



Costs Decision

Site visit made on 28 March 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Costs application in relation to Appeal Ref: APP/Z3825/W/22/3307772 Honeywood House, Horsham Road, Rowhook, West Sussex RH12 3QD

- 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 Scott Davis of Aspire Developments Ltd for a full award of costs against Horsham District Council.
 - The appeal was made against the refusal of planning permission for the demolition of tractor shed and cottage; erection of two dwellings; conversion and restoration of clock tower and stable building to form a dwelling; associated car parking and landscaping.
-

Decision

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

Reasons

2. Planning Practice Guidance (the 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 or wasted expense in the appeal process.
3. PPG includes examples of unreasonable behaviour, by planning authorities. Amongst other things, this can include, "preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations" and "vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis".
4. The applicant considers that the Council failed to work with them in a positive and proactive manner, and to approach the decision in a positive and creative way.
5. Additionally, the applicant considers that insufficient weight was given to aspects of the proposal and its wider benefits and, that the Council's decision is inconsistent with other comparable schemes granted planning permission. Moreover, they consider the officer report contains inaccuracies about the scheme demonstrating that the Council did not properly consider the proposal.
6. The relative weightings that the Council gave to the various planning considerations, for and against, were matters of planning judgement. As such, it was not unreasonable of the Council to conclude as they did.
7. Whilst the officer report includes some inaccuracies, the assessment was not so flawed and the reasons for the Council's decision are clear. The Council has explained why this application was determined as it was, taking into account

previous decisions, including appeals, in the District. Nor, is there evidence that the Council were not familiar with the site and surroundings.

8. Overall, the Council assessed the proposal, including the positive aspects and its decision on the planning merits was explained.
9. PPG advises that, where local planning authorities have exercised their duty to determine planning applications in a reasonable manner, they should not be liable for an award of costs.
10. For the reasons given, I find that unreasonable behaviour, resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and that, therefore, an award of costs is not justified.

J White

INSPECTOR