
Costs Decision

Site visit made on 27 August 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th September 2019

Costs application in relation to Appeal Ref: APP/Y9507/W/19/3228938 Stables to the South of Hesworth Common, Fittleworth, 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 Mrs Precious for a full award of costs against South Downs National Park Authority.
 - The appeal was against the refusal of planning permission for the replacement of existing equestrian buildings with a building to be used for stabling and an associated self-contained unit of holiday accommodation.
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Decision

1. The application for an award of costs is refused

Reasons

2. The Planning Practice Guidance 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. It goes on to explain that local planning authorities are at risk of an award of costs if they behave unreasonably with regard to procedural matters or to the substance of the matter under appeal, for example by unreasonably refusing planning permission or defending appeals. Examples given of such behaviour include a failure to produce evidence to substantiate each reason for refusal and making vague, generalised or inaccurate assertions about a proposal's impact, unsupported by any objective analysis.
4. The applicant has raised concern that the Authority did not engage during the planning application process, that landscape information submitted with the application does not appear to have been considered by the Authority, and that a Landscape Officer was not consulted.
5. I note that there is no specific reference within the officer's report to the submitted Landscape and Visual Appraisal and Landscape Design Strategy (LVA) document or the Landscape Masterplan. However, it is nevertheless clear from the officer's report that the Authority considered the impact of the development proposed on the wider landscape. There is no requirement to consult a Landscape Officer to inform this assessment and I see no reason why this would be necessary.
6. The report concludes that the structure of the replacement building would in itself be acceptable, which accords with the LVA. While the overall impact of the development was found to be unacceptable contrary to the findings of the

LVA, the report provides an explanation of the factors which led to this position. These include the intensification of use of the site and associated ancillary works including the parking and turning area and access. Discussion of these related effects within the LVA is limited, and assessment of the impact of these on the area is a matter of planning judgement. I do not therefore find that the Authority acted unreasonably in reaching this conclusion.

7. I note that pre-application discussions on proposals for the site were held which identified the concerns of the Authority at that time and allowed the applicant an opportunity to address these in the submission of the planning application. Ultimately, the further submissions did not overcome the Authority's initial concerns.
8. It is unfortunate that the applicant indicates there was no further engagement with the Authority during the application process. However, given that the nature of the Authority's concerns essentially relate to the principle of the development being proposed, it is unlikely that further discussion or amendment could have addressed this concern or that the appeal could have been avoided. I do not therefore find that the Authority acted unreasonably in this regard, particularly given that I share its concerns and have dismissed the appeal (for the reasons set out in my Appeal Decision)
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Consequently, for the reasons given above, the application for a full award of costs is refused.

J Bowyer

INSPECTOR