
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: 24 August 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 the South Downs National Park Authority for a partial award of costs against Mr & Mrs Prisgrove.
 - The appeal was against the refusal of planning permission for the formation of a gated field access.
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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 Council alleges that the appellant has behaved unreasonably by introducing new evidence post its decision in the form of drawings 001 Rev C and 004 Rev A. Furthermore, it is alleged these plans were introduced to substantiate the appellant's own costs application and this subsequently led to the Council incurring costs in considering the plans but also responding to the appellant's costs application.
4. I accept drawings 001 Rev C and 004 Rev A were submitted along with the appeal documents and were not before the Council when it determined the planning application. However, it seems to me that those drawings add additional detail in order to communicate the effects of the appeal scheme rather than significantly revise it. Thus, in my view the appellant's acted reasonably in submitting them to support their case.
5. Even though the appellant's application for an award of costs against the Council has been refused, given the appellant considered the Council quoted incorrect measurements, I do not consider the appellant acted unreasonably in applying for an award of costs.

6. I therefore find that unreasonable behaviour resulting in unnecessary expense has not been demonstrated.

L Fleming

INSPECTOR