Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
HRA/25/0010
Oreham Manor Farm, Oreham Common, Henfield, West Sussex, BN5 9SB

DESCRIPTION:
Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 relating to Prior Approval consent DC/24/1853

RELEVANT PLANNING HISTORY:

DC/24/1853	Prior notification for the demolition of existing workshop building (Class B1(c)) and construction of new dwellinghouse (Class C3).	Prior Approval Required and PERMITTED on 24.01.2025

STATUTORY BACKGROUND

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

Consultations:
Natural England: Following an update to the Appropriate Assessment: No Objection

Environmental Health: Following the submission of additional information: No Objection.

ASSESSMENT

Prior Approval DC/24/1853 was granted on 24.01.2025 for the following:

Prior notification for the demolition of existing workshop building (Class B1(c)) 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 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 Regulation 77 application was accompanied by a water neutrality statement (WNS). The baseline water consumption figure was calculated to be 0 l/d. The WNS calculates that the proposed water consumption for the new dwelling is 218.916 l/d, with 77.360 l/d provided through rainwater harvesting and 141.580 l/d from mains usage. The toilets, washing machine and external water would be fed through rainwater harvesting.

To mitigate against the additional mains water use (141.580 l/d) it is proposed to offset the water demand of the proposed dwelling by retrofitting water efficient fixtures and fittings and rainwater harvesting within Oreham Manor Farm. Oreham Manor Farm sits outside the application red line boundary, but nearby in the same wider cluster of farm and manor buildings. In total the rainwater harvesting at the offsetting site could collect 354l/d. The Part G calculator indicates that only 27.17 l/p/d (83.95 l/d) of the rainwater would be required. The rest of the water savings (61.50 l/p/d) would be made through the addition of water efficient fixtures and fittings; these have been shown in the Water Neutrality Statement. This equates to a reduction in water consumption of 184.42 l/d.

Both the proposed and existing offset dwelling have been calculated to require a minimum tank size of 3,400 litres, to allow for a 35 day drought period.

In order to ensure that the offsite offsetting measures are adhered to, a Section 106 Legal Agreement has been entered into, with this providing a mechanism whereby the measures to achieve water neutrality can be secured in perpetuity.

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 therefore 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. 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

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: HRA/25/0010
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Site plan	Rainwater Harvesting Layout	2211045-9001 P01	29.05.2025
Supporting Statement	Water Neutrality Statement		19.06.2025

DELEGATED

Case Officer sign/initial Alice Johnson Date: 21/07/2025

Authorising Officer sign/initial Adrian Smith Date: 21/07/2025