



Costs Decision

Site visit made on 6 April 2021

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 April 2021

Costs application in relation to Appeal Ref: APP/D3830/W/20/3260449 1-11 Junction Road, Burgess Hill RH15 0HP

- 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 Mid Sussex District Council for a full award of costs against Mr R Parkinson (Quinata UK Ltd.)
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for change of use from retail to 3 x 1 bed apartments.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Council considers that the appellant has behaved unreasonably by failing to address the application being invalid at the application stage in terms of not providing a block plan. Furthermore, it considers that had such a block plan been submitted, the Council would not have incurred the expense of having to undertake an appeal when the matter could have been dealt with as a planning application.
4. I have considered the issues surrounding the validation dispute in a separate decision and have agreed with the appellant that a block plan was not necessary in this instance to make the application valid. That decision sets out the lengthy exchanges between the Council and the appellant and the differences in opinion regarding the block plan issue. The appellant repeatedly pointed out to the Council that it was relying upon old validation guidance and that national requirements were quite clear that only a location plan was *required* (my emphasis) as a minimum, with additional plans only needed if it was necessary to describe the development and assist with decision making. Given that the Council refused to accept that situation, the appellant served a notice on the Council under Article 12 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
5. As the decision on the validation dispute explains, it is not clear whether the Council formally responded to that or not, either by a validation notice or a non-validation notice. However, given the impasse that had developed, it is

difficult to see what other option was open to the appellant other than to appeal against a non-determination of the application.

6. As to the suggestion that the appeal has somehow involved the Council in additional work, I find that difficult to understand since had it validated the application, either with a block plan or without, it would still have involved the same consideration of the issues, and therefore time spent, that it has now provided as part of the appeal process.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Kim Bennett

INSPECTOR