Planning Inspectorate

Costs Decision

Site visit made on 16 June 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2025

Costs application in relation to Appeal Ref: APP/Z3825/W/24/3355997
The Owl, Dorking Road, Kingsfold, West Sussex RH12 3SA

- 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 Punch Partnerships (PML) Limited for a full award of costs against Horsham District Council.
- The appeal was against the refusal of planning permission for the erection of two three-bed semi-detached dwellings (Use C3) on land adjacent to the public house accessed from Marches Road, with associated parking and landscaping, including utilizing new vehicular access to the public house, reconfiguration of delivery bay, beer garden and car park of public house.

Decision

1. The application for an award of costs is allowed in the terms set out below.

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 Council refused the planning application at the planning committee, contrary to officer recommendation. The applicant considers that the planning committee behaved unreasonably in not supporting the officer recommendation and subsequently making a decision, which is unsupported by any objective analysis or assessment against the relevant policy tests. Consequently, the applicant considers that the Council has prevented or delayed development that should clearly be permitted.

4. The determination of planning applications by a planning committee is an established democratic process, and the committee reaching a different conclusion to that recommended by officers does not necessarily amount to unreasonable behaviour. Nevertheless, there is an expectation that where this occurs it should show reasonable planning grounds for taking a contrary decision and produce sound, substantive and defensible evidence on appeal to support the decision in all respects.

5. The evidence before me does not indicate that Members undertook a site visit or heard additional technical advice from the Local Highway Authority, despite the committee deferring consideration to ascertain further information in respect of highway safety. The Council has not explained in its statement of case what enabled Members to decide that the proposed access point would be unsafe as advanced in its reason for refusal. Moreover, no further substantive evidence on this matter was submitted by the Council as part of the appeal to fully support its

reason for refusal, including what standards Members would consider to be appropriate in considering the proposal.

6. The evidence before me does not justify how Members reached a contrary view to the expert highway advice. Accordingly, in the absence of an objective analysis of the highways impact of the access, the Council has prevented development that should clearly have been permitted, having regard to the development plan, national policy and other material considerations

7. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Horsham District Council shall pay to Punch Partnerships (PML) Limited, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

   The applicant is now invited to submit to Horsham District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

J Pearce

INSPECTOR