Planning Inspectorate

Costs Decision

Site visit made on 20 October 2025

by C Coles MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2025

Costs application in relation to Appeal Ref: APP/Z3825/W/25/3363210
Mount View, Stane Street, North Heath, West Sussex RH20 1DN

- 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 Sam Ripley for an award of costs against Horsham District Council.
- The appeal was against the refusal of the Council to grant permission for the Variation of Condition 14 of previously approved application DC/23/1108 (non-material amendment to previously approved application PL/107/03 (Erection of 1 bungalow)) to add a 'plans condition to the approval letter to include the most recent approved drawings) to vary the design and scale of the building.

Decision

1. The application for an award of costs is allowed in the terms set out below.

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 has not stated whether he is applying for a full or partial award of costs against the Local Planning Authority (LPA) therefore I have considered both options.

4. The applicant considers the LPA caused him wasted time and expense through inconsistency and failure to keep records.

5. The applicant lists wasted costs as agents' fees and application fees for the submission of the Non-Material Amendment (NMA) and Section 73 application as well as architects fees redrawing the plans. The applicant also states wasted costs in agents' fees and expenses incurred during the appeal process.

6. The only costs that can be recovered are those relating to the preparation and submission of the appeal and those incurred during the appeal process. Behaviour and actions at the time of the application can however be taken into account.

7. The LPA advise the Section 73 application subject of the appeal was determined on its merits, in isolation from the informal advice given prior to the submission of the NMA or the Building Control position and that it was the responsibility of the applicant to demonstrate lawful commencement.

8. However, in granting the NMA the LPA determined that the original planning permission was extant. It was therefore reasonable for the applicant to assume that

a Section 73 application could be legitimately made shortly after. This was regardless of the advisory attached to the NMA decision notice suggesting the applicant apply for a Lawful Development Certificate if in doubt. In this regard it was also reasonable for the applicant to expect that the LPA would be consistent with its advice and decision making. Though I share the LPA's current view that there is no extant planning permission, the appeal could have been avoided if the LPA had either established this prior to granting the NMA or remained consistent in its previous view. This is because the condition added by the NMA was the subject of the application that led to this appeal.

9. The LPA is also responsible for enforcing permissions that they grant. If incomplete or inaccurate records are kept the LPA cannot enforce decisions. The LPA's failure to keep proper records partly contributed to the inconsistency identified above.

10. In view of the above, I conclude that unreasonable behaviour resulting in wasted expense has been demonstrated and that a full award of costs is justified.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Horsham District Council shall pay to Mr Sam Ripley, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

12. The applicant is now invited to submit to Horsham District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

C Coles

INSPECTOR