
Costs Decision

Site visit made on 13 July 2022

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2022

Costs application in relation to Appeal Ref: APP/Z3825/W/20/3253886 Sussex Topiary, Naldretts Lane, Rudgwick RH12 3BU

- 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 Tim Bloxham for a full award of costs against Horsham District Council.
 - The appeal was against the refusal of planning permission for a change of use to four pitch settled gypsy site along with the formation of hardstanding and utility/day room buildings.
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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 application relies on both procedural and substantive matters. The applicant contends that the Council have failed to undertake a planning balance, have prevented development that clearly should have been permitted, failed to produce evidence to substantiate the reason for refusal, have acted contrary to established case law, failed to act consistently with consideration of the Council's own gypsy traveller site, and made vague or general assertions without objective analysis. It is alleged that information has been provided that is manifestly inaccurate or untrue and that the application was refused on the basis of matters that could be dealt with by planning condition.
4. There is also reference to members of the Planning Committee acting unreasonably in determining the planning application contrary to officer recommendation.
5. The costs claim is not supported by any substantive explanation of how the Council has acted unreasonably, rather the applicant has relied simply on highlighting passages within the guidance of the Planning Practice Guidance.
6. In respect of the matters raised, the Delegated Report includes a clearly identified "Conclusions and Planning Balance" section and as such has taken reasonable account of the relevant competing interests. There is a clear and reasoned explanation of why the Council consider the development to be unacceptable. While I have not agreed with the findings in respect of the

development's effect on the character and appearance of the area, I find nothing unreasonable in the decision made by the Council. This was clearly a matter of planning judgement and a conclusion that the Council was entitled to reach. In this respect, I do not agree that a development that should clearly have been permitted has been delayed. Moreover, the Delegated Report clearly substantiates the reason for refusal and does not rely on vague or generalised assertions.

7. The applicant has not identified any case law that the Council has acted contrary to. In terms of consistency with other decisions and decisions made on the Council's own gypsy traveller site, I do not have the precise details of those cases and as such I cannot draw any useful comparisons between them and the case that is before me. Consequently, there is nothing that convinces me that the Council has been inconsistent in its decision making.
8. There is no identification of any information that is manifestly untrue or inaccurate and no suggestion of any conditions that could overcome the concerns of the Council. As such, no unreasonable behaviour is proven in these respects. Furthermore, I have been provided with a copy of a "Delegated Applications – Assessment Sheet" which indicates that the application was determined under delegated power, rather than by committee.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Martin Allen

INSPECTOR