

**Cost Claim against Horsham District Council Relating to DC/25/1444**

**Change of Use of Existing Stables to Offices (Class E(g)) in association with the existing Equine operations at Beckley Stud, Reeds Lane, Southwater, West Sussex, RH13 9DQ.**

Planning Practice Guidance (PPG) advises that costs may be awarded against a party which has behaved unreasonably and thereby caused the Appellant to incur unnecessary expense in the appeal process. The PPG sets out the types of behavior which may give rise to a substantive award against a Local Planning Authority which in this case are noted below.

This application seeks a full award of costs against Horsham District Council in connection with the refusal of planning permission under application DC/25/1444 for the change of use of existing stables to office accommodation (Class E(g)) at Beckley Stud.

The Appellant submits that the Council has behaved unreasonably, as described within the Planning Practice Guidance, by:

- Failing to substantiate its single reason for refusal with objective planning evidence;
- Failing to properly assess and have regard to material information submitted during the determination of the application;
- Applying a policy test that is not found within either Policy 10 or Policy 26 of the Horsham District Planning Framework;
- Failing to properly consider whether planning conditions could address its concerns before refusing planning permission.

As a direct consequence of that unreasonable behaviour, the Appellant has incurred unnecessary expense in preparing and pursuing this appeal.

**Failure to Substantiate the Reason for Refusal**

The sole reason for refusal states that the scale of the proposed office accommodation had not been demonstrated to be reasonably necessary or proportionate to the established mixed-use operation at Beckley Stud.

Planning Practice Guidance confirms that unreasonable behaviour may include a "failure to produce evidence to substantiate each reason for refusal on appeal" and the use of "vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis."

In the present case, the Council asserted that the proposed office accommodation was not reasonably necessary or proportionate to the established mixed-use operation at the site. However, the Committee Report contains no objective evidence demonstrating what level of office accommodation would be acceptable, why the proposed accommodation would be excessive, or how the proposal would result in a significant increase in countryside activity. The refusal was therefore unsupported by objective analysis.

However, neither Policy 10 nor Policy 26 of the Horsham District Planning Framework contains a requirement for an applicant to demonstrate that office accommodation is "reasonably necessary" or "proportionate". The Council's refusal is therefore founded upon a test which does not appear within the wording of the policies relied upon.

Whilst the Council was entitled to consider the scale and nature of the proposed office use, the Committee Report contains no robust planning evidence demonstrating why the proposal would result in a significant increase in countryside activity or why the office accommodation would be excessive in relation to the lawful mixed-use operation already established at the site.

The report identifies no measurable harm arising from the proposal in respect of:

- Highway safety;
- Residential amenity;
- Landscape character;
- Heritage assets;
- Ecology; or
- Environmental impacts.

In the absence of any identified planning harm, the Council's conclusion that the proposal should nevertheless be refused was unsupported by objective evidence and represents unreasonable behaviour for the purposes of a costs award.

### **Failure to Properly Consider Material Evidence**

Throughout the determination process the Council sought further information regarding:

- Staffing levels;
- Workstation numbers;
- Operational requirements;
- Visitor numbers;
- The relationship between the proposed office accommodation and the wider mixed-use operation.

The Appellant responded to each request and provided detailed information explaining that:

- The proposed office would serve an existing mixed-use operation;
- The site currently supports 12 employees and the business owner;
- Additional workstations were required to accommodate visiting veterinarians, equine nutritionists and specialist consultants;
- The workstation layout did not equate to employee numbers.

Despite requesting this information, the Council failed to undertake any meaningful assessment of the evidence within the Committee Report. The report contains no analysis of staffing arrangements, occupation levels, operational requirements or likely vehicle movements arising from the office use and instead relies upon assumptions regarding the scale of commercial activity. This is particularly significant given the PPG's warning against reliance on "vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis."

### **Failure to Properly Consider the Previous Appeal Decision**

A significant material consideration was the previous Planning Inspectorates decision relating to Beckley Stud under Appeal Reference APP/Z3825/W/23/3324019. That decision established the

lawful mixed-use nature of the site and accepted the close operational relationship between the equestrian enterprise and the commercial activities undertaken by Equine America.

Whilst the Committee Report acknowledged that decision, little meaningful weight was given to the Inspector's findings when assessing the current proposal. The report effectively revisited issues that had previously been accepted by the Planning Inspectorate without identifying any material change in circumstances or new evidence that would justify a different conclusion.

The failure to properly engage with a directly relevant appeal decision materially undermined the Council's assessment of the application.

### **Failure to Consider Conditions**

The Council's sole concern related to the perceived scale of the office accommodation and the possibility of future expansion of the business.

These concerns were capable of being addressed through planning conditions limiting employee numbers, restricting occupation to the established mixed-use operation at Beckley Stud and preventing the creation of a separate planning unit. The PPG confirms that unreasonable behaviour may include "refusing planning permission on a planning ground capable of being dealt with by conditions."

The Council failed to properly consider whether such conditions could adequately address its concerns before refusing planning permission.

- Restrict occupation of the office accommodation to the established mixed-use operation at Beckley Stud;
- Prevent the office accommodation from becoming an independent planning unit;
- Limit employee numbers if considered necessary;
- Control future occupation of the building.

The Council's concern was therefore capable of being addressed through precise and enforceable planning conditions. However, there is no evidence that the Council properly explored this option before refusing planning permission.

Planning Practice Guidance is clear that costs may be awarded where planning permission is refused despite conditions being capable of overcoming the authority's concerns. This is precisely the situation that has arisen in the present case.

### **Unnecessary Expense**

Had the application been properly assessed against the Development Plan, the National Planning Policy Framework and the evidence before the Council, the Appellant considers that planning permission ought to have been granted. Alternatively, any residual concerns could have been resolved through planning conditions.

As a direct consequence of the Council's unreasonable behaviour, the Appellant has incurred unnecessary expense in:

- Preparing and submitting the appeal;
- Preparing the Statement of Case;
- Obtaining professional planning advice;
- Reviewing and responding to the Council's reasons for refusal;
- Preparing this application for an award of costs.

### **Conclusion**

Planning Practice Guidance confirms that unreasonable behaviour may include a "failure to produce evidence to substantiate each reason for refusal on appeal", reliance on "vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis", and "refusing planning permission on a planning ground capable of being dealt with by conditions".

The Council's refusal falls within those categories. The reason for refusal was not supported by objective evidence, the Committee Report failed to properly engage with material information submitted by the Appellant, and no adequate consideration was given to whether planning conditions could address the Council's concerns. As a direct consequence, the Appellant has incurred unnecessary expense in pursuing this appeal. A full award of costs is therefore respectfully sought.