



Costs Decision

Site visit made on 14 December 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th January 2021

Costs application in relation to Appeal Ref: APP/Y9507/D/20/3259751 The Coppice, Sunnybox Lane, Slindon BN18 0LX

- 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 C Greig for a full award of costs against South Downs National Park Authority.
 - The appeal was against the refusal of planning permission for a proposed rear extension.
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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 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. The applicant contends that the Authority failed to properly exercise their development management responsibilities by failing to engage with the applicant at the planning application stage in relation to their concerns about the lack of evidence submitted by the applicant in support of their position that they had exceptional circumstances, in relation to Criterion 1 (a) of Policy SD31 of the South Downs National Park Local Plan 2014-2033 (the 'SDLP').
4. Paragraph 7.93 of the SDLP states "The Authority will consider larger extensions that are needed to accommodate exceptional family needs, for example, arising from a disabled or elderly member of the family; robust evidence will be required to support such applications".
5. Whilst the submission of additional evidence relating to the exceptional circumstances of the applicant may have overcome the Authority's concerns in respect of Criterion 1 (a) of Policy SD31 of the SDLP, I note that the Council had fundamental concerns about the design and appearance of the proposed extension and concluded the proposal would conflict with Criterion 1 (b) of Policy SD31 and Policy SD5 of the SDLP. These design concerns would not have been overcome by the submission of additional evidence in respect of Criterion 1 (a) of Policy SD31 of the SDLP. Therefore, I find that it was not necessary at that time for the Authority to seek additional evidence in relation to the applicant's exceptional circumstances, the submission of which would have not altered the outcome of the planning application.

6. In addition to the above, the evidence before me does not suggest that the applicant engaged in any pre-application discussions with the Authority, and, thus the Authority would have had no prior knowledge of the scheme before submission. If the applicant was to do so, they would have had a formal opportunity to seek pre-application advice from the Authority on what 'robust evidence' would be required to support their application.
7. For these reasons, whilst I understand that the applicant feels aggrieved that the Authority did not engage in a proactive manner and afford them the opportunity to submit additional information, I am not persuaded that the Authority's actions were unreasonable.

Conclusion

8. For the reasons given, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

Christopher Miell

INSPECTOR