



Costs Decision

Site visit made on 21 October 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 14 November 2019

Costs application in relation to Appeal Ref: APP/Y9507/W/19/3232162 Bryn Gardens, Rake Road, Liss GU33 7HB

- 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 and Mrs Barton for a full award of costs against South Downs National Park Authority.
 - The appeal was against the refusal of planning permission for the demolition of existing B1(a) office and adjoining buildings and erection of a single storey detached dwelling and associated landscaping works.
-

Decision

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

Reasons

2. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicants consider that the Authority has acted unreasonably in failing to demonstrate the necessary interpretation and application of planning policy, or to have regard to specific material considerations relevant to the application. This relates to the Authority failing to appropriately outline the necessary scope of assessment of the application, with reference to Policy SD25 of the South Downs Local Plan 2014-33 (2019) (SDLP), having regard to the replacement of the existing buildings and hardstanding with a dwelling.
4. Concerning the relevant part of the Authority's reason for refusal, relating to the provision of a new market dwelling within the South Downs National Park countryside, the decision notice is complete, precise, specific and relevant to the proposal. The decision notice clearly states that the proposal would be contrary to the purposes of the inclusion of the site within the South Downs National Park (SDNP). The officer report, in section 6, clearly states the two statutory purposes of the SDNP designation; the first of which is to conserve and enhance the natural beauty, wildlife and cultural heritage. It is acknowledged that the officer report is somewhat brief in its assessment, however it plainly explains the associated concerns in the planning assessment (section 8) and refers to Policy SD25 of the submission SDLP to which, at the time the application was refused, the Authority afforded considerable weight.
5. It seems clear to me that the Authority has demonstrated the necessary interpretation and application of planning policy and had regard to the specific

material considerations relevant to the application. Moreover, the Authority has not sought to retrospectively address these issues in their appeal statement.

6. As a result it follows that I cannot agree that the Authority has acted unreasonably in this case. As such there can be no question that the applicant was put to unnecessary or wasted expense.

Conclusion

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

Andrew Bremford

INSPECTOR