The Planning Inspectorate

Application for an award of appeal costs

You can use this form as a template if you wish to apply for costs in:-

- a written appeal
- an appeal going to a hearing or inquiry, but you wish to giveadvance notice of an application for costs
- an appeal which is withdrawn (or where the enforcement notice iswithdrawn).

Notes to help you are in part D

A. Information about the claimant

Full name: .....Miss Niccola Millar-Foy.....

Address: .....Maple Farmhouse, Marches Road, Warnham, West Sussex

.....

.....

Postcode: ...RH12 3SL Your reference: Maple Farm

Daytime telephone No: [redacted] Fax no: .....

Email address: .....

Status (Appellant/Local Planning Authority/Interested Party):

Appellant.....

Agent's Name (if applicable): .....Charlotte Catton-Giltinane

Agent's Address: ...Batcheller Monkhouse, Stratton House, 57 Lower Street, Pulborough, West Sussex, RH20 2AZ

Postcode: RH20 2AZ Reference: Maple Farm

Daytime telephone No: ... [redacted] Fax no: .....

Email address: .. [redacted]

Date Received (Official use)

B. Information about the party being claimed against

Full name: Horsham District Council

.....

Address: Parkside, Chart Way, Horsham, West Sussex

.....

Postcode: RH12 1RL

Status (Appellant/Local Planning Authority/Interested Party):

Local Planning Authority

.....

C. Information about the appeal

Planning Inspectorate appeal reference number APP/.....

(Please quote all appeal reference numbers if the costs application relates to more than one appeal)

Name of Local Planning Authority: Horsham District Council

Description of the development: ...Erection of a barn for light industrial and storage use on land at Maple Farm, RH12 3SL

.....

Address of the site: .....Maple Farm, Marches Road, Warnham, West Sussex,

RH12 3SL

D. Notes for guidance on your costs application – please read before going ahead

Appellants, local planning authorities and anyone else involved with the appeal (the parties) are normally expected to cover their own expenses. But anyone involved in the appeal can ask the Secretary of State or appointed Inspector to order that one party pays some or all of another party's costs. Before agreeing to this, we will have to be sure that:

- the person applying was put to unnecessary or wasted expense in the appeal

- because of the unreasonable behaviour of the other party.

An award can only be made if both these tests are met.

Please write (in section E) how you think the other party has acted unreasonably and what expense this has caused you. **Please note that only the unnecessary or wasted costs of the appeal itself can be recovered by an award.**

Before going ahead with an application, your attention is drawn to The National Planning Practice Guidance web-based resource, which contains advice on the award of costs, in the Appeals section.

While there is no formal procedure or application form for making an application for costs you can use the template (below) to make an application for costs in writing.

The decision on your application will not go into the actual amount of costs involved – only the principle and, if an award is made, what the award is broadly for. So there is no need to state the actual amounts you are seeking. If an award is made, the parties will need to settle the amounts involved between them by negotiation; or, if that fails, by applying to the Senior Courts Costs Office for an independent decision on the matter.

When using the costs application form, to give advance notice of a costs application in a hearing or inquiry case, please send a copy of your completed application to the other party.

Please also note there are time limits for making a costs Application depending on the procedure for deciding the appeal. The Award of Costs Guidance provides relevant information.

E. Your costs application

Please state whether you are applying for a full or partial award of costs and what you think is:

- the unreasonable behaviour which has caused you unnecessary or wasted expense in the appeal

The Council has been inconsistent in its approach taken on water neutrality which led to the application being refused. The Council's approach to water neutrality taken on the two previous applications on the site was to condition water neutrality by requiring that no part of the building or the site be fitted with a mains water supply without the prior written consent of the Local Planning Authority. Whilst the Council suggested the permanency of the building now proposed requires a different approach to be taken, the previous car sales use featured an office with permission to be used for Class E purposes which would be open 8 hours a day. Although the tenant at the time did not require a water supply, if a mains water supply were needed for the site water neutrality would need to be demonstrated as part of a subsequent application. There is no reason why this approach could not have been followed when the Council determined the latest application which is the subject of this appeal.

The Council has acted unreasonably in refusing the application when a condition could have been imposed. This unreasonable behaviour has led to the applicant having to go to unnecessary expense in making an appeal.

- your unnecessary or wasted expense in the appeal (not the amount, but the kind of expense)

Professional fees in preparing and lodging the appeal

Please sign below

I understand that:

(a) use of this form is voluntary, and that the Planning Inspectorate may use the information I have given for official purposes in connection with the processing of my application for an award of costs;

(b) the costs decision resulting from processing my application will be published on the Planning Portal and will include relevant names but not addresses.

By signing this form I am agreeing to the above use of the information I have provided.

I have completed all sections of the form and confirm that details are correct to the best of my knowledge. (Please note: signature is not necessary for electronic submissions)

Signature [redacted].....

On behalf of ...Niccola Millar-Foy

Name (in capitals) ...CHARLOTTE CATTON-GILTINANE

Date ...19.06.24

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our privacy notice.

See the link to the following page on GOV.UK
https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices

Please note exceptions below but otherwise send this form and any supporting documents to:

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

For the attention of your appeal case officer

Or e-mail it to the email address as shown on the letter(s) you have received from your appeal case officer.

Exceptions - please note:

(1) Householder Appeals Service (HAS) & Commercial Appeals Service (CAS)

Please ensure your costs application – if you wish to make one - is with your appeal form when submitting a HAS or CAS appeal. If you are submitting your costs application via the Planning Casework Service on the Planning Portal please attach it to the grounds of appeal as a separate document

If using the postal service please send your completed HAS/CAS appeal form along with your costs application to the address quoted on the appeal form.

(2) Tree Preservation Order (TPO) appeals

In the case of a written TPO appeal any application for costs should normally be made at the same time as the appeal. E-mail to: environment.appeals@pins.gsi.gov.uk or send the form to:

The Planning Inspectorate
For the attention of the Environment Team
Room 3/25
Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN