



Costs Decision

Site visit made on 22 October 2019

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2019

Costs application in relation to Appeal Ref: APP/Z3825/W/19/3230652 Hoes Farm, Coolham Road, Shipley, Horsham, West Sussex RH13 8PF

- 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 Mrs S Burrell-Thompson for a full award of costs against Horsham District Council.
 - The appeal was against the refusal of planning permission for the creation of acoustic bunds.
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Decision

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

Reasons

2. 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 provided a schedule of all the costs she is claiming. For information this decision, as is customary, does not seek to determine what the exact costs are. Rather, costs decisions merely decide whether costs should be awarded to the applying party. If awarded, determination of the actual costs is a matter to be agreed between the parties, such costs to be assessed in the Senior Court Costs Office if they cannot be agreed.
4. Costs are sought on the procedural basis that the applicant claims the Council suggested in pre-application advice that an application should be submitted, and because it was not pointed out to the applicant that this should have been made to the County rather than the District Council because it was a waste application. This has caused the applicant to lose her 'free go' (i.e. free resubmission) since Horsham District Council should have told the applicant to submit the application to the County Council in its pre-application advice.
5. The Council did not say in its pre-application advice that the application should be submitted or would be likely to be approved, nor could it have pre-judged the outcome of the statutory application process in such a manner. Pre-application advice is simply that and cannot bind any subsequent formal decision. The conduct of the Council regarding the time taken to deal with the pre-application advice is irrelevant to consideration of the costs of this appeal.
6. Regardless of whether the content of the application is a 'County matter', which was in any case unclear given the information provided at pre-app stage, the application and all its accompanying documentation would have had to be

prepared and submitted to the relevant local planning authority. The District Council was within its powers to determine the application. Consequently, there cannot possibly have been any wasted expense.

7. In relation to the loss of her 'free go' the appellant may have more cause to feel aggrieved, but this is not a matter for this costs application because it does not relate directly to the appeal. Rather it may be a matter to negotiate with whichever authority the applicant may choose to resubmit any revised application to. In any event this is purely a matter of speculation since a revised application is not a foregone conclusion.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Nick Fagan

INSPECTOR