
Costs Decision

Hearing Held on 3 August 2017

Site visit made on 3 August 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 14 August 2017

Costs application in relation to Appeal Ref: APP/Y9507/W/17/3170812 Brewers Farm, Brewers Lane, West Tisted, Alresford SO24 0HQ

- 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 J Wedderburn-Maxwell for a full award of costs against the South Downs National Park Authority.
 - The hearing was in connection with an appeal against the refusal of an application for planning permission for a two storey dwelling and cart shed following demolition of two existing agricultural buildings and concrete yard.
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Decision

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

Procedural Matters

2. The application was given in writing prior to the Hearing, with the National Park Authority also making their response in writing. The appellants made their final comments verbally at the Hearing. As all parties are aware of the grounds of the application and the responses, I will not repeat them in this decision.

Reasons

3. 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. The heart of the appellants' claim is that the National Park Authority did not give full consideration of the material considerations they advanced and did not weigh them fairly in the planning balance.
 4. The PPG sets out that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
 5. Whilst I found in favour of the National Park Authority, this does not determine the outcome of this application for an award of costs. The authority acknowledged the lack of landscape harm in terms of visual impact. However, it found no harm to the National Park from the existing buildings in appearance terms, and it gave weight to the harm in terms of the effect of the proposal on the character of the landscape. The authority properly described the pertinent policies in the development plan, and addressed their relevance in its
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statement and during the Hearing, including the bearing of local support on their interpretation. It gave consideration to the self-build nature of the proposal, and it considered the potential re-use of the buildings against the relevant policies, and its statement set out its position on isolation and the effect on character which it robustly defended during the Hearing.

6. I appreciate the appellants' view, that they believed the proposal would enhance the immediate landscape and cause no wider harm to the National Park. However, the authority properly considered the proposal against the development plan, identified conflict, and weighed against this the considerations advanced in favour of the proposal.
7. The appellants may disagree with the weight given to the considerations they advanced, however it is for the decision-maker to decide what weight is to be given. As set out in paragraph 50 of the PPG, to refuse a planning application not in accordance with the development plan, where no material considerations indicate that permission should be granted, does not amount to an unreasonable refusal.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Patrick Whelan

INSPECTOR