
Costs Decision

Site visit made on 9 October 2017

by J Ayres BA Hons, Solicitor

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

Decision date: 30th October 2017

Costs application in relation to Appeal Ref: APP/Z3825/D/17/3181380 8 Chestnut Way, Henfield BN5 9PA

- 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 Alan Murphy for a full award of costs against Horsham District Council.
 - The appeal was against the refusal of planning permission for a single storey extension to dwelling.
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Decision

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

Reasons

2. Planning Policy Guidance advises that, 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 expense in the appeal process.
3. The appellant's application for costs relies to a substantial extent on whether or not the application should have been heard by the Council's Planning Committee, and subsequently, the behaviour of members of that Committee. The appellant considers that the application should not have been heard by the committee. Taking into account it was taken to the Committee the appellant asserts that the Committee then failed to act in a fair and transparent manner, or in accordance with proper voting procedure.
4. Whilst I appreciate that the outcome of the application will have been a disappointment to the appellant, the Members of the Committee were entitled to exercise their planning judgement in respect of the application. Furthermore, I ultimately have agreed with the Council that the proposal would harm the character and appearance of the area. On the limited evidence before me I cannot conclude that the Council behaved unreasonably in taking the application to be heard at Committee, or that the Council did not follow correct procedure in determining the application.
5. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

J Ayres INSPECTOR