
Costs Decision

Site visit made on 20 April 2021

by David Cliff BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2021

Costs application in relation to Appeal Ref: APP/Z3825/W/20/3257232 Scout Hall, 104 Bishopric, Horsham, RH12 1QN

- 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 Synergie Estates Ltd for a full award of costs against Horsham District Council.
 - The appeal was against the refusal of planning permission for a new detached dwelling following demolition of old scout hall buildings.
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Decision

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

Reasons

2. Planning Practice Guidance states that irrespective of the outcome of an appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unreasonable expense in the appeal process.
3. The planning application was recommended for approval by Council officers. However, this does not mean that the planning committee was obliged to follow the recommendation should it consider refusal to be justified on the relevant planning merits. Nor is it generally the case, that pre-application advice given by planning officers binds the decision of the Council when it formally considers a subsequent planning application.
4. It appears that the members of the committee discussed and considered the effects of the proposed development leading to a decision to refuse the application. The Council's reason for refusal was set out in its subsequent decision notice along with the development plan policies that it considered would be breached.
5. The Council's statement of case sets out, in more detail, its evidence to substantiate the reason for refusal. This includes comments on the height of the proposed building being greater than the existing buildings. In spite of my decision to allow the planning appeal, the Council has properly taken part in the appeal proceedings including the provision of timely evidence to support its reason for refusal. Cases such as this can involve a matter of judgement on the planning merits, in this case focusing on matters of design and appearance.
6. Although the National Planning Policy Framework encourages development on suitable sites in urban areas, this still needs to be balanced with other considerations including matters of good design. So the Council was entitled to

consider such matters, which can include scale, in its consideration of the application. There is nothing of substance to suggest that the Council has behaved unreasonably in either refusing the application or during the appeal process.

Conclusion

7. I conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. An award of costs of therefore not justified.

David Cliff

INSPECTOR