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## Costs Decision

Site visit made on 14 February 2022

**by Tim Wood BA(Hons) BTP MRTPI**

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

**Decision date: 1<sup>st</sup> March 2022**

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### **Costs application in relation to Appeal Ref: APP/Z3825/W/20/3265710 Land at Hill Farm Lane and Stane Street, Codmore Hill, Pulborough RH20 1BW**

- 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 and Mrs Chatfield for a full award of costs against Horsham District Council.
  - The appeal was against the refusal of planning permission for the change of use of land for the provision of 4 pitches for gypsies and travellers.
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### **Decision**

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

### **Reasons**

2. The national Planning Practice Guidance (PPG) states that parties will normally be expected to meet their own costs in relation to appeals and costs may only 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 site (most of it; see main Decision) has planning permission for a Gypsy and Traveller site with 2 pitches and a day room. The expansion of that proposal for a site with 4 pitches and no dayroom represents only a marginal increase in the number of features on the site. The Council Officers' report to the Members undertook an analysis of the effects of the proposal on the surroundings and concluded that it would be appropriate in nature given the number of pitches proposed, the size of the site and the distances preserved to neighbouring properties, which are considered to be commensurate with the existing relationships between neighbouring properties within the immediate vicinity. Whilst Members are not bound to follow officers' recommendations, it is notable that the case advanced at appeal does not enter into any detailed analysis which demonstrates how a contrary view is arrived at.
4. In relation to the alleged over-dominant effects of the proposal, the Council referred to the effect on 15 dwellings which is a clearly inaccurate representation of the size of the nearest settled community. In relation to the effects on local services and facilities, again there is no analysis to assist in understanding the Council's case. The area contains numerous and good services, including a large supermarket. The suggestion that 2 additional

pitches, as proposed, would over-stretch this or any other service within the area is not credible.

5. In relation to special circumstances, the PPTS states that 'personal circumstances' should be considered as a relevant matter when considering such proposals. The clear indication is that such a consideration is capable of weighing in favour of a proposal; the absence of such could not be taken against a proposal in my judgement. The inclusion of this matter in the Council's reason for refusal indicates to me that they have taken the absence of personal circumstances as counting against the appeal.
6. Taken as a whole, I find that the Council's case amounts to vague and generalised assertions which are not based on evidence of any weight. They have delayed and sought to prevent development which should clearly have gone ahead. In my view, any proper and rigorous analysis of the proposal would have concluded that planning permission should be granted. The appellant has been unnecessarily put through the appeal process and has had to expend resources and finance which should not have been necessary.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

### **Costs Order**

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Horsham District Council shall pay to Mr and Mrs Chatfield, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to Horsham District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*T Wood*

INSPECTOR