



Costs Decision

Site visit made on 15 September 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

Costs application in relation to Appeal Ref: APP/L3815/W/25/3368828 Loxwood Hall West, Loxwood, Billingshurst RH14 0QP

- 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 Gilbert for a full award of costs against Chichester District Council.
 - The appeal was against the refusal of planning permission for subdivision of existing dwelling to create 1 no. additional residential unit, with associated works.
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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 application for an award of costs was made on the basis that the Council fundamentally missed the most appropriate policy, Policy 46 (of the previous Local Plan), in both the list of relevant policies and any subsequent analysis. Reference is also made to the Council failing to give due weight to the benefit of an additional dwelling in the absence of a sufficient housing land supply and over reliance on the Interim Position Statement (IPS) which was not part of the development plan.
4. While the Council has set out why it considered Policy 46 of the former Plan to be inapplicable, namely, because the proposal did not involve a change of use or reuse of an existing building, it failed to recognise that the proposal did, in fact, constitute a material change of use. Although described as a subdivision, the Town and Country Planning Act states under Section 55(3)(a) that the subdivision of a dwelling constitutes a material change of use. Consequently, the Council's oversight led to the failure to apply a relevant planning policy.
5. However, in its appeal statement, the Council did address Policy 46 and detailed that the proposal would fail to comply with the criterion requiring proposals to demonstrate that economic uses, including live work units, have been considered before residential. While this policy was initially overlooked, a similar criterion is found in Policy NE11 of the current Local Plan. Policy NE11 was cited in the reasons for refusal, and I have found conflict with it. Therefore, although the Council's initial omission of Policy 46 was an oversight, it would not have materially altered the course of the appeal, which was underpinned by other relevant policies.

6. The appellant contends that the Council failed to give sufficient weight to the lack of a five-year housing land supply and the benefits of delivering an additional dwelling, while placing undue reliance on the IPS, which is not part of the development plan. However, the Council's delegated report acknowledges the housing supply shortfall and attributes significant weight to the benefit of providing one additional dwelling. Although the IPS is referenced in the report, it is not cited in the formal decision notice, indicating that it did not form the basis of the refusal. The Council's assessment was therefore grounded in relevant planning policy and material considerations.
7. Within the officers report the Council accepts that it cannot currently demonstrate a five-year housing land supply. In such circumstances, paragraph 11(d) of the National Planning Policy Framework (NPPF) introduces a presumption in favour of sustainable development, which tilts the balance towards granting permission. However, this presumption is not unassailable. The development plan retains its primacy, and the weight given to other material considerations is a matter for the decision-maker. It was within the Council's remit to conclude that the adverse impacts of the proposal significantly and demonstrably outweighed its benefits.
8. Notwithstanding my decision to allow the appeal, the Council's position was not unreasonable. The refusal of planning permission was based on relevant development plan policies. While the decision may not align with the appellant's views, it remained within the bounds of reasonableness. As such, I find that the Council's conduct does not constitute unreasonable behaviour as defined in the Planning Practice Guidance. An award of costs is therefore not justified.

V Goldberg

INSPECTOR