Planning Inspectorate

Costs Decision

Hearing held on 25 & 26 March 2025 and (online) 19 May 2025

Site visits made on 25 & 26 March 2025

by H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2025

Costs application in relation to Appeal Ref: APP/Z3825/W/24/3350094
Land to the West of Storrington Road, Thakeham

- 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 Bellway Homes Ltd (Strategic Land) for a full award of costs against Horsham District Council.
- The appeal was against the refusal of planning permission for demolition of existing buildings and the phased redevelopment of the site as a residential led development comprising 247 dwellings and flexible non-residential floorspace (Use Class E), with works to public right of way and associated landscaping, open space and infrastructure.

Decision

1. The application for costs is refused.

The submissions for the appellant

2. The costs application was made in writing prior to the close of the hearing.

Reasons

3. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance 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.

4. The applicant seeks an award of costs on the basis of unreasonable behaviour relating to the substantive issues in the appeal, rather than procedural aspects. The grounds explored in the costs application include an absence of evidence to support the Council's position; failure to exercise reasonable judgement, taking into account the National Planning Policy Framework (2024) (the Framework) and benefits of the scheme; refusal to sign up to a bilateral agreement; and the Council's reciprocal application for costs.

5. For the reasons outlined in my separate appeal decision, I do not find that the substantive aspects of the case were vague, generalised or poorly considered and I also found that the evidence base to support the Council's position was clear and comprehensive. The Council satisfactorily explained how it reached the outcome that it did having applied the relevant considerations and undertaken the appropriate planning balance under the Framework and in recognition of the difficult housing land supply position it finds itself in. That the Council ultimately disagreed with the applicant's conclusions is not evidence of unreasonable behaviour.

6. Whilst it is suggested that the Council was unreasonable for declining to enter a bilateral S106 planning agreement, the evidence points to the ultimate decision to switch to a unilateral undertaking (UU) resting with the applicant owing to time constraints, which were still not specifically met in relation to the appeal process timescales. In any event, the submission of the UU secured the affordable housing, public open space provision and maintenance, highway contribution and related travel measures such that the Council did not seek to defend those aspects of the refusal.

7. The points in relation to the bus service improvement provisions is again covered in the separate appeal decision but does not highlight unreasonableness on the part of the Council.

8. The final points made by the applicant are in relation to the Council's own application for costs. The Council was similarly entitled to submit an application for costs, the grounds of which are addressed in the separate costs decision, and it did so within the timeframes dictated by the appeal process.

9. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is therefore not justified.

H Nicholls

INSPECTOR