Planning Inspectorate

Costs Decision

Site visit made on 11 March 2026

by Timothy Parton BA(Hons) MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2026

Costs application in relation to Appeal Ref: APP/Z3825/W/26/3377435
The Ghyll, Pevensey Road, Southwater, West Sussex, RH13 9XZ

- 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 Andy New of Southwater Ghyll CIO for a full award of costs against Horsham District Council.
- The appeal was against the refusal of planning permission for the construction of a new football 3G artificial turf pitch (3G ATP) with fencing, floodlighting, associated hard and soft landscaping works, SuDS and infrastructure.

Decision

1. The application for an award of costs is 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.

3. The PPG states that a local planning authority may be at risk of a substantive award of costs if it prevents or delays development which should clearly be permitted, it fails to substantiate its reasons for refusal at appeal, and/or makes vague generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.

4. The Council's Planning Committee refused the application contrary to officer recommendation. While a committee is entitled to reach a different decision, it must be supported by clear and reasonable planning grounds and, at appeal, by sound and substantive evidence.

5. The reason for refusal states that the proposal would have an unacceptable impact on neighbour amenity by reason of noise and disturbance and through the loss of an informal sports area. However, for the reasons set out in my appeal decision, I do not agree with those conclusions.

6. The Noise Impact Assessment (November 2024) (NIA) provided with the planning application, concludes that noise levels arising from the proposed development would not exceed recognised thresholds, resulting in effects that may be noticeable but would not be intrusive and would therefore be acceptable. However, the Council has not provided evidence to explain how it reached a contrary conclusion in relation to noise impacts.

7. The Council has not clearly defined what is meant by 'disturbance' within its reason for refusal. While light impacts are referred to in the Council's Statement of Case, no substantive evidence has been provided to demonstrate how the Council's conclusions have come to differ from those set out in the Lighting Impact Report and Overspill Readings (December 2024) (LIR) provided with the planning application, which states that the proposed development would comply with recognised standards relating to light spill and impacts on neighbouring residential properties.

8. While it is accepted that the proposal would result in part of the appeal site no longer being available for the informal activities that currently take place, the retention and enhancement of the site for sporting activities would not conflict with the relevant policies of the Horsham District Planning Framework (2015) (the Plan) or the Southwater Neighbourhood Plan (adopted August 2020) (the Neighbourhood Plan).

9. Consequently, I consider that the Council's refusal was not well founded. Evidence was not provided to substantiate suggested unacceptable impacts from noise and disturbance, resulting in vague and generalised assertions about the proposal's impact. Where there are no conflicts with the development plan, national policy, and any other material considerations, the Council has prevented or delayed development which should clearly be permitted.

10. Accordingly, I am of the view that unreasonable behaviour, as described in the PPG, has been demonstrated on the part of the Council, resulting in the applicant incurring unnecessary expense in pursuing the appeal. A full award of costs is therefore warranted.

Costs Order

11. 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 Horsham District Council shall pay to Mr Andy New the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

12. The applicant is now invited to submit to Horsham District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Timothy Parton

INSPECTOR