Horsham District Council

Tony Hulejczuk
Focus Consulting
The Dock Hub
Wilbury Villas
Hove
BN3 6AH
United Kingdom

Our ref:	DISC/24/0013
Your ref:	Elm Grove Lane 8.9.16
Email:	planning@horsham.gov.uk
Direct Line:	01403 215436
If Calling Please ask for:	Giles Holbrook
Date:	10th May 2024

Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure England) Order 2015

Approval of details reserved by conditions 8, 9 and 16 to approved application DC/20/0789

Grove House, Elm Grove Lane, Steyning, West Sussex

The Authority has considered your application, and I can confirm that the submitted information is **NOT** acceptable pursuant to the following condition(s):

8. No development above ground floor slab level of any part of the development shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development shall conform to those approved.

9. No relevant works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The works must not be executed other than in complete accordance with these approved details: a) drawings to a scale not smaller than 1:5 fully describing: i) roof details including sections through: roof ridge, eaves, verges, verges and barge-boards, dormer roof perimeters and cheeks, ii) porches, iii) samples or specifications of external materials and surface finishes, iv) a sample panel of masonry, not less than 0.8 sqm, constructed on site. Before any further masonry is undertaken, the panel must be inspected and approved in writing by the local planning authority. All masonry must be executed in accordance with the sample panel, which shall remain on site until the works are complete and the condition discharged.

16. No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

For the following reasons:

1. The materials schedule submitted pursuant to Condition 8, including the specified roof-slate, conservation rooflight and soffit/fascia products, are not considered of sufficient quality to maintain the visual character and appearance of the Steyning Conservation Area

2. The details of roof-junction design, including the installation of modern uPVC fascia and soffit fittings, submitted pursuant to Condition 9 are not considered to provide for a development of high-quality design which would maintain the character and appearance of the Steyning Conservation Area.

3. Conditions 8, 9 and 16 are considered to form a conditions precedent. Following the determination of the High Court in CG Fry & Son Limited v Secretary of State for Levelling Up Housing and Communities and Somerset Council [2023] EWHC 1622 (Admin), the approval of details submitted pursuant to these conditions would constitute an implementing consent that would enable development to be delivered without a prior demonstration of water-neutrality. The development would consequently 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 demand for public mains-water resources, contrary to Policy 31 of the Horsham District Planning Framework (2015) and Paragraphs 185 and 186 of the National Planning Policy Framework (2023). The Local Planning Authority, therefore, is unable 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).

This letter constitutes a legal document which should be regarded as an addendum to the original planning application.

If you have any queries or require further information, please do not hesitate to contact the Case Officer.

Yours faithfully



Emma Parkes
Head of Development and Building Control

ADDITIONAL INFORMATION

Right of Appeals
If you are aggrieved by the decision to refuse permission for the proposed development then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.