



Appeal Decision

Site visit made on 20 October 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th December 2025

Appeal Ref: APP/Z3825/W/25/3363210

Mount View, Stane Street, North Heath, West Sussex RH20 1DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) (the Act) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Sam Ripley against the decision of Horsham District Council.
 - The application Ref is DC/24/1022.
 - The application sought planning permission for erection of 1 bungalow without complying with a condition attached to planning permission PL/107/03 dated 26 November 2003.
 - The condition in dispute is No 14 which states that: The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below: Location and Block Plan 14/02-01A 20.10.2003; Proposed Floor Plan, Garage Elevations and Dwelling Section 14/02-11A 20.10.2003; Proposed Elevations 14/02-12A 20.10.2003.
 - The reason given for the condition is: For the avoidance of doubt and in the interest of proper planning.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An application for an award of costs was made by the appellant against the District Council. This application is the subject of a separate decision.
3. A revised version of the National Planning Policy Framework was published for consultation during the course of the appeal. Having regard to its content and the nature of the disputed matters, I am satisfied that no prejudice would arise to either party by proceeding to issue this decision without seeking comments.

Main Issue

4. The main issue is whether there is an extant planning permission.

Reasons

5. Planning permission was granted in 2003 for a bungalow under reference PL/107/03 (the planning permission). The Local Planning Authority (LPA) asserts that this has now expired having never been lawfully commenced. Commencement was required to have occurred by 2008. Section 73 of the Act is not applicable to permissions that have expired. The LPA nonetheless validated the application subject of this appeal. In 2024 it also approved the Non-Material Amendment ref DC/23/1108 (the NMA) that added the plans condition the application sought to vary. This was despite the fact that, if the LPA is correct, the planning permission would have been similarly expired in 2024. It ultimately lies

beyond the scope of this appeal to consider the validity or merits of the NMA. Therefore, notwithstanding the NMA, for the purposes of this appeal I have proceeded to consider whether the evidence before me indicates that the planning permission remains extant.

6. The planning permission was approved with pre-commencement conditions imposed. The LPA cite conditions 2, 4, 7, 8, 11 and 12 as pre-commencement conditions. There is some discrepancy between which conditions the LPA consider to be conditions precedent, which are conditions that go to the heart of the permission. However, the LPA cite conditions 7 and 8 in all correspondence as conditions precedent and condition 2 in an email dated 13 January 2025 – Appendix 4 of the appellants Statement of Case and condition 11 in the LPA Statement of Case as conditions precedent.
7. Conditions 2, 4, 7, 8, 11 and 12 are worded such that development should not be carried out unless further details are submitted to the LPA. However, only conditions 7, 8 and 11 are conditions precedent. Works which contravene a conditions precedent cannot be taken as lawfully commencing development.
8. Condition 7 requires the submission of details of the finished floor levels of the development to control the development in relation to interests of amenity. Condition 8 requires the submission of a drainage strategy detailing the proposed means of foul and surface water drainage to be submitted and approved to ensure the development is satisfactorily drained. Condition 11 repeats the requirement in condition 8 for foul and surface water drainage details to be submitted and for the layout and specification of and construction programme for the roads, footpaths and casual parking areas to be submitted and approved by the LPA. The reason for the condition is to secure satisfactory standards of access and drainage for the proposed development. These conditions are fundamental to the permission approved and go to the heart of the permission as they relate to development that affects the overall height and below ground works and site layout that needs to be agreed before work starts on site. The carrying out of development before details are submitted and approved represents a breach of condition and unlawful development.
9. Condition 2 relates to the submission of a schedule of materials and finishes and samples of such materials and finishes for the external walls and roofs. These should be submitted to and approved by the LPA before development is carried out. Whilst this condition requires the submission of details prior to development being carried out, preparatory works could be started on site without undermining the condition and therefore this condition is not considered a conditions precedent.
10. As neither the LPA or the appellant has any record that details to discharge the conditions were submitted and approved in writing by the LPA, I cannot conclude that they were discharged. Therefore, based on the evidence before me the planning permission expired and is no longer extant.
11. The appellant disputes the pre-commencement conditions needed to be written as pre-commencement conditions. Whilst it is noted the appellant was not the owner of the site in 2003, if the original owner was unhappy with any element of the pre-commencement conditions, this could have been dealt with by way of a Section 73 application to have the condition altered or removed or an appeal against the

condition if the condition was considered unreasonable or unnecessary. Neither of these took place.

12. There is evidence on site that piles have been installed which were inspected and signed off by Building Control in 2008 within the five-year expiry date of the permission. Despite this, the engineering operation which was carried out to lay the piling would not represent commencement of the development because the works were prohibited by the above conditions.
13. It is noted the LPA originally advised the appellant to submit the NMA advising that if Building Control were satisfied that works took place and have been evidenced within the appropriate time frame, then the Planning Department would be unlikely to take a different view. This seems to have been the basis upon which the NMA was approved. However, this does not alter my findings above.
14. In conclusion, I have not been provided with sufficient evidence to demonstrate that planning permission PL/10703 remains extant. For the purposes of this appeal, I therefore conclude that it has expired. As a planning permission which is no longer extant cannot be the subject of variation under Section 73, it is unnecessary for me to consider the appeal proposal, including other reasons for refusal any further. It remains open for the appellant to apply for a Lawful Development Certificate.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

C Coles

INSPECTOR



Costs Decision

Site visit made on 20 October 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th December 2025

Costs application in relation to Appeal Ref: APP/Z3825/W/25/3363210 Mount View, Stane Street, North Heath, West Sussex RH20 1DN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Sam Ripley for an award of costs against Horsham District Council.
 - The appeal was against the refusal of the Council to grant permission for the Variation of Condition 14 of previously approved application DC/23/1108 (non-material amendment to previously approved application PL/107/03 (Erection of 1 bungalow)) to add a 'plans condition to the approval letter to include the most recent approved drawings) to vary the design and scale of the building.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant has not stated whether he is applying for a full or partial award of costs against the Local Planning Authority (LPA) therefore I have considered both options.
4. The applicant considers the LPA caused him wasted time and expense through inconsistency and failure to keep records.
5. The applicant lists wasted costs as agents' fees and application fees for the submission of the Non-Material Amendment (NMA) and Section 73 application as well as architects fees redrawing the plans. The applicant also states wasted costs in agents' fees and expenses incurred during the appeal process.
6. The only costs that can be recovered are those relating to the preparation and submission of the appeal and those incurred during the appeal process. Behaviour and actions at the time of the application can however be taken into account.
7. The LPA advise the Section 73 application subject of the appeal was determined on its merits, in isolation from the informal advice given prior to the submission of the NMA or the Building Control position and that it was the responsibility of the applicant to demonstrate lawful commencement.
8. However, in granting the NMA the LPA determined that the original planning permission was extant. It was therefore reasonable for the applicant to assume that

a Section 73 application could be legitimately made shortly after. This was regardless of the advisory attached to the NMA decision notice suggesting the applicant apply for a Lawful Development Certificate if in doubt. In this regard it was also reasonable for the applicant to expect that the LPA would be consistent with its advice and decision making. Though I share the LPA's current view that there is no extant planning permission, the appeal could have been avoided if the LPA had either established this prior to granting the NMA or remained consistent in its previous view. This is because the condition added by the NMA was the subject of the application that led to this appeal.

9. The LPA is also responsible for enforcing permissions that they grant. If incomplete or inaccurate records are kept the LPA cannot enforce decisions. The LPA's failure to keep proper records partly contributed to the inconsistency identified above.
10. In view of the above, I conclude that unreasonable behaviour resulting in wasted expense has been demonstrated and that a full award of costs is justified.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Horsham District Council shall pay to Mr Sam Ripley, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to Horsham District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

C Coles

INSPECTOR

Mr Mark Alford
Mark Alford Design Limited
Heatherlands
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RH20 3HS

Application Number: DC/24/1022

TOWN & COUNTRY PLANNING ACT, 1990 (as amended)
TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Mr Sam Ripley

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby REFUSE to permit the works specified hereunder, that is to say:

Variation of Condition 14 of previously approved application DC/23/1108 (Non Material Amendment to previously approved application PL/107/03 (Erection of 1 bungalow, Site: Mount View Stane Street North Heath) to add a 'Plans' condition to the approval letter to include the most recent approved drawings) to vary design and scale of the building.

Mount View Stane Street North Heath West Sussex

as shown on Plan and Application Number DC/24/1022 submitted to the Council on 05/07/2024. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

- 1 It has not been demonstrated that the original 2003 permission was implemented lawfully and is therefore extant. The pre-commencement conditions were not discharged and therefore due to the length of time that has passed since the granting of permission, the site does not benefit from an extant permission that can be built out.
- 2 Notwithstanding information submitted, insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 193 and 194 of the National Planning Policy Framework (2024), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats and Species).

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	DC/23/1108	NONE	05.07.2024
Floor plan	Proposed ground	22485/P101	05.07.2024
Floor plan	Proposed first	22485/P102	05.07.2024

Floor plan	Proposed	22485/P103	05.07.2024
Elevation plan	Proposed	22485/P104	05.07.2024
Supporting Statement	Water Neutrality Report	NONE	05.07.2024
Elevation plan		NONE	05.07.2024
Elevation & Floor plan		NONE	05.07.2024
Location plan		NONE	05.07.2024
Supporting Statement		NONE	05.07.2024
Block plan	Existing and proposed	22485/P100	05.07.2024

Note To Applicant:

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.



Emma Parkes
Head of Development and Building Control

Date: 21/02/2025

ADDITIONAL INFORMATION

Right of Appeals

If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at

least 10 days before submitting the appeal. Further details are at
<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>.



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/1022

Mount View, Stane Street, North Heath, West Sussex, RH20 1DN

DESCRIPTION:

Variation of Condition 14 of previously approved application DC/23/1108 (Non-Material Amendment to previously approved application PL/107/03 (Erection of 1 bungalow, Site: Mount View Stane Street North Heath) to add a 'Plans' condition to the approval letter to include the most recent approved drawings) to vary design and scale of the building.

RELEVANT PLANNING HISTORY

DC/09/0813	Demolition of existing bungalow and erection of a 3-bed bungalow	Application 24.07.2009.	Permitted	on
PL/107/03	Erection of 1 bungalow Site: Mount View Stane Street North Heath	Application 26.11.2003.	Permitted	on
PL/56/01	Demolition of existing bungalow removal of residential caravan and erection of 2 bungalows and access (outline) Site: Mount View Stane Street North Heath	Application 08.08.2001.	Permitted	on
DC/23/1108	Non-Material Amendment to previously approved application PL/107/03 (Erection of 1 bungalow, Site: Mount View Stane Street North Heath) to add a 'Plans' condition to the approval letter to include the most recent approved drawings.	Application 07.06.2024.	Permitted	on

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 28 - Replacement Dwellings and House Extensions in the Countryside

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 35 - Strategic Policy: Climate Change

Policy 40 - Sustainable Transport

Policy 41 - Parking

Neighbourhood Plan:

Pulborough Parish have produced a neighbourhood plan which have been subject to successful Examination but cannot proceed to Referendum because of the legal requirements in relation to Water Neutrality and the Habitat Regulations.

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk.

Consultations:

Natural England: Objection

We concur with the conclusion of your authority's HRA appropriate assessment, insofar that further information is required in order to determine the significance of impacts on designated sites and the scope for mitigation. As the outstanding information appears to relate to planning issues, we defer to your expertise on these matters, and confirm that as competent authority, you should be satisfied that there would be no net increase in water usage as a result of this development.

Parish Comments:

Objection: concerns were raised regarding overdevelopment of the site with buildings being very close together which could pose a fire risk, the south side has no windows with the north side having four windows planned which overlook a neighbouring garden, consideration needs to be given to loss of privacy.

Representations:

1 representation was received which had no objection.

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Application reference: DC/23/1108 was granted permission in 2024. The application was a non-material amendment to add a 'Plans' condition to the approval letter for the PL/107/03 application which consented the erection of 1 bungalow, to include the most recent approved drawings, 2 bed single storey dwelling. This application seeks to vary condition 14, the plans list, of DC/23/1108 to vary the design and scale of the building. The amendments include: -

- Amend design of detached 2 bed single storey dwelling into two-storey detached 3 bed chalet bungalow including dormer windows.
- Change the detached garage into an integral double garage.

Principle of Development:

Planning permission was granted under reference PL/107/03 for the erection of 1 bungalow. The permission is dated 26.11.2003. The application subject of this variation of condition is the non-material amendment reference DC/23/1108 which added a 'plans' condition to the approval letter.

The planning statement states that construction for the 2003 permission was started in 2011 to safeguard the permission as an extant application by installing the piling grid which was inspected and signed off by Building Control. However, the 2003 permission was not implemented lawfully and is no

longer extant. And as such, the site does not benefit from planning permission for the development, which is used as a fallback in the water neutrality statement. There are no records that details were submitted to or approved by the Local Planning Authority regarding the pre-commencement conditions. In order to implement a development lawfully, all pre-commencement conditions must be discharged prior to any work commencing. As there is no record of the pre-commencement conditions being discharged (and the applicant has submitted no evidence in support of this), the building/engineering operation which was carried out to lay the piling would not represent lawful commencement and cannot be relied upon to demonstrate that the permission remains extant. Therefore, there is not considered to be an extant permission still in place and it is not possible to continue with the development.

Character and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves, and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

The proposed amendments to the approved scheme would result in a dwelling that would have a ridge height similar to the existing, siting at approximately 6.15m. The dwelling would sit within the approved dwelling's footprint, with the connection of the garage. The detached garage would become an internal garage, still providing adequate parking and storage space. There is sufficient external parking space to the front for parking if not within the garage. The resultant dwelling would appear larger due to the inclusion of the garage and the first floor, creating a chalet bungalow style dwelling, with an increased number of bedrooms. The habitable accommodation will be provided over two floors measuring circa 215m² GIA. Dormer windows are proposed at first-floor level, with these positioned away from points of harmful overlooking. The proposed dwelling would have space to the rear for amenity space. The dwelling is located to the rear of Mount View, so there would be limited visibility from the road and there is sufficient boundary treatment to the south-west to ensure privacy for North Health House. It is therefore considered that the visual impact of the proposal is acceptable and would accord with planning policy.

Amenity Impacts:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

In respect of neighbouring amenity, the construction of the dwellinghouse would maintain a separation gap similar to those seen between other properties. The location of the dwelling behind Mount View and the established building line of the other dwellings along the street, would ensure that there would be limited visibility, as well as limited harm on neighbouring amenity. There is also sufficient screening to the west of the site that would reduce visibility of the dwelling from nearby amenity.

Furthermore, the proposed dormer windows on the first floor would not result in additional overlooking, as these are positioned away from neighbouring dwellings. The dormers on the north elevation would look towards the plot of the adjoining dwellinghouse, however, due to the dwelling being positioned behind the established building line along the street, the neighbouring dwelling would be in front of the proposed dwelling. The dormer on the rear would overlook fields. There are no dormers on the west elevation. It is therefore considered that the proposed amendments to the scheme would not result in any unacceptable harm to neighbouring amenity.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The application is supported by a Water Neutrality Statement. However, the strategy is reliant on the fallback of the 2003 application (PL/107/03) for a 2-bedroom dwelling for the existing baseline water consumption. Work has commenced on the development; however, the permission was not implemented lawfully and is therefore no longer extant. Therefore, the site does not benefit from planning permission for the development referred to in the water statement. Even with rainwater harvesting and water efficient fixtures and fittings, the water consumption will result in an increase from the existing baseline of 0l/d. Therefore, offsite offsetting would be required to make the site water neutral, which has not been demonstrated within the strategy. Therefore, the site does not demonstrate water neutrality. For these reasons, there is no certainty that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. In such circumstances, the grant of permission would be contrary to policy 31 of the HDPF, NPPF paragraph 193 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain (BNG):

Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

The original planning permission to which this application relates was determined prior to 12 February 2024 and is therefore exempt from the requirements of BNG.

Conclusion:

The proposal is not considered to comply with relevant local and national planning policies and is therefore recommended for refusal.

Recommendation: Application Refused

Reasons for Refusal:

1. It has not been demonstrated that the original 2003 permission was implemented lawfully and is therefore extant. The pre-commencement conditions were not discharged and therefore due to the length of time that has passed since the granting of permission, the site does not benefit from an extant permission that can be built out.
2. Notwithstanding information submitted, insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 193 and 194 of the National Planning Policy Framework (2024), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats

and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats and Species).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/1022

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	DC/23/1108	NONE	05.07.2024
Floor plan	Proposed ground	22485/P101	05.07.2024
Floor plan	Proposed first	22485/P102	05.07.2024
Floor plan	Proposed	22485/P103	05.07.2024
Elevation plan	Proposed	22485/P104	05.07.2024
Supporting Statement	Water Neutrality Report	NONE	05.07.2024
Elevation plan		NONE	05.07.2024
Elevation & Floor plan		NONE	05.07.2024
Location plan		NONE	05.07.2024
Supporting Statement		NONE	05.07.2024
Block plan	Existing and proposed	22485/P100	05.07.2024

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 23.09.2024

Authorising Officer sign/initial RHERMITAGE Date: 21.02.2025

ma

mark alford design

architecture

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T: 01903 740033 E: office@markalforddesign.com

client:

S RIPLEY

project title:

MOUNT VIEW, PULBOROUGH
REPLACEMENT DWELLING

drawing title:

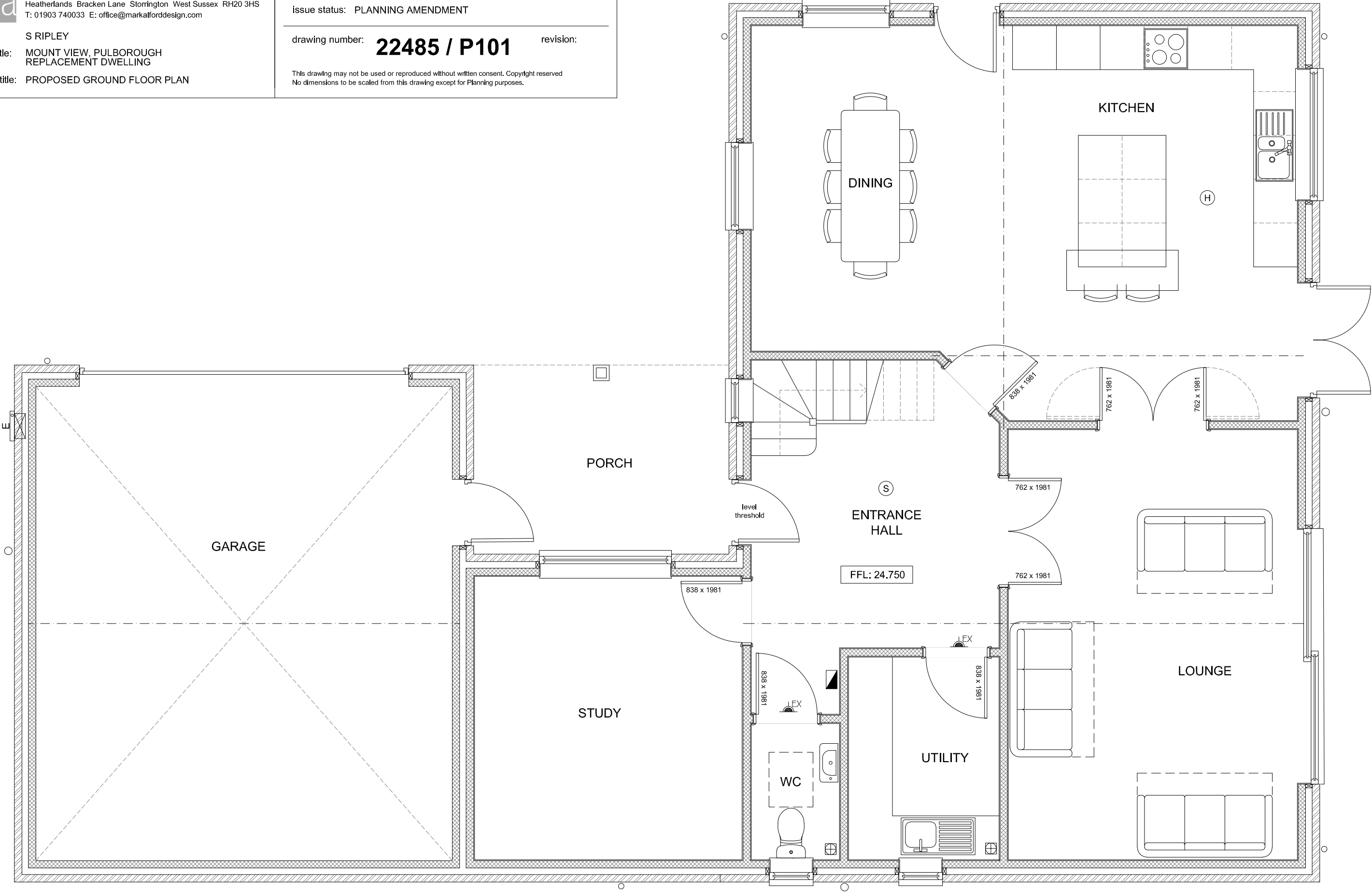
PROPOSED GROUND FLOOR PLAN

drawn by: MSA date: JUL 24 scale: 1:50 @ A3

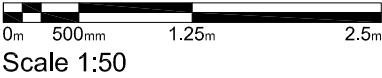
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drawing number: **22485 / P101** revision:

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PROPOSED GROUND FLOOR PLAN



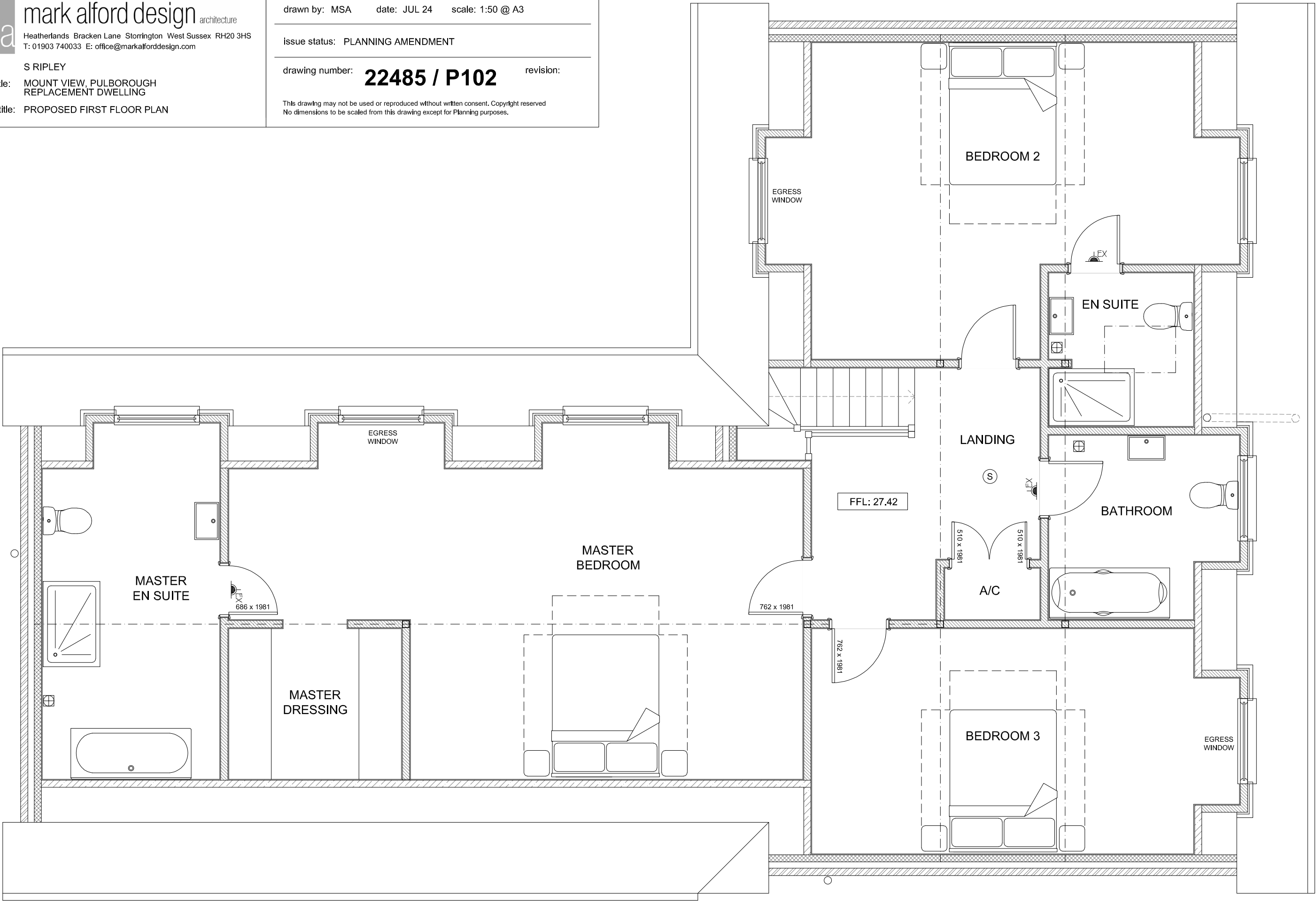
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project title: MOUNT VIEW, PULBOROUGH
REPLACEMENT DWELLING
drawing title: PROPOSED FIRST FLOOR PLAN

drawn by: MSA date: JUL 24 scale: 1:50 @ A3

issue status: PLANNING AMENDMENT

drawing number: **22485 / P102** revision:

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PROPOSED FIRST FLOOR PLAN

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client:

S RIPLEY

project title:

MOUNT VIEW, PULBOROUGH
REPLACEMENT DWELLING

drawing title:

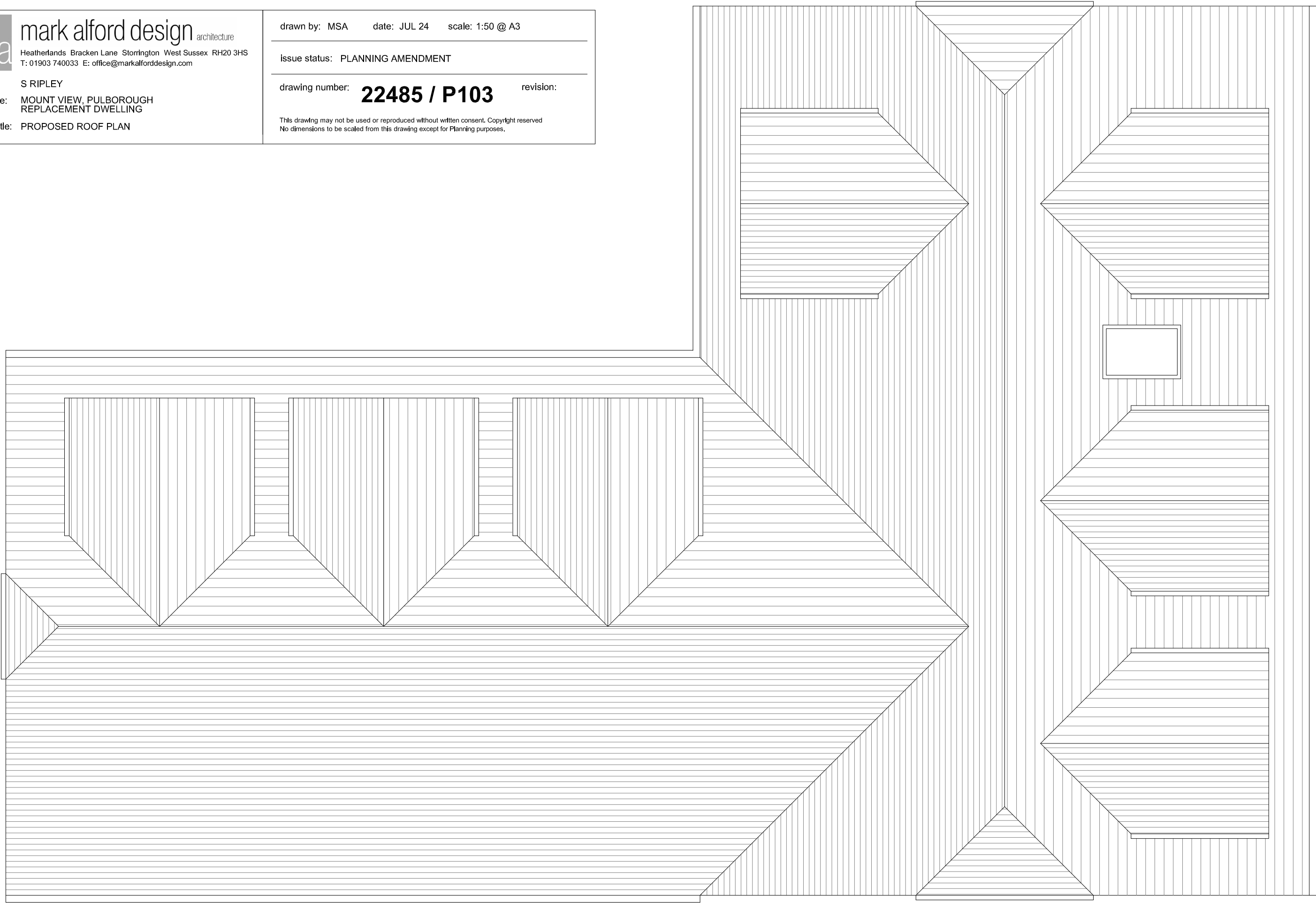
PROPOSED ROOF PLAN

drawn by: MSA date: JUL 24 scale: 1:50 @ A3

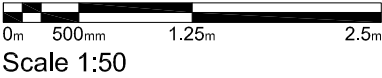
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PROPOSED ROOF PLAN

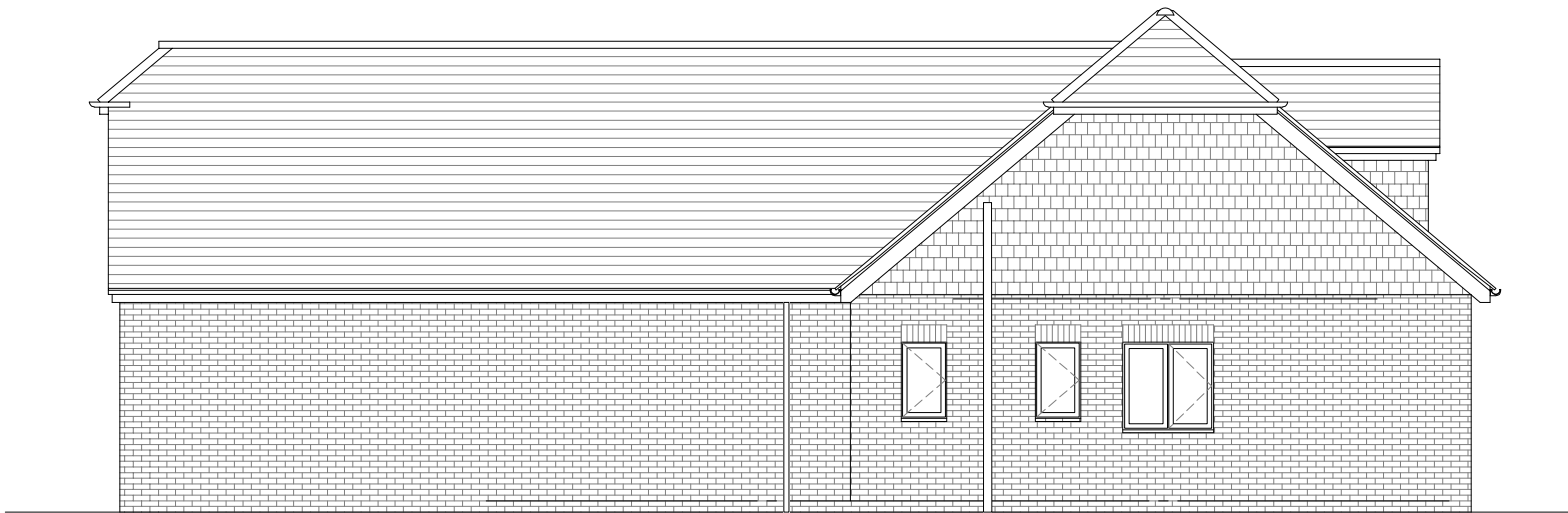




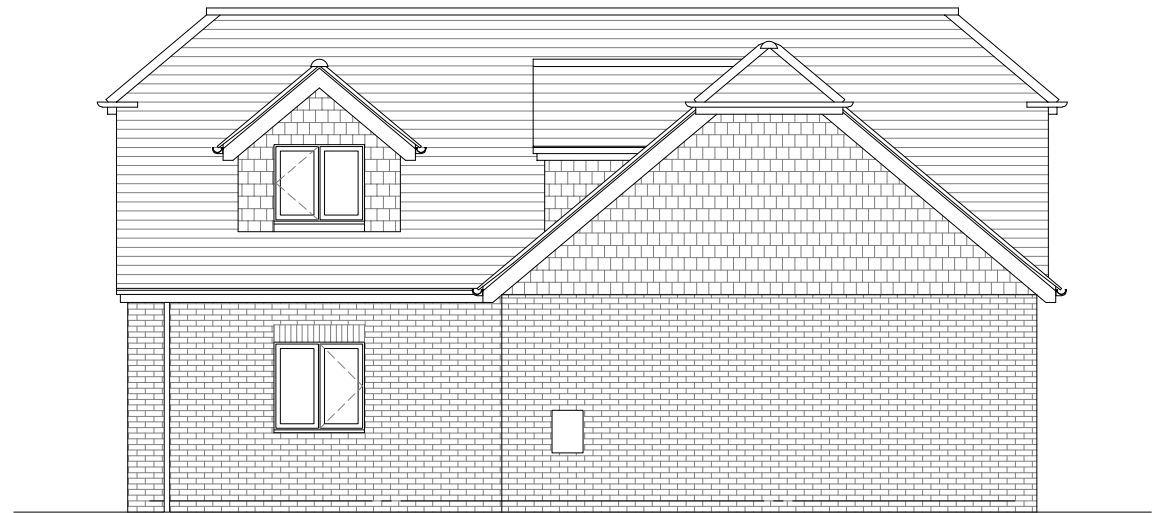
PROPOSED FRONT ELEVATION (NORTH)



PROPOSED SIDE ELEVATION (EAST)



PROPOSED SOUTH ELEVATION (SOUTH)



PROPOSED SIDE ELEVATION (WEST)



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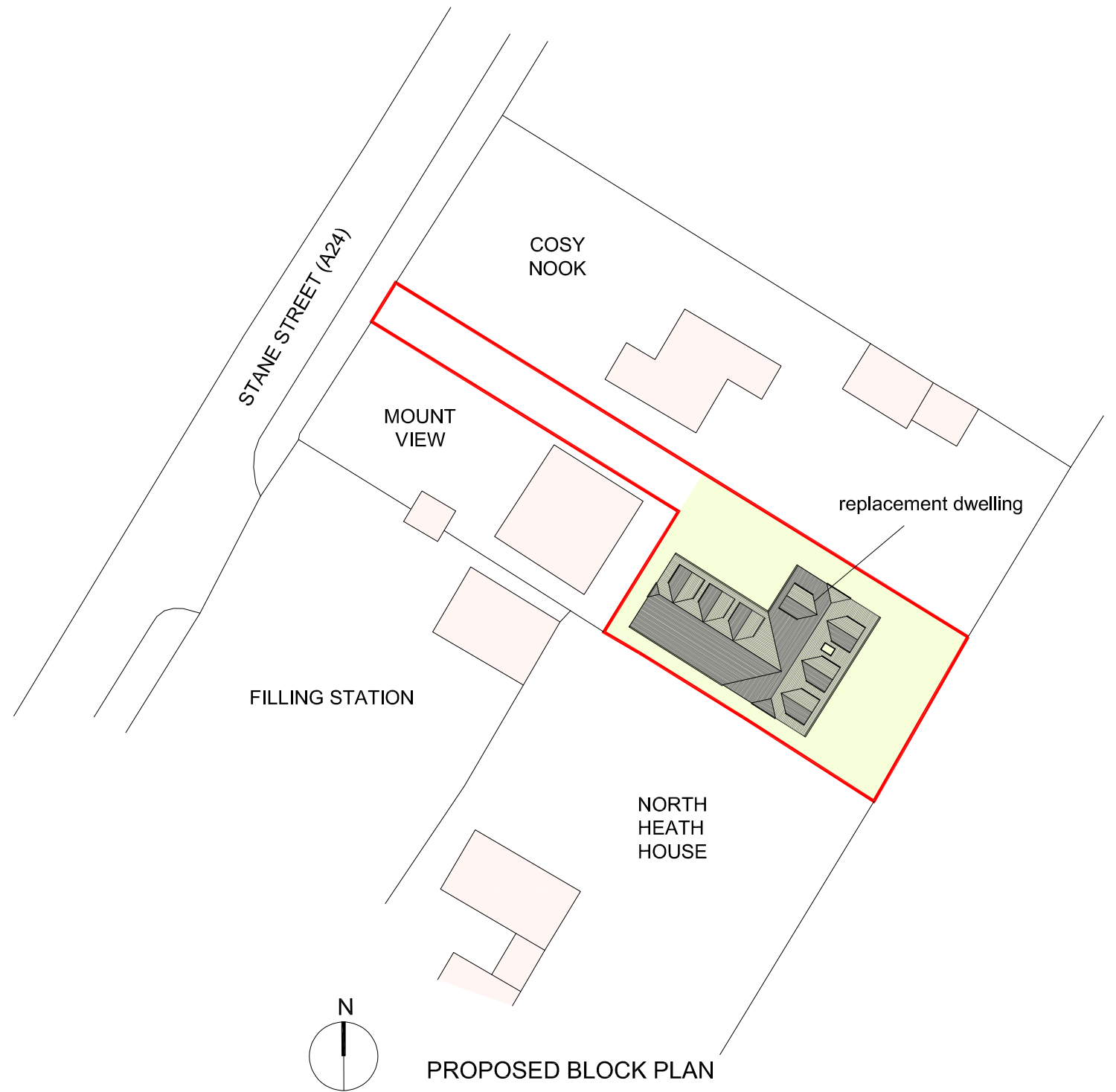
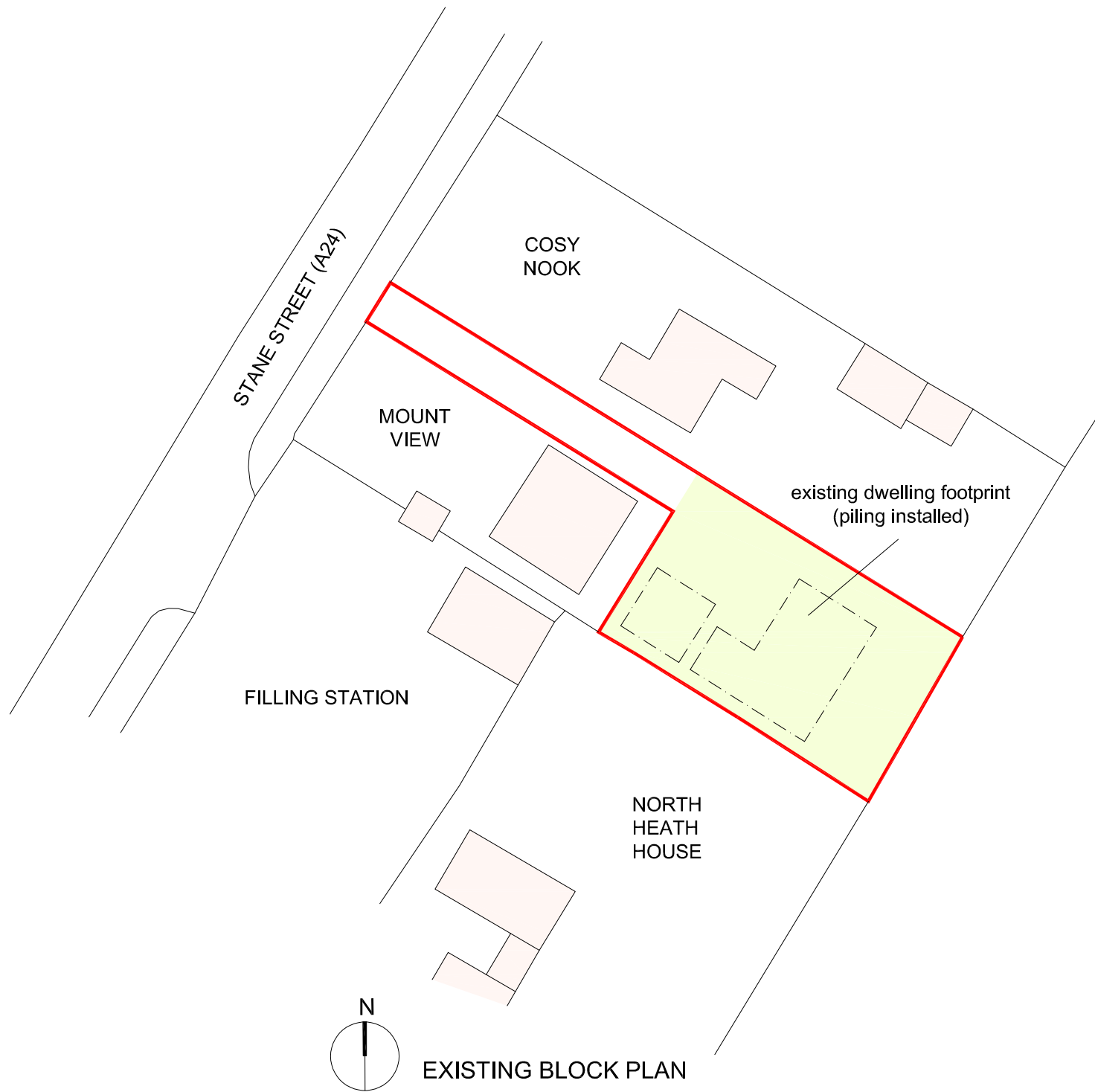
client: S RIPLEY
project title: MOUNT VIEW, PULBOROUGH
REPLACEMENT DWELLING
drawing title: PROPOSED ELEVATIONS

drawn by: MSA date: JUL 24 scale: 1:100 @ A3

issue status: PLANNING AMENDMENT

drawing number: **22485 / P104** revision:

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client: S RIPLEY
 project title: MOUNT VIEW, PULBOROUGH
 REPLACEMENT DWELLING
 drawing title: EXISTING AND PROPOSED BLOCK PLANS

drawn by: MSA date: JUL 24 scale: 1:500 @ A3

issue status: PLANNING AMENDMENT

drawing number: **22485 / P100** revision:

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Costs Decision

Site visit made on 20 October 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th December 2025

Costs application in relation to Appeal Ref: APP/Z3825/W/25/3363210 Mount View, Stane Street, North Heath, West Sussex RH20 1DN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Sam Ripley for an award of costs against Horsham District Council.
 - The appeal was against the refusal of the Council to grant permission for the Variation of Condition 14 of previously approved application DC/23/1108 (non-material amendment to previously approved application PL/107/03 (Erection of 1 bungalow)) to add a 'plans condition to the approval letter to include the most recent approved drawings) to vary the design and scale of the building.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant has not stated whether he is applying for a full or partial award of costs against the Local Planning Authority (LPA) therefore I have considered both options.
4. The applicant considers the LPA caused him wasted time and expense through inconsistency and failure to keep records.
5. The applicant lists wasted costs as agents' fees and application fees for the submission of the Non-Material Amendment (NMA) and Section 73 application as well as architects fees redrawing the plans. The applicant also states wasted costs in agents' fees and expenses incurred during the appeal process.
6. The only costs that can be recovered are those relating to the preparation and submission of the appeal and those incurred during the appeal process. Behaviour and actions at the time of the application can however be taken into account.
7. The LPA advise the Section 73 application subject of the appeal was determined on its merits, in isolation from the informal advice given prior to the submission of the NMA or the Building Control position and that it was the responsibility of the applicant to demonstrate lawful commencement.
8. However, in granting the NMA the LPA determined that the original planning permission was extant. It was therefore reasonable for the applicant to assume that

a Section 73 application could be legitimately made shortly after. This was regardless of the advisory attached to the NMA decision notice suggesting the applicant apply for a Lawful Development Certificate if in doubt. In this regard it was also reasonable for the applicant to expect that the LPA would be consistent with its advice and decision making. Though I share the LPA's current view that there is no extant planning permission, the appeal could have been avoided if the LPA had either established this prior to granting the NMA or remained consistent in its previous view. This is because the condition added by the NMA was the subject of the application that led to this appeal.

9. The LPA is also responsible for enforcing permissions that they grant. If incomplete or inaccurate records are kept the LPA cannot enforce decisions. The LPA's failure to keep proper records partly contributed to the inconsistency identified above.
10. In view of the above, I conclude that unreasonable behaviour resulting in wasted expense has been demonstrated and that a full award of costs is justified.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Horsham District Council shall pay to Mr Sam Ripley, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to Horsham District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

C Coles

INSPECTOR