
Costs Decision

Site visit made on 29 October 2019

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Costs application in relation to Appeal Ref: APP/U1430/D/19/3235396 Fordlands, Crowhurst Road, Catsfield TN33 9BT

- 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 M Lear for a full award of costs against Rother District Council.
 - The appeal was against the refusal of planning permission for erection of ancillary building to provide garages, storage and gym, together with new parking area.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the Planning Practice Guidance gives examples of the type of behaviour by local planning authorities that may constitute unreasonable behaviour, including not determining similar cases in a consistent manner.
4. The appellant states that the appeal was unnecessary as the proposal is similar to a case where planning permission was granted for an outbuilding at Magpies Parlour, Burwash Weald, East Sussex.
5. From the evidence provided, although the outbuilding at Magpies Parlour is also a garage, both the form of the building and the context of its siting are quite different from that at Fordlands. Notwithstanding that I found the Fordlands garage to be acceptable, it is nonetheless a two-storey building that is considerably larger than the single storey building, albeit with attic storage, at Magpies Parlour. Contextually, the appeal site relates to sloping land within the expansive grounds of a country house, the evidence suggests Magpies Parlour is flat elevated land within a more tightly knit grouping of dwellings.
6. Whilst I ultimately reached a different conclusion to the Council on the overall merits of the appeal proposal, I do not consider that the Council failed to properly evaluate the application with particular regard to the circumstances of Magpies Parlour. Rather, the Council had reasonable concerns about the impact of the proposed development and appropriately justified its decision.

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.

Patrick Hanna

INSPECTOR