Horsham District Council

Mr D Reid
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: DC/24/0190
Email: tamara.dale@horsham.gov.uk
Direct Line: 01403 215166
Date: 22 October 2024

Dear Mr Reid,

APP/Z3825/W/24/3349245 - Bury Hill Landscape Supplies, Lower Broadbridge Farm, Billingshurst Road, Broadbridge Heath, Horsham, RH12 3LR

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 outlines that the Planning Officer failed to remind the Environmental Health Officer that there were existing planning controls in place to control operations at the site. In doing so, the Local Planning Authority failed to understand the use of the conditions. The Appellant continues that the Local Planning Authority failed to have regard to the NPPF, Development Plan and National Guidance, and ignored the weight that should be afforded to the controls already in place on the existing consent. The Appellant therefore argues that this has caused unnecessary expense to prepare the appeal.

Response

The Council's Delegated Report summarises the consultation response received by Environmental Health and makes a planning judgement based upon the relevant material considerations. The Council considered the application in a professional and impartial manner and took account of the imposed conditions and their relevance and necessity to control the development and mitigate harm to the nearby neighbouring properties and users of land. It does not follow that the refusal of the appeal application meant that the existing conditions and control measures in place were not reviewed or understood. The Council justified their reasoning for the refusal within the Delegated Report and the reasons for refusal contained within the Decision Notice, and it is not considered that the Council behaved unreasonably with regard to the assessment and determination of the application.

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