

Costs Decision

Site visit made on 21 May 2024

by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2024

Costs application in relation to Appeal Ref: APP/Z3825/W/23/3328171 The Levee Loxwood Road, Rudgwick, West Sussex RH12 3BP

- 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 & Mrs Martin Hill for a full award of costs against Horsham District Council.
 - The appeal was against the refusal of planning permission for replacement dog breeding kennels with ancillary facilities.
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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 applicants' claim for costs is largely based on the change of the description of the proposal by the Council which is suggested to have had catastrophic consequences in terms of the way in which the application has been assessed, including by consultees.
4. The Council's defence is largely that it provided an opportunity for the applicants to raise issues with the description at numerous points during the early processing of the appeal application, prior to and at the stage of confirming its validity. I note that the applicants did not take up such an opportunity and do not see it as a responsibility that should fall to them.
5. For reasons set out in my decision letter, I do not agree that the changes to the description of the proposal have negatively affected the way in which the application has been handled. I understood the intent of the proposal, but the reference to the word replacement was not critical to this assessment. Similarly, the consideration of issues relating to noise effects and water demands were hindered by assertions made without due consideration to the extent, intensity and status of the uses on site and related control measures.
6. As I do not consider that the Council has mishandled the application, I do not consider that unreasonable behaviour resulting in unnecessary or wasted expense has occurred in the processing of the appeal. Therefore, an award of costs is not warranted.

H Nicholls

INSPECTOR