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Planning Inspectorate
c/o Neil Devereux
Appeals Case Officer
Team East 2
Planning Inspectorate

Dear Sirs,

RE: COMMENTS REGARDING IMPLICATIONS OF NPPF 2026 TO APPEAL

PINS Ref: 6009032

PROPOSAL: ERECTION OF A SINGLE STOREY DETACHED GRANNY ANNEXE TOGETHER WITH
A DETACHED SINGLE STOREY MULTIPURPOSE WORKSHOP AND GYM

SITE: 5 KINGSFOLD CLOSE, BILLINGSHURST, WEST SUSSEX, RH14 9HG

Further to our recent email discussions please see the below submissions regarding the implication of the adoption of the new NPPF on 17th August to the above appeal. We have only sought to focus on those elements of change which are material rather than providing a comprehensive list of such.

Introduction

A new and updated version of the National Planning Policy Framework (NPPF) was brought into effect on 17th August 2026. Paragraph 1 of Annex A: Implementation states:

The policies in this Framework are material considerations which must be taken into account in decision-making from the day of its publication.

The changes to the NPPF are significant. The new NPPF has moved from a system of paragraphs to those concerning policies divided under relevant headers and sections. These are also split between policies which apply to plan making and those that apply to decision making.

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Paragraph 8 sets out that plan making policies should not be used when making decisions on development proposals.

Paragraph 3 of the NPPF makes it clear that the NPPF is a material consideration in decision making and that it should be read alongside the policies in the development plan. This includes, as set out in paragraph 7, the specification of weight to be given to certain benefits and limited circumstances in which it is expected that permissions be refused.

For the purpose of decision making, paragraph 2 of Annex A states:

Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted or made against this Framework. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework.

It is self-evident that the Council's Development Plan was not examined and adopted against the 2026 Framework and, therefore, there is not only a necessity to consider the new policies of the NPPF but also to consider whether the relevant policies in the Development Plan themselves are materially inconsistent with those in the NPPF to the extent that they should only be afforded very limited weight.

As set out we do not intend this to be a comprehensive submission to cover all of the changes to the framework but only those of material relevance to the determination. Given the scope of the application as a householder, we consider such to be appropriate, however, if the Inspector would prefer a complete list please do not hesitate in requesting such.

Key Relevant Changes

As set out the NPPF has moved away from paragraph numbers to a framework of policies; these continue to be divided into relevant sub sections or chapters. For the purposes of the appeal and the material changes the following are considered to be most relevant.

Section 4 – Achieving sustainable development

S3 – Presumption in favour of sustainable development

S5 – Principle of Development outside of settlements

Section 5 – Meeting the challenge of climate change

CC2 – Mitigation of climate change

Section 12 – Making effective use of Land

L2 – Making effective use of land

Section 14 – Achieving well-designed places

DP3 – Key principles for well-designed places

DP4 – The design process

Main Considerations

As set out not all of the new policy positions have a material change to submissions already made. It remains the case that this appeal is a householder submission for ancillary outbuildings to provide an annex and workshop.

Principle of Development

The presumption in favour of sustainable development is now set out under Policy S3. For those developments, such as this, within settlements it directs decision making to Policy S4.

Policy S4 states:

- 1. Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.*

The nature of development proposals within a settlement is not distinguished and, accordingly, regardless as to whether those works create new residential accommodation or as is the case here are householder works, the new balancing exercise is applicable. This is a significant update for the implications of the appeal as the starting point is to approve unless the benefits would be *substantially outweighed by any adverse effects*.

Policy S4 continues to state:

- 2. In applying policy S4, the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include (but are not restricted to) situations where the development proposal would:*
 - a. Have a substantial adverse impact in relation to:*
 - i. The allocation or safeguarding of land or buildings for particular uses in the development plan, unless there is no reasonable prospect of an*

application coming forward for the allocated use, or there is evidence that the safeguarding is no longer appropriate; or

. The application of the policies in this Framework for existing recreational land and facilities (HC7), Local Green Space (HC8), areas of particular importance for biodiversity and geodiversity (N6), Protected Landscapes (N4) and development within residential curtilages (L2(1)(d)).

b. Involve the whole or partial loss of undeveloped land which is used for a cemetery or burial ground; or for water storage and/or flood risk management (unless suitable compensatory provision is made that does not increase the risk of flooding either on or off-site); or

c. Fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.

The proposed development is not located within an area allocated or safeguarded for a particular use, nor would it trigger any of those listed other than being in relation to residential curtilages covered under Policy LS 1 d.

In respect of Policy LS1 d. which concerns making an effective use of land the policy states:

Creating additional homes or floorspace within settlements by using the airspace above existing residential and commercial premises, or through sensitive redevelopment or additional development within existing plots (including, but not limited to, the addition of mansard roofs, proposals to fill gaps in the existing roof line, the introduction of higher buildings at street corners and additional units within residential curtilages). Such proposals should:

- i. Be consistent with the overall street scene, other than where: it is appropriate to have larger buildings (such as at street corners, or where building upwards would not cause substantial harm to the character of a building and its surroundings); the development would not be visible from the street frontage; or where specific changes are provided for through a design code which forms part of the development plan;*
- ii. Maintain safe access and egress for occupiers and users, and acceptable living standards for residents and neighbours in terms of access to daylight, sunlight, privacy and external amenity space; and*
- iii. Where the development would involve the use of residential curtilages, not occupy more than twice the footprint of all the existing buildings on the site, and, following development, would retain at least 50% of the non-developed area within the curtilage of the existing buildings; unless additional*

development can be accommodated without harm to the overall character of the area, and taking into account the availability of infrastructure and the importance of locating development in sustainable locations (in accordance with policy TR3).

The proposal would create additional floorspace within settlements, within the existing plots. It would not create an additional unit of residential accommodation and therefore any impact needs to be considered proportionally to such. Working through these we would make the following points:

- We have already made submissions regarding the impact of the proposal on the street scene. We have identified that there are a range of other similar sized outbuildings within the street scene. It has also been identified that there would be limited visibility of the buildings when viewed from the highway as well
- The proposal would not impact on the access/egress of any neighbouring property nor impact on the amenity afforded to such. The host dwelling would continue to benefit from a generous and large area of external amenity space.
- The development would not occupy more than twice the footprint of the existing buildings on site and would retain at least 50% of the non-developed area within the curtilage of the existing dwelling.

Having regard to these comments we do not consider that Policy L2 d. represents a circumstance of adverse effects as mentioned in Policy S4 and therefore the balancing exercise remains unaltered based on such.

Design and Impact on Visual Amenity

The general aim of Policies within the NPPF in terms of design remains unchanged; principally they seek to deliver high-quality development that is appropriate to the area. The new Policies within the NPPF, however, provide a framework for analysis of such. Further, Policy DP3 3 clearly states that is development is to be refused on design grounds (owing to a conflict with DP3 1 or 2) that this is clearly justified.

In considering the suitability of design Policy DP3 1 states:

Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.

So as to aid in the assessment of such Policy DP3 2. provides seven criteria of assessment. Not all of these are relevant to the appeal proposal, and many of the comments concerning those criteria have already been commented on by way of submissions to date.

At its heart the proposal seeks to provide ancillary accommodation to enhance the quality of the existing properties offering. Such enhancements would improve the liveability of the site by providing accessible accommodation for those who are less mobile. Such accommodation, in line with DP3 2.b. has been specifically designed to help contribute towards climate change mitigation and is based on the principles of passive-haus and incorporate renewable energy generation. The built form has been designed so as to respect the character of the area whilst maintaining a strong sense of place. As set out the proposal would be in keeping with the character of the area.

Other Matters

In respect to those policies relating to impact on neighbouring amenity, transport, climate change, etc. we consider that whilst specific wording of policies may have changed the impact on the determination of the appeal has not and those matters already submitted are considered to be sufficient in such regards.

Conclusion

As set out above the changes to the NPPF both in wording of relevant policies and the impact that its adoption has on existing development plan policies is significant. Most notably for the appeal proposal Policy S4 includes a new tilted balance for all types of development within the settlement, not just those previously covered by the former Paragraph 11 d. In light of such the proposal should be approved unless the benefits are substantially outweighed by the adverse impacts based on the policies contained within the NPPF. This has significant impact on the Council's position on the appeal as no such exercise was undertaken in their previous submissions.

Submissions already made regarding the impact of the proposal in terms of design remain unaltered and we continue to contend that it would be of appropriate form to the character of the area. Further, it is again highlighted that the proposal delivers accessible ancillary accommodation in a manner specifically intended to help meet the challenges of climate change.

Yours sincerely,

Matt Smith
D&M Planning Ltd