



Costs Decision

Site visit made on 1 November 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2023

Costs application in relation to Appeal Ref: APP/Z3825/W/22/3305689 Garage Block, Blackstone Rise, Blackstone, West Sussex BN5 9SZ

- 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 J&A Property Services for a full award of costs against Horsham District Council.
 - The appeal was against the refusal of reserved matters of appearance, landscaping, layout and scale for the demolition of 8No garages and erection of 3No dwellings.
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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. In this case it is evident from my decision letter that I fundamentally concur with the position that the Council took in refusing the reserved matters application. There was nothing to suggest that the Council misapplied the relevant legislation or acted inappropriately in taking into account the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations) at the reserved matters stage.
4. Indeed, not only were the Council's actions perfectly legitimate, to have done otherwise would have frustrated the objectives of the Habitat Regulations and those of the National Planning Policy Framework. It follows that the Council did not act unreasonably in how it approached the determination of the application.
5. It was the applicant's right to appeal the decision, understanding the time, resources and effort that such entails. That they chose to do so was of their own volition, and in this case, it is not the Council's responsibility to bear those costs.
6. Therefore, 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 an award of costs is not justified.

Stewart Glassar

INSPECTOR