



Costs Decision

Hearing held on 3 June 2025

Accompanied site visits made on 2 & 3 June 2025

by Nick Fagan BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Costs application in relation to Appeal Ref: APP/Z3825/C/25/3360097 Oaklands Stud, formerly known as Tanglewood Equestrian, Forest Grange, Horsham, West Sussex RH13 6HX

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by the 3rd Party, Forest Grange Private Road Ltd and Forest Grange (Horsham) Management Company Ltd for a full award of costs against the Appellant, Ms Andrea Starns.
 - The appeal was against an enforcement notice alleging: Without planning permission, the unauthorised material change of use of the Land from an equestrian use to a mixed use comprising equestrian and the stationing of a mobile home for the purposes of human habitation, as shown in the approximate position hatched in blue on the attached plan together with the associated operational development comprising the installation of a septic tank in the approximate position shown as hatched in brown on the attached plan.
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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 3rd Party point out that that one of the behaviours that may give rise to a substantive award against an appellant includes:
 - *the appeal follows a recent appeal decision in respect of the same, or a very similar, development on the same, or substantially the same site where the Secretary of State or an Inspector decided that the proposal was unacceptable and circumstances have not materially changed in the intervening period (PPG Paragraph: 053 Reference ID: 16-053-20140306)*

And that the following may give rise to a procedural award:

- *introducing fresh and substantial evidence at a late stage necessitating an adjournment, or extra expense for preparatory work that would not otherwise have arisen*
- *only supplying relevant information at appeal when it was requested, but not provided, at application stage*

4. The appellant's ground (a) submissions, in terms of the timetable set out in the start letter of 13 February 2025, relied entirely on the Statement that was submitted in respect of the previously determined S78 appeal dismissed on 28 April 2025, that I refer to in my decision. That application was for a different development on a smaller site and so the appellant's agent was obliged at the Hearing itself to set out his case in respect of this appeal, or at least the differences between the two planning applications. The personal circumstances and human rights implications thereto were only provided by the appellant on 14 May, way outside of the 27 March date when the appellant's full statement should have been submitted and even after final comments, which should have been submitted by 17 April, considering that the Hearing took place on 3 June.
5. This is undoubtedly procedurally unreasonable because all of this could and should have been submitted by 27 March. But is it substantively unreasonable? It is true that the developments are similar in that both are for residential caravans. The S78 appeal was for two mobile homes next to the location of where the present one is sited. This application is for just the present unauthorised mobile home and its related septic tank. Although it was procedurally unreasonable to raise arguments in the deemed application's favour only at the Hearing itself, I cannot conclude that it was substantively unreasonable because the appellant and her family have lived there for a year and dismissal of the appeal could make them homeless. Although I have found the appellant's arguments unconvincing, that does not mean that she was unreasonable to advance them at all, given that this was her last chance to defend her residential occupation of the Land.
6. The appellant counters by alleging that the 3rd Party's objections were outside the agreed timescales. The only documents that I accepted from the 3rd Party outside the above timescales was the email attaching various documents and plans that helped me better understand its planning objections, which were submitted on 3 April, well in advance of the final comments cut-off date.
7. So, the 3rd Party submitted their substantive planning objections on time whereas the appellant did not. It was unreasonable of her not to have done so and to only effectively put her ground (a) case at the Hearing, because there was no good reason for not doing so.
8. However, it has not resulted in any wasted expense. The 3rd Party and whoever it chose to represent them at the Hearing – Ms Tipper from Bell Cornwell in this case – would in any case have had to have been there to put its case to me orally even if the appellant had submitted it in accordance with the timetable set out in PINS start letter. The Hearing started at 10am and finished at about 3.30pm. It is unlikely to have finished substantially earlier if the appellant's full case had been put in writing by 27 March. And so, the 3rd Party would still have incurred Ms Tipper's costs in putting its case orally to me at the Hearing.
9. Consequently, although there clearly has been unreasonable behaviour on the part of the appellant, this behaviour has not resulted in any wasted expense to the 3rd Party and an award of costs is not therefore warranted.

Nick Fagan

INSPECTOR