
Costs Decision

Site visit made on 19 June 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 7th July 2017

Costs application in relation to Appeal Ref: APP/Z3825/W/17/3167540 Land between Shona and Camwood, Mill Lane, Ashington RH20 3BX

- 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 Reside Developments Ltd for a full award of costs against Horsham District Council.
 - The appeal was against the refusal of planning permission for the erection of a single dwelling.
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Decision

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

Reasons

2. National Planning Practice Guidance (PPG) states that parties will normally be expected to meet their own costs in relation to appeals and 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 seeks an award of costs in relation to firstly, an allegation that the Council has made vague and generalised assertions about the effects on the character of the area and, secondly, that they have been inconsistent in relation to a previous application on this site.
4. In relation to the first point, the Council make specific and clear reference to their adopted policies within the reason for refusal and within the submitted report (*'Delegated Applications Assessment Sheet'*). The Council acknowledge that the area contains a variety of properties and goes on to state that the site is small, will feel cramped and will not fit in with the area. Additionally, they make reference to the distances to the plot boundaries.
5. Although it is not specifically stated, the appeal plot would be likely to be the smallest, or close to the smallest, within the area. And it is set close to some of the larger plots in the area. Whilst I have concluded that, within the context of other small plots which have similar distances between the buildings and the plot boundaries, the proposal would not be so dissimilar as to justify rejection of the scheme, such a judgement is largely a subjective one. In these circumstances I can understand that the Council were concerned that a small plot with a lesser degree of spaciousness set close to large plots with a spacious character, on the same road frontage could have an unacceptable impact. Although I have disagreed with such a conclusion, I consider that it is

one that could be reasonably arrived at by the Council and that they have made their point clearly. Therefore, in respect of the first matter, I find no unreasonable behaviour.

6. The site was the subject of an identical application in 2009 which was judged against a different planning policy context and rejected, partly as a matter of principle. The previous policy context included the Core Strategy adopted in 2007. The current appeal scheme was judged against policies within the Horsham District Planning Framework (HDPF). The differences between the 2 documents meant that the previous scheme was considered unacceptable as a matter of principle and the current scheme could be acceptable in principle but would depend upon matters including the effects on the local character. The appellant points out that the Core Strategy required an assessment of the effects of the proposal on the character of the area, just as the HDPF does, and the absence of this matter in the 2009 reasons for refusal either meant that such detailed matters would have been acceptable, or the Council made a mistake in making no reference to that point; the appellant prefers the former explanation.
7. For their part, the Council indicates that the objection in principle in relation to the 2009 scheme meant that a detailed assessment of the effects on the character of the locality was not necessary (within an email submitted by the appellant). They add that the different policy context dictates a different set of judgements.
8. I agree with the appellant that it may be unfortunate that the Council appear not to have undertaken a detailed assessment of the effects of the 2009 scheme on local character. I prefer the Council's explanation, that is, that the objection in principle meant that they went no further in their scrutiny of the scheme. If this is a failing, then it is a failing in the 2009 scheme's determination. In the scheme before me, the Council correctly judged the proposal in relation to its effects on the character of the area. Whilst I have ultimately not agreed with their conclusions, as I have set out, I have found that their argument is not unreasonable and so to raise it in the current appeal is not unreasonable. Therefore, some of the difference in the assessments of the 2 applications is explained by the different policy context and any failing in the scope of the Council's assessment may be more appropriately made of the 2009 scheme and not the current appeal scheme. As a consequence, I find no unreasonable behaviour in relation to this second point.

Conclusion

9. In the light of my findings, I conclude that there has been no unreasonable behaviour by the Council. Consequently, the application for an award of costs is refused.

S T Wood

INSPECTOR