

PLANNING APPEAL 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

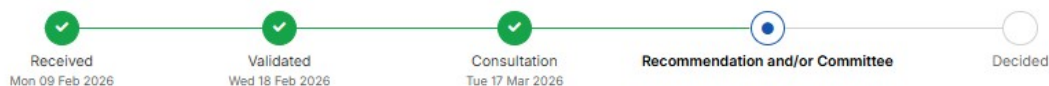
Sussex Topiary Naldretts Lane Rudgwick Horsham West Sussex RH12 3BU

[Back to search results](#)

[Track](#)

[Make a comment](#)

[Print](#)



Details [Comments](#) [Constraints \(16\)](#) [Related Documents](#) [Related Cases \(1\)](#) [Map](#)

[Summary](#) [Further Information](#) [Contacts](#) [Important Dates](#)

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

Introduction, the site and context:

This appeal statement sets out the general grounds in favour of the proposed development. The content of the detailed Planning, Design and Access statement, policy analysis / **analysis of recent permissions within Horsham for dwellings both outside of a defined built-up area boundary on sites not allocated for housing development** and submitted plans setting out the proposal and context are included with the appeal and it is not necessary to excessively repeat the points made within the appeal statement.

The appeal is advanced on grounds that planning permission should be granted.

Any **Traffic light underlining** and bold typeface throughout have been added for emphasis where applicable with relevance to the appeal proposal. The reasons for refusal are reproduced below and addressed within the main body of this appeal statement.

Appeal rebuttal

It is germane to highlight and acknowledge that there is much common ground with the Council in respect of what is proposed. As can be seen in terms of planning balance and real-world common-sense planning there is very little between the parties.

As planning consultants, we regularly obtain Permissions in Principle permissions for sites outside the settlement boundaries in Council's that have unmet housing land supply.

It is common ground with the Council that:

- **the National Planning Policy Framework (2024) considerations at paragraph 11(d) are engaged.**
- **Housing supply policies 2, 3, 4 and 26 of the Horsham District Planning Framework (2015) have all failed and or are out of date – hence the substantial unmet need for housing.**

Irrespective of whether the site is countryside or grey belt (the former is applicable in this instance) the sole factor turns on location sustainability and a rational approach to whether the Council will be able to 'significantly boost' housing supply in accordance with the NPPF requirement.

The Local Plan Inquiry is currently in session. **The Inspector has indicated that there is a need to substantially boost the housing in the initial Plan period to account for the substantial backlog in Housing Need.**

This site is available now. A subsequent technical details application would deal with the detail. What the applicant needs is a steer as to the acceptability of the site for housing; County Highways accept that the site is sustainably located, the landscape consultant accepts a smaller development would be acceptable.

The following response dated 04/03/2026 in italics below from WSCC Highways confirms no objection:

WSCC in its role as Local Highway Authority (LHA) has been consulted on highway matters by the Local Planning Authority (LPA) for the proposed permission in principle (PIP) for the erection of up to nine self-build park homes. The site is located on Naldretts Lane, an unclassified no-through road subject to national speed limit.

The site is served by an existing vehicle access point on Naldretts Lane. The indicative plans do not suggest that any alterations to the access are proposed at this stage.

Based on observations made for previous applications at this site, achievable visibility at the existing access point would be considered suitable for the road conditions at this location.

The proposed addition of nine park homes would represent a material intensification of use, though in principle the trips generated from a use of this scale would not be expected to generate a significant intensification of movements on the local highway network. Naldretts Lane is lightly trafficked and low speed in this location, and there are informal passing places present along this stretch of carriageway. More detailed data on trip generation (ascertained from the TRICS database) should be submitted at Technical Details Stage to allow for a more robust assessment on capacity impact.

The indicative plans do suggest that an internal access road with turning head will be provided, and each plot will be served by two car parking spaces. The applicant will need to provide confirmation at Technical Details Stage in regards to number of dwellings proposed, dwelling size (i.e. number of bedrooms), and ensure that the site provides suitable off-street car and cycle parking provision in accordance with WSCC Parking Standards. On-site turning for the types of vehicles necessary to access the site (private car, refuse vehicle, fire tender) should also be demonstrated.

In summary, the LHA is limited in its ability to comment on an application for PIP. In principle, the LHA would not raise any objections to an application at this site, subject to the submission of sufficient information at Technical Details Stage.

Kyran Schneider
West Sussex County Council – Planning Services

COMMENT – The applicant is agreeable to meeting all these requirements as part of a subsequent technical details application. The proposed layout leaves latitude for these considerations to be achieved.

The Local Plan Inquiry is currently in session. **The Inspector has indicated that there is a need to substantially boost the housing in the initial Plan period to account for the substantial backlog in Housing Need.**

This site is available now. A subsequent technical details application would deal with the detail. What the applicant needs is a steer as to the acceptability of the site for housing; County Highways accept that the site is sustainably located, the landscape consultant accepts a smaller development would be acceptable.

The site is better located to an existing settlement than those other allowed Horsham decisions that have been referred to in the appeal statement.

There is no doubt that the tilted balance is engaged with regards to the housing proposal.

Since the appeal has been lodged the appellant has come across the **DC/23/2278** permission for **Erection of 8no. dwellings, with associated parking, drainage, and hard and soft landscaping** at Former Arun Feedmills Sincox Lane Shipley West Sussex; officer report, location plan and proposed site plan included with this 'Final Comments' submission – the italicised extracts from the officer report below provide a further example of planning pragmatism and planning balance for a site that is much more remote than the appeal site.

Tough decisions need to be made where Council's have such a significant unmet housing need and the spatial policies have failed. **Analogously applying the extracts below to the current appeal, which is far more sustainably located will clearly help to substantially boost housing need.**

1.4 The site is located approximately 4.5km north-east of West Chiltington and approximately 5.8km north-west of Ashington. The wider area primarily consists of open countryside, with a scattering of farm enterprises and sporadic residential development within the wider locality.

3.5 WSCC Highways: No Objection

The site is situated within a rural area approximately 800m to the west of the hamlet of Broomers Corner and 17km to the south of Horsham.

6.3 The most recent planning application under reference DC/18/1412 considered against the policies within the HDPF. This application was refused on the grounds that the Council could demonstrate a 5-year housing land supply, where the development would be located in the countryside, outside of a defined built-up area boundary, and on a site not allocated for development. Consequently the development would be contrary to the overarching spatial strategy and would not be essential to its countryside location. The application was also refused on the grounds of the use, scale, form, massing and layout of the development formalising and urbanising the character of the rural locality, where the height and mass would detract from the modest and sporadic build pattern and character of the wider surroundings. Insufficient information had also been provided to demonstrate that the development would not result in adverse harm to the ecological interests of the site.

Principle of Development

6.4 The application seeks full planning permission for the erection of 8no. dwellings, along with parking, drainage, and landscaping. The application site is located outside of any built-up area, and the site is therefore located within the countryside location in policy terms.

*6.5 As the site is located outside of any defined built-up area boundary, **Policies 3 and 4 of the HDPF are of significant weight in the determination of the application.** As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that*

have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge. **The application site is not identified in the Local Plan and is not allocated within an adopted Neighbourhood Plan. The proposed development would not therefore accord with the spatial strategy expressed through Policies 3 and 4 of the HDPF.**

6.11 In this countryside location, the proposal is also considered against Policy 26 which seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. This criterion includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas. **The proposed development does not meet any of this criterion, nor is it considered to be essential to the countryside location, and does not therefore comply with Policy 26 of the HDPF.**

6.12 The application site lies outside of the built-up area, and is therefore considered to be within the countryside in policy terms. The site is located approximately 4.5km north-east of West Chiltington and approximately 5.8km north-west of Ashington. As such, the application site does not adjoin an identified settlement, and is not considered to be close to any identified settlements. Occupiers of the development would therefore be wholly reliant on the car to access all services. **On this basis the location of the site is not considered to be sustainable for housing development.**

Planning Balance and Conclusions

6.51 The application seeks full planning permission for the erection of 8 no. dwellings on a site located outside of any built-up area and not allocated for development. The site is located within a countryside location in policy terms, where the principle of residential development is more greatly restricted. The proposed development would be contrary to the overarching spatial strategy.

6.53 The Council is currently unable to demonstrate a five year housing land supply, with the latest Authority Monitoring Report (December 2023) detailing a supply of 2.9 years. In such instances the Paragraph 11(d)(ii) of the NPPF states that where there are no relevant development plan policies in place, or the policies that are considered most important for the determination of applications are out of date (such as when a five year housing land supply cannot be demonstrated), planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

6.54 In this case the most important policies contained within the HDPF, including Policies 2, 4 and 26 must be afforded reduce weight given the engagement of the 'tilted balance' within Paragraph 11d.

6.55 Paragraph 14 of the NPPF states that in situations where the presumption applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made, and the neighbourhood plan contains policies and allocations to meet its identified housing requirement. While Shipley Neighbourhood Plan was made on 23.06.2021, it has not established a housing target for the Parish nor allocated sites for housing development. As such, the provisions of paragraph 14 of the NPPF do not therefore apply. On this basis, Policies Ship HD1, Ship HD2 and Ship HD3 are of reduced weight.

6.56 The proposal would provide 8no. residential dwellings, where given that the Council cannot currently demonstrate a five-year housing land supply, the contribution to the housing supply would be moderate and would be of significant weight in the planning balance. The proposed development would also provide associated socio-economic benefits in the form of shortterm construction employment and increased local spend. These benefits are also considered to be of some weight in the overall assessment.

6.57 The proposed development would not result in visual harm or harm to the landscape character of the countryside location, with the proposal not considered to result in harm to the amenities of nearby residential properties or users of land. The proposal would benefit from safe and adequate access and suitable parking arrangements, where with mitigation, the proposed development would not result in a likely significant effect on the protected Arun Valley sites.

6.58 Considering the application as a whole in the context of the Paragraph 11d 'tilted balance', and given the particular circumstances specific to this site, it is not considered that the harm afforded by the conflict with Policies 2, 4, 26 of the HDPF and Policy Ship HD1 and HD2 (which must be afforded reduced weight applying Paragraph 11d of the NPPF) significantly and demonstrably outweighs the benefit of a new dwellings in this location. It is therefore recommended that planning permission be granted, subject to conditions.

Allowed Appeal Ref: APP/M3645/W/24/3352066 **decision date 09 MAY 2025** at Perrysfield Farm, Gibbs Brook Lane, Broadham Green, Oxted, Surrey RH8 9PG for the erection of 29 dwellings (including 10 affordable and 10 homes for active older persons) through conversions, demolition and erection of dwellings, plus associated parking, drainage infrastructure, access improvements, new footpath, landscaping and associated works - is included as a background document and relevant material consideration in terms of planning balance and real-world common-sense planning

COMMENT – In that instance the County highway authority objected to the Perrysfield Farm application on the same basis and site location unsustainability was a reason for refusal; *with the current proposal County Highways agree the site is sustainable.*

The APP/M3645/W/24/3352066 appeal Inspector concluded, in paragraph 85: "...it is very likely that most of the trips to and from the site would be undertaken by car." Nevertheless, he went on to conclude in paragraphs 86-87: "I am also conscious when considering the suitability of a site from a transport sustainability perspective that the Framework advice is **that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making**... Also, by way of background, the Council is unable to demonstrate a Framework compliant supply of housing land **and this will probably necessitate in the future the exploring of some sites to meet the housing need that require some compromises in terms of sustainable transport options,** especially in a Council area that is predominantly rural."

COMMENT - Such a pragmatic approach is one that can be analogously adopted in this instance. WSCC Highways agree with us; Horsham Council have provided no cogent evidence to the contrary. **Horsham Council simply can't keep saying that the increasing number of allowed decisions are rogue; at some point they need to accept the realisation that without tough choices being made there is no prospect of housing need being met in the short term let alone housing being significantly boosted.**

Our view is that 9 Park Homes would comfortably fit on the site and be consistent with the requirements to make efficient use of land. In simple terms the greater number of houses permitted can be given greater weight towards the substantial unmet need for housing; currently around a dire 1 year Housing Land supply. Notwithstanding the applicant is agreeable a lesser quantum. **What they need is the Inspector giving them a steer as to what quantum would be acceptable.**

With regards to Character and appearance - Appeal Decision APP/Z3825/W/20/3253886 (full copy included as background document) the following italicised extracts are relevant.

Character and appearance

15. The appeal site comprises part of a field which lies adjacent to a partly constructed, previously permitted site for gypsy travellers, which comprises four pitches. The field within which the appeal site lies is well-defined through the presence of mature boundaries, comprising trees and hedging, as well as post and rail fencing. At the time of my site visit, part of the field was being used as a campsite.

16. I note that the site is located within the Central Low Weald Landscape Character Area as defined by the West Sussex Landscape Character Assessment (the LCA). This describes the area as a mainly pastoral landscape with a well-wooded character. Key characteristics are said to include predominantly small to medium-sized pasture fields, enclosed by woodlands, shaws and tree cover.

*17. The appeal scheme would introduce a new development into what is currently a grassed field. However, the site currently has little influence on the wider area and views of it are not generally available from vantage points in the locality. From the nearby road, vegetation as well as distance provide effective screening. Where there may be glimpses of the development, these would be within the context of an already developed site. **Any visual effect of the scheme as proposed would therefore be negligible.***

18. In terms of landscape character, while noting the description outlined above from the LCA, as well as that there would be some subdivision of the existing paddock, the presence of significant tree-lined boundaries, together with the lack of general visibility and that the site currently has the appearance of a mowed and maintained field used for camping, would ensure that **any effect on landscape character would be minimal**. Given that there is an acceptance that gypsy traveller sites are, in principle, acceptable within countryside locations, in this case any effect that would arise from the development would not be such that it would rise to an unacceptable level.

19. I note concerns in respect of the severance of land to the south of the site, due to the extent to which development would stretch across the width of the site. However, access to this land would be retained and, in any event, this comprises only a small parcel of land which is well defined within the existing boundaries of the wider site.

20. Mention is also made of an increase in activity that would be a resultant effect of the proposal. It is accepted that the increase in the number of pitches would also result in additional occupiers and consequential activity, such as vehicle movements. **However, there is no substantive evidence before me that convinces me that this would have any unacceptable effect.**

21. Accordingly, I find that the proposal would have an acceptable effect on the character and appearance of the area. Thus, there would be no conflict with policies 23 and 26 of the HDPF, insofar as they seek to ensure the development of gypsy traveller accommodation **does not have an unacceptable effect on the character and appearance of the landscape and that development in the countryside should be of an appropriate scale.**

The National Planning Policy Framework NPPF which postdates the Council's policies, recognises that:

*Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, **design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.***

Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.

COMMENT - The relationship of the proposed development, to its neighbours and to the character and appearance of the area will not be materially different to the status quo and as such cannot therefore be said to have a materially or significant detrimental effect on the area.

Notwithstanding, even if marginal harm is created there is no significant impact. It is further advanced in this instance *that any marginal impacts of permitting the development would not significantly and demonstrably outweigh the benefits*. The appellant's primary case is that by the imposition of suitable conditions, the proposal can be made acceptable.

Conclusion / general appeal points

The proposed development suitably considers Local and National planning policies and guidance and creates a positive planning balance.

The National Planning Policy Framework requires Council's to take a positive and proactive approach to development proposals focused on looking for solutions and to work with applicants in a positive and proactive manner. Clearly despite Highways officer support the Council have adopted an opposite short sighted and negative approach.

The proposed development is sustainable development and accords with the NPPF guidance which acknowledges *"that sustainable development is about positive growth – making economic, environmental and social progress for this and future generations"*.

The NPPF outlines the wider dimensions of sustainable development and the presumption in favour of sustainable development. It is strongly advanced that the proposed development meets each of these dimensions and that the starting point for consideration for the appeal is that in relation to the specifics of the proposal is that the development is sustainable in **both** the narrow and wider sense.

The proposed development would create substantial sustainable economic benefits. The Country has a severe housing shortage. The proposed development would create building jobs for trades with multiplier effect spending for builders merchants and additional income for local businesses by virtue of the trickle-down effect from new occupiers. **Permission for housing would contribute to getting Britain building.**

Whilst each proposal is to be considered on its own merits it is also important for there to be consistency in planning. In this regard it is clear that other examples of where this approach has been accepted within the Council's administrative area include a recent appeal decision wherein the Inspector correctly acknowledges that in terms of planning balance, "Whilst the proposal would conflict with some of the wording of the above policy, it would not be contrary to its underlying objectives".

It is forcefully advanced and readily acknowledged that the application sufficiently complies with the effect and spirit of the Council's own policies. Given the

subordinate in-keeping design of the proposal, and the nature of development in the surrounding area, the proposed extension will not have a materially adverse impact on the character of the area.

The proposed development has been given consideration so as to be sympathetic to and harmonious with local characteristics and to demonstrate that it contributes to and does not materially harm the character of such areas.

The analysis of the local context confirms that the design of the proposed development has considered and responded positively to the prevailing characteristics.

The proposed development is set back from the general street scene and partially by mature boundary planting. The proposed development will remain screened and filtered by the landscaping around the boundary. The applicants are happy to accept conditions to maintain and improve this effect.

The proposed development is designed to simple and sound architectural principles - this can be further controlled by conditions including materials etc.

The relationship of the proposed development to its neighbours and to the character and appearance of its setting will not be materially different to the current established character. There is no particular rhythm or consistency with respect to the format of buildings in the area and would **not** harm the amenity of adjoining occupiers.

The location, scale and design of the proposed development is appropriate to the character and appearance of the surrounding area and reflects the pattern of development

The analysis of the local context confirms that the proposed development is considered and has responded to both the local and wider context.

A correct, considered and proportionate planning balance exercise in relation to the material considerations relating to the proposal, the need for the development and its context weigh in favour of approval. The basis for refusing the application is limited and cannot be substantiated.

- The Inspector is respectfully requested to grant the appeal subject to conditions.

APPENDIX 1

From: Phil Rowe

Sent: 22 April 2026 17:31

To: 'Hannah.Darley' [REDACTED]

Cc: [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

Horsham District Council will only accept service of documents by email if they are sent to legal@horsham.gov.uk. Any documents sent to individual email addresses will not be accepted under any circumstances.

Communications received after 5pm will be regarded as being served on the next working day.
 Please contact us in advance if your email, including any attachments, is going to exceed 30MB.

COSTS CLAIM STATEMENT

Whilst we have not made a costs claim; it is open to the Inspector to decide on their own initiative whether.... the Councils actions **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].”