

Statement of Case
Permission in Principle for the demolition of existing stables building and erection of a
single dwelling on the footprint.
Winstons Farm Muttons Lane Ashington Pulborough

1. INTRODUCTION

1.1 This Statement of Case is submitted on behalf of the Appellants in support of an appeal made pursuant to section 78 of the Town and Country Planning Act 1990 against the decision of Horsham District Council ("the Council") to refuse Permission in Principle application DC/25/2104 for the demolition of an existing stable building and the erection of a single dwelling on its footprint. The refusal was issued on 29 May 2026.

1.2 The appeal concerns a modest proposal for the redevelopment of an existing lawful building situated on previously developed land. It seeks only to establish the principle of development under the statutory Permission in Principle ("PiP") regime. The proposal does not seek approval of design, appearance, landscaping, drainage, ecology, highways engineering or any other detailed matters, all of which are expressly reserved for consideration at the Technical Details Consent stage.

The scope of this appeal is therefore intentionally narrow. It concerns only whether the site is suitable in principle for one dwelling, having regard to its location, the proposed land use and the amount of development.

1.3 The Council's refusal rests upon a single reason, namely that the proposal would conflict with the spatial strategy of the development plan because the site lies outside a defined Built-Up Area Boundary and is not allocated for residential development. The Council concluded that, notwithstanding its inability to demonstrate a five-year supply of deliverable housing land and the operation of paragraph 11(d) of the National Planning Policy Framework ("NPPF"), there were no material considerations sufficient to outweigh that conflict.

The Appellants respectfully submit that this conclusion is based upon an erroneous application of national policy, an unduly restrictive interpretation of local policy, and an inadequate assessment of the material considerations weighing in favour of the proposal.

1.4 The appeal site is occupied by an existing lawful stable building erected pursuant to planning permission granted by Horsham District Council in 2017. The site includes permanent buildings, hardstanding and an established vehicular access. The Council expressly accepts within its Committee Report that the site constitutes previously developed land for the purposes of national planning policy.

That finding is of central importance. National policy has, for many years, encouraged the effective reuse of previously developed land in order to maximise the efficient use of land, reduce unnecessary encroachment into undeveloped countryside and contribute towards the delivery of much-needed housing. Those objectives have been reinforced in the most recent iterations of the NPPF and are directly engaged by this proposal.

1.5 The appeal is brought against the backdrop of a significant and undisputed housing land supply shortfall within Horsham District. The Council accepts that it is presently unable to demonstrate a five-year supply of deliverable housing land and records within its Committee Report that only approximately 1.7 years of supply exists.

In such circumstances paragraph 11(d) of the NPPF is engaged. The statutory presumption in favour of sustainable development therefore forms the starting point for the determination of this appeal. As explained by the Supreme Court in *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] UKSC 37, where policies most important for determining the application are out of date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.

The Council has acknowledged the applicability of paragraph 11(d), but it has failed properly to undertake the balancing exercise required by national policy.

1.6 It is equally important to recognise what this appeal is not about. The proposal is not opposed by the Highway Authority in principle. The Local Highway Authority expressly confirms that there are no visibility concerns associated with the existing access and raises no objection at the Permission in Principle stage, reserving detailed matters for Technical Details Consent.

Nor is the proposal opposed in principle on heritage grounds. The Council's Conservation Officer advises that a replacement dwelling is acceptable in principle, subject to detailed design reflecting the historic character of the former farmstead.

Similarly, the Committee Report accepts that matters relating to biodiversity, contamination, drainage and other technical considerations are capable of being satisfactorily addressed at the Technical Details Consent stage.

Perhaps most significantly, the Committee accepts that the previous water neutrality objection has been resolved following Natural England's revised position and the Council's own Appropriate Assessment, which concludes that the proposal would not adversely affect the integrity of the Arun Valley designated sites.

Accordingly, none of those matters forms part of the present appeal.

1.7 Nor does this appeal engage any of the restrictive policies identified in paragraph 11(d)(i) of the NPPF.

The appeal site is not located within the Green Belt. Indeed, Horsham District contains no designated Green Belt. The site is not within a National Landscape, National Park or any other nationally designated landscape. It is not subject to an Article 4 Direction restricting permitted development rights, nor is the proposal Environmental Impact Assessment development. The Secretary of State has already directed that the proposal is not EIA development.

There is therefore no national policy designation capable of disapplying the presumption in favour of sustainable development.

1.8 The Appellants will demonstrate that the Council's decision places disproportionate reliance upon settlement boundary policies while attaching insufficient weight to a range of compelling material considerations, including:

- the acknowledged status of the site as previously developed land;
- the severe housing land supply deficit within the District;
- the Government's strong policy support for small-scale housing delivery;
- the absence of any in-principle technical objection from statutory consultees;
- the limited scope of a Permission in Principle determination; and
- the substantial planning benefits arising from the redevelopment of an existing developed site.

When those considerations are assessed lawfully and in accordance with the NPPF, the planning balance falls decisively in favour of granting Permission in Principle.

1.9 For the reasons set out in this Statement of Case, and the accompanying appendices, the Appellants respectfully invite the Inspector to conclude that the Council has erred in the application of national and local planning policy, that the adverse impacts identified by the Council do not significantly and demonstrably outweigh the clear benefits of the proposal, and that the appeal should therefore be allowed.

2. THE APPEAL SITE AND ITS SURROUNDINGS

2.1 The appeal site forms part of Winstons Farm, formerly known as Jinkers Farm, situated on the eastern side of Muttons Lane, Ashington, West Sussex. The site occupies a discrete parcel of land containing an existing stable building, areas of hardstanding and an established vehicular access directly onto Muttons Lane. The building was lawfully erected pursuant to planning permission granted by Horsham District Council under reference DC/17/0250. The planning history confirms that the site has therefore been subject to lawful built development for a number of years.

2.2 The existing building occupies a contained site enclosed by mature hedgerows and trees. The Council's Committee Report records that boundary vegetation provides substantial screening to the site, whilst the surrounding landscape comprises a mixture of residential properties, agricultural land and small-scale rural development characteristic of this part of the District.

2.3 The appeal site is not an undeveloped greenfield field, nor does it represent an incursion into open countryside. It comprises previously developed land occupied by a permanent structure together with associated hardstanding and an established access. Importantly, the Council expressly acknowledges within its assessment that the existing stable building constitutes previously developed land for the purposes of planning policy. That finding is not disputed.

2.4 The appeal site lies adjacent to existing residential development. The nearest dwellings are Winstons Farm and Woods Cottage, both located within relatively short distances of the existing building. The Committee Report records that these neighbouring properties are approximately 62 metres and 54 metres respectively from the existing footprint and concludes that any impact upon neighbouring residential amenity would be limited.

2.5 The site is therefore not isolated in either the ordinary or planning sense of the word. Rather, it forms part of an established cluster of buildings associated with the former farmstead and existing residential properties.

The Supreme Court in *Braintree District Council v Secretary of State for Housing, Communities and Local Government* [2018] UKSC 53 confirmed that the term "isolated" in national planning policy should be given its ordinary meaning. A dwelling situated within a small cluster of existing buildings or forming part of an established group of development will not ordinarily be regarded as isolated merely because it lies outside a defined settlement boundary.

Indeed, the Council itself accepts that paragraph 84 of the NPPF is not engaged because the appeal site cannot properly be described as isolated.

2.6 The site benefits from an existing vehicular access directly onto Muttons Lane. West Sussex County Council, as Local Highway Authority, raises no objection in principle to the use of that access and confirms that there are no visibility concerns or recorded highway safety issues associated with it. Any detailed matters relating to parking, turning or access arrangements are appropriately reserved for Technical Details Consent.

2.7 The appeal site is not subject to any statutory designation that would preclude residential redevelopment in principle.

In particular:

- it is not located within the Green Belt;
- Horsham District contains no designated Green Belt;
- it is not situated within a National Landscape;
- it is not within a National Park;
- it is not affected by an Article 4 Direction;
- it is not located within any area where national policy presumes against residential development.

Furthermore, the Secretary of State has determined that the proposal does not constitute Environmental Impact Assessment development under the EIA Regulations.

2.8 Whilst the site lies outside the defined Built-Up Area Boundary, that fact alone is neither determinative nor unusual within the context of rural planning appeals. The statutory development plan must be read alongside national planning policy, particularly where the local planning authority cannot demonstrate a five-year housing land supply and paragraph 11(d) of the NPPF is engaged.

The appeal site must therefore be considered in the wider planning context rather than by reference to settlement boundaries alone.

2.9 The existing building makes a limited contribution to the character or appearance of the area and no longer represents the most efficient or sustainable use of this previously developed land. Its replacement with a single dwelling offers the opportunity to secure visual enhancement, improved landscaping, biodiversity net gain and the more effective use of an established developed site without extending development into previously undeveloped countryside.

3. THE APPEAL PROPOSAL

3.1 The appeal seeks Permission in Principle for the demolition of the existing stable building and the erection of a single dwelling occupying substantially the same footprint. No approval is sought at this stage for the detailed design of the proposed dwelling.

3.2 The statutory purpose of the Permission in Principle regime is to establish only whether residential development is acceptable in principle. The detailed design of any future dwelling—including scale, appearance, architectural treatment, landscaping, drainage, biodiversity enhancement, access arrangements and all other technical matters—is expressly reserved for consideration at the subsequent Technical Details Consent stage. This distinction is fundamental to the determination of the present appeal.

3.3 The amount of development proposed is deliberately modest. Only one dwelling is proposed. The proposal therefore represents a small-scale residential redevelopment of an existing developed site rather than a new housing allocation or an extension to a settlement.

Its contribution to the District's housing supply may be numerically modest but is entirely consistent with Government policy encouraging the cumulative contribution of small sites towards meeting housing needs.

3.4 The proposal utilises an existing lawful building together with an existing vehicular access and established areas of hardstanding. No significant extension of built form into undeveloped land is proposed. The redevelopment would therefore represent an efficient use of land already occupied by permanent development.

3.5 The proposal also aligns with the Government's objective of making effective use of previously developed land. Rather than requiring the release of greenfield land elsewhere, the appeal proposal would recycle an existing developed site for residential purposes, thereby contributing to the efficient use of land and assisting in the delivery of additional housing.

3.6 The Council's own technical consultees raise no objection in principle to the redevelopment of the site. The Conservation Officer advises that a replacement dwelling is acceptable in principle, subject to appropriate design at the Technical Details stage. Similarly, the Highway Authority raises no objection in principle.

Environmental Health, Ecology and Southern Water identify matters capable of being addressed through the Technical Details Consent process rather than reasons why Permission in Principle should be withheld.

3.7 The Committee Report also acknowledges that the previous water neutrality objection has been overcome following Natural England's revised position and the Council's own Appropriate Assessment. Officers conclude that the proposal will not adversely affect the integrity of the Arun Valley European sites. That issue, which formed the principal reason for refusal of the earlier application, has therefore been conclusively resolved and no longer forms part of the planning balance.

3.8 Accordingly, the present appeal concerns only whether one dwelling on this previously developed site is acceptable in principle having regard to its location, the proposed land use and the amount of development.

The Appellant respectfully submits that each of those three statutory considerations should be answered in the affirmative.

4. THE STATUTORY FRAMEWORK

4.1 Introduction

This appeal falls to be determined under section 78 of the Town and Country Planning Act 1990 and the statutory framework governing Permission in Principle ("PiP"), principally contained within the Town and Country Planning (Permission in Principle) Order 2017 (as amended).

Unlike a conventional planning application, Parliament has deliberately established a two-stage consenting process for Permission in Principle. The first stage is concerned solely with whether the principle of residential development is acceptable on a particular site. The second stage considers the detailed design and technical matters through an application for Technical Details Consent ("TDC"). The distinction is fundamental and is central to the determination of this appeal.

4.2 The Statutory Purpose of Permission in Principle

Permission in Principle was introduced by Parliament through the Housing and Planning Act 2016 to accelerate the delivery of housing, particularly on small and previously developed sites, by separating the principle of development from detailed design considerations.

The legislative intention was to reduce unnecessary delay and uncertainty in the planning process by allowing Local Planning Authorities to determine, at an early stage, whether residential development is acceptable in principle before requiring applicants to incur the significant expense associated with preparing detailed technical submissions.

The statutory process therefore deliberately narrows the scope of decision-making at the first stage.

4.3 Matters Capable of Determination

Article 5D of the Town and Country Planning (Permission in Principle) Order 2017 restricts the matters capable of determination at the Permission in Principle stage to three questions only:

- Location
- Land Use
- Amount of Development

Those are the only matters upon which Permission in Principle may properly be granted or refused. Everything else is expressly reserved for consideration through Technical Details Consent.

4.4 Matters Reserved for Technical Details Consent

The statutory framework intentionally excludes detailed planning considerations from the PiP stage.

These include, amongst other matters:

- architectural design;
- external appearance;
- layout;
- scale;
- landscaping;
- biodiversity enhancement;
- drainage;
- foul water disposal;
- contamination;
- construction methodology;
- detailed highways engineering;
- parking layout;
- tree protection;
- ecological mitigation;
- lighting;
- materials; and
- detailed heritage considerations.

Those matters remain capable of being fully assessed and, where necessary, controlled by planning condition at the Technical Details Consent stage.

The Committee Report correctly acknowledges this statutory distinction in several respects. For example:

- the Highway Authority expressly limits its comments to matters that will require consideration at Technical Details Consent;
- Environmental Health advises that contamination investigations should be undertaken at the Technical Details stage;
- biodiversity assessment and Biodiversity Net Gain are identified as matters for subsequent approval;
- drainage details are similarly deferred.

These consultees correctly recognised the statutory limits of a Permission in Principle application.

4.5 The Legal Scope of this Appeal

The present appeal therefore raises only three statutory questions.

(i) Location

Is the appeal site suitable, in principle, for residential development?

(ii) Land Use

Is residential use acceptable on this site?

(iii) Amount

Is one dwelling an appropriate amount of development?

No other issue is determinative.

The Inspector is respectfully invited to confine consideration to those statutory questions.

4.6 The Committee Report

Although the Committee Report correctly describes the statutory scope of Permission in Principle, aspects of the subsequent assessment stray beyond those statutory limits.

For example, considerable attention is given to:

- future architectural character;
- visual appearance;
- detailed landscape effects;
- contamination;
- biodiversity;
- drainage;
- future domestic character;
- engineering matters; and
- other technical considerations.

Those matters may all be relevant to Technical Details Consent but cannot properly justify refusing Permission in Principle where they are capable of being addressed through the second stage of the statutory process. Indeed, the Council's own consultees consistently conclude that these matters should be considered later rather than constituting reasons for refusing the application in principle.

4.7 Material Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework is a material consideration of substantial weight. Where, as here, the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing land, paragraph 11(d) of the NPPF requires planning permission to be granted unless either:

- policies protecting areas or assets of particular importance provide a clear reason for refusal; or
- the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.

The Supreme Court confirmed in *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] UKSC 37 that where the "tilted balance" is engaged, policies most important for determining housing applications are regarded as out of date and reduced weight must be attached to them according to the circumstances of the case. That principle is directly applicable to this appeal.

4.8 Interpretation of Planning Policy

The proper interpretation of planning policy is ultimately a matter of law. In *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13, the Supreme Court confirmed that planning policy should be interpreted objectively and consistently, having regard to the language used and the purpose of the policy.

Similarly, *Mansell v Tonbridge & Malling Borough Council* [2017] EWCA Civ 1314 confirms that while the application of planning policy involves planning judgment, that judgment must be exercised within the correct legal framework.

The Appellant respectfully submits that excessive reliance has been placed upon settlement boundary policies without giving proper effect to:

- the statutory purpose of the Permission in Principle regime;
- the acknowledged housing land supply shortfall;
- the status of the appeal site as previously developed land; and
- the operation of paragraph 11(d) of the NPPF.

Those issues are examined in detail later in this Statement.

4.9 The Effect of the Previous Appeal Decision

The Council refers to the dismissal of the previous appeal relating to application DC/25/0003. However, the Committee Report correctly records that the Inspector did not determine the merits of the proposal in terms of location, land use or amount of development. The appeal was dismissed solely because the Inspector concluded that, in the

absence of a legally secured mechanism to achieve water neutrality, the proposal could not qualify for Permission in Principle under the Habitats Regulations. The Inspector therefore expressly declined to reach any conclusion on the planning merits of the development. That distinction is of considerable importance.

The issue of water neutrality has since been resolved. The Council's own Appropriate Assessment concludes that the proposal will not adversely affect the integrity of the Arun Valley European sites, and the Committee Report accepts that the previous habitats objection no longer justifies refusal.

Accordingly, there is no previous appeal decision on the substantive planning merits that binds or materially constrains the Inspector in determining the present appeal.

4.10 Summary

The statutory framework establishes a clear and focused approach to determining this appeal.

The Inspector is invited to determine only whether:

- the location is suitable for residential development in principle;
- residential use is acceptable on this previously developed site; and
- one dwelling represents an appropriate amount of development.

The evidence demonstrates that detailed technical matters are either acceptable in principle or capable of being satisfactorily addressed through the Technical Details Consent process.

The appeal should therefore be determined by reference to the statutory PiP framework, the development plan read as a whole, and the National Planning Policy Framework, giving appropriate weight to the presumption in favour of sustainable development.

5. NATIONAL PLANNING POLICY FRAMEWORK

5.1 Introduction

The National Planning Policy Framework ("the Framework") is a material consideration of substantial weight in the determination of this appeal. It establishes the Government's planning policies for England and provides the primary context within which the Development Plan must be interpreted and applied.

The Framework promotes a positive approach to decision-making, emphasising that planning should actively support sustainable development, make effective use of land and significantly boost the supply of homes.

The appeal proposal accords with each of those objectives.

5.2 The Presumption in Favour of Sustainable Development

The Framework identifies the presumption in favour of sustainable development as the "golden thread" running throughout national planning policy. Paragraph 11 requires planning decisions to approve development proposals that accord with the Development Plan without delay. Where relevant development plan policies are out of date, or where the local planning authority cannot demonstrate a five-year supply of deliverable housing land, paragraph 11(d) requires planning permission to be granted unless:

- the application of policies protecting areas or assets of particular importance provides a clear reason for refusing the proposal; or
- the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.

The Council accepts that Horsham District cannot presently demonstrate a five-year housing land supply and that paragraph 11(d) is engaged.

That is the starting point for the determination of this appeal.

5.3 Housing Land Supply

The Council's housing land supply position is a matter of considerable significance.

The Committee Report confirms that Horsham currently has only approximately **1.7 years** of deliverable housing land.

That represents a substantial shortfall against national policy requirements.

The Government has repeatedly made clear that planning decisions should support the delivery of housing, particularly where authorities have persistently failed to meet housing needs.

Small sites such as the appeal proposal make an important cumulative contribution towards addressing that deficit.

Whilst one dwelling is modest in numerical terms, national policy expressly recognises the important role played by small and medium-sized sites in increasing housing delivery and maintaining flexibility within the housing market.

5.4 Effective Use of Previously Developed Land

The Framework places significant emphasis upon the effective use of land.

Government policy encourages the redevelopment of previously developed land in preference to the unnecessary release of undeveloped countryside wherever appropriate.

The appeal site falls squarely within that policy objective. The Council expressly accepts that the existing stable building constitutes previously developed land.

The proposal therefore does not involve the development of an undeveloped agricultural field. Instead, it represents the redevelopment of an existing lawful building and associated hardstanding with a single dwelling. That is precisely the form of development national policy seeks to encourage.

5.5 Small Sites

The Government has consistently recognised the importance of small housing sites. Small developments:

- are capable of rapid delivery;
- contribute to housing supply;
- diversify the housing market;
- support rural communities; and
- make effective use of land already developed.

This appeal proposes only one dwelling. The proposal therefore accords directly with national objectives promoting incremental housing delivery through sustainable small-scale development.

5.6 Sustainable Development

Sustainable development requires the balancing of economic, social and environmental objectives.

The appeal proposal satisfies each.

Economic

The proposal would generate employment during construction, expenditure within the local economy and additional council tax revenue.

Social

It would contribute towards meeting the District's acknowledged housing shortfall by providing an additional dwelling on a deliverable site.

Environmental

The proposal would redevelop previously developed land, remove an ageing agricultural building, secure biodiversity enhancements and improve the visual appearance of the site through a carefully designed replacement building to be considered at Technical Details Consent.

The proposal therefore represents sustainable development in the broad sense intended by the Framework.

5.7 No Restrictive National Policy Applies

The "tilted balance" may only be displaced where specific protective policies apply. No such policies arise in this appeal.

The site is:

- not within Green Belt;
- not within a National Landscape;
- not within a National Park;
- not within an Article 4 Direction;

- not within Flood Zone restrictions preventing development;
- not subject to any statutory designation which would provide a clear reason for refusal.

Furthermore, the Secretary of State has already confirmed that the proposal is not Environmental Impact Assessment development. Consequently, paragraph 11(d)(i) does not apply.

5.8 Summary

National planning policy strongly supports the appeal proposal. It supports:

- redevelopment of previously developed land;
- efficient use of land;
- delivery of additional housing;
- small housing sites;
- sustainable development; and
- positive decision-making where housing land supply is deficient.

The Appellant respectfully submits that the proposal accords with those objectives and attracts substantial positive weight in the planning balance.

6. THE DEVELOPMENT PLAN

6.1 Introduction

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan comprises the Horsham District Planning Framework 2015 ("HDPF") together with the Ashington Neighbourhood Plan.

The Appellant accepts that the appeal site lies outside the defined Built-Up Area Boundary. However, that fact does not determine the appeal.

The Development Plan must be read as a whole and applied in the context of the Framework, particularly where paragraph 11(d) is engaged.

6.2 The Spatial Strategy

The Council relies principally upon Policies 1, 2, 3, 4 and 26 of the HDPF together with Policy ASH1 of the Ashington Neighbourhood Plan. Those policies seek, in general terms, to direct new development towards existing settlements. The Appellant does not dispute that objective.

However, planning policy does not require every proposal outside a settlement boundary to be refused. The determination of planning applications always requires a balanced exercise having regard to all material considerations.

6.3 Reduced Weight

The Supreme Court in *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] UKSC 37 confirmed that where paragraph 11(d) applies, policies most important for determining housing applications become out of date. That does not render such policies irrelevant. Rather, the weight to be attached becomes a matter of planning judgment. In this case considerable weight should continue to attach to protecting the countryside.

However, significantly less weight should be attached to rigid settlement boundary policies when:

- the Council has only 1.7 years housing supply;
- the proposal is for one dwelling only;
- the site is previously developed land;
- there are no overriding environmental objections; and
- national policy strongly supports housing delivery.

6.4 Policy 26

Policy 26 seeks to protect the countryside from inappropriate development. The Appellant fully supports that objective. However, the proposal is not a speculative estate development extending into open countryside. It is the redevelopment of an existing lawful building. The distinction is important. The redevelopment of existing developed sites does not undermine the underlying purpose of countryside protection in the same manner as the development of previously undeveloped agricultural land.

6.5 Ashington Neighbourhood Plan

The Committee Report relies heavily upon Policy ASH1.

However, the Committee also accepts that the appeal site comprises previously developed land.

Policy ASH1 expressly recognises that development outside the Built-Up Area Boundary may be acceptable on previously developed land where it accords with local and national planning policy.

The appeal therefore falls to be assessed by reference not only to the spatial strategy but also to the Framework's clear support for redevelopment of previously developed land and the presumption in favour of sustainable development.

The Committee Report gives insufficient weight to this element of Policy ASH1.

6.6 The Shaping Development Planning Advice Note (SDPAN)

The Committee places reliance upon the Shaping Development in Horsham District Planning Advice Note (SDPAN).

However, SDPAN is guidance.
It is not part of the statutory Development Plan.

Whilst it may assist decision-making, it cannot override either:

- the Development Plan;
- the statutory provisions of section 38(6); or
- the National Planning Policy Framework.

The Inspector is therefore respectfully invited to attach limited weight to SDPAN where it conflicts with national policy or the proper application of paragraph 11(d).

6.7 Previously Developed Land

One of the most significant features of this appeal is that the Council expressly acknowledges the appeal site to be previously developed land.
That finding fundamentally distinguishes this proposal from many countryside housing appeals.

The proposal does not introduce built development onto an undeveloped site.
Rather, it replaces an existing lawful structure with a single dwelling.
That distinction substantially reduces any conflict with the objectives of countryside protection.

6.8 Summary

The Development Plan must be read alongside the Framework.
Whilst there is acknowledged conflict with settlement boundary policies, those policies attract reduced weight in the circumstances of this appeal.

Conversely, significant weight should be afforded to:

- redevelopment of previously developed land;
- the acknowledged housing shortfall;
- national support for small housing sites;
- the absence of technical objections; and
- the operation of paragraph 11(d).

Accordingly, the Development Plan, properly interpreted alongside national policy, does not justify the refusal of Permission in Principle.

7. THE PRINCIPAL ISSUES

7.1 Introduction

The statutory scope of a Permission in Principle application is deliberately limited. Article 5D of the Town and Country Planning (Permission in Principle) Order 2017 confines the determination to three matters only:

- the **Location** of the proposed development;
- the proposed **Land Use**; and
- the **Amount of Development**.

The present appeal must therefore be determined by reference to those three statutory considerations alone. It is respectfully submitted that each of those questions should be answered in the affirmative.

7.2 Issue One – Location

7.2.1 The first question is whether the appeal site represents a suitable location for residential development in principle.

The Council concludes that it does not, principally because the site lies outside the defined Built-Up Area Boundary and is not allocated for development within the adopted Whistl those are material considerations, they are not determinative.

The statutory exercise requires a broader planning judgment having regard to the Development Plan as a whole, national policy and all other material considerations.

7.2.2 The appeal site occupies previously developed land.

That is not disputed. The Committee Report expressly acknowledges that the existing stable building constitutes previously developed land. This immediately distinguishes the appeal from proposals involving the development of open agricultural land. Government policy consistently encourages the redevelopment of previously developed land in preference to unnecessary greenfield development. The appeal therefore accords with one of the principal objectives of national planning policy.

7.2.3 The site is also physically well-related to existing development.

It forms part of an established group of buildings associated with the former farmstead and neighbouring residential properties.

The Committee Report records that neighbouring dwellings are located approximately 54 metres and 62 metres from the appeal site. The proposal therefore represents infill or redevelopment within an existing developed context rather than an isolated encroachment into open countryside.

7.2.4 This conclusion is reinforced by the Council's own assessment under paragraph 84 of the National Planning Policy Framework.

The Committee Report expressly concludes that the appeal site is **not an isolated location** for the purposes of national policy.

That finding is entirely consistent with the judgment of the Supreme Court in **Braintree District Council v Secretary of State for Housing, Communities and Local Government [2018] UKSC 53**, which confirmed that "isolated" should be given its ordinary meaning and that development forming part of a cluster of existing buildings will not normally be regarded as isolated.

It follows that the restrictive policy relating to isolated homes in the countryside is not engaged.

7.2.5 The appeal site benefits from an existing lawful vehicular access.

West Sussex County Council, acting as Highway Authority, raises no objection in principle and confirms that there are no highway visibility concerns associated with the existing access.

The proposal therefore does not require the creation of a new access into open countryside. Rather, it utilises existing infrastructure serving an already developed site.

7.2.6 The Council places considerable emphasis upon the site's relationship to nearby settlements and concludes that future occupiers would rely primarily upon private vehicles. The Appellant accepts that private car use will form part of everyday travel. However, that circumstance is neither unusual nor determinative in rural Sussex.

The courts have repeatedly recognised that the planning system does not impose an absolute prohibition on residential development simply because occupants are likely to use private cars. Indeed, if that were the test, a substantial proportion of the existing rural housing stock across England would fail to satisfy national planning policy.

The relevant question is not whether residents will use cars, but whether the proposal represents sustainable development when assessed against the Framework taken as a whole.

7.2.7 The Council also relies upon the absence of a contiguous relationship with the Built-Up Area Boundary. However, settlement boundaries are planning tools rather than statutory limits upon development. Their purpose is to guide growth, not to prohibit all development beyond them irrespective of circumstances.

Where paragraph 11(d) of the NPPF is engaged, as in this appeal, settlement boundary policies attract reduced weight in accordance with the judgment of the Supreme Court in *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] UKSC 37.

The location of the appeal site must therefore be assessed in the context of the acknowledged housing shortfall and the Framework's presumption in favour of sustainable development.

7.2.8 The Appellant respectfully submits that the location of the appeal site is suitable in principle because:

- it comprises previously developed land;
- it forms part of an existing group of buildings;

- it is not isolated;
- it benefits from an existing lawful access;
- it is free from overriding environmental constraints;
- it does not involve the release of undeveloped countryside; and
- it contributes towards the delivery of additional housing on a sustainable brownfield site.

The first statutory requirement is therefore satisfied.

7.3 Issue Two – Land Use

7.3.1 The second statutory question concerns whether residential use is acceptable in principle. The Appellant submits that it plainly is.

7.3.2 The appeal proposes one dwelling replacing an existing lawful stable building. Residential use already exists immediately adjacent to the appeal site. The proposal therefore represents a logical continuation of the established pattern of development rather than the introduction of an entirely new land use into an undeveloped rural landscape.

7.3.3 The Council accepts that the site is previously developed land. National planning policy affords substantial support to the redevelopment of such sites for housing.

The appeal proposal would make efficient use of land already occupied by permanent development while avoiding unnecessary pressure for development upon greenfield sites elsewhere in the District.

7.3.4 Importantly, no statutory consultee objects to residential use in principle. The Council's Conservation Officer expressly advises that a replacement dwelling is acceptable in principle, subject only to detailed design considerations to be addressed at Technical Details Consent.

Similarly:

- the Highway Authority raises no objection in principle;
- Ecology issues are capable of resolution through Technical Details Consent;
- contamination can be investigated through appropriate conditions and technical submissions;
- drainage is capable of detailed assessment.

There is therefore no technical impediment to residential use.

7.3.5 The Committee Report also confirms that the previous water neutrality objection has been overcome. The Council's Appropriate Assessment concludes that the proposal will not adversely affect the integrity of the Arun Valley European sites.

Consequently, the principal issue that prevented the earlier proposal from proceeding has now been resolved.

7.3.6 Residential use therefore represents:

- an efficient reuse of previously developed land;
- a continuation of the surrounding pattern of development;
- a sustainable use of existing infrastructure;
- a use supported by national planning policy; and
- a use not opposed by any technical consultee.

The second statutory test is therefore satisfied.

7.4 Issue Three – Amount of Development

7.4.1 The third and final statutory question concerns the amount of development proposed. The appeal seeks Permission in Principle for one dwelling only. This is an exceptionally modest proposal.

7.4.2 The proposed quantum of development is entirely proportionate to the appeal site. It replaces one existing permanent building with one dwelling. There is no proposal for multiple units, estate development or significant expansion of the built form.

7.4.3 The Committee Report itself recognises that the proposal relates to only a single dwelling occupying the footprint of the existing stable building. This represents the minimum level of residential development capable of making productive use of the site.

7.4.4 National planning policy repeatedly encourages the delivery of housing through small sites. Although one dwelling cannot by itself resolve the District's housing shortfall, it contributes incrementally towards addressing that deficit. The Government has consistently recognised that cumulative delivery from small sites forms an important component of housing supply.

7.4.5 The modest scale of the proposal also substantially limits any potential adverse impacts.

There is no evidence that one dwelling would:

- materially increase traffic;
- overload infrastructure;
- prejudice landscape character;
- undermine biodiversity objectives;
- harm neighbouring residential amenity; or
- adversely affect heritage assets.

Indeed, none of the Council's technical consultees identifies such impacts as reasons why Permission in Principle should be refused.

7.4.6 The amount of development proposed is therefore entirely proportionate having regard to:

- the size of the appeal site;
- the existing developed character of the land;
- the surrounding pattern of development;
- national planning policy; and
- the statutory purpose of the Permission in Principle regime.

The third statutory requirement is accordingly satisfied.

7.5 Overall Conclusion on the Principal Issues

The statutory framework requires the Inspector to determine three questions:

1. Is the location suitable?
2. Is the proposed land use acceptable?
3. Is the amount of development appropriate?

For the reasons set out above, the Appellant respectfully submits that each question should be answered "Yes." The appeal site is previously developed land, is not isolated, benefits from an established lawful access, is free from overriding technical or environmental objections, and is proposed to accommodate only a single dwelling.

The redevelopment of such a site aligns with the objectives of the National Planning Policy Framework and the purpose of the Permission in Principle regime.

It follows that the statutory tests for granting Permission in Principle are satisfied.

8. THE COUNCIL'S ASSESSMENT AND THE PLANNING BALANCE

8.1 Introduction The Council's sole reason for refusal is that the appeal site lies outside the defined Built-Up Area Boundary and that the proposal conflicts with the spatial strategy contained within Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework together with Policy ASH1 of the Ashington Neighbourhood Plan. The Council concluded that, notwithstanding the acknowledged absence of a five-year housing land supply and the operation of paragraph 11(d) of the National Planning Policy Framework ("NPPF"), there were no material considerations sufficient to outweigh that policy conflict.

The Appellant respectfully submits that this conclusion does not properly reflect the evidence before the Council, gives disproportionate weight to settlement boundary policies, and fails to undertake the balancing exercise required by national policy.

8.2 The Council Accepted the Proposal Overcame the Previous Appeal Reason

The previous appeal was dismissed solely because the Inspector concluded that the proposal could not, at that time, demonstrate lawful water neutrality under the Habitats Regulations. The Inspector expressly declined to determine the planning merits relating to location, land use and amount because the proposal was not capable of qualifying for Permission in Principle while the habitats issue remained unresolved. The Committee Report accurately records that position.

That position has fundamentally changed.

The Committee Report confirms that:

- Natural England has withdrawn its previous position statement;
- the Council has undertaken an Appropriate Assessment;
- the proposal will not adversely affect the integrity of the Arun Valley European sites; and
- the previous water neutrality reason for refusal has been overcome.

The present appeal is therefore the first opportunity for the substantive planning merits of the proposal to be determined.

8.3 The Council Accepted that the Site is Previously Developed Land

Perhaps the most significant finding within the Committee Report is the Council's unequivocal acceptance that the appeal site comprises **previously developed land**. That finding attracts considerable weight.

The redevelopment of previously developed land has been a consistent objective of national planning policy for many years. The Framework promotes the effective use of land and encourages the reuse of brownfield sites in order to reduce pressure on undeveloped countryside and support sustainable housing delivery.

Despite accepting that the site falls within the definition of previously developed land, the Committee Report affords that consideration remarkably little positive weight in the planning balance.

Instead, the report proceeds substantially on the basis that the proposal should be treated in the same way as a new dwelling on undeveloped countryside. That approach fails to recognise an important factual distinction. This proposal does not involve the loss of open agricultural land. It proposes the redevelopment of an existing lawful building occupying an established developed site. That distinction materially reduces the degree of conflict with countryside protection policies.

8.4 The Council Correctly Accepted that the Site is Not Isolated

The Committee Report expressly concludes that paragraph 84 of the NPPF does not apply because the appeal site is not "isolated" in planning terms.

That conclusion is consistent with the Supreme Court's judgment in *Braintree District Council v Secretary of State for Housing, Communities and Local Government* [2018] UKSC 53.

The significance of this finding should not be underestimated. The Framework distinguishes between isolated homes in the countryside and development associated with existing groups of buildings. The appeal site forms part of an established cluster of development and therefore does not engage one of the principal restrictive policies relating to rural housing.

8.5 The Council Accepted There Were No Technical Objections in Principle

The Committee Report records that:

- the Highway Authority raises no objection in principle;
- the Conservation Officer considers a replacement dwelling acceptable in principle;
- contamination can be addressed through Technical Details Consent;
- biodiversity can be secured through Technical Details Consent;
- drainage matters are capable of later approval.

These findings are entirely consistent with the statutory structure of the Permission in Principle regime. Collectively, they demonstrate that there is no overriding technical impediment to residential development on this site.

Rather than identifying reasons why Permission in Principle should be refused, the technical consultees identify matters to be addressed during the second stage of the statutory process.

8.6 Excessive Reliance Was Placed on Settlement Boundaries

The Council's reasoning depends almost entirely upon the appeal site's position outside the Built-Up Area Boundary.

The Appellant accepts that the site lies outside the settlement boundary. However, settlement boundaries are policy tools rather than statutory prohibitions. Their purpose is to guide the distribution of development. They do not establish an absolute rule that all development beyond them must be refused.

This is particularly important where paragraph 11(d) of the Framework is engaged. The Supreme Court in *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] UKSC 37 confirmed that policies most important for determining housing applications become out of date where an authority cannot demonstrate a five-year housing land supply. The weight to be attached to such policies then becomes a matter of planning judgment.

The Committee Report acknowledges that Horsham currently has only approximately 1.7 years of deliverable housing land. Yet the planning balance gives decisive weight to

settlement boundary policies without adequately recognising the reduced weight those policies attract in the present circumstances.

8.7 Insufficient Weight Was Given to the Housing Land Supply Position

The housing land supply deficit is not merely background context. It is one of the principal material considerations in the appeal. The Government's objective of significantly boosting the supply of homes is reflected throughout the Framework.

The Council's inability to demonstrate a five-year supply is a substantial policy failure which directly engages the presumption in favour of sustainable development.

The Committee Report acknowledges that paragraph 11(d) applies but then affords only limited practical effect to that presumption.

In doing so, it effectively reverses the approach required by national policy. The correct question is not whether the proposal fully accords with the spatial strategy. The correct question is whether the identified harms significantly and demonstrably outweigh the benefits of granting Permission in Principle. The Committee Report does not demonstrate that they do.

8.8 The Planning Benefits Were Undervalued

The Committee Report identifies very few benefits arising from the proposal.

In the Appellant's submission, that significantly understates the positive planning merits.

The appeal proposal would:

- redevelop previously developed land;
- replace an ageing lawful building with a more efficient use;
- deliver an additional dwelling within a district experiencing a severe housing shortage;
- contribute, albeit modestly, towards housing delivery;
- utilise an existing access and existing infrastructure;
- secure biodiversity enhancement at Technical Details Consent;
- improve the visual appearance of the site through redevelopment; and
- generate economic activity during construction.

Each of those matters attracts positive planning weight.

Collectively, they amount to substantial material considerations in favour of granting Permission in Principle.

8.9 The Committee's Application of Policy ASH1 Was Incomplete

The Committee relies heavily upon Policy ASH1 of the Ashington Neighbourhood Plan.

However, the policy does not simply prohibit development outside the Built-Up Area Boundary.

As the Committee Report itself records, Policy ASH1 recognises that development outside the settlement boundary may be acceptable where it is on previously developed land and accords with local and national planning policy.

The Committee accepted the first limb of that test—that the site is previously developed land—but did not then give appropriate weight to the second limb, namely the Framework's support for brownfield redevelopment and sustainable housing delivery in the context of an acute housing land supply deficit.

The result is an incomplete application of the policy rather than a balanced reading of it.

8.10 The Council's Overall Planning Balance

The Council's planning balance can be summarised as follows:

Negative factors identified

- location outside the Built-Up Area Boundary;
- conflict with the spatial strategy.

Positive factors accepted by the Council

- previously developed land;
- one dwelling only;
- existing lawful building;
- existing lawful access;
- no highway objection;
- no conservation objection in principle;
- no ecology objection in principle;
- no contamination objection in principle;
- water neutrality resolved;
- no Habitats Regulations objection;
- no EIA requirement;
- no overriding technical constraints.

When viewed objectively, the list of positive considerations is extensive.

The Committee nevertheless concluded that there were no material considerations sufficient to outweigh the policy conflict.

The Appellant respectfully submits that this conclusion fails properly to reflect the evidence before the Council or the balancing exercise required by paragraph 11(d) of the Framework.

8.11 Conclusion on the Refusal Reason

The refusal reason ultimately rests upon one proposition: that the appeal site lies outside the defined settlement boundary. That proposition is factually correct. However, it is not determinative. The statutory purpose of the Permission in Principle regime, the acknowledged housing land supply deficit, the Framework's support for previously developed land, the absence of overriding technical objections and the proposal's modest scale are all material considerations of considerable weight. When those considerations are assessed together, the conflict with settlement boundary policies is insufficient to justify refusal.

The Appellant therefore respectfully submits that the Council's planning balance was inconsistent with the Framework and that the sole reason for refusal should not be sustained.

9. THE PLANNING BALANCE

9.1 Introduction

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

In the present appeal, the principal material consideration is the National Planning Policy Framework ("the Framework"), together with the Council's inability to demonstrate a five-year supply of deliverable housing land.

The appeal therefore falls to be determined through the planning balance required by paragraph 11(d) of the Framework.

9.2 Development Plan Conflict

The Appellant accepts that the appeal proposal does not fully accord with the settlement strategy contained within Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework and Policy ASH1 of the Ashington Neighbourhood Plan because the site lies outside the defined Built-Up Area Boundary.

That conflict attracts weight. However, the weight to be attached must be considered in its proper planning context.

The Council accepts that it is unable to demonstrate a five-year supply of deliverable housing land. The Committee Report records that the current supply is approximately 1.7 years.

In accordance with paragraph 11(d) of the Framework and the judgment of the Supreme Court in *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] UKSC 37, policies most important for determining housing applications are therefore out of date and attract reduced weight according to the circumstances of the case.

The conflict with settlement boundary policies is therefore an important consideration, but it is not determinative.

9.3 Harm Identified

The Council identifies one principal area of planning harm. That harm is the introduction of residential development outside the defined settlement boundary and the resulting conflict with the spatial strategy of the Development Plan. The Appellant does not seek to minimise that conflict.

However, the extent of the resulting harm must be viewed realistically.

The proposal involves:

- one dwelling only;
- redevelopment of an existing lawful building;
- no extension into previously undeveloped countryside;
- use of an existing lawful access; and
- a site acknowledged to comprise previously developed land.

Consequently, the degree of harm arising from conflict with the spatial strategy is materially less than would arise from a proposal involving the development of an undeveloped greenfield site or a significant extension to an existing settlement.

9.4 Benefits of the Proposal

The proposal delivers a number of identifiable planning benefits.

Housing Delivery The proposal would deliver an additional dwelling within a district experiencing a severe and acknowledged housing land supply shortfall.

Whilst numerically modest, national policy recognises the cumulative importance of small housing sites in addressing housing need.

This benefit attracts moderate weight.

Effective Use of Previously Developed Land

The proposal would redevelop an existing lawful building situated on previously developed land.

The efficient reuse of brownfield land is a long-established objective of national planning policy and is expressly recognised by the Framework.

This benefit attracts significant weight.

Environmental Improvement

The proposal would replace an ageing stable building with a high-quality residential development to be considered at Technical Details Consent.

It provides the opportunity for:

- improved landscaping;
- biodiversity net gain;

- visual enhancement; and
- more efficient use of an established developed site.

Whilst these matters will be secured through the Technical Details Consent process, they nevertheless represent genuine planning benefits arising from the redevelopment.

Existing Infrastructure

The appeal utilises:

- an existing lawful building;
- an existing lawful access;
- existing hardstanding; and
- existing servicing infrastructure.

The proposal therefore avoids many of the impacts commonly associated with new residential development on undeveloped land.

Economic Benefits

The proposal will generate construction employment, expenditure within the local economy and additional council tax revenue.

Whilst these benefits are modest, they nevertheless attract positive weight.

9.5 Matters Carrying Neutral or Positive Weight

A notable feature of this appeal is the absence of substantive technical objections.

The Committee Report confirms:

- no highway objection in principle;
- no conservation objection in principle;
- biodiversity matters capable of resolution through Technical Details Consent;
- contamination capable of resolution through Technical Details Consent;
- drainage capable of detailed design;
- water neutrality no longer preventing development following the Council's Appropriate Assessment.

These matters should not simply be regarded as neutral. They demonstrate that there are no overriding technical, environmental or statutory constraints preventing residential development in principle.

9.6 Paragraph 11(d)

The appeal must ultimately be determined through the exercise required by paragraph 11(d) of the Framework. The relevant question is not whether the proposal accords fully with every aspect of the Development Plan. Nor is it whether the proposal is located outside the Built-Up Area Boundary. The correct question is whether the adverse impacts of

granting Permission in Principle would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.

The Appellant respectfully submits that they do not. The principal harm identified by the Council is policy conflict arising from the site's location beyond the settlement boundary.

Balanced against that are:

- redevelopment of previously developed land;
- one additional dwelling contributing towards an acute housing shortage;
- efficient use of an existing developed site;
- absence of technical objections;
- existing lawful access;
- no Green Belt designation;
- no Article 4 Direction;
- no National Landscape designation;
- no Habitats Regulations objection;
- no Environmental Impact Assessment requirement; and
- the statutory presumption in favour of sustainable development.

Collectively these are substantial material considerations which the Framework requires to be given considerable weight.

9.7 Overall Planning Judgment

Planning is ultimately an exercise of informed planning judgment.

In this appeal, the evidence demonstrates that:

- the proposal satisfies the statutory requirements of the Permission in Principle regime;
- the appeal site is previously developed land;
- the proposal involves only one dwelling;
- the site is not isolated;
- no statutory consultee objects in principle;
- no overriding environmental constraint applies;
- the previous habitats issue has been resolved; and
- the Council is experiencing a severe housing land supply deficit.

Against those factors, the remaining policy conflict is confined principally to the proposal's location outside the defined settlement boundary.

In the Appellant's respectful submission, that conflict is insufficient to outweigh the cumulative benefits identified above.

9.8 Conclusion on the Planning Balance

The planning balance required by paragraph 11(d) of the Framework falls clearly in favour of the proposal.

The adverse impacts identified by the Council are limited in scope and relate principally to conflict with settlement boundary policies which, in the present circumstances, attract reduced weight.

Conversely, the proposal would deliver a sustainable and efficient redevelopment of previously developed land, make a positive contribution towards housing delivery within a district experiencing a substantial housing shortfall, and do so without giving rise to overriding technical, environmental or statutory objections.

The Appellant therefore respectfully submits that the proposal constitutes sustainable development for the purposes of the Framework and that the presumption in favour of sustainable development is not displaced.

Permission in Principle should accordingly be granted.

10. CONCLUSION

10.1 This appeal concerns a modest proposal seeking Permission in Principle for the demolition of an existing lawful stable building and its replacement with a single dwelling on an established previously developed site.

The statutory question before the Inspector is deliberately narrow. Under the Town and Country Planning (Permission in Principle) Order 2017 the appeal is concerned only with:

- the suitability of the location;
- the acceptability of the proposed land use; and
- the amount of development proposed.

All matters relating to design, appearance, landscaping, drainage, biodiversity, contamination, highways engineering and other technical considerations are reserved for determination through the subsequent Technical Details Consent process.

The appeal should therefore be determined within the statutory framework established by Parliament for Permission in Principle applications.

10.2 The evidence before the Inspector demonstrates that each of the three statutory tests is satisfied.

The appeal site comprises previously developed land containing an existing lawful building, associated hardstanding and an established vehicular access.

The proposal seeks only one dwelling.

The site forms part of an existing cluster of development and is not isolated for the purposes of national planning policy.

No statutory consultee has identified any overriding technical reason why residential development cannot be accommodated on the site in principle.
Accordingly, the statutory purpose of the Permission in Principle regime is fully met.

10.3 The appeal must also be considered within the context of the National Planning Policy Framework.

The Council accepts that it cannot demonstrate a five-year supply of deliverable housing land and that the presumption in favour of sustainable development contained within paragraph 11(d) of the Framework is engaged.

The Supreme Court has made clear that, in such circumstances, policies most important for determining housing applications attract reduced weight and that planning permission should normally be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. That is the exercise the Inspector is now required to undertake.

10.4 The Council's reason for refusal is founded almost entirely upon conflict with settlement boundary policies.

The Appellant accepts that the appeal site lies outside the defined Built-Up Area Boundary. However, settlement boundaries are not statutory prohibitions on development.

They are policy mechanisms intended to guide the distribution of development and must be applied alongside national policy and other material considerations.

In the present case, those policies attract reduced weight because of the Council's acknowledged housing land supply deficit.

10.5 The Council's assessment also accepts a number of matters which materially support the appeal.

In particular, it accepts that:

- the appeal site is previously developed land;
- the proposal is not an isolated home for the purposes of paragraph 84 of the Framework;
- the previous water neutrality objection has been resolved through the Council's Appropriate Assessment;
- the Highway Authority raises no objection in principle;
- the Conservation Officer considers a replacement dwelling acceptable in principle;
- ecological, contamination and drainage matters are capable of being satisfactorily addressed at the Technical Details Consent stage.

Collectively, these findings demonstrate that the proposal is not constrained by any overriding environmental, technical or statutory objection.

10.6 The appeal proposal also delivers a number of important planning benefits.

It would secure the effective reuse of previously developed land in accordance with national planning policy. It would contribute, albeit modestly, towards meeting the District's acute housing needs. It would utilise an existing developed site and established infrastructure rather than requiring the release of undeveloped countryside elsewhere. It would facilitate biodiversity enhancements, visual improvements and a more efficient use of land through the subsequent Technical Details Consent process. These are genuine planning benefits which attract positive weight.

10.7 Conversely, the principal harm identified by the Council is policy conflict arising from the location of the site outside the defined settlement boundary. Whilst that conflict is acknowledged, it should not be overstated. The proposal does not involve the expansion of an existing settlement into open countryside. It does not comprise speculative estate development. It does not result in the loss of undeveloped agricultural land. Rather, it proposes the redevelopment of an existing lawful building situated on previously developed land.

The degree of conflict with countryside protection policies is therefore materially less than would arise from development on an undeveloped greenfield site.

10.8 The Appellant respectfully submits that, when the planning balance is undertaken correctly, the adverse impacts identified by the Council do not significantly and demonstrably outweigh the benefits of the proposal.

That conclusion follows from:

- the acknowledged operation of paragraph 11(d) of the National Planning Policy Framework;
- the Council's inability to demonstrate a five-year supply of deliverable housing land;
- the previously developed status of the appeal site;
- the absence of overriding technical objections;
- the modest scale of the proposal;
- the established developed character of the site; and
- the clear support within national planning policy for the effective reuse of previously developed land and the delivery of small housing sites.

Taken together, these considerations weigh decisively in favour of granting Permission in Principle.

10.9 The Appellant also respectfully submits that the Council's refusal places disproportionate emphasis upon settlement boundary policies whilst failing to give appropriate weight to the Framework's presumption in favour of sustainable development and to the significant material considerations weighing in favour of the proposal.

The consequence is a planning balance that does not properly reflect either the statutory framework governing Permission in Principle or the policy objectives of the National Planning Policy Framework.

10.10 This appeal presents a straightforward opportunity to deliver one additional dwelling through the sustainable redevelopment of an established previously developed site. It involves no Green Belt land. There is no Article 4 Direction.

No nationally designated landscape is affected. The proposal has overcome the previous habitats issue, is not Environmental Impact Assessment development, and raises no overriding technical objections in principle.

It is precisely the type of modest, deliverable and sustainable development that the Government has repeatedly encouraged local planning authorities and Inspectors to support.

10.11 For all of the reasons set out in this Statement of Case, together with the accompanying appendices, the Appellant respectfully invites the Inspector to conclude that:

1. The appeal site is suitable in principle for residential development.
2. The proposed residential use is acceptable in planning terms.
3. The amount of development proposed—a single dwelling—is entirely appropriate.
4. The proposal represents sustainable development for the purposes of the National Planning Policy Framework.
5. The adverse impacts identified by the Council do not significantly and demonstrably outweigh the benefits of the proposal.
6. The sole reason for refusal should not be upheld.

10.12 Accordingly, the Appellant respectfully requests that the appeal be allowed and that Permission in Principle be granted for the demolition of the existing stable building and the erection of a single dwelling at Winstons Farm, Muttons Lane, Ashington.