



Costs Decision

Site visit made on 8 November 2022

by C Shearing BA (Hons) MA MRTPI

An Inspector appointed by the Secretary of State

Decision date: 6 December 2022

Costs application in relation to Appeal Ref: APP/Y9507/W/21/3289423 The Queens Hotel, High Street, Selborne, Alton GU34 3JH

- 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 Guy Macklin of Derek Warwick Developments for a full award of costs against South Downs National Park Authority.
 - The appeal was against the refusal of planning permission for conversion and extension of the existing Queens building and barn to form 5no. aparthotel suites (C1), a field study centre and tap room (mixed class F.1 and sui generis) and 1no. detached dwelling (C3) within the grounds, with associated parking and landscaping.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The applicant considers that the Authority behaved unreasonably through making vague, generalised and inaccurate assertions about the appeal scheme that were unsupported by any objective analysis, and through misapplying Policy SD43 of the South Downs Local Plan 2019 (the SDLP).
4. The appellant considers the Authority assessed the proposed development in terms of whether it was a like-for-like replacement of the previous use, rather than using the requirements set out in Policy SD43 part 2c). This part of Policy SD43 supports an alternative use, but includes a requirement that they are accessible, inclusive and available, and of an equivalent or better quality to those lost. The text supporting the policy does not indicate how such a subjective requirement might be assessed.
5. The Authority's case focuses heavily on very specific characteristics of the former public house use including, among other things, the size of the facility and its grounds, operating hours, and food and drink offer available, and these formed a basis for comparison. However, I find that the Authority used these attributes to establish and describe the quality of the former public house as a community facility. The provisions of Policy SD43 part 2c) naturally require the decision maker to draw a comparison of the proposed uses with the former use. As this is a matter of judgement, and the considerations could be diverse

and wide ranging, I do not find the means by which the Authority carried out this assessment to be unreasonable, when considered as a whole.

6. With regard to the second reason for refusal, the Authority's appeal statement, together with the minutes of the committee meeting, make clear that the concerns relating to the character and appearance of the area included concerns for Huckers Lane, as well as the removal of the hedge. While I have disagreed with the Authority's decision in this respect, the Authority's appeal statement adequately substantiates this concern in light of development plan policies. As such I do not find that its concerns were unsubstantiated, unevidenced or anecdotal.
7. While the planning committee disagreed with the officer's recommendation, and despite the applicant having worked alongside officers to reach that point, the planning committee were not obliged to follow the officer's recommendation. This is an inherent part of the Authority's decision-making process and does not, in itself, constitute unreasonable behaviour.

Conclusion

8. For the reasons given, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described by the PPG, has not been demonstrated. Therefore the application for costs is refused.

C Shearing

INSPECTOR