
Costs Decision

by Lesley Coffey BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 February 2017

**Costs application in relation to Appeal Ref: APP/Z3825/W/16/3150594
Oldfield Stables, Fryern Road, Storrington RH20 4BJ**

- 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 Joseph Light for a full award of costs against Horsham District Council.
 - The appeal was against the Council to grant subject to condition planning permission for the siting of two no. additional mobile homes for occupation by persons falling within the definition of a gypsy (family members) and erection of a day room to serve the three pitches.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Irrespective of the outcome of the appeal, costs may only 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 appellant suggests that the imposition of a temporary condition implies that the Council considered the proposal to be premature. However, the case put forward by the Council is that the proposal is unacceptable due to its impact on the character of the countryside and it is for this reason that the Council imposed a time limited condition. In the absence of alternative sites the Council granted a temporary permission in the anticipation that additional sites would be delivered by way of the Site Allocations DPD.
4. The Council's statement explains the reasons why it considered that the proposal would harm the character and appearance of the countryside. It also explains that whilst a temporary planning permission would give rise to similar harm, it would be of a shorter duration and therefore the overall harm would be reduced. Whilst I have reached a different conclusion in respect of the effect of the proposal on the character and appearance of the countryside this is a matter of judgement and the Council's conclusion on this matter does not amount to unreasonable behaviour.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Lesley Coffey

INSPECTOR