The Planning Inspectorate

Costs Decision

Site visit made on 20 June 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 17 July 2017

Costs application in relation to Appeal Ref: APP/Y9507/W/17/3171594
Home Farm, Bell Road, Kingsley Green, Fernhurst GU27 3LG

- 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 & Mrs Prisgrove for a full award of costs against South Downs National Park Authority.
- The appeal was against the refusal of planning permission for the formation of a gated field access.

Decision

1. The application for an award of costs is refused.

Reasons

2. 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 appellant alleges that the Council has behaved unreasonably with respect to the substance of the matter forming the subject of the appeal. Specifically it is alleged that the Council misinterpreted the proposal by quoting incorrect measurements throughout the application and appeal processes.

4. However, even so, the planning application drawings clearly show a substantial new access and associated works. In my view the discrepancies in the figures quoted are not of such a scale that leads me to believe that had it quoted the correct figures the Council would have come to a different view on the scheme.

4. Thus I find the appeal was inevitable and the Council acted reasonably in reaching its decision on the planning application. I therefore find that unreasonable behaviour resulting in unnecessary expense has not been demonstrated.

L Fleming

INSPECTOR