



Costs Decision

Site visit made on 3 February 2025

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 17th February 2025

Costs application in relation to Appeal Ref: APP/Q3820/D/24/3355801

14 Oakfields, Pound Hill, Crawley, West Sussex RH10 7FL

- 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 Gary Catterick for a partial award of costs against Crawley Borough Council.
 - The appeal was against the refusal of planning permission for First floor extension above existing garage.
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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, Planning Practice Guidance 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 was made in a timely manner.
4. It is generally accepted that issues involving judgment, such as character and appearance or occupiers' living conditions, rarely result in an award of costs. The Council's officer's report includes an assessment of the proposal, its context, and the site specific circumstances of the neighbouring dwelling. In coming to the officer's 'on balance' view, the report explains why the guidance in the Crawley Borough Council Urban Design Supplementary Planning Document (SPD) was not rigidly applied in relation to character and appearance.
5. In relation to the neighbouring occupiers' living conditions, the Council's officer exercised her professional judgment, which aligned with the guidance in the SPD, and the officer's report recommended that the proposed development should be refused. The Council's reason for refusal is sufficiently complete, precise, specific and relevant to the application. The Council has substantiated its case in its representations including its officer's report. As the acceptability of the proposal depended upon the exercise of the officer's judgment, it was not development that could clearly be permitted having regard to the Development Plan, national policy and any other material considerations.
6. There is almost nothing to show that there was a lack of cooperation by the Council during the appeal process. The Council notified relevant parties and it provided its representations in accordance with the timetable. Thus, the Council's procedural behaviour during the appeal process was also reasonable.

7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Reid

INSPECTOR