Planning Inspectorate

Costs Decision

Hearing (Virtual) held on 11 June 2025

Site visit made on 12 June 2025

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th of July 2025

Costs application in relation to Appeal Ref: APP/Z3825/W/25/3361285
Hilland House, New Road, Billingshurst, West Sussex RH14 9AA

- 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 G Beck of Northgate Properties Ltd for a full award of costs against Horsham District Council.
- The appeal was against the refusal of planning permission for the development of up to 125 private and affordable dwellings and parking together with an access from New Road, new landscaping and open space, an ecological and woodland park together with associated works.

Decision

1. The application for an award of costs is refused.

The submissions for Mr G Beck of Northgate Properties Ltd

2. The costs application was submitted in writing. The final comments were made orally. Details of the final comments are set out in the Annexe at the end of this decision.

The response by Horsham District Council

3. The response was made in writing.

Reasons

4. 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.

5. The substantive points in the appellants case are that the Council has failed to produce evidence to substantiate each reason for refusal on appeal and made vague generalised or inaccurate assertions about a proposal's impact, unsupported by any objective analysis. And that the Council have prevented or delayed development which should clearly be permitted. Also, that they have not reviewed their case promptly following the lodging of the appeal.

6. The Council's statement of case supports the reason for refusal with reference to Inclusive Mobility Guidance and the Standing Advice Note published by Active Travel England regarding New Road. Whilst lighting is part of the considerations, these concerns are not restricted to hours of darkness. With regard to the surfacing of Public Right of Way (PROW) 1942 the statement of case refers to Manual for Streets, Active Travel Guidance and Local Transport Note 1/20. Although there is

no reference to concerns regarding the fencing of this route. It is clear in the Council's evidence that the three routes proposed have all been considered. It is also acknowledged throughout that the Council's conclusions differ to the West Sussex County Council Highways consultee, and that in itself is not unreasonable. In light of the above, the appeal submissions set out a suitably objective analysis with evidence to depart from this advice and to support the reason for refusal.

7. The updated position regarding housing land supply is made clear in the statement of case. The status of the local plan and the effects of the publication of the 2024 Framework are included in the statement of common ground. It is therefore evident that the Council have considered these matters in applying the planning balance and have come to the conclusion that the appeal should nevertheless be dismissed. I am satisfied that the Council has reviewed its case promptly.

8. Cllr John Trollope appeared at the hearing as an interested party. Although he was part of the committee who made the overall decision, his individual views at the hearing cannot be taken to reflect those of all decision makers nor the position of the Council.

9. Whilst it can be seen in my main decision that I conclude that planning permission should be granted, I have found that the Council has demonstrated a reasonable basis for its position and therefore this is not development that should clearly be permitted.

10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Miles

INSPECTOR

Annexe: Submission made orally at the hearing

I rely on everything I have said in the appellant's cost application and none of that is altered by the Council's response. There are good reasons as set out in our costs application. There is, I would suggest, no substantive response to the detailed points that we made in our written application. There are replies to the effect that the Council has good reasons for refusing the application and has supported its reason for refusal with evidence. I am not going to repeat why we say that is not the case as that is all set out in the costs application, but there is, in substance, no real response that grapples with the detail set out

I accept that the planning committee is entitled to refuse a planning permission contrary to the recommendations of its officers. But where it does so it actually has to have not only a good reason to do that, but it than has to support that reason with evidence not assertion. And it is interesting that the reason for refusal which is very specific in terms of its criticism of the New Road footway and its criticism of the surface of footpath 1942 do not appear to be concerns that at least Cllr Trollope as a member of the committee was actually concerned about. You may recall that in relation to footway on new road their concern was that it might be safe in 99.9 % of the situations but that if you had two mothers pushing 2 pushchairs at the same time as two cars passing that might cause an issue. That concern has not actually been supported by any evidence. It is also completely inconsistent with the way in which we plan in this country. We don't plan to avoid any possibility of any accident ever occurring. If that was the case nothing would get built. Re footpath 1942 Cllr Trollope told you that he would have no difficulty cycling along a crushed limestone path. Indeed, he told me that he takes his Brompton bike on the South Downs way. So, the premise of the Council's case, which is that some cyclists may be deterred from using footpath 1942 if it is upgraded to cycle rights, is not actually borne out by the concerns being expressed by the committee when they decided to refuse this application. So, there is a disconnect between what the committee discussed and the reasons for refusal, which may explain why the Council has been unable to provide detailed evidence to support the reason for refusal.

For those reasons this is a good application. It is clear the council should have granted planning permission in the first place, and they have failed through the course of this appeal to support this reason for refusal with detailed evidence rather than assertion. That has inevitably caused the appellant to have to appeal and has caused the appellant to incur costs unnecessarily.