The Planning Inspectorate

Costs Decision

Site visit made on 7 July 2020

by Janet Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 13 July 2020

Costs application in relation to Appeal Ref: APP/Y9507/W/20/3246808
Spindles, East Harting Street, East Harting, Petersfield GU31 5LY

- 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 I Moulton for a full award of costs against South Downs National Park Authority (SDNPA).
- The appeal was against the refusal of the Authority grant planning permission under Section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted, that application being for the variation of plans incorporating a car port.

Decision

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

Reasons

2. The application is for a full award of costs and was made in writing within the prescribed period.

3. Planning Practice Guidance (PPG) advises that irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and caused the party applying for costs to incur unnecessary expense in the appeal process.

4. It is an accepted principle that parties in planning appeals normally meet their own expenses. Any application for costs needs to clearly demonstrate the basis for alleged unreasonable behaviour and how this has resulted in unnecessary or wasted expense in the appeal process.

5. There is no separate costs application document. Instead, the application is signalled by a single sentence within the Grounds of Appeal Statement which states '*…close examination of the reason for refusal clearly demonstrates that the issues it refers to are groundless and that the decision to refuse planning permission is untenable and groundless. The appellants' believe this is grounds for an award of their costs in having to appeal the decision'.*

6. It will be seen from my decision that having dealt with the planning issues separately and on their own merits I have found that the condition should not be varied to enable an additional structure to be included. Within this assessment I have found no evidence to demonstrate that the behaviour of the SDNPA was unreasonable, nor has it been demonstrated by the applicant that unnecessary expense in the appeal process has been incurred.

Conclusion

7. I find that that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, no award of costs is made.

Janet Wilson

INSPECTOR