
Costs Decision

Site visit made on 29 July 2019

by Rajeevan Satheesan BSc PGCert MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2019

Costs application in relation to Appeal Ref: APP/C1435/W/18/3216971 Land at Buttsfield Lane, East Hoathly BN8 6EE

- 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. Nurlan Bizakov on behalf of Hesmonds Stud for a full award of costs against Wealden District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for the erection of No. 2 Dwellings.
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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 applicant considers that the Council prevented and delayed the development which should clearly be permitted, and also failed to produce evidence to substantiate each reason for refusal on appeal. It is also claimed that the Council persisted in objections to the scheme or elements to the scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.
4. The application was not determined by the Council and had been registered with it for some time before the appeal was registered. Whilst I appreciate that this must have caused the applicant some concern, I find no substantive evidence to conclude that the applicant incurred any additional expense as a result of this delay.
5. In lodging the appeal, other than the appeal statement, the applicant has largely submitted the same documents that were lodged with the Council at the application stage. Therefore, the appeal process has not involved any extra assessment, and I find no substantive evidence that the appellant incurred any additional expense as a result of this delay.
6. Furthermore, there is no previous appeal decision for this site. Every application must be considered on its own merits in accordance with local and national planning policy and the relevant legislation. The Council consider that the proposed development would conflict with the adopted and emerging local

plan and would result in a harmful impact to the Ashdown Forest, designated as a SPA and a SAC, and Lewes Downs, designated as a SAC. It will be seen from my decision that I have similarly concluded that there is no evidence presented to reach the decision that the development would not harm these SPA and SACs, in combination with other plans and projects. Furthermore, the principle of the development in this location would be contrary to the adopted development plan. I therefore consider that the Council's objection to the scheme have been adequately substantiated by the Council in its Statement of Case and Committee Report.

7. As a result, I do not agree that the Council has acted unreasonably or that the applicant was put to unnecessary or wasted expense.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

R Satheesan

INSPECTOR