

Statement of Case
Permission in Principle for demolition of an existing structure and erection of a single dwelling
Horsham Reference DC/25/0005
Lower Batchellor,
Emms Lane,
Barns Green,
West Sussex, RH13 0QH.



The objective for rural business is to sustain a balanced outcome, a delicate relationship between productive activity which includes farming and rural enterprise and the conservation of the environment both historic and landscape needs to be maintained. The rural economy is a constantly changing paradigm and should be nurtured, supported and promoted because it forms the core of the nation

Prepared For:
CJ Groundworks Ltd,
Lower Batchellor,
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We act of behalf of Christian John of Lower Batchellor, Emms Lane, Barns Green, West Sussex, RH13 0QH in submitting this appeal due to the council not making a decision within the allocated time. The council did request an extension of time to 25 February 2025.

Since the application the LPA have not been in contact or believe have visited the site.

Planning in Principle (PIP) Applications

A Planning in Principle (PIP) consent is an alternative way of obtaining planning permission which separates the consideration of matters of principle for proposed development from the technical detail of the development. In this respect there are two stages to the PIP consent route.

There are two stages to a PIP Application

Stage 1: establishes whether a site is suitable in-principle for development and,

Stage 2: is when the detailed development proposals are assessed and this is referred to as technical details consent

Permission in Principle (PIP) applications are treated similarly to regular planning applications, as they must be assessed in accordance with the Development Plan unless there are material considerations that suggest otherwise. However, when evaluating Stage 1 PIP applications, the local planning authority's assessment is restricted to considerations of location, land use, and the amount of development. According to National Planning Practice Guidance, statutory requirements, such as those concerning listed buildings or protected species, only apply at the Stage 2 Technical Consent phase.

The difference between a full or outline planning applications is that it is not necessary to provide a suite of technical reports at Stage 1. Furthermore, local authorities cannot list the information they require for applications for PIP in the same way they can for applications for planning permission.

Article 5D of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 states that the requirements to validate a PIP application is:

1. Completed application form;
2. A plan to which identifies the land to which the application relates;
3. The correct application fee.

Once Stage 1 permission is granted an applicant has a further 3 years to apply for the Stage 2 Technical Details consent.

Proposal

Permission in Principle (PIP) approval is being sought for the demolition of and existing stables and construction of one dwelling within the defined application area. The proposed development falls within Article 5D of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 specifies that the application only needs to include a plan showing the relevant land. The local

planning authority's assessment at this stage is restricted to considering the location, land use, and amount of development. Therefore, there is no requirement to provide further details on access, layout, scale, appearance, or design, as these issues are reserved for consideration during the Stage 2 Technical Details consent phase.

The application includes indicative plans illustrating potential development options for the site. Access to the development would continue to be provided via the existing entry point east from the roundabout. The design of the new dwellings would be carefully crafted to harmonise with the area's character and appearance. However, these details will be addressed in later stages, pending confirmation that the site is suitable for development in principle.

Previously Developed Land and Greybelt

Since the election a new designation has come into force called Greybelt and previously developed land. It should be noted Horsham has no Greenbelt land however the following is a reflection of the changes to definitions which also include previously developed land which does relate to this application and appeal.

In the context of planning, Annex 2 of the National Planning Policy Framework (NPPF, published December 2023) defines previously developed land (PDL) as 'land which is or was occupied by a permanent structure, including the curtilage of the development land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure'.

LEED defines "previously developed land" as any land that has been "altered by paving, construction, and/or land use that would typically have required regulatory permitting to have been initiated." Whilst the site is an agricultural business the yard would require planning permission and as such therefore must be considered previously developed land.

The NPPF states that planning policies and decisions should promote the "effective use of land", making "as much use as possible of previously developed or 'brownfield' land. It goes on to instruct local planning authorities to give "substantial weight to the value of using suitable brownfield land or previously developed land".

An example that gardens were not considered previously developed land has altered. The recent High Court decision (**Dartford Borough Council v Secretary of State for Communities & Local Government**) has held that the definition of 'previously developed land' (also known as brownfield land) within Annex 2 of the Government's National Planning Policy Framework (NPPF) excludes residential gardens in "built-up" areas only, but not those residential gardens elsewhere. The Deputy High Court Judge held that where the wording within the NPPF's definition sets out a clear exemption to the normal definition of previously developed land, which it states includes "*land in built-up areas such as private residential gardens*". As such, the Court's judgement is that the previous commonly held view that **all** gardens should be excluded from the definition of previously developed/brownfield land, and a presumption in favour of development, is incorrect.

The Framework indicates that certain other forms of development are also 'not inappropriate' in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction.

The Court of Appeal, (Lindblow LJ) established that “I think it is quite clear that buildings for agriculture and forestry, and other development that is not inappropriate in the Green Belt, are not to be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt”. Therefore, appropriate development is deemed not harmful to the Green Belt and, as such, the proposed dwelling is considered to be appropriate development in the Green Belt and compliant with Green Belt policy.

The newly elected government amended the NPPF on 12 December 2024. A new paragraph 155 expands upon the scenario which would not constitute inappropriate development. The new Labour government press release states that grey belt will be “a new class of land to ensure grey and poor-quality parts of the green belt are prioritised. It goes on to state that “poor-quality and ugly areas of the green belt should be clearly prioritised over nature-rich, environmentally valuable land. At present, beyond the existing brownfield category the system doesn’t differentiate between them. This category will be distinct to brownfield with a wider definition.”

We know then that grey belt is more than previously-developed land (PDL), which it needed to be because the redevelopment of such sites in the green belt is already supported by the NPPF and there is just not enough of it. According to Messrs: Knight Frank, 11,000 pieces of PDL within the green belt could accommodate a maximum of only 200,000 homes. Rather, though, than expand the definition of PDL, which presently excludes, for example, agricultural or forestry buildings and land used for mineral extraction, there is specific reference to a new class. How then might what is also referred to as “poor-quality scrub land, mothballed on the outskirts of towns” be adequately defined for planning purposes and in such a way as to be distinct from PDL.

Such a definition may take in:

- Land that is or has been occupied by a permanent structure that is not captured by the current definition of PDL (so, for example, agricultural and forestry buildings);
- Land on the edge of urban areas that is or has been used for recreation (golf courses), but that excludes playing fields; and
- Land that has been significantly influenced or defined by the urbanising effects of development, transport infrastructure or non-agricultural human activity (pony paddocks or ‘rounding off’ a settlement inside a road or railway).

Paragraph 155 sets out new draft guidance which the Government is referring to as its “Golden Rules” where Green Belt land is released to facilitate new development, there will be a clear requirement for planning contributions to flow from the land release, including:

*In relation to ‘Grey Belt’ land the Government has sought to, in separate Statements, provide clarity by stating that grey belt land is defined as, ‘land in the green belt comprising of previously developed land and any other parcels and/or areas of green belt land that make a limited contribution to the five green belt purposes, excluding areas or assets of particular importance.’

Planning Considerations

As already highlighted the only issue for consideration with this Stage 1 PIP application is whether the site is suitable in principle for development with particular regard to location, land use and the amount of development proposed. Technical matters relating to access, ecology, design, trees,

drainage etc are matters relevant for the Stage 2 technical consent stage. Each of the three matters relevant to the PIP application are considered below.

The site is suitable for a small development contributing to the new house targets being set by central government.

The new government has made amended development in rural areas and introduced grey belt. These exceptions reflect those outlined in paragraph 154 of NPPF.

Exception G) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

It is considered that the development proposed as part of this permission in principle application is acceptable in the setting as it falls within the definition of previously developed land.

In terms of the physical location of the site is considered accessible and suitable for the scale of development proposed.

When considering the location, the proposed development is deemed to be in an appropriate area for the type of development proposed. When evaluated against the requirements for permission in principle, it should be considered acceptable.

Land Use Policy

When present, settlement boundaries are core to assessing your planning application. Subject to other planning constraints, there will be a presumption in favour of development within the settlement boundary, whilst much stricter policy criteria will apply for anything outside. Settlement boundaries create a level of certainty about whether a development is likely to be acceptable, saving time when assessing sites.

Settlement boundaries are, in essence, a line drawn on the proposal map of the local plan for an individual town or village. They are used, for *planning purposes*, to formally define where the “built up” area ends, and countryside begins, and indicate where building for housing, employment and town infrastructure would (and would not) be allowed. The idea is to protect the character of the settlement, whilst preventing unnecessary building into the countryside.

The demolition of the existing structure and erection of one dwelling on this site in this location is considered to be entirely appropriate to the character of the local area and would not introduce an incompatible use which would give rise to amenity concerns.

At the technical details consent stage, it is entirely feasible to design a scheme that aligns with the character and appearance of the local area while ensuring that the scale, massing, height, and proximity to neighbouring buildings do not adversely impact the amenities of nearby residents. The

land use proposed is considered to be entirely appropriate to the character of the locality in accordance with the Development Plan.

National Planning Policy Framework 2024

The term “Grey Belt” has been introduced and “previously development land” has also been tweaked in the definitions in the NPPF, and “lawfully” has been inserted which will be a welcome change, and reference to hardstanding has been included which will be equally welcomed by others and is a significant concession.

LEED defines “previously developed land” as any land that has been “altered by paving, construction, and/or land use that would typically have required regulatory permitting to have been initiated.” The site is an existing hardcore surface and required planning permission and as such therefore must be considered previously developed land.

Scale of the proposed development

Core Strategy Policies and Local Plan Policy aim to ensure efficient land use while maintaining development densities that are consistent with local character and do not negatively impact the area's amenity and character. It is believed that constructing up to five new dwelling would be in harmony with the local area. As previously noted, a scheme can be designed at the technical details consent stage to achieve an appropriate building-to-plot ratio and respect the character and amenity of neighbouring properties.

The application was supported by indicative drawings that outline a potential scale and appearance for the housing on the site. In conclusion, the application site is suitable in principle for the construction of up to five dwellings, considering location, land use, and scale of development. These are the relevant factors for a Stage 1 PIP application.

Conclusion

This is an appeal against Horsham District Council’s delay in giving or refusing permission of a Stage 1 Permission in Principle (PIP) application for the demolition of the existing structures and construction up one dwelling is against the time constraints for determining these types of applications. At this stage, the local planning authority’s assessment is confined to the location, land use, and amount of development. Unlike full or outline planning applications, a suite of technical reports is not required at this stage. Technical issues such as access, layout, ecology, design, trees, drainage, and heritage will be addressed during the Stage 2 technical consent.

The proposal complies with National and Local Planning policies, confirming that the development is appropriate within the rural setting.

In accordance with the Development Plan, National Planning Policy Framework (NPPF), and relevant case law and appeal decisions, the principle of development is deemed acceptable. Therefore, the application is appropriate for a Stage 1 PIP, and the appeal should be allowed.