Planning Inspectorate

Costs Decision

Site visit made on 29 January 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Costs application in relation to Appeal Ref: APP/Z3825/W/24/3346736
Paiges Yard, Nep Town Road, Henfield, BN5 9DZ

- 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 Mr and Mrs Keith Henley of HHC Developments Ltd for a full award of costs against Horsham District Council.
- The appeal was against the refusal of planning permission for demolition of existing buildings, cessation of commercial vehicle repair business use, provision of new access and erection of two buildings containing overall 3 x 2-bed dwellings and 2 x 2-bed apartments along with ancillary parking and a utility building for each unit.

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 applicant seeks an award of costs as the Council should not have validated the application, did not have regard to all of the information submitted in support of the proposed development and failed to substantiate its reasons for refusal. The Council has not commented on the validation of the application, but contends that the officer report sets out the reasoning behind their decision to refuse the application.

4. As confirmed in my decision to proceed to determine the appeal, there is insufficient evidence before me to allow me to conclude that the Council should not have validated the application.

5. The Council's officer report and appeal statement demonstrated a clear understanding of the site, its surrounding context including the Henfield Conservation Area and the proposed development. I am satisfied that a reasonable exercise of planning judgement was demonstrated in the conclusions reached. The reasons for refusal were specific and related to policies in the development plan.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Jennifer Wallace

INSPECTOR