The Planning Inspectorate

Costs Decision

Site visit made on 4 April 2022

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Costs application in relation to Appeal Ref: APP/U1430/W/21/3274795
Land to south west of Strand Meadow, Burwash, East Sussex TN19 7BS

- 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 Park Lane Homes (SE) Ltd for a full award of costs against Rother District Council.
- The appeal was against the refusal of the Council to grant planning permission for a residential development with access from Strand Meadow.

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 21 April 2022.

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 another party to incur unnecessary or wasted expense in the appeal process.

3. In this case the applicant contends that the Council acted unreasonably as the revised scheme[1], that is somewhat different in nature to a previous outline scheme for the site[2], was found unacceptable by the Council despite the recommendation of its' Planning Officer Report to the contrary.

4. Moreover, the applicant contends that the scheme had been revised following comments by the Wealden District Council Planning Committee and those of a Planning Inspector associated with an earlier appeal decision[3].

5. However, as Planning is a subjective matter the Planning Committee were entitled to come to their own view on the acceptability of the revised proposal when considered against relevant development plan policies, including those contained within the *National Planning Policy Framework.*

6. Indeed, as the Council were carrying out the normal activities associated with a planning application, I cannot agree that the Council has acted unreasonably in this case. As such, there can be no question that the applicant was put to unnecessary or wasted expense.

[1] WD/2020/1822/P
[2] RR/2018/1787/P
[3] APP/U1430/W/19/3223824

Conclusion

7. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

J E JOLLY

INSPECTOR