Planning Inspectorate

Costs Decision

Site visit made on 29 January 2025

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2025

Costs application in relation to Appeal Ref: APP/Z3825/W/24/3347313
Maple Farm, Marches Road, Warnham, West Sussex RH12 3SL

- 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 Miss Nicci Millar for a full award of costs against Horsham District Council.
- The appeal was against the refusal of planning permission for erection of a barn for light industrial and storage use.

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 applicant considers that the Council has been inconsistent in its approach to water neutrality given previous decisions, and the previous use of conditions is an approach which could have been taken in this case. As such, they consider the Council has behaved unreasonably and this has put the applicant to unnecessary expense.

4. The Council contends that there are differences between the proposed development and the previous permissions. These are such that the use of a condition would not be acceptable, particularly given the requirements of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'). They also set out this approach is consistent with other decisions the Council has reached. I do not have full details of those other cases.

5. As set out in my appeal decision, this proposal was materially different to the previous permissions on the site in that it was for a permanent dwelling in a mixed light industrial/storage use. The suggested condition would not comply with the tests for conditions contained in the National Planning Policy Framework as it would not be reasonable to allow a building for such a use without a supply of water. The Council therefore was not inconsistent with its previous decisions on the site. Taken alongside the high standard of certainty required by the Habitats Regulations, I therefore conclude that the Council did not behave unreasonably.

6. I note the appellant offered to make amendments to the proposal which the Council declined. This was a decision for the Council to make and I note the Council's

reference in correspondence to FAQs which address this point. The PPG confirms[1] that while it is possible to amend an application after it has been submitted, it is at the discretion of the local planning authority whether to accept such changes. It therefore was not unreasonable for the Council to continue to determine the application.

Conclusion

7. For the reasons set out above, I conclude that no wasted or unnecessary expense has been incurred by the applicant in the appeal process. The application for an award of costs should therefore be refused.

J Downs

INSPECTOR

[1] Making an application Paragraph: 061 Reference ID: 14-061-20140306 Revision date: 06 03 2014