Horsham District Council

Planning Inspectorate
The Square
Temple Quay
House Bristol
BS1 6PN0

Our ref: DC/23/1909
Your ref: APP/Z3825/W/24/3355997
Contact: 01403 215 100
Email: planning@horsham.gov.uk
Date: 29 January 2025

Dear Mr Devereux,

APP/Z3825/W/24/3355997 | DC/23/1909
The Owl, Dorking Road, Kingsfold, West Sussex, RH12 3SA

Please accept this letter as a response to the appellant's application for an award of substantive costs in relation to the above-referenced appeal. The Council strongly refutes the allegations of unreasonable behaviour and respectfully submits that the request for costs should be dismissed for the reasons outlined below.

The decision to refuse the application was ultimately made by the Planning Committee, formed of *elected* local ward Councillors, following a full and proper assessment of the material considerations, including representations from local residents and expert advice from Council Officers and consultees.

While the Case Officer's report recommended approval, a Planning Committee is entitled to exercise its judgment, weighing the evidence before it and determining that the proposed development would have an unacceptable impact on highway safety. The role of the Committee is to make a democratic decision based on policy compliance, professional advice, and local knowledge. It is not bound to follow Council Officer recommendations where reasonable planning grounds exist to justify a contrary decision.

The appellant asserts that the Council failed to substantiate its concerns regarding highway safety. This is incorrect. The Committee's decision was based on its collective assessment of the site context, local highway conditions, and relevant policy considerations, specifically Policies 40 and 41 of the HDPF. The Committee concluded that the proposed access arrangements posed a risk to safety, particularly given the nature and use of Dorking Road and the A24.

The Council's Statement of Case clearly sets out the reasoning behind the refusal, including Members' concerns that the Manual for Streets (MfS) guidance may not be entirely applicable to the specific conditions at the site. The Committee was entitled to consider that compliance with MfS alone did not automatically equate to an acceptable highway arrangement under Policy 40 of the HDPF. Local knowledge and site-specific observations informed this decision, which was reached after due consideration.

For an award of costs to be justified, it must be demonstrated that the Council acted unreasonably in a way that directly caused unnecessary or wasted expense. The appellant claims that the refusal

“prevented or delayed a development which should have been permitted.” However, as outlined above, the Council’s refusal was properly reasoned, supported by local concerns, and made in good faith.

Furthermore, the Planning Committee is not obligated to follow Council Officer recommendations where it has justifiable concerns. The decision was reached following *democratic* debate, in line with the principles of local decision-making, which is baked into the Council's Constitution. As such, there is no evidence that the Council acted improperly or unreasonably.

The Council maintains that its decision to refuse planning permission was based on legitimate material considerations and was made in good faith following a thorough assessment of the application. The assertion that the Council has acted unreasonably is unfounded, and thus there is no basis for an award of costs.

Accordingly, the Council respectfully requests that the Inspector dismisses the appellant’s application for an award of costs in full.

Yours faithfully,

Development Management
Horsham District Council