Response to Costs Application

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PLANNING INSPECTORATE REFERENCE:	APP/Z3825/W/25/3361285
HORSHAM DISTRICT COUNCIL REFERENCE:	DC/24/0749

Town and Country Planning Act 1990

Planning appeal by **Northgate Properties Ltd** at:

Hilland House, New Road, Billingshurst, West Sussex, RH14 9AA

Appeal to be determined by an Inspector appointed by the Secretary of State by way of the **informal hearing** procedure.

10 June 2025

1.0 The Costs Application

1.1 The appellant has registered an application for a full award of costs against the Council. The appellant contends that the Council has acted unreasonably and that the Council's unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense.

1.2 The appellant alleges the Council has acted unreasonably in respect of four example behaviours given at Paragraph 049 of the relevant PPG[1], namely

(1) That the Council prevented or delayed development which should clearly be permitted having regard to accordance with the development plan, national policy and other material considerations;
(2) That the Council has failed to produce evidence to substantiate its reason for refusal at appeal;
(3) That the Council has made vague, generalised or inaccurate assertions about a proposals impact which as unsupported by objective analysis; and
(4) That the Council did not review its case following the appeal being lodged;

2.0 The Council's Response

<u>The development should clearly have been permitted:</u>

2.1 The Council has acknowledged within the agreed Statements of Common Ground and its Statement of Case (SoC) the Council's housing land supply position and the substantial benefits which the appeal proposals would derive. The Council, further, accepts that the Inspector must exercise the Paragraph 11(d) 'tilted balance' in the determination of this appeal.

2.2 The Council, however, maintains that there are good and defensible reasons as to why planning permission should be withheld and that it is not an inevitable implication of the tilted balance that planning permission should clearly be granted in this instance as addressed by Paragraphs 3.3-3.5 of the Council's SoC.

<u>The Council has failed to produce evidence to substantiate its reason for refusal;</u>

2.3 The Council does not accept that it has failed to evidence its reason for refusal. Paragraphs 2.1-2.19 of the Council's SoC explain the Council's concerns in relation to pedestrian and cycle access. The Council clearly addresses the various proposals for pedestrian/cycle access and the reasons why these would fail, individually and collectively, to afford a safe and suitable means of access for cyclists and pedestrians in relation to relevant local and national planning policy.

<u>The Council has made vague, generalised or inaccurate assertions unsupported by objective analysis;</u>

2.4 The Council's assertions are not vague, generalised or inaccurate. The Council's concerns are material to a consideration of the suitability and safety of proposed pedestrian/cycle routes and expressed in relation to relevant guidance documents for highway design/active travel.

[1] Reference ID 16-049-20140306 – Guidance Appeals (https://www.gov.uk/guidance/appeals)

2.5 The Council has acknowledged, within its SoC, that the Local Highways Authority have raised no objection to the appeal proposals in the format of a topic-specific Statement of Common Ground agreed between the appellant and Highways Authority. The Council, however, is not prohibited from expressing an alternative view to the Local Highways Authority and the fact that it has done so does not render the Council's concerns inaccurate or otherwise irrational.

The Council did not review its case:

2.6 The Council has considered its case following the appeal being lodged and at all subsequent stages of the appeal. The Council maintains that planning permission should be withheld for the reasons stipulated within its SoC. There would be no logical basis, therefore, for the Council to withdraw its objections to the proposals

Conclusion:

2.7 The Council submits that it has not acted unreasonably in relation to this appeal on either a substantive or procedural basis. Parties to an appeal can normally be expected to meet their own expenses as confirmed by Paragraph 028 to the relevant PPG[2]. While, in this instance, the parties disagree on the main matter in dispute, and as to whether planning permission should be granted, there is no sensible justification for an award of costs in this instance.

[2] Reference ID 16-028-20140306 – Guidance Appeals (https://www.gov.uk/guidance/appeals)