



Costs Decision

Site visit made on 9 January 2024

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024.

Costs application in relation to Appeal Ref: APP/Z3825/W/23/3323368 36 Warren Drive, Southwater, West Sussex RH13 9GL

- 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 Niall Keelaghan for a full award of costs against Horsham District Council.
 - The appeal was against the refusal of planning permission for erection of a new two-storey detached dwelling.
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Decision

1. The application for 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 appellant provided evidence with the appeal scheme to demonstrate that the access and parking arrangements complied with the technical standards set out in the development plan. Consequently, he believed that he had overcome the reason that a previous scheme, which showed identical access arrangements, had been refused. He therefore alleges the Council behaved unreasonably by refusing permission contrary to the advice of its officers and the views of the highway authority.
4. However, although I do not have full details of the previous scheme, I understand that it was refused by officers under delegated powers, one of the reasons for which related to on-site parking provision. This matter had been addressed through provision of additional evidence. However, having satisfied the officers, public interest in the scheme meant that the appeal proposal was presented to the Planning Committee for their decision. Members expressed concerns about the practicality of the access arrangement in terms of its design and its relationship with the layouts which characterised the surrounding area. Members are not bound to accept the recommendations of their officers, provided that they give planning reasons and substantiate them in the event of an appeal. Although the Council's appeal statement is not extensive, it provided an adequate explanation of its concerns in respect of design.
5. I appreciate that the Planning Committee's decision was disappointing to the appellant when he had satisfied the highway authority and gained the support of the officers for the scheme. However, he had a choice as to whether to exercise his right to appeal the Council's decision or consider pursuing an amended proposal.

6. In determining the appeal, I looked afresh at the evidence of both parties, and the representations of neighbours, and concluded the proposal would be a poor design, even though it met some of the technical requirements of the development plan.
7. The Council's decision was therefore not unreasonable and has not prevented acceptable development proceeding. As the Council did not act unreasonably, the applicant has not incurred unnecessary or wasted expense in presenting his case in the appeal proceedings.

Conclusion

8. For the above reasons the application for costs is refused.

S M Holden

INSPECTOR