The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: DC/25/0003
Your ref: APP/Z3825/W/25/3362513
Contact: 01403 215 429
Email: Bethan.Tinning@horsham.gov.uk
Date: 12.05.2025

Dear Sir/Madam,

APP/Z3825/W/25/3362513 – Winstons Farm, Muttons Lane, Ashington, Pulborough, RH20 3AL

Following the submission of the appeal against the refusal of permission in principle for the demolition of the existing stables building and erection of a single dwelling on the footprint, please accept this letter as the Council's statement of case on the matter. The Local Planning Authority would refer the Inspector to the Delegated Report, and would like to reiterate the reasons for refusal as follows:

Refusal Reason 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).

The appeal relates to the demolition of the existing stable building and erection of a single dwelling. The appeal site is located outside of a defined built-up area and is therefore within the countryside in policy terms. The site is not allocated for development within the Local Plan or within a made Neighbourhood Plan.

The policy background as summarised within the Delegated Report remains relevant, where Policies 3 and 4 of the HDPF are of significant weight. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside the built-up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge. As detailed above, the application site is not identified in the Local Plan and is not allocated within an adopted Neighbourhood Plan.

It is recognised that the appeal site represents previously developed land, where the development would replace an existing building. As such, the development could be considered to be within the continuity of existing buildings as defined by Policy ASH1. However, as the appeal site is not located within a defined built-up area boundary, the development would not be in strict accordance with this policy. As noted in the delegated

report, the submitted planning statement and Appellants appeal statement, it is argued by the appellant that the land is considered grey belt. However, the land forming the application site does not meet the definition of grey belt and it is considered that this is not applicable to this scheme.

Policy 2 of the HDPF states that the effective use of land by reusing land that has been previously developed (brownfield land) will be encouraged provided that it is not of high environmental value. The aim of this policy is to encourage the appropriate re-use of brownfield sites in sustainable locations, locating new development in sustainable locations that respect environmental capacity and which have appropriate infrastructure, services and facilities in place, or in places where these can be realistically provided.

Paragraph 124 of the NPPF states that "planning policies and decisions should promote an effective use of land in meeting the needs for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Paragraph 125 continues that planning decisions should "…give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated of unstable land".

While it is acknowledged that the application site comprises previously developed land, the spatial strategy and directive from the NPPF guides development to previously developed land within settlements, where it is considered to be more sustainable.

It is recognised that the Council can no longer demonstrate a 5-year housing land supply. Therefore, for the purposes of decision-making, the presumption in favour of sustainable development within Paragraph 11(d) of the NPPF applies. Paragraph 11(d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

However, recent appeal decisions have considered residential dwellings in the countryside, and these have been dismissed for reasons of conflict with the spatial strategy. An example includes DC/24/0669 (Lancasters Cottage, Partridge Green) where in considering the appeal, the Planning Inspector made specific reference to the lack of the Council's 5-year housing supply and acknowledged that the site comprises previously developed land. However, the Planning Inspector concluded that while there would be a benefit of an additional dwelling, that the site would be contrary to the locational policies of the development plan and would not be well located in relation to settlements, with the adverse impact demonstrably outweigh the benefits.

The proposed development would not represent an infill development on previously developed land within the continuity of existing buildings and would extend built form beyond the defined settlements. The proposed development would therefore be in conflict with Policy ASH1 of the Ashington Neighbourhood Plan, with the application site located outside of the built-up area boundary and has not been allocated for development within the Neighbourhood Plan. The development would therefore also be contrary to the spatial strategy expressed through Policies 3 and 4 of the HDPF.

Furthermore, the existing building shares a utilitarian and agricultural character expected within the rural landscape. In contrast, the proposed development would formalise and urbanise the rural countryside setting, which is considered to detract from the informal and

sporadic build pattern of the rural locality. Although these details are subject of later Technical Details application, the proposed development would be of an arrangement that would fail to protect, conserve, or enhance the characteristics of the landscape character area.

As concluded within the Delegated Report and above, it is acknowledged that the Council is unable to demonstrate a 5-year deliverable supply of housing. However, the proposal would provide one market dwelling, with the Council considering this benefit limited given the negligible overall contribution to the supply. The benefits of the proposed single dwelling are acknowledged, however, the conflict with the development plan is given moderate weight and the site's unsustainable location is given significant weight, with these outweighing the benefits when assessed against the policies in the Framework. As such, the proposal is considered to be contrary to Policies, 2, 3, 4, and 26 of the Horsham District Planning Framework, Policy ASH1 of the Ashington Neighbourhood Plan and the National Planning Policy Framework (2024).

Refusal Reason 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 appellants planning statement states that one cannot enter into a Section 106 agreement for water neutrality when only the principle of a replacement house has been agreed.

This is acknowledged, however, as stated in the delegated report, while the applicant has demonstrated appropriate mitigation measures for water neutrality, the necessary legal undertaking has not been provided. As this has not been secured by way of a legal agreement, it cannot be concluded that the proposal would not adversely affect the integrity of the Arun Valley SAC, Arun Valley SPA, and Arun Valley Ramsar Site.

Paragraph 005 of "Permission in Principle" within the Planning Practice Guidance (PPG) states that:

"Permission in principle must not be granted for development which is habitats development. From 28 December 2018 habitats development means development which is likely to have a significant effect on a qualifying European site or a European offshore marine site, referred to as habitats sites in the National Planning Policy Framework (either alone or in combination with other plans or projects); is not directly connected with or necessary to the management of the site, and; the competent authority has not given consent, permission, or other authorisation in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017. This means for sites where development is likely to have a significant effect on a qualifying European site or a European offshore marine site without any mitigating measures in place, the local planning authority should ensure an appropriate assessment has been undertaken before consideration of the grant of permission in principle. If the local planning authority is satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affects the integrity of the protected site, then, subject to compliance with other statutory requirements regarding the permission in principle process, it can grant permission in principle."

In order for permission in principle to be granted, the Local Planning Authority would need to carry out an Appropriate Assessment to determine that any mitigation measures are sufficient to ensure that the development would not adversely affect the integrity of the protected site. Whilst the mitigation measures may be sufficient, there is no mechanism presented to secure these. For this reason, the development is considered to be contrary to Policy 31 of the Horsham District Planning Framework (2015) and Paragraphs 193 and 194 of the National Planning Policy Framework (2024).

Conclusion

The Council therefore remain of the view that the scheme as submitted would be contrary to the relevant policies of the Horsham District Planning Framework and NPPF. The Inspector is therefore respectfully requested to dismiss the appeal. No suggested conditions have been provided and the Inspector is directed to Paragraph 020 of the Planning Practice Guidance (PPG) which states that *it is not possible for conditions to be attached to a grant of permission in principle*.

Yours sincerely,

Bethan Tinning
Planning Officer