

Application reference DC/25/1371

Use of land for the stationing of 2 static caravans for residential purposes and associated day rooms. Erection of stable building and formation of hardstanding (retrospective). Associated landscape works including planting of native hedges and removal of hardstanding and American barn

Land West of Parsons Field Stables, Pickhurst Lane, Pulborough, West Sussex, RH20 1DA

Statement in Support of an Application for a Full Award of Costs

Application for Costs

This statement accompanies the appeal submitted pursuant to section 78 of the Town and Country Planning Act 1990 and seeks a full award of costs against Horsham District Council.

The Appellant submits that the Council has behaved unreasonably, resulting in the Appellant having been put to unnecessary expense in pursuing this appeal.

The unreasonable behaviour arises from the refusal of planning permission by the Planning Committee on 19 May 2026 in direct contradiction of the professional recommendation of the Council's planning officers and without any objective evidence capable of substantiating the sole reason for refusal.

Background

The planning application was considered by the Planning Committee on 19 May 2026.

The Council's professional planning officers completed a full assessment of the proposal against the Development Plan, national planning policy and all material planning considerations. Following that assessment, officers concluded that the development complied with the relevant planning policies and recommended that planning permission be granted, subject to conditions.

Notwithstanding that recommendation, Members resolved to refuse planning permission.

The formal decision notice was subsequently issued on 29 June 2026.

The sole reason for refusal states:

"The proposed development has a significant adverse impact, and the proposed mitigation will not address the significant harm to the landscape in this location that is contiguous to the South Downs National Park, contrary to Policies 23, 25, 30 and 33 of the Horsham District Planning Framework (2015)."

National Policy on Awards of Costs

Government guidance is clear that costs may be awarded where a local planning authority has behaved unreasonably and that unreasonable behaviour includes:

- preventing or delaying development which should clearly have been permitted;
- refusing planning permission on grounds which are not supported by evidence;
- refusing planning permission where the authority is unable to produce evidence to substantiate each reason for refusal;
- failing to produce evidence to support vague or generalised assertions.

The Appellant submits that each of these principles is engaged in this case.

The Officer Recommendation

The Officer's Report constitutes the Council's professional planning assessment of the proposal.

It considered the proposal in detail against the Development Plan, including those policies ultimately relied upon in the refusal notice.

The landscape Architect in their formal consultation response stated:

Welcome the removal of hardstanding and built structures along the western boundary is welcomed and the scheme is now considered to be more appropriate and overall sensitive to the location.

On the issue of landscape impact, the Case Officer concluded in their report that

The previous application (which reflects the current position on site) was considered to be contrary to policies 23(e), 25 and 33 of the HDPF, by virtue of the inappropriate close-boarded fencing, the amount of hardstanding, the number of buildings and the lack of/ loss of native species hedging.

It is considered that the proposed amendments on site, to be implemented within 6 months of a planning decision, would be sufficient to overcome these concerns such that, on balance, officers recommend that it has been demonstrated that the proposal would not result in an unacceptably adverse visual and/or landscape impact, or cause harm to the semi-rural character and setting of the site.

In the absence of any other identified negative impacts the Case Officer overall concluded that:

The Council cannot currently demonstrate a five-year land supply for gypsy sites, and at present there remains an identified undersupply of available sites within the District. Paragraph 11(d) of the NPPF 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 strong 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. In this context it is recognised that the proposal would go some way to addressing the identified need. This is a material consideration of significant weight in the overall planning balance.

Officers have considered the previous reasons for refusal and advise that the submitted plans would, on balance, result in a scheme that is acceptable in landscape, amenity and ecological terms. The current layout of the site is considered to be overdeveloped by hardstanding and buildings, creating a suburban site inappropriate in landscape terms for this location, however subject to appropriately worded conditions that ensure the removal of harmful hardstanding, suburban fencing and the large American barn, as well as the replacement of the remaining hardstanding with permeable materials and the planting of native hedgerow to the southern and western boundaries and adjacent to the entrance, the proposal is considered acceptable. The application is recommended for approval accordingly.

Having undertaken a detailed assessment of the site's context, the surrounding landscape, the relationship with the South Downs National Park, the proposed mitigation and all consultation responses, officers concluded that:

- the proposal was acceptable in landscape terms;
- the proposed mitigation was appropriate;
- there would be no unacceptable landscape harm;
- planning permission should therefore be granted.

The recommendation was therefore one of approval subject to planning conditions.

The application was determined at Planning Committee and despite the positive recommendation for approval Members chose to refuse the application

Absence of Objective Evidence

The Planning Committee rejected the professional recommendation and concluded that the proposal would result in "significant adverse impact" and that mitigation would not address that harm.

However, there was no objective landscape evidence before Members capable of supporting that conclusion.

- No independent landscape assessment was produced.
- No contrary expert evidence was commissioned.
- No consultee identified significant landscape harm.
- No additional technical evidence was presented to demonstrate why the conclusions reached by the professional planning officer were incorrect.

The refusal therefore amounts to little more than a disagreement with the professional planning judgment of the Council's own officers.

A planning committee is, of course, entitled to depart from officer advice. However, where Members choose to do so, they must be able to identify clear planning reasons supported by objective evidence.

In this case they did not.

Failure to Substantiate the Reason for Refusal

The refusal reason alleges:

- significant adverse landscape impact; and
- ineffective mitigation.

These are matters requiring planning and landscape evidence. No such evidence exists.

The reason for refusal does not identify:

- any specific landscape feature that would be materially harmed;
- any assessment demonstrating why the Officer's conclusions were incorrect;
- any evidence explaining why the proposed mitigation would fail;
- any technical or expert basis for concluding that the impact would be significant.

Instead, the refusal relies upon broad assertions unsupported by evidence.

Such an approach is precisely the type of unreasonable behaviour identified within the Government's Planning Practice Guidance on awards of costs.

Unnecessary Appeal

Had the Council accepted the professional recommendation of its officers, planning permission would have been granted.

Instead, the Appellant has been compelled to incur the considerable costs associated with:

- preparing and submitting an appeal;
- preparing appeal statements;
- reviewing committee documentation;
- obtaining professional planning, landscape and legal advice;
- considering and responding to the Council's case; and
- preparing this application for costs.

These costs would have been entirely unnecessary had the Council reached a decision based upon the evidence before it.

The Council's Conduct

The Appellant does not contend that Members are obliged to follow officer recommendations.

Rather, the complaint is that the Council refused planning permission without evidential justification.

A decision-maker may lawfully disagree with professional advice, but where it does so it must still demonstrate an objective planning basis for its conclusions.

Unless the Council is able during the appeal to produce evidence substantiating the alleged significant landscape harm and the alleged inadequacy of the proposed mitigation, the refusal cannot reasonably be defended.

Conclusion

The Appellant submits that the Council has behaved unreasonably by refusing planning permission on a reason that was unsupported by objective evidence and contrary to the professional planning assessment undertaken by its own officers and professional consultees.

The refusal has directly resulted in the need for this appeal and has caused the Appellant to incur unnecessary expense.

Accordingly, the Appellant respectfully requests that the Inspector exercises their powers under section 322C of the Town and Country Planning Act 1990 and the relevant Planning Practice Guidance to make a full award of costs against Horsham District Council in respect of the unnecessary expense incurred in pursuing this appeal.