropriately worded condition requiring compliance with the Building Regulations Part G Optional Technical Standard of 110 litres per person per day.

4. Legislative and Procedural Context

Section 73 of the Town and Country Planning Act 1990 enables applications to be made for planning permission without complying with conditions previously imposed on a planning permission. The local planning authority may grant such permission unconditionally or subject to different conditions.

This application has therefore been made through the correct statutory route. The proposal does not seek to alter the description, form, scale, or layout of the approved dwelling. It seeks only to remove and update planning conditions that are no longer necessary in their present form having regard to the Council's published water neutrality position.

5. Horsham District Council's Current Water Neutrality Position

Horsham District Council's published guidance states the following:

- no water neutrality statement is now required;
- no payment into the Sussex North Water Certification Scheme is needed;
- no bespoke planning conditions or section 106 obligations are required to demonstrate water neutrality; and
- for applications for new housing, compliance should instead be secured by condition requiring the Building Regulations Part G Optional Technical Standard, currently 110 litres per person per day.

Importantly, the Council's guidance also expressly states that, for applicants with existing planning permissions containing conditions and section 106 obligations requiring bespoke water neutrality mitigation, the Council will consider applications made under section 73 to remove those conditions, together with any associated applications to vary or discharge relevant section 106 obligations. The guidance further confirms that, where the permission is for new dwellings, the Council will instead apply a condition requiring compliance with the Building Regulations Part G Optional Technical Standard, being the same approach applied prior to the 2021 Position Statement.

This application follows that published route exactly.

5. Conclusion

Horsham District Council's current published position is clear: bespoke water neutrality statements, conditions, and section 106 obligations are no longer required, and existing permissions containing such provisions may be the subject of section 73 applications to remove them. For permissions relating to new dwellings, the Council confirms that the appropriate replacement mechanism is a condition requiring compliance with the Building Regulations Part G Optional Technical Standard.

Accordingly, Conditions 7 and 10 should be removed and/or varied so as to delete the existing bespoke water neutrality requirements. Where necessary, those provisions should be replaced with a condition requiring the approved dwelling to meet the Building Regulations Part G Optional Technical Standard.

The proposal is fully consistent with the Council's current guidance, with the statutory scope of section 73, and with the general planning principle that conditions should only be retained where they remain necessary, reasonable, and relevant.