STATEMENT OF CASE
Horsham District Council's Refusal of DC/25/0003
PLANNING IN PRINCIPAL APPLICATION

For the demolition of an existing structure and erection of a dwelling.

Located

Winstons,
Formerly Jinkers Farm,
Muttons Lane,
Ashington,
Horsham, RH20 3AL



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:
Mr and Mrs James Thorns

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Introduction

We act on behalf of Mr and Mrs James Thorns of Winstons in preparing and submitting this appeal on Horsham District Council's refusal of DC/25/0003 a Planning in Principal application to demolish an existing structure and erect one dwelling on the land known as "The Stables" which is on land adjacent to Winstons, Muttons Lane, Ashington, Horsham, RH20 3AL.

The Planning Statement provides a description of the proposed development together with an appraisal of the planning merits of the scheme in the context of relevant planning policies, guidance and material considerations. It demonstrates that the proposal represents appropriate development in principle.

All councils in England are to be given new, mandatory housing targets to pave the way to deliver 1.5 million more homes – tackling the most acute housing crisis in living memory. Currently just a third of councils have a plan that is under five years old, which is why government will take the tough decisions and step in where needed to drive progress, ensuring local areas get a say on how, but not if, homes are built.

Where local authorities do not have up-to-date plans in place or enable sufficient housing to come forward to meet local targets, homebuilders can bring forward proposals on grey belt land. In all cases, land that is safeguarded for environmental reasons will continue to be protected, note Horsham has no Greenbelt land. Horsham council housing target is increasing by 41% from 917 homes to 1,294.

Location

The stables are located adjacent to Winstons Farm on Muttons Lane, Ashington. The existing access is also via Muttons Lane to the west of Winstons Farm. The site would be deemed grey belt under the new governments amendments to the National Planning Policy Framework publish December 2024.

Reason for refusal

1 The development would enable a residential use within a countryside location outside of the built-up area boundary of any settlement, on a site which has not been allocated for development within the Horsham District Planning Framework or an adopted Neighbourhood Plan. The development would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements and is not essential to its countryside location. There are no material considerations which outweigh this harm, and the proposal represents unsustainable development contrary to Policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015), Policy ASH1 of made Ashington Neighbourhood Plan (2021), and the National Planning Policy Framework (2024).

Horsham District Council has not considered the amendments in the National Planning Policy Framework. The newly elected government is currently reviewing planning policy and the NPPF. A new paragraph 152 has been drafted to expand 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.

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."

The council's reason for refusal has not considered the superseded national planning policy of 2025 which replaces policy of the 2024 NPPF.

2 The applicant has not provided the necessary legal undertaking to secure the mitigations to avoid adverse effects on the integrity of the interest features of the Arun Valley SPA, SAC, and Ramsar site. In the absence of the mechanism to secure the necessary mitigations, 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 and species). The proposal is therefore contrary Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 193 and 194 of the National Planning Policy Framework (2024).

The appellant and agent confirmed a section 106 agreement would be acceptable and should be undertaken in Stage 2 of the application process. The council made no other representation or comment on this aspect. A fundamental understanding from both the appellant, inspector and council is that fundamentally one cannot enter into a section 106 agreement for water neutrality when only the principle of a replacement house has been agreed and as such impossible to have a legal agreement on water neutrality if one does not know the size, volume or type of house being constructed. This point should naturally be agreed in stage 2 of any Planning in Principle Application.

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 the existing structure 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. The proposed new dwelling is expected to be located. Access to the development would continue to be provided via the existing entry point from Muttons Lane to the north of the site. 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.

Planning Policy

The UK planning system follows a plan-led approach, requiring applications to be determined in accordance with the Development Plan unless material considerations suggest otherwise. The relevant Development Plan for this application includes:

- Horsham District Planning Framework 2015
- Neighbourhood Plans

The draft Horsham District Local Plan (Local Plan 2021-2038) will establish overarching strategic planning policies for the district and neighbourhood areas, it covers a period of seventeen years until 2038 and guides the individual Local Plans created by each of these authorities, tailored to their specific areas.

The Local Plan, provides detailed site allocations and Development Management policies for the district, with policies effective until 2038. Together with the Core Strategies, these documents form the Development Plan for Horsham.

The National Planning Policy Framework (NPPF) outlines the Government's planning policies for England. Although not part of the statutory Development Plan, it is a significant material consideration in the planning process. The NPPF emphasizes the planning system's role in achieving sustainable development and encourages local planning authorities to make decisions in a positive and creative manner.

National Planning Policy Guidance (PPG), an online resource, offers guidance on interpreting the NPPF. This Statement considers the aforementioned policy documents where relevant.

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.

Whilst Horsham has no designated greenbelt land however 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 an existing structure and erection of one dwelling 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. The site is neighboured by residential properties and as such the removal of the structure on the site will have a clear benefit to neighbouring properties.

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 2025

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."

Ehe site is an existing stable building, tack room, storage and required planning permission and as such therefore must be considered previously developed land.

The updated NPPF states that where necessary to release green belt land, local plans "should give priority to previously developed land, then consider grey belt which is not previously developed, and then other green belt locations".
The grey belt is defined as: "For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the green belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143."

The description of Previously Developed Land can also be found in the NPPF.

"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

It should be noted that the existing stables required a full planning application and would not have benefited from Permitted Development Rights. The Government's National Planning Policy Framework (NPPF) provides a framework against which local plans are drawn up and planning applications are decided. It defines brownfield and previously developed land as "land which is or was occupied by a permanent structure".

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.

"Grey belt"

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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 one 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 is 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 one dwelling and the demolition of existing structures, considering location, land use, and scale of development. These are the relevant factors for a Stage 1 PIP application.

Conclusion

This appeal is for a Planning in Principle application an alternative route split into two stages one the principle of the development on a greybelt or previously developed land which is now supported in National Planning Policy.

This is a Stage 1 Permission in Principle (PIP) application for constructing one dwelling following the demolition of existing building. 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 permission should be granted.