
Costs Decision

Site visit made on 28 June 2022

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 15th August 2022

Costs application in relation to Appeal Ref: APP/D3830/W/21/3284451 Twoways, Station Road, Crawley Down RH10 4JE

- 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 Jamie Copland of Arete Homes (Crawley Down) Ltd for a full award of costs against Mid Sussex District Council.
 - The appeal was against the refusal of planning permission for "Demolition of the existing semi-detached bungalow and the erection of 3no. four bedroom detached house with associate garages".
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, 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. The application was made in a timely manner.
4. It is generally accepted that issues involving judgment, such as character and appearance or occupiers' living conditions, rarely result in an award of costs. The Council's officer exercised his professional judgment and recommended that the proposed development should be permitted. However, as recognised by the applicant, the Council is not bound to accept the advice of its professional officers. The Council used its experience and local knowledge, exercised its judgment in respect of the proposal's effect on the character and appearance of the area, and it considered relevant Development Plan policy and national policy.
5. The Council considered its officer's report in its assessment of the scheme, but it came to a different view. Although its reason for refusal goes beyond the scope of the words in the relevant part of the specific Neighbourhood Plan Policy cited, its reason for refusal is sufficiently complete, precise, specific, and relevant to the application. Moreover, the Council has explained why it considers the relevant part of the Policy to be up to date.
6. Amongst other things, the appellant compared data relating to the proposed dwellings with a recent scheme elsewhere in the village, but the Council was

not bound to adopt a similar approach. Instead, the Council explained in its statement why it considered that the proposed development would not be in keeping with its surroundings. It referred to specific matters, including plot widths and depths, and the pattern of development, which can be seen on the ground. As the acceptability of the proposal depended on the exercise of the Council's judgment, it was not development that could clearly be permitted, having regard to the Development Plan, national policy, and any other material considerations.

7. As there is almost no reference to them in its statement, there is little evidence that the Council had succumbed to the weight of representations of interested parties at the application stage. Whilst my appeal decision supports the appellant's stance, the Council's behaviour in substantiating its case was reasonable.
8. There is almost nothing to show that there was a lack of cooperation by the Council during the appeal process. The Council notified relevant parties and submitted its questionnaire and statement largely in accordance with the timetable. Thus, the Council's procedural behaviour during the appeal process was also reasonable.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

J Reid

INSPECTOR