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## Costs Decision

Site visit made on 3 September 2026

**by R Satheesan BSc PGCert MSc MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 16 September 2026**

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### **Costs application in relation to Appeal Ref: APP/Z3825/C/25/3373450 Development Site Lot 3, Kent Street, Cowfold, West Sussex, RH13 8BB**

- 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 Horsham District Council for a partial award of costs against Mr Simon Bishop.
  - The appeal was against an enforcement notice alleging: Without planning permission, the material change of use of an existing building from Class B8 storage to Class E dance studio.
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### **Decision**

1. The application for an award of costs is partly 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. An application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. In summary, the applicant seeks a partial award of costs on the basis that they had to prepare for an appeal and draft a statement against the ground (c) appeal which lacks any merit. In particular, it is stated that the appellant has failed to set out any reasons why the development is not a breach of planning control but instead set out planning merit arguments which were not of any relevance to this appeal on ground (c) only. The applicant further states that the appeal could have been avoided had the appellant withdrawn their appeal following the dismissal on 27 November 2025 of their related s78 appeal, issued prior to the start letter for this enforcement appeal.
4. Ground (c) is concerned with whether the matters alleged in the enforcement notice (if they occurred) do not constitute a breach of planning control. The onus was on the appellant to support their appeal on ground (c). No substantive evidence was put forward to support this claim. Instead, the appellant sought to argue the Council's reasons for taking enforcement action, which were not relevant given that there was no appeal on ground (a), and thus no deemed planning application.
5. Indeed, the appellant had applied for planning permission for the development, and at the date of the appeal start letter, the planning appeal relating to that application had already been dismissed. The appellant's submission of the planning application acknowledges that planning permission was required for the development already carried out.

6. I conclude that the appeal had no reasonable prospect of success on the ground (c) appeal, and the appellant should have withdrawn the appeal, as previously advised by the Council in their letter to the appellant on 1 December 2025. Indeed, this would have also avoided the need for the Council to attend the accompanied site visit on 3 September 2026. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has been demonstrated, and that a partial award of costs is justified.

### **Costs Order**

7. 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 Mr Simon Bishop shall pay to Horsham District Council the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in dealing with the appeal on ground (c) and the costs of attending an Inspector site visit; such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. The Council is now invited to submit to Mr Simon Bishop, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*R Satheesan*

INSPECTOR