



Costs Decision

Site visit made on 15 August 2023

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Costs application in relation to Appeal A Ref: APP/D3830/W/23/3312248 Crawley Down Village Hall, Turners Hill Road, Crawley Down, West Sussex RH10 4HE

- 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 Mid Sussex District Council for a full award of costs against Mr Justin Pitman of Abode Homes.
 - The appeal was against the refusal of planning permission for conversion and extension of the existing village hall into 6 no. new residential dwellings with associated landscaping and bin and bike stores.
-

Costs application in relation to Appeal A Ref: APP/D3830/W/23/3316310 Crawley Down Village Hall, Turners Hill Road, Crawley Down, West Sussex RH10 4HE

- 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 Mid Sussex District Council for a full award of costs against Mr Justin Pitman of Abode Homes
 - The appeal was against the refusal of planning permission for conversion and extension of the existing village hall into 6 no. new residential dwellings with associated landscaping and bin and bike stores.
-

Decision

1. The application for an award of costs for Appeal A and Appeal B 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. During the appeal process the applicant (Mid Sussex District Council) and the respondent (Mr Justin Pitman of Abode Homes) have worked together to produce a draft planning obligation. The applicant will not sign and seal the agreements until the Council's Solicitor's fees have been paid. The respondent has not paid these fees.
4. The cost application was submitted after the Inspectorate's deadline for final comments. However, the applicant did not know the reason for the delay in payment of its legal fees until after this deadline had passed and would not therefore have been in a position to make a timely costs application. The applicant's costs application against the respondent has therefore been accepted for consideration.

5. The substantive point in the applicants's case is that there has been a lack of cooperation on any planning application by the respondent.
6. I am provided with an email from the respondent dated 5th June 2023 stating their agreement that the Council's Solicitor's fees would be paid. However, subsequent appeal correspondence states that the respondent is experiencing cash flow issues and hence the payment cannot be made.
7. Up until June, and therefore at the time of making the appeal, it appears that the respondent expected to pay these fees. Consequently, it was not unreasonable of them to submit the appeal or pursue this ground of appeal. The situation is unfortunate in that the applicant has undertaken work on an obligation that has not been signed. However given the circumstances in the evidence before me, this does not amount to unreasonable behaviour in the context of the PPG.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Miles

INSPECTOR