
Costs Decision

Site visit made on 28 January 2020

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Costs application in relation to Appeal Ref: APP/Y9507/X/19/3227482 Newtimber Place, Stables Cottage, Newtimber Place Lane, Newtimber BN6 9BU

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Andrew Clay for a full award of costs against South Downs National Park Authority.
 - The appeal was against the refusal of the Council to issue a certificate of lawful use or development for alterations and additions to roof see application statement and related drawings which accompanied the September 2018 Planning Application ref: SDNP/18/04919/HOUS.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) sets out that parties in planning appeals and other planning proceedings normally meet their own expenses. All parties are expected to behave reasonably to support an efficient and timely process. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. In approving the planning application referred to in the banner heading above¹, the Authority added an informative note to the grant of planning permission, advising the appellant that listed building consent is required for the works. A line was added under the heading of Informative Notes advising that they are advice notes to the applicant and are not part of the planning conditions.
4. The appellant states that this informative note lacked any explanation or justification, but was tantamount to a pre-commencement condition. However, as it was not a condition, the appellant did not have the opportunity to lodge an appeal against it. This has caused them a delay and the added cost of submitting an application for a certificate of lawfulness.
5. The Authority has not responded to the costs claim. The grant of planning permission made it clear that the informative was an advisory note. Moreover, the PPG makes it clear² that conditions that require compliance with other regulatory regimes will not meet the test of necessity and may not be relevant

¹ SDNP/18/04919/HOUS

² Paragraph: 005 Reference ID: 21a-005-20190723 Revision date: 23 07 2019

to planning. It goes on to advise that the use of informatives to remind the applicant to obtain other consents may be more appropriate. As the Authority has followed this advice, I do not agree that the Authority has behaved in a manner that has caused the applicant to incur unnecessary or wasted expense.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

N Thomas

INSPECTOR