
Costs Decisions

Site visit made on 8 February 2017

by David Walker MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23rd March 2017

Costs application in relation to Appeal A Ref: APP/Y9507/W/16/3150962 Land off Southlands Park, West Lavington, West Sussex

- 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 Talisman Homes for a full award of costs against South Downs National Park Authority.
 - The appeal was against the refusal of planning permission for erection of 5 detached 2 storey dwellings, provision of new vehicular access from Southlands Park and new pedestrian access from Goodwood Close.
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Costs application in relation to Appeal B Ref: APP/Y9507/W/16/3156739 Land off Southlands Park, West Lavington, West Sussex

- 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 Talisman Homes for a full award of costs against South Downs National Park Authority.
 - The appeal was against the refusal of planning permission for 4 detached 2 storey dwellings, provision of new vehicular access from Southlands Park and new pedestrian/cycle access from Goodwood Close.
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Decisions

1. The applications for an award of costs are refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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. Ground 1: although the Local Plan is of some age this does not mean that the policies referred to by the Authority should be discarded. They retain the primacy afforded under Planning Act, unless material considerations indicate otherwise. While there are difficulties in establishing the baseline for assessing housing needs it will be clear from my decisions that a five-year supply of housing sites has been demonstrated. Accordingly, I have found conflict in both proposals with the Local Plan. Moreover, the authority's decision was not founded on the failure of the proposals to provide affordable housing. Both schemes provided no justification for a location outside of the settlement policy boundary as required by the Local Plan. As the policies of the Local Plan could not be considered to be out-of-date the presumption in favour of sustainable
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development contained within the National Planning Policy Framework was not invoked.

4. Ground 2: I have found there to be harm to the landscape setting of the settlement. This has required a judgement to be made and the Authority was also entitled to reach a different view to that contained within the available landscape evidence. Such harm weighs heavily in the consideration of the need for new homes in the light of National Park objectives and a demonstrable five-year supply.
5. Ground 3: it will be apparent from my decisions that I have found the Authority's appeal submissions to be sufficiently well reasoned and its decision on the applications to be justified. It has not been shown therefore that the Authority failed to review the cases promptly or pursued flawed decisions. The appeals would therefore have been necessitated to test the points in contention.
6. I find that the Authority did not behave unreasonably and no award of costs is justified.

David Walker

INSPECTOR