Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/1464
75 Crawley Road, Horsham, West Sussex, RH12 4DS

DESCRIPTION:

Removal of conditions 3 and 4 of previously approved application DC/25/0708 (Variation of condition 1 of previously approved application reference DC/23/0344 (Change of use from Class E (a) on ground floor and residential flat above, to 1no residential dwelling including alterations to roof) relating to water neutrality.

RELEVANT PLANNING HISTORY:

DC/23/0344	Change of use from Class E (a) on ground floor and residential flat above, to 1no residential dwelling including alterations to roof	Application Permitted on 04.12.2023
DC/25/0690	Non Material Amendment to previously approved application DC/23/0344 (Change of use from Class E (a) on ground floor and residential flat above, to 1no residential dwelling including alterations to roof) for replacement of the Juliet Balcony to the rear with a window, revised design of the windows to the rear elevation, removal of external staircase to the rear and a revised internal layout.	Application Permitted on 01.07.2025
DC/25/0708	Variation of condition 1 of previously approved application reference DC/23/0344 (Change of use from Class E (a) on ground floor and residential flat above, to 1no residential dwelling including alterations to roof) to amend the design and layout of the approved scheme.	Application Permitted on 08.07.2025

DESCRIPTION OF THE SITE

The application relates to an existing semi-detached two-storey building sited on the northern side of Crawley Road. The property comprises a barber's shop (Class E) to the ground floor and a one-bedroom flat to the first floor. The building is composed of a painted brick facing to the front elevation, hosting a gable-ended pitched roof finished in clay tiles, and hosts a side extension to the eastern elevation (no. 75a) and a two-storey outrigger to the rear. The site is located within the built-up area boundary in an area predominantly formed of residential uses, in addition to a mix of commercial uses.

DESCRIPTION OF THE APPLICATION

The application seeks permission to vary and remove conditions attached to an existing planning permission which required further water neutrality details and evidence of their implementation.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

The application relates to an existing semi-detached two-storey building sited on the northern side of Crawley Road. The property comprises a barber's shop (Class E) to the ground floor and a one-bedroom flat to the first floor. The building is composed of a painted brick facing to the front elevation, hosting a gable-ended pitched roof finished in clay tiles, and hosts a side extension to the eastern elevation (no. 75a) and a two-storey outrigger to the rear. The site is located within the built-up area boundary in an area predominantly formed of residential uses, in addition to a mix of commercial uses.

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 17: Green Infrastructure and Biodiversity
Policy 18: Local Green Space
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 40: Improving Housing Standards in the District

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Planning Advice Notes:
Shaping Development in Horsham
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

PUBLIC CONSULTATIONS:

Parish Comments:

Parish Council: No representation received at the time of drafting the report.

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of

the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Planning permission was previously granted for the change of use from Class E (a) on ground floor and residential flat above, to 1no residential dwelling including alterations to roof under application reference DC/25/0708. This current application seeks to remove Conditions 3 and 4 of the approved application reference DC/25/0708 relating to water neutrality restrictions.

3. **Pre-Commencement (Slab Level) Condition**: No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system (including details of rainwater storage) required by the approved water neutrality strategy (Falcon Energy Limited received 03.10.2023) have been submitted to and approved in writing by the Local Planning Authority.

   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), National Planning Policy Framework (2024), and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

4. **Pre-Occupation Condition**: No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling 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 installed measures 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), National Planning Policy Framework (2024), and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

Water Neutrality:

A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. The Council received confirmation that the licence change was formally agreed by the Environment Agency on 09 October 2026, with this providing certainty that development in the SNWSZ will not have a likely significant effect on the Arun Valley sites in line with the Habitat Regulations. Natural England have confirmed that limiting the Hardham licence decouples the abstraction from new development, preventing additional pressure on Arun Valley water resources.

Strategic Policy 9 of the Horsham District Local Plan (HDLP) states that residential development must be designed to utilise no more than 110 litres of mains supplied water per person per day, as per the Building Regulations optional requirement for tighter water efficiency.

On the basis of the above, the relevant conditions relating to water neutrality no longer meet the tests for conditions, and specifically are no longer considered necessary, relevant, or required to make the development acceptable. The removal of conditions 3 and 4 of planning permission reference DC/25/0714 is therefore considered acceptable

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It is however considered reasonable and necessary to impose a condition limiting water usage to 110 litres per person per day to improve the sustainability of development in accordance with Policy 37 of the HDPF and Strategic 9 of the HDLP.

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The application would be exempt from Biodiversity Net gain as the original permission was submitted prior to the relevant date.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District wide zone 1	129.3	39.58	89.72
All Other Development		47.56	0
		Total Gain	
		Total Demolition	

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Recommendation: Application Permitted

Conditions:

2 **Standard Time Condition**: The development hereby permitted must be commenced by the 04/12/2026.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

3 **NOT USED**

4 **NOT USED**

5 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until provision for the electric vehicle charging has been made for that dwelling in accordance with drawings hereby approved. These facilities shall thereafter be retained for use at all times.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

6 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made for that dwelling in accordance with the drawings hereby approved. 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).

7 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the car parking spaces necessary to serve it have been constructed and made available for use in accordance with drawings hereby approved. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

8 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been constructed and made available for use in accordance with drawings hereby approved. The cycle parking facilities shall thereafter be retained as such for their designated use.

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).

9 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

10 **Regulatory Condition**: The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

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

11 **Regulatory Condition**: No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor 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).

12 **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Classes A, AA, B and C of Part 1 or Class AD of Part 20 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and to protect the amenities of the adjoining neighbours in accordance with Policy 33 of the Horsham District Planning Framework (2015).

13 **Regulatory Condition**: The dwelling hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT

Biodiversity Net Gain Condition

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

Under Regulation 4 of The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024 the statutory biodiversity gain condition does not apply in relation a section 73 planning permission where:

(a) the original planning permission (a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions) to which the section 73 planning permission relates was granted before 12th February 2024; or
(b) the application for the original planning permission to which the section 73 planning permission relates was made before 12th February 2024.

Based on the information on the date of the original planning permission to which this section 73 planning permission relates, the Planning Authority considers that biodiversity net gain does not apply.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

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: DC/26/1464
(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	Proposed Site Plan	3500 REV P1	29.04.2025
Floor plan	Proposed GA Plans	3601 REV P1	29.04.2025
Floor plan	Proposed GA Plans	3602 REV P1	29.04.2025
Elevation plan	Proposed GA Elevations	3700 REV P1	29.04.2025
Location plan	Location Plan	KP4	16.03.2023

DELEGATED

Case Officer sign/initial Hannah Darley Date: 02.11.2026

Authorising Officer sign/initial Tamara Dale Date: 03.11.2026