



Costs Decision

Site visit made on 19 August 2026

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th September 2026

Costs application in relation to Appeal Ref: 6009474

Sussex Topiary, Naldretts Lane, Rudgwick, Horsham, West Sussex RH12 3BU

- 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 Maria Bloxham for a full award of costs against Horsham District Council.
 - The appeal was against the refusal of permission in principle for the erection of up to 9 x self build park homes.
-

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. From the applicant's cost claim, which largely contained highlighted passages from the PPG, I have taken the main concerns to be: that the Council failed to deal with the application within the statutory timeframe; misconstrued the proposal by not considering a lesser number of units; did not provide substantive arguments and reasons for their approach; and delayed a development which should have been permitted.
4. There is no dispute that the Council did not issue its decision within the statutory timescale and sought at least one extension of time. This was, it is said, to allow time to investigate the issue of drainage given the representations which had been received on the application and the observations of the Council's drainage engineers.
5. However, Southern Water did not object to the proposal and the Council's own drainage engineers, whilst taking a precautionary approach, did not identify any particular impediment to the development. Whilst the engineers favoured seeing details before the number of units was confirmed, the application was for a minimum of 3 and a maximum of 9 dwellings and this was the range the Council was being asked to consider. Thus, the Council was at liberty to consider/approve fewer than 9 units, if it had reasonable grounds to do so.
6. Furthermore, the Technical Details Consent would have been the point at which exact numbers would be confirmed and the necessary technical drainage details provided by the applicant. If the technical drainage details did not support the proposed number of units, the TDC could have been refused.

7. I therefore do not find the Council's explanation for the delays to stand up to scrutiny. There was nothing from the technical consultees which indicated that they had objections to the principle of the development.
8. Having said that, the Council's putative reasons for refusal indicated that they had more than just drainage concerns with the proposal. Their concerns were related mainly to the location of the site and its development for residential purposes. The Council therefore had fundamental concerns with the principle of the development.
9. Thus, even if the Council had not delayed its decision to assess the drainage situation, there is nothing to suggest that the outcome of the application would have been any different. Consequently, an appeal would have been the likely outcome. At appeal, no additional drainage details or other information was provided by the applicant and so no expenses were incurred in seeking to address the purported reason for the delay.
10. Furthermore, I too found there to be fundamental objections to the site's location for a residential development. Consequently, the Council could not be said to have delayed a development which should clearly have been permitted.
11. It is difficult to reconcile the implication that the Council's decision making was in some way unbalanced, inconsistent, unlawful or did not contain objective analysis as the appeal was instigated because of the Council's failure to issue a decision. Thus, at the point the appeal and costs claim were submitted there was no officer report or other document available which set out the Council's consideration or analysis.
12. The Council did submit an appeal statement, which sets out sufficiently clearly where its main concerns lay. Even though the statement does not explicitly indicate that the Council gave consideration to the range of units being sought, this statement was submitted as a result of the appeal. Thus, it was not a factor in the applicant submitting an appeal or the claim for costs. Furthermore, aside from a single sentence, the appellant's final comments make no direct reference to the Council's appeal statement and so the Council's submission cannot be said to have led to additional costs being incurred by the applicant.

Conclusion

13. For the reasons given, I find that unreasonable behaviour, resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is not justified.

Stewart Glassar

INSPECTOR