
Costs Decisions

Site visit made on 10 May 2022

by David Cliff BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2022

A: Costs application in relation to Appeal Ref: APP/D3830/W/21/3284822 Whitehouse Farm, Staplefield Lane, Staplefield RH17 5SR

- 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 Ms Suzanne Readwin for a full award of costs against Mid Sussex District Council.
 - The appeal was against the refusal of planning permission for erection of a single-storey rear extension.
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B: Costs application in relation to Appeal Ref: APP/D3830/W/21/3284825 Whitehouse Farm, Staplefield Lane, Staplefield RH17 5SR

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Ms Suzanne Readwin for a full award of costs against Mid Sussex District Council.
 - The appeal was against the refusal of listed building consent for erection of a single-storey rear extension.
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Decisions

1. The applications A and B for an award of costs are both refused.

Reasons

2. Planning Practice Guidance (PPG) states that irrespective of the outcome of an appeal, costs may be awarded against a party that has behaved unreasonably and thereby caused the party applying for costs to incur unreasonable expense in the appeal process. The PPG includes 'not determining similar cases in a consistent manner' as an example of the type of behaviour that may give rise to a substantive award against a local planning authority (LPA).
3. As part of the evidence to support the planning appeals, the appellant provided details of several proposals for extensions to other listed buildings that were approved by the Council and upon which advice was provided by its Conservation Officer in support. The appellant states that the details considered are not consistent in terms of supporting information provided with the appeals, including assessments of heritage significance. However, whilst I have been provided with copies of drawings and emails, I do not have the full details and circumstances upon which the decisions on these applications were based, including the Officers/Committee reports. In this respect, it is also my understanding that a Conservation Office for a LPA would normally provide

advice on an application but would not be solely responsible for determining an application.

4. These other proposals include circumstances where there have been cumulative increases in the footprints of a building. As noted in my appeal decisions, each building is different and the respective effects of proposals upon them will inevitably vary from case to case. Although other buildings mentioned have had considerable cumulative increases in their floor space, the effects of a proposal upon the special interest of each building has to be considered on its individual merits. It is not clear whether there has been a lack of consistency applied in the decision making process of these other proposals in comparison to the appeal proposal based on such matters alone.
5. My appeal decisions set out the harm that would arise from the proposal on the special interest of the listed building 'Whitehouse Farm'. I do not consider that the approach of the Council in refusing the applications is unreasonable in this context.
6. The other proposals referred to by the appellant are to other listed buildings and each is likely to have its own particular characteristics and special interest. This is a relevant factor in considering whether or not a consistent approach has been applied. The approval of one scheme with a particular floor area increase and cumulative increase, does not necessarily mean that a proposal at a separate and distinct property with a similar or greater floor space increase should be approved. There are other key issues that might realistically be possible in each case.
7. Although the appellant refers to its request for more substantive advice during the Council's determination of the application, the Council's case in support of its refusal is set out in its decision notice and Officer's report.
8. Therefore, taking account of all these matters, there is no proven case that an inconsistent approach has been applied in this case including in respect of the heritage principles that have been applied.

Conclusion

9. I conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. An award of costs is therefore not justified.

David Cliff

INSPECTOR