

COSTS STATEMENT

Sussex Topiary Naldretts Lane Rudgwick Horsham West Sussex RH12 3BU

DC/26/0271

Permission in principle for the erection of up to 9no. self-build park homes

Non-determination appeal

As confirmed below application was validated on 18th February and the 5 -week determination deadline was 25th March.

Despite the chasing emails requesting an update reproduced at APPENDIX 1 along with several unresponded to voicemails the application remains undetermined.

It is little wonder with such a poor service that the Council is so far behind being able to show a 5-year Housing Land supply.

DC/26/0271

Permission in principle for the erection of up to 9no. self-build park homes

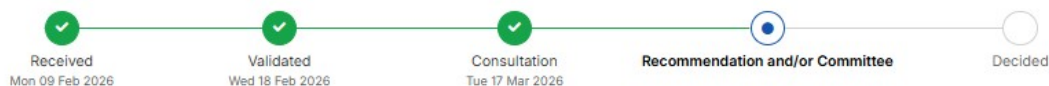
Sussex Topiary Naldretts Lane Rudgwick Horsham West Sussex RH12 3BU

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Application Validated Date	Wed 18 Feb 2026
Expiry Date	Thu 02 Apr 2026
Actual Committee Date	
Neighbour Consultation Expiry Date	Tue 10 Mar 2026
Latest Advertisement Expiry Date	
Latest Site Notice Expiry Date	Thu 02 Apr 2026
Agreed Expiry Date	
Environmental Impact Assessment Received	
Determination Deadline	Wed 25 Mar 2026

APPENDIX 1

From: Phil Rowe

Sent: 22 April 2026 17:31

To: 'Hannah.Darley' [REDACTED]

Subject: RE: DC/26/0271 - Sussex Topiary Permission in principle for the erection of up to 9no. self-build park homes

Importance: High

Hannah,

- [Permission in principle for the erection of up to 9no. self-build park homes](#) 

Sussex Topiary Naldretts Lane Rudgwick Horsham West Sussex RH12 3BU

Ref. No: DC/26/0271 | Validated: Wed 18 Feb 2026 | Status: Awaiting decision

Good to note the attached 'No objection' from County Highways; **can you please let me know your intended decision on this application?**

In the absence of a response, I'm giving thought to lodging a non-determination appeal on Friday.

I've been listening into the initial Local Plan examination discussions and it is clear that it will take several years to get rid of the backlog of housing need.

Link to interesting article below....

<https://www.ageuk.org.uk/information-advice/care/housing-options/residential-park-homes/>

"Would a park home suit me?"

*Residential park homes are small and built on one level so may be suited to people who want a home that's easier to manage. **Buying a residential park home can be a more affordable way of living in an area you like. Park home sites can also have more of a sense of community when compared to traditional housing**".*

Thank you in advance for your assistance.

Kind regards

Phil Rowe, BA Hons, BTP (Planning)
PROwe Planning Solutions

[REDACTED]
Melton Lodge,
Rusper Road,

Newdigate,
Surrey. RH5 5BX

Patron of Racehorse Sanctuary Charity – please give generously where you can:
<https://www.theracehorsesanctuary.org/support-us/donate/>

From: Hannah.Darley [REDACTED]
Sent: 23 March 2026 12:29
To: Phil Rowe [REDACTED]
Subject: DC/26/0271 - Sussex Topiary

Hello Phil,

Please can you agree to an EOT for the 3rd April for this one?

Thank you and kind regards,

Hannah Darley
Senior Planning Officer

[REDACTED]
[REDACTED] [REDACTED]



Horsham District Council, Alberty House, Springfield Road, Horsham, West Sussex RH12 2GB
Telephone: 01403 215100 (calls may be recorded) www.horsham.gov.uk Chief Executive: Jane Eaton

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Please contact us in advance if your email, including any attachments, is going to exceed 30MB.

COSTS CLAIM STATEMENT

The Council **have acted wholly unreasonably.**

Paragraph: 029 Reference ID: 16-029-20140306

Who can apply for an award of costs and who can have costs awarded against them?

Local planning authorities, appellants and interested parties who have taken part in the process, including statutory consultees, may apply for costs, or have costs awarded against them. A party applying for costs may have costs awarded against them, if they themselves have behaved unreasonably.

An Inspector or the Secretary of State **may, on their own initiative, make an award of costs, in full or in part, in regard to appeals and other proceedings under the Planning Acts if they consider that a party has behaved unreasonably resulting in unnecessary expense and another party has not made an application for costs against that party.**

Revision date: 06 03 2014

The Council have:

- **Wholly misconstrued the proposal** on the basis that the proposal allowed the latitude to discuss a lesser quantum of development.
- **Failed** to undertake a planning balance exercise (i.e. they have 'prevented and delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and **any other material considerations / failed to produce evidence to substantiate each reason for refusal on appeal and have acted contrary to, and followed, well-established case law**
- Acted unreasonably and inconsistently by making **vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis** and contrary to both National guidance and their own adopted policies in relation to the self-explanatory highlighted text.

The aim of the costs regime is to:

- encourage all those involved in the appeal process **to behave in a reasonable way and follow good practice**, both in terms of timeliness and in the presentation of full and detailed evidence to support their case
- encourage local planning authorities **to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, not to add to development costs through avoidable delay,**
- discourage unnecessary appeals by encouraging all parties to consider a revised planning application which meets reasonable local objections.

Revision date: 06 03 2014

Paragraph: 046 Reference ID: 16-046-20140306

When might an award of costs be made against a local planning authority?

Awards against a local planning authority may be either **procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.**

The examples below relate mainly to planning appeals and are not exhaustive. The Planning Inspectorate will take all evidence into account, alongside any extenuating circumstances.

Revision date: 06 03 2014

Paragraph: 049 Reference ID: 16-049-20140306

What type of behaviour may give rise to a substantive award against a local planning authority?

Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:

- **preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.**

- **failure to produce evidence to substantiate each reason for refusal on appeal**
- **vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.**
- refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead
- **acting contrary to, or not following, well-established case law**
- **not determining similar cases in a consistent manner**

(This list is not exhaustive).

Revision date: 06 03 2014

Paragraph: 031 Reference ID: 16-031-20140306

What does “unreasonable” mean?

The word “unreasonable” is used in its ordinary meaning, as established by the courts in *Manchester City Council v SSE & Mercury Communications Limited* [1988] JPL 774.

Unreasonable behaviour in the context of an application for an award of costs may be either:

- procedural – relating to the process; or
- substantive – relating to the issues arising from the merits of the appeal.

The Inspector has discretion when deciding an award, enabling extenuating circumstances to be taken into account.

That paragraph refers to Part B of the Circular, the most pertinent paragraph of which for present purposes is paragraph B16 which reads as follows:

“Authorities will be expected to produce evidence to show clearly why the development cannot be permitted. The planning authority’s decision notice should be carefully framed and should set out in full the reasons for refusal. Reasons should be complete, precise, specific and relevant to the application. Planning authorities will be expected to produce evidence at appeal stage to substantiate each reason

for refusal with reference to the development plan and all other material considerations including any relevant judicial authority. If they cannot do so, they risk a costs award against them for any unsubstantiated reason for refusal. This continues to be the ground on which costs are most commonly applied for and awarded against a planning authority. The key test will be whether evidence is produced on appeal which provides a **respectable basis for the authority's stance**, in the light of *R v SSE ex parte North Norfolk DC* 1994 [2 PLR 78].”