Horsham District Council

Mr N Devereux
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Our ref: DC/24/0465
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Direct Line: 01403 215166
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Dear Mr Devereux,

APP/Z3825/W/24/3346736 – Paiges Yard, Nep Town Road, Henfield, BN5 9DZ

Under the provisions of the Planning Practice Guidance (PPG) the respective parties in planning appeals are expected to meet their own expenses unless a party has acted unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process. "Unreasonable" is used in its ordinary meaning, and unreasonable behaviour in the context of an application for an award of costs may be either procedural (relating to the process) or substantive (relating to the issues arising from the merits of the appeal).

The PPG continues that an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.

Case of the Appellant

The Appellant's case argues that the Local Planning Authority did not take consideration of the Appellant's Appeal Statement, including paragraphs within the Statement which highlighted errors in the validation process, and the processing and decision on the appeal application.

Response

The Council's Delegated Report summarises the consultation responses received throughout the assessment of the application, including the Council's Design and Conservation Officer, Environmental Health team, and interested parties. The Planning Assessment considers these responses alongside all planning policies and material considerations, and comes to a conclusion by balancing all matters. The Council considers all applications in a professional and impartial manner, and while not all will agree with the decision, it does not follow that the refusal of the appeal application means the supporting information was not reviewed or understood. The Council are therefore of the view that the planning application was appropriately considered and determined.

The Council are of the view that it's Appeal Statement adequately addresses the appeal matters, particularly when read alongside the appeal documents, including the Council's Delegated Report and representations/consultation responses received.

Conclusion

The Council is firmly of the view that it has not behaved unreasonably nor put the Appellant to additional or wasted expense in the appeal process.

Yours sincerely,

Tamara Dale
Applications Team
Horsham District Council