



Costs Decision

Inquiry held between 6 and 8 September 2022

Site visits made on 7 and 8 September 2022

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st September 2022

Costs application in relation to Appeal Ref: APP/P1425/W/22/3299370 Land at South Road, Wivelsfield Green RH17 7QR

- 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 Wates Developments Ltd for a full award of costs against Lewes District Council.
 - The inquiry was in connection with an appeal against the refusal of planning permission for an outline application (all matters reserved except for means of access) for the erection of up to 45 homes (including 40% affordable) and formal and informal open space including new woodland planting and play areas.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that parties in planning appeals normally meet their own expenses. Costs may only be awarded against a party who has behaved unreasonably, and where that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. In the appeal, I found that the proposed development would not be in accordance with development plan policies, or the development plan when taken as a whole. I went on to consider material considerations, including national policy, and concluded that in this case they outweighed the conflict with the development plan. However, that is very much a matter of judgement, balancing harm against benefits to arrive at a final decision. It also differs from the argument put forward on behalf of the appellant that the proposed development was in accordance with the development plan.
4. I have noted the recommendation of the Council's officers, but members were entitled not to follow the professional advice of their officers so long as a reasoned case could be made for taking a different view. I am satisfied those members took into account not only the development plan but also all those matters which I have considered to be material in reaching a decision, including national policy and the Interim Policy Statement. Notwithstanding engagement of the 'tilted' balance as set out in paragraph 11 of the Framework, there is still a judgement to be made. I consider that it was not beyond the bounds of reasonableness for members to reach a different

conclusion to mine, in that the harm as they saw it significantly and demonstrably outweighed the benefits.

5. Given that there is conflict with the development plan, and the decision rests on a balancing exercise, I find that the Council has not acted unreasonably. It provided justified reasons as to why it reached its decision on the planning application, and adequately defended that case on appeal.

Conclusion

6. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

Guy Davies

INSPECTOR