
Costs Decision

Site visit made on 28 April 2025

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

an Inspector appointed by the Secretary of State

Decision date: 30 April 2025

Costs application in relation to Appeal Ref: APP/Q3820/W/24/3355300

23 Maiden Lane, Langley Green, Crawley RH11 7QR

- 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 Beaman Estates Ltd for a full award of costs against Crawley Borough Council.
 - The appeal was against the refusal of planning permission for a single storey rear extension, and proposed change of use to 7 person HMO.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 proposal was fully assessed in a comprehensive report prepared by officers and presented to the Planning Committee. It is apparent from the Council's appeal statement that officers sought to address concerns raised by Members and local people reassuring them that the proposal met the appropriate standards for an HMO. The committee was also informed that whilst the extension could not be considered permitted development due to its construction in blockwork, rather than brick, its depth and height was compliant with the requirements set out in the General Permitted Development Order. Therefore, whilst there was a small degree of overshadowing it was not considered sufficiently serious to justify refusal of planning permission.
4. The issue of parking at the property was also discussed. Whilst Members considered there was a risk that more than 4 occupants might own a car, there was no evidence presented to support this contention and therefore no reason to suggest that there would be problems of inappropriate parking in the vicinity of the site. It would therefore appear that Members gave more weight to the views of local people than their officers. However, they did so with vague, generalised assertions and without being able to substantiate the validity of their concerns with examples of existing problems in the vicinity or elsewhere on the estate.
5. Whilst Members are not obliged to accept the recommendations of their officers, they must be able to demonstrate reasonable planning grounds for taking a different view and support their decision with relevant evidence on appeal. This simply did not happen. Other than reiterating Members' concerns about the above

issues, no substantive evidence was provided with the appeal to defend their decision. There was therefore nothing presented to support the contention that the development would have unacceptable consequences for the living conditions of either adjoining occupants or cause undue noise and disturbance in the surrounding neighbourhood.

6. I consider this amounts to unreasonable behaviour on the part of the Council. The appellant also attempted to regularise the situation through the submission of an application for a Certificate of Lawfulness. Regardless of the reasons for that application being refused, which are not a matter for me, it left the appellant with no other option than to challenge the Council's decision through the appeal process. In doing so they have incurred the additional expense of submitting the appeal and providing additional information. This has resulted in unnecessary expense as the assessment of the proposal put before Members in the officer's report, although not palatable to local people, demonstrated that the scheme complied with the local plan. The appeal was therefore unnecessary and delayed the delivery of an acceptable development.
7. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has been demonstrated. Consequently, an award of costs is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Crawley Borough Council shall pay to Beaman Estates Ltd, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to Crawley Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

S M Holden

INSPECTOR