Planning Inspectorate

Costs Decision

Site visit made on 5 March 2025

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24 March 2025

Costs application in relation to Appeal Ref: APP/Z3825/W/24/3350033
Land known as Tanglewood Equestrian, Forest Grange, Horsham RH13 6HX

- 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 Ms Andrea Starns for a partial award of costs against Horsham District Council.
- The appeal was against the refusal of planning permission for the use of land for part-time fitness boot camp.

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 application essentially relies on the fact that the Council Members overturned the Officer's recommendation to approve the development and ultimately rejected it on the basis of immaterial points. Further, the reason for rejection is imprecise and lacks policy justification and does not refer to some relevant policies. Finally, the time it took the Council to make a decision was unreasonable.

4. The Council highlight that Members had due regard to the context of the appeal site, including that it was within an area designated as a National Landscape. Given this context they considered the appeal site to be within a quiet rural area and that introduction of the development would result in an intensification of activity which would cause unacceptable disruption to local residents and that consequently the development was at odds with Policy 26 of the Horsham District Planning Framework, November 2015 (HDPF). They also highlight that there will be greater delays where an application is required to be considered by the Planning Committee.

5. When considering the available evidence, it is clear that the appeal site falls outside the built-up area and is considered to be located within the open countryside. Accordingly, Policy 26 of the HDPF applies. Although ultimately, I have come to a different conclusion to the Council in relation to whether or not the development represents inappropriate development in the countryside having regard to its impact on the character and appearance of the area and its effect on the living conditions

of local residents, I can understand the case put forward by the Council and consider they have made a sufficient and reasonable case in this regard.

6. Moreover, overall, I am satisfied that whether or not the proposal would ultimately harm the character and appearance of the area, or the living conditions of local residents and thereby represent inappropriate development within the countryside are matters of planning judgement and the Council's has made a sufficient case to support their view. Their judgement is supported by specific reference to a relevant policy of the development plan, and I do not consider it was necessary to refer to any other policies in support of their case given the wide-ranging nature of Policy 26 of the HDPF.

7. I also consider it entirely legitimate for the Council to include the matters they did in the reasons for refusal and while I have come to a different judgement on the planning merits, I consider that the approach of the Council was arguable. Therefore, including these matters as reasons for refusal does not result in unreasonable behaviour.

8. Moreover, I have noted the recommendation of the Council Officers to approve the application and as can be seen from my decision, I have ultimately agreed with that recommendation. However, Council Members are entitled to not accept the professional advice given, as long as they can reasonably substantiate the reason for refusal. As outlined, I consider that they have been able to do so.

9. It is clear that the application did take a considerable time to determine. However, there are some extenuating circumstances as the case was determined by Committee rather than delegated to Officers. As a result, I am not satisfied that the Council has acted in such an unreasonable manner in relation to timeliness that this has resulted in the applicant incurring unnecessary or wasted expense in the appeal process.

10. In my judgement, when considered in the round, the Council's case was sufficient to raise concerns about whether the development was inappropriate given its sensitive countryside location.

11. Overall, I do not consider that the Council has acted in such a way that it should be considered to be unreasonable behaviour that has led to unnecessary or wasted expense in the appeal process to justify an award of costs. Similarly, although there was some delay in the Council making a decision, that was not so unreasonable as to justify an award of costs.

Conclusion

12. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

S Rawle

INSPECTOR