The Planning Inspectorate
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Our ref: DC/24/1022
Your ref: APP/Z3825/W/25/3363210
Contact: 01403 215 429
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Date: 15.10.2025

Dear Sir/Madam,

APP/Z3825/W/25/3363210 – Mount View, Stane Street, North Heath, West Sussex, RH20 1DN

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 has submitted a costs claim which outlined that the Council acted unreasonably. The claim is based on the following assertions: that informal advice from the Local Planning Authority (LPA) led the Appellant to submit a non-material amendment and a Section 73 application, which was subsequently refused contrary to earlier advice and resulted in wasted time and costs. The Appellant states that due to the LPA not sticking with their original advice and not having the full records of conditions discharged, that the appeal is unnecessary and represents a wasted effort and expense for the Appellant.

Response

The Council refutes the claim that it acted unreasonably. The Council's Delegated Report and Appeal Statement fully outlines the context surrounding this planning application and the planning history on site. The reason for the refusal of the S73 application was based on fully explained and justified reasoning. The refusal of the Section 73 application was based on planning grounds and due to the lack of evidence that the original permission had been lawfully implemented. The LPA was assessing the application on its merits, in isolation from informal advice or Building Control's position.

The Local Planning Authority (LPA) had provided informal advice based on the information available at the time. The advice given by the Applications Team Leader was explicitly caveated with "if Building Control are satisfied", with this not formal confirmation of lawful commencement. Building Control certification also relates to compliance with building regulations and does not confirm the discharge of planning conditions or the lawful implementation of planning permission. While the Council acknowledged that records from

2003 are incomplete, the responsibility to demonstrate lawful commencement lies with the Appellant.

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,

Bethan Tinning
Planning Officer