



Costs Decision

Site visit made on 28 March 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 May 2023

Costs application in relation to Appeal Ref: APP/Z3825/W/22/3299255 Home Farm House, 46 Springfield Road, Horsham, West Sussex RH12 2PD

- 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 Burgess for a full award of costs against Horsham District Council.
 - The appeal was against the refusal of prior approval for development described as 'prior notification for the erection of two additional floors to provide an additional 6 residential units'.
-

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) 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 considers the Council behaved unreasonably, leading to the unnecessary expense incurred by engaging heritage and planning consultants to counter the reasons for refusal. The concerns relate to the Council's actions on the day the application was determined.
4. Based on the evidence before me, the Council's actions on that day appeared chaotic, with discussions with its conservation team occurring at the eleventh hour with a limited window for any meaningful input into the decision. This would have been frustrating for the applicant, who received mixed messages regarding the treatment of the application within that same day.
5. Despite this, the consideration of an application by officers of varying seniority is an inherent part of the Council's decision making process, and those involved are not bound to agree with one another. Neither was the conservation team a statutory consultee, and I see no reason why the Principal Planning Officer could not have reasonably made a judgement on this matter. The Council say its decision was informed by verbal advice from its conservation team and the officer report adequately explains the concerns relating to the heritage impacts.
6. While the last minute review of the issues and disagreement between officers was regrettable, for the reasons given, this does not amount to unreasonable behaviour. Even if the applicant had been aware of the heritage concerns at an earlier date, or if a heritage statement had been requested earlier, this may not have avoided the need for the appeal all together, particularly given the other issues relating to amenity.

7. Despite the Council not having included Home Farm House in the Conservation Area, the Council were still entitled to have regard to the setting of the Conservation Area and the nearby listed buildings as part of its consideration of the external appearance of the building.

Conclusion

8. For the reasons given, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described by the PPG, has not been demonstrated. Therefore, the application for costs is refused.

C Shearing

INSPECTOR