The Planning Inspectorate

Costs Decision

Site visit made on 12 November 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Costs application in relation to Appeal Ref: APP/Z3825/W/24/3341956
Stumbleholme Farm, Rusper Road, Ifield, West Sussex RH11 0LQ

- 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 William Farmer for a full award of costs against Horsham District Council.
- The appeal was against the refusal of Prior Notification for change of use from an agricultural building to 5 dwellings (C3 Use class).

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 appellant's claim for costs relies on that the Council has ignored their own Class Q as well as government guidance, made vague, generalised or inaccurate assertions about a proposal's impact, acted inconsistent with many other Class Q permissions that have been granted and not taken account of the actual building that the Hibbitt[1] judgement referred to.

4. The Councils officer report is clear in their assessment of the proposal and is in line with guidance and while I have found differently, they were not wrong to reach their own view on whether they considered the works would be beyond what is considered reasonably necessary whilst also having regard to the Hibbitt judgement.

5. The Councils assessment on the proposals impact is also clear and while I note some of the buildings the Council have referred to have extant permission to be demolished. These works have not taken place and as such, the Council were correct to consider the impact of the buildings as they existed at the time of their assessment of the application.

6. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs has not been demonstrated.

D Wilson INSPECTOR

[1] Hibbitt v SSCLG [2016] EWHC 2853