



Costs Decision

Site visit made on 20 June 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 3rd August 2017

Costs application in relation to Appeal Ref: APP/Z3825/W/17/3169975 Hawthorns, Bar Lane, Copsale, Horsham, West Sussex, RH13 9DL

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Phil Rowe for a full award of costs against Horsham District Council.
 - The appeal was against the refusal of a certificate of lawful use for a change of use from an agricultural building to dwelling.
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Decision

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

Reasons

2. 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. It will be seen from my decision that I did not agree with all of the Council's reasons for refusing the application, namely that the building was not structurally strong enough to take the loading of the external works required to convert the building to a residential use. In this respect the Council did not produce any detailed structural evidence. However, conversely, I have some sympathy with the Council who were given very little specific detail as to the method of conversion proposed.
4. Notwithstanding the above, in light of my decision to dismiss the appeal I find that unreasonable behaviour resulting in unnecessary expense has not been demonstrated. Furthermore, as I found that the prior approval requirements of Class Q were not met for other reasons it follows that I am satisfied that the Council did not unnecessarily delay development.
5. In terms of the areas of planning law put forward by the appellant I have found no clear contradiction with the Council's arguments. A long list of prior approval barn conversion permissions was also provided. The full details of these were not before me but none appeared to be directly comparable to this appeal in terms of the detailed matters in dispute. I therefore do not find that the Council's decision contradicted well established planning law or that they acted inconsistently.
6. The appellant also submits that the Council failed to work proactively with them. Before me is evidence of an email exchange between the appellant and

the Council which indicates a willingness on the part of the Council to engage with the appellant. That the parties could not agree on the main issues in dispute is not, in itself, indicative of unreasonable behaviour on the part of the Council.

7. Finally, the appellant's costs rebuttal states that planning permission was refused on a planning ground capable of being dealt with by condition but does not expand on this.
8. Taking the above points together I find that unreasonable behaviour resulting in unnecessary or wasted expense as described in the PPG has not been demonstrated. Therefore no award is made.

Hayley Butcher

INSPECTOR