Horsham District Council

Ms C Harvey
C Eagle, 3rd Floor
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: DC/24/1667 and DC/24/1668
Email: tamara.dale@horsham.gov.uk

Direct Line: 01403 215166
Date: 21 March 2025

Dear Ms Kausar,

APP/Z3825/W/25/3359623 and APP/Z3825/Y/25/3359626

Following the submission of the appeal against the refusal of the full application and Listed Building Consent for the conversion of the main dwelling to 5no. residential properties and the conversion of the garage to 1no. dwelling, the Local Planning Authority would refer the Inspector to the Delegated Report, and would like to reiterate the reasons for refusal as follows.

DC/24/1667 – Full Planning

Refusal Reason 1

"The proposed development would, when considered cumulatively, result in the dilution and erosion of the understanding and appreciation of the designated heritage asset, with the level of activity, parking, and paraphernalia associated with daily living having a detrimental impact on the cohesiveness of the Listed Building and its setting. The proposal would therefore result in less than substantial harm to the significance and special interest designated heritage asset, where the public benefits would not outweigh the harm as identified, contrary to Policy 34 of the Horsham District Planning Framework (2015)."

Policy 34 of the HDPF recognises that heritage assets are an irreplaceable resource and promotes positive management of heritage assets within the District. Development affecting heritage assets should reinforce the special character of the District's environment through appropriate siting, scale, form and design; including the use of traditional materials and techniques; and should make a positive contribution to the character and distinctiveness of the area. Development should preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric, and materials. Policy 34 also recognises the importance of securing the viable and sustainable future of heritage assets through continued preservation by uses that are consistent with the significance of the heritage asset. Development should retain and improve the setting of heritage assets, including views, public rights of way, trees and landscape features.
As outlined within the Delegated Report, the optimum viable use for Lock House would be as a single dwelling. The property was built and designed as such, and the function and layout of its rooms supports its character as a large mansion house. As a single unit the grounds and outbuildings are utilised as a single entity without the additional demands of differing occupiers.
As noted in the Heritage Statement "elements of the floor plan, including surviving aspects of the master/servant hierarchy, are still evident." These elements provide an insight into the rigid class system that still remained in place during the first decades of the 20th century, and are considered to inform the understanding and appreciation of the Listed Building as a whole, and contribute to the significance of the designated heritage asset. By subdividing the property into 5 units an appreciation of the hierarchy of spaces would be reduced because the ability to move through the building would be lost. This would prevent an opportunity to experience the contrast between polite rooms and

service spaces. To this effect, the conversion of the property to 5no. residential dwellings would dilute and erode the understanding and appreciation of the heritage asset.
While it is recognised that the existing garden invites the opportunity for domestic and residential paraphernalia, however the likely subdivision of the garden area to accommodate the residential dwellings, and the associated multiplication of residential paraphernalia across the subdivided site, would detract from and erode the understanding of the historic use of the site as a single country house. Whilst some changes can be controlled by planning conditions other incremental changes (that would not require consent) would harm the special interest of the building as a historic county house such as planting, privacy screens, bbq's, and play equipment. It is not therefore considered that reasonable controls could be put in place to mitigate the cumulative harm arising from the level of activity, parking and paraphernalia associated with daily living.

It is noted that the Appellant refers to several similar applications where the conversion of a Listed Building to multiple residential dwellings has been accepted. While these applications are noted, each application is assessed on its own merits, where for the reasons outlined above, the conversion of the appeal building to 5no. dwellings would result in less than substantial harm and would cumulatively result in the dilution and erosion of the understanding and appreciation of the designated heritage asset.

For the reasons as outlined above, the conversion of the principal dwelling to 5no. dwellings would result in less than substantial harm to the significance and special interest of the designated heritage asset.

Refusal Reason 2

"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 193 and 194 of the National Planning Policy Framework (2024), thus the Local Planning Authority 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)."

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 Applicant has submitted a Water Neutrality Statement dated 01.10.2024. The Water Neutrality Statement outlines that the proposed development would comprise the following units: 3no. 3-bed dwellings, 2no. 5-bed dwellings, and 1no. 3-bed dwelling. Based upon current Building Regulations, the water demand for each dwelling is calculated to be 125 litres per person per day. Based on average occupancy levels, the water demand for the dwellings is calculated to be as follows: 926.25 litres per day (2.47 occupancy per dwelling); 772.5 litres per day (3.09 occupancy per dwelling); 308.75 (2.47 occupancy for the dwelling). The total water demand for the proposed development is therefore calculated to be 2,007.5 litres per day.

It is proposed to reduce the water consumption of the proposed dwellings to 110 litres per person per day. Based on the above average occupation levels, the resulting water demand respectively would

be as follows: 815.1 litres per day; 679.8 litres per day; and 271.7 litres per day. The total water demand for the proposed development would therefore be 1,766.6 litres per day.

The Water Neutrality Statement outlines that the site comprises a 14-bed dwelling and 1 -bed flat, along with inside and outside swimming pools. The Statement outlines that the redevelopment of the site would result in a reduction in mains water consumption of 2,147.42 litres per day. Appendix C of the Water Neutrality Statement refers to an Existing Flow Survey carried out at the site. This indicates a water demand of 113.23 litres per person per day.

The total water demand is calculated on the basis of 13 individuals occupying the 14-bed dwelling, where it is suggested that the existing water demand equates to 1,734.96 litres per day. No evidence has been provided to demonstrate that this number of individuals occupy the dwelling. Furthermore, no water bills have been provided to demonstrate this demand, and there is therefore uncertainty whether this figure reflects the actual water consumption at the site.

The average occupancy figure of 1.32 has been applied to demonstrate the water demand arising from the existing flat on the application site. It is outlined that the demand arising from this residential unit is 149.49 litres per day. The use of average occupancy figures to demonstrate existing baseline does not accord with the Council's accepted methodology, and no evidence has been provided in the form of water bills to demonstrate the demand as suggested. As such, there is uncertainty whether this figure reflects the actual water consumption at the site.

Appendix C refers to the water usage of the existing swimming pool, outlining that the water demand equates to 263.01 litres per day. It is unclear whether this relates to the inside or outside swimming pool, however it is assumed that this represents the demand arising from the inside pool given that the outdoor swimming pool has not appeared full during site visits.

The Water Neutrality Statement relies on an existing baseline calculated on the basis of 13 individuals occupying the main dwelling and an average occupation of the existing flat. While a Part G Water Calculator based on an existing flow survey has been submitted, no evidence has been provided, in the form of water bills, to demonstrate the suggested demand. Neither has evidence to demonstrate the suggested occupancy rate for the main dwelling. Furthermore, the use of an average occupancy figure for the flat does not accord with the Council's baseline methodology. For these reasons, it is not considered that sufficient evidence has been provided to establish the necessary degree of certainty of the existing baseline. Insufficient information has therefore been provided in this regard.
It is not therefore possible to confirm whether the development would be water neutrality or whether further mitigation and/or off-setting measures would need to be provided. It cannot therefore be concluded that the development would be water neutral and that no likely adverse effect would arise. On the basis of the above, 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 193 and 194 of the National Planning Policy Framework (2023), thus the Local Planning Authority 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).

It is however noted that a number of recent appeal decisions have permitted the use of a Grampian style condition to address water neutrality. This would allow for either the purchase of credits through the Sussex North Offsetting Water Scheme or the submission of a bespoke water strategy. Should a bespoke strategy be proposed, this would however need to address the above matters with regard the existing baseline.

DC/24/1668 – Listed Building Consent

Refusal Reason 1

"The proposed development would, when considered cumulatively, result in the dilution and erosion of the understanding and appreciation of the designated heritage asset, with the level of activity, parking, and paraphernalia associated with daily living having a detrimental impact on the cohesiveness of the Listed Building and its setting. The proposal would therefore result in less than substantial harm to the significance and special interest designated heritage asset, where the public benefits would not outweigh the harm as identified, contrary to Policy 34 of the Horsham District Planning Framework (2015)."

For the reasons as outlined in the preceding section, the conversion of the principal dwelling to 5no. dwellings would result in less than substantial harm to the significance and special interest of the designated heritage asset.

Yours sincerely,

Tamara Dale
Applications Team
Horsham District Council

List of Suggested Conditions

DC/24/1667 – Full Planning

1 **Approved Plans**

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

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

3 **Pre-Commencement Condition**: No development shall commence until either:

i) Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary credits to achieve water neutrality have been secured via the Sussex North Offsetting Water Scheme; or,
ii) A site-specific water neutrality mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority. The site-specific water neutrality mitigation scheme shall include full details of the means of any and all onsite and offsite mitigation and any necessary agreements pursuant to S106 of the Town and Country Planning Act 1990 to deliver and secure the approved mitigation.

The development shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved site-specific water neutrality mitigation scheme has been fully implemented. The approved mitigation shall thereafter be retained, maintained and operated to the same or better water performance standard.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to enable 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-Commencement (Slab Level) Condition**: No development above ground floor slab level of any part of the development hereby permitted shall take place until a Biodiversity Enhancement Strategy for Protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

(a) Purpose and conservation objectives for the proposed enhancement measures;
(b) Detailed designs to achieve stated objectives;
(c) Locations of proposed enhancement measures by appropriate maps and plans;
(d) Persons responsible for implementing the enhancement measures;
(e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

5 **Pre-Occupation Condition**: No part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

(a) Details of all existing trees and planting to be removed and retained
(b) Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
(c) Details of all hard surfacing materials and finishes

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a landscape management and maintenance plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas has been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation 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 a plan showing the layout of the proposed development and the provision of car parking spaces for vehicles has been submitted to and approved in writing by the Local Planning Authority. No dwelling (or use) hereby permitted shall be occupied or use hereby permitted commenced until the parking spaces associated with it have been provided in accordance with the approved details. The areas of land so provided shall thereafter be retained for the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways 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 a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

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).

9 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been 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).

10 **Regulatory Condition**: The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in Bat Building Inspection Report reference 13324 V2 by Phlorum dated October 2024.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority Habitats & Species).

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).

12 **Regulatory Condition**: All building works, finishes, and making-good, both internal and external, shall match the relevant existing work in respect of method, detail, and finished appearance unless otherwise approved in writing by the Local Planning Authority. Where new materials are to be used externally, the colour match shall make allowance for future weathering.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

13 **Regulatory Condition**: The development hereby permitted shall be undertaken in strict accordance with the Flood Emergency/Evacuation Plan reference AEG6137_RH13_Partridge Green_07 by aegaea dated 17.11.2024.

Reason: To the reduce risk of flooding in accordance Policy 38 of the Horsham District Planning Framework (2015).

14 **Regulatory Condition**: No new plumbing, pipes, soil stacks, flues, vents, ductwork or the like, shall be fixed to any external face of the building other than as shown on the drawings hereby approved.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

15 **Regulatory Condition**: All new partitions shall be scribed around existing ornamental mouldings.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

DC/24/1668 – Listed Building Consent

1 **Standard Time Condition**: The works hereby permitted shall begin before the expiration of three years from the date of this consent.

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2 **Pre-Commencement Condition**: 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) new/and/or/replacement windows, external doors, and new staircases.
These drawings must show:
- materials
- decorative/protective finish
- cross section of frame, transom, mullions, glazing bars, etc
- formation of openings including reveals, heads, sills, arches, lintels, etc
- method of opening
- method of glazing

b) Drawings to a scale not smaller than 1:20 showing internal drainage routes, noting all necessary cutting, chasing and other alteration to historic fabric.

c) Schedule identifying all doors, doorcases, windows, joinery, panelling, fireplaces and surrounds, decorative plasterwork and other architectural features that are to be altered, relocated, concealed or removed, fully describing the work proposed.

d) Specification and/or drawings fully describing method of incorporating thermal, fire and sound insulation, describing the affect on the appearance and fabric of historic and architectural features.

Reason: As this matter is fundamental to ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition**: All building works, finishes, and making-good, both internal and external, shall match the relevant existing work in respect of method, detail, and finished appearance unless otherwise approved in writing by the Local Planning Authority. Where new materials are to be used externally, the colour match shall make allowance for future weathering.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: No new plumbing, pipes, soil stacks, flues, vents, ductwork or the like, shall be fixed to any external face of the building other than as shown on the drawings hereby approved.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition**: All new partitions shall be scribed around existing ornamental mouldings.

Reason: To ensure that the significance of the designated heritage asset, and the character, appearance and integrity of the building, is not prejudiced, thereby preserving the special architectural or historic interest which it possesses, and to comply with Policy 34 of the Horsham District Planning Framework (2015).