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## Costs Decision

Site visit made on 17 April 2024

**by Stewart Glassar BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 May 2024**

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### **Costs application in relation to Appeal Ref: APP/Z3825/W/23/3325386 Sussex House, North Street, Horsham, RH12 1RQ**

- 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 Craig Developments for a full award of costs against Horsham District Council.
  - The appeal was against the refusal of planning permission for the construction of two ground floor flats with associated alterations including external alterations to the additional floor under prior approval application DC/20/0236, without compliance with certain conditions.
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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. The application is for a full award of costs on the substantive grounds that the balconies on the south west elevation did not present any additional harm and were supported by Officers. On this basis it is suggested that there were no good reasons to reject the proposal.
4. The decision was taken by the Planning Committee and was not in line with the Officer recommendation to approve the planning application. Whilst I understand the appellant's frustration in this respect, it is the right of the Planning Committee to make this decision and refuse the planning application.
5. The Council's concerns regarding the use of the outside area for anything other than for maintenance or in an emergency were long held and it is therefore understandable if the Councillors had reservations regarding changes to the situation. The Councillors were also entitled to have regard to the concerns raised by neighbours.
6. Although the glazing would prevent most people from overlooking the neighbours, some people would be able to see over the screens more easily than others and tops of heads would no doubt be visible on occasions. Whilst the configuration and size of these areas makes it difficult to hold large gatherings on them, I also don't doubt that on occasions there would be some noise emanating from the balcony areas. As such, there would be a general awareness by neighbours of activity going on at that higher level.

7. Whilst I have concluded that any intrusion from the balcony areas would not be so great as to be harmful, this does not mean that there would be no alteration to the context and environment the neighbours currently experience. Therefore, whilst I reached a different conclusion from the Council, I am satisfied that the Council gave a sufficiently rational assessment for their decision, and it was not unreasonable for them to have come to the conclusions that they did.
8. I have no substantive evidence before me to conclude that the decision was in any way politically motivated. Similarly, the amendment to the balcony areas was the only alteration of the many that were being proposed that was not accepted by the Council. Therefore, there is nothing to suggest the retrospective nature of some of the changes influenced the decision.

### **Conclusion**

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, the application for an award of costs is refused.

*Stewart Glassar*

INSPECTOR