



Costs Decision

Site visit made on 30 November 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2022

Costs application in relation to Appeal Ref: APP/Z3825/W/21/3274430 Birchwood Cottages, Shaws Lane, Southwater RH13 9BX

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Michael Day for a full award of costs against Horsham District Council.
 - The appeal was against the refusal of planning permission for the installation of a hayloft door and balcony to south elevation with projecting beam, winch and trap door to balcony floor below and installation of a dormer window to north elevation of holiday accommodation unit (part-retrospective).
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Decision

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

Reasons

2. The Planning Practice Guidance 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 claims the Council's officer report failed to substantiate the reason for refusing the planning application, which resulted in them incurring unreasonable and unnecessary costs in pursuing the appeal. The Council were provided with an opportunity to comment on the applicant's claims, but no rebuttal was forthcoming.
4. The Council's officer report explains why it considers the development to be unacceptable, claiming the dormer window and hayloft door would not preserve the barn style roof and would appear suburban in character and unsympathetic to the rural site and surroundings, which would be seen from a number of public viewpoints.
5. The Council's decision was therefore well-reasoned and clearly explained within the officer report, which sought to protect the rural character and appearance of the site and its surroundings. I have reached a different conclusion to the Council in respect of the harm caused to the character and appearance of the building and surrounding area, and the development's compliance with the development plan, but this does not mean the Council acted unreasonably in reaching their conclusion.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated. Accordingly, an award of costs is not justified.

L Douglas

INSPECTOR