



Costs Decision

Site visit made on 8 May 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Costs application in relation to Appeal Ref: APP/Z3825/W/24/3353504

Holme Farm Orchard, Winterpit Lane, Mannings Heath, West Sussex RH13 6LZ

- 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 Wayne Bayley for a full award of costs against Horsham District Council.
 - The appeal was against the refusal of planning permission for development described as 'removal of existing yurts and associated infrastructure, demolition of amenity building, cessation of recreational use of land and erection of a dwelling incorporated into the landscape'.
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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. The applicant considers the Council behaved unreasonably during the course of the appeal.
3. As part of its Statement of Case the Council suggested amended wording to its first two reasons for refusal and the Statement explained that this was to respond to errors in referencing the Framework. While the errors were unfortunate, the Council's Committee Report made reference to the correct paragraph of the Framework where it assessed the issue of isolated homes in the countryside and it is clear that the correct considerations were applied. In respect of the second reason for refusal, the Council amended the parts of the Framework with which the proposal would conflict. However, the references to the Framework remained within the context of effects on habitat sites and the issue to which the reason for refusal relates did not change. As such, those errors and suggested amendments did not alter the Council's case in relation to those reasons for refusal.
4. The Council adequately substantiated its concerns in the Committee Report and Statement of Case, and with reference to relevant development plan policies and material considerations. These documents set out its planning arguments and responded to the appellant's statement of case.
5. The third reason for refusal, relating to biodiversity, was effectively withdrawn by the Council during the course of the appeal. The Council stated that this was due to the receipt of further information on that matter. Even if the planning application had not been refused for this reason, given the other substantive issues, it is very unlikely that the appeal would have been avoided altogether.

6. The Council's Committee Report included a section titled Conclusion and Planning Balance, which acknowledged factors including the Council's housing land supply and the implications of paragraph 11d) of the Framework, as well as other benefits of the scheme, and it described the weight which were attached to relevant considerations. While the applicant may not have agreed with the outcome of that balance, it is nonetheless clear that a balancing exercise was undertaken as part of the Council's assessment of the proposal.
7. For the reasons given, I find that unreasonable behaviour has not been demonstrated. Accordingly, the application for costs is refused.

C Shearing

INSPECTOR