



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0280

Topham Farm, Rusper Road, Horsham, West Sussex, RH12 4QS,

DESCRIPTION:

Removal of Condition 5, 6, 11 and 12 of previously approved application DC/23/0213 (Erection of an agricultural livestock building (360 sq metres) and temporary rural workers dwelling (98.4 sq m)) relating to water neutrality.

RELEVANT PLANNING HISTORY:

DC/22/1239	Prior Notification for the erection of a new agricultural building required for machinery and feed storage	Prior Approval Required and PERMITTED on 02.09.2022
DC/23/0213	Erection of an agricultural livestock building (360 sq metres) and temporary rural workers dwelling (98.4 sq m)	Application Permitted on 14.03.2024
DISC/24/0094	Application for Approval of Details Reserved by Conditions 1,2,3,4,5,6,7 and 8 to approved application DC/23/0213	Split Decision on 28.01.2025

DESCRIPTION OF THE SITE

The application site sits within a rural area and forms part of the wider Aldrich Farm between Horsham and Rusper, which extends to around 350 acres and includes livestock enterprise as well as hay straw and fencing businesses.

The site currently consists of grazing agricultural fields with a farm track that extends across the field to the north-east corner of the site where there is an agricultural storage building (approved under DC/22/1239) and external storage for hay bales. The site is predominately used for the rearing of sheep and calves.

The land has no formal landscape designations, with some areas of ancient woodland around 90 metres to the south and 150 metres to the north. The site is bound on all sides by a mature tree/ hedge line and has an existing farm access to the Rusper Road via double metal gates.

DESCRIPTION OF THE APPLICATION

Application for the removal of Conditions 5, 6, 11 and 12 of planning permission DC/23/0213, which relate to water neutrality measures, associated with the erection of an agricultural livestock building (360 sq metres) and a temporary rural workers dwelling (98.4 sq m).

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 20 - Rural Workers Accommodation
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking

Rusper Neighbourhood Plan 2018-2031:

RUS2 Rural Diversification
RUS3 Design
RUS10 Dark Skies

Supplementary Planning Guidance:

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

Parish Design Statement:

Planning Advice Notes:

Facilitating Appropriate Development
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:

None Received

PUBLIC CONSULTATIONS:

Representations:

None Received

Parish Comments:

None Received

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

Removal of Conditions 5, 6, 11 and 12

The application seeks the removal of Conditions 5, 6, 11 and 12 attached to planning permission DC/23/0213, which required the development to demonstrate water neutrality in accordance with Natural England's Position Statement of September 2021. That condition was imposed to ensure compliance with the Conservation of Habitats and Species Regulations 2017, given uncertainty at that time regarding the potential effects of increased groundwater abstraction on the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites.

Since the granting of the original permission, the policy and evidential context have materially changed. On 31 October 2025, Natural England formally withdrew its September 2021 Position Statement following the completion and scrutiny of Southern Water's Hardham Basin Environmental Study. Natural England confirmed that a package of agreed measures, including a reduction in the Hardham groundwater abstraction licence and additional eco-logical resilience measures, provides sufficient certainty that new development within the Sussex North Water Supply Zone will not have a likely significant effect on the Arun Valley designated sites. As a consequence, Natural England has advised that local planning authorities are no longer required to undertake Appropriate Assessment or secure water neutrality mitigation for new development on the basis of water scarcity alone.

Notwithstanding the forthcoming licence modification, Horsham District Council, as competent authority, has continued to apply a precautionary approach pending formal implementation of the licence changes. In agreement with Natural England, the Council is utilising verified water savings achieved by Southern Water during 2024/25 through leakage reduction and related measures. These savings amount to approximately 782,831 litres per day and can be attributed to new development without increasing abstraction pressure on the Arun Valley sites. Natural England's standing advice dated 10 November 2025 confirms that reliance on these savings raises no objection and constitutes Natural England's formal response under Regulation 63(3) of the Habitats Regulations.

In this case, Officers have undertaken an Appropriate Assessment which demonstrates that the additional water demand arising from the development permitted under DC/23/0213, when considered alone and in combination with other permissions granted since 31 October 2025, would not exceed the available Southern Water savings. It is therefore concluded that the development will not result in an adverse effect on the integrity of the Arun Valley SAC, SPA or Ramsar sites.

Given the withdrawal of Natural England's 2021 Position Statement, the availability of confirmed water savings, and the conclusions of the Appropriate Assessment, it is considered that Conditions 5, 6, 11 and 12 are no longer necessary to make the development acceptable in planning terms. The condition no longer meets the tests set out in paragraph 56 of the NPPF, as it is not required to mitigate any identified harm. Its removal would not conflict with Policy 31 of the Horsham District Planning

Framework or the Council's duties under Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017.

Accordingly, the removal of Conditions 5, 6, 11 and 12 are considered acceptable, and the development permitted under DC/23/0213 can proceed without further water neutrality restrictions, without giving rise to harm to protected European sites.

Recommendation: Application Permitted

Conditions:

- 2 **Standard Time Condition:** The development hereby permitted must be commenced by the 14.03.2027.

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

- 3 **Regulatory Condition:** The means of foul and surface water drainage shall be carried out and maintained in full accordance with the details approved under application reference DISC/24/0094, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is carried out in accordance with the approved details and in the interests of proper planning, in accordance with Policy 38 of the Horsham District Planning Framework.

- 4 **Regulatory Condition:** If, during development, contamination is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 5 Not Used

- 6 Not Used

- 7 **Regulatory Condition:** The Landscaping details hereby permitted shall be carried out in full accordance with the details received 28.01.2025 under DISC/24/0094, unless otherwise agreed in writing by the Local Planning Authority.

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).

- 8 **Regulatory Condition:** The refuse area shall be maintained in full accordance with the details approved under application reference DISC/24/0094, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 9 **Pre-occupation Condition:** No part of the development hereby permitted shall be occupied until the parking, turning and access facilities have been implemented in accordance with the approved details as shown on plan reference 22/71/3B and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 10 **Pre-occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. 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).

- 11 Not Used

- 12 Not Used

- 13 **Regulatory Condition:** The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: The site lies in an area where, in accordance with Policy 26 of the Horsham District Planning Framework (2015) development which cannot be justified as essential to the needs of agriculture or forestry would not normally be permitted.

- 14 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 15 **Regulatory Condition:** No external lighting or floodlighting shall be installed to the building or anywhere within the site unless otherwise agreed in writing by the Local Planning Authority. This exclusion shall not prohibit the installation of internal lighting or of sensor-controlled security lighting of 1,000 lumens or less fixed to the building, which shall be designed and shielded to prevent upwards light spillage.

Reason: To safeguard the ecology, biodiversity and amenities of the area in accordance with Policies 31 & 33 of the Horsham District Planning Framework (2015) and Policy RUS10 of the Ruser Neighbourhood Plan, 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).

- 16 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or reenacting that Order) no development falling within Classes A, AA, B, C, E and G of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) 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 due to nature and use of the dwelling as a dwelling for an agriculture worker in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 17 **Regulatory Condition:** The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 18 **Regulatory Condition:** The temporary dwelling hereby permitted, as indicated on the approved plans, shall be removed on or before 14.03.2027 and the land shall be returned to a condition which has previously been agreed in writing by the Local Planning Authority (or to its former condition).

Reason: The Local Planning Authority would not normally grant permission for such a development in this location but under the circumstances prevailing it is considered reasonable to make an exception in this instance and to allow the development for a limited period in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 19 **Regulatory Condition:** The workers dwelling hereby approved shall meet a water usage of 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 and to ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policies 31 and 37 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

NOTE TO APPLICANT

The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence

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/26/0280

Schedule of plans/documents **approved:**

Plan Type	Description	Drawing Number	Received Date
Supporting Statement		NONE	04.02.2026

DELEGATED

Case Officer sign/initial	<u>Shazia Penne</u>	Date: <u>14.04.2026</u>
Authorising Officer sign/initial	<u>RHERMITAGE</u>	Date: <u>14.04.2026</u>