



Costs Decision

Site visit made on 11 May 2021

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2021

Costs application in relation to Appeal Ref: APP/Z3825/W/20/3263985 Lockyers Farm, Polecat Lane, Copsale, RH13 6QR

- 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 & Mrs Chas and Linda Taylor for a full award of costs against Horsham District Council.
 - The appeal was against the refusal of planning permission for conversion of barn to a dwelling.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may 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 raises both substantive and procedural points. The PPG states that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal or if they have behaved unreasonably from a procedural point of view.
4. In relation to the procedural point, the Appellant contends that the re-allocation of the application to a new Planning Officer part way through the local planning authority's determination period amounted to unreasonable behaviour. It is not uncommon, in my view, for applications to be re-allocated in this way. Even so, there is no evidence before me to suggest that this in anyway affected the local planning authority's decision or that the change in Planning Officer led to a different outcome. Any outstanding complaints that the Appellant may have in relation to the administration of the planning application and/or the procedures that led to the delegated decision, are matters that should be taken up directly with the local planning authority.
5. Furthermore, the Appellant's concerns in this respect appear to relate to the period leading up to the determination of the planning application. The PPG confirms that costs cannot be claimed in such circumstances, but that the behaviour at the time of the planning application can be taken into account when considering whether or not costs should be awarded in relation to unreasonable behaviour during the appeal process.

6. Turning to the substantive point, the Appellant contends that the local planning authority were not in a position to reach the decision they did, that their reasons for refusal were contrived and that they prevented development which should have been permitted.
7. However, I have found the appeal proposal to be unacceptable having regard to local and national policies on the location of new housing, and the impact of the proposed development on the living conditions of future occupiers of the proposed dwelling. Those findings were based on the evidence presented by the local planning authority, the policies of the development plan and National Planning Policy Framework, and my own observations on site.
8. As I set out in my appeal decision, the objective of the housing and spatial policies of the Horsham District Planning Framework (November 2015) is to secure a distribution of development that is focused on the defined built-up areas of the district so as to support sustainable development and prevent unnecessary development in the countryside. That approach is consistent with the National Planning Policy Framework (February 2019), and I, therefore, accorded the development plan policies significant weight. Within that context, I found that the appeal proposal would fail to comply with the development plan when read as a whole and that there were no material considerations that outweighed that harm.
9. Whilst my findings differed from those reached by an Inspector on an appeal at Copped Hall Farm (Ref. APP/Z3825/W/20/3246693), they concurred with those reached by other Inspectors in the five appeal decisions listed at paragraph 3.12 of the local planning authority's Appeal Statement. All of these five appeal decisions provided a consistent interpretation and application of the strategic housing and spatial policies of the development plan, that were consistent with my own findings. There were no material considerations that led me to reach a different finding. I also found that the evidence presented by the Appellant did not demonstrate the acceptability of the proposal with regard to the living conditions of future occupiers.
10. As a consequence, the local planning authority's reasons for refusal were not contrived, but based on legitimate objections to the principle of new housing in this location and the likely harm that would result to the living conditions of future occupiers. Both objections were supported by development plan policies that were up to date and consistent with those of the Framework.
11. For the above reasons, I cannot agree that the Council has acted unreasonably in this case and as such there can be no question that the Appellant was put to unnecessary or wasted expense in the appeal.

Conclusion

12. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is, therefore, not justified.

G Roberts

INSPECTOR