
Costs Decision

Site visit made on 15 November 2022

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 December 2022

Costs application in relation to Appeal Ref: APP/Y9507/X/22/3295638 Lone Barn Farm, Church Lane, Greatham, Liss, Hampshire GU33 6HB

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Sam Giles for a full award of costs against South Downs National Park Authority (the NPA).
 - The appeal was against the refusal of the Council to issue a certificate of lawful use or development for the use of the land as a caravan site.
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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 against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The costs application is made on the grounds that sufficient information was provided to establish the lawfulness of the use on the balance of probabilities and that the NPA relied on the flawed information provided by neighbouring objectors to the application.
4. For the reasons set out in my decision I have concluded that the NPA's decision to refuse the LDC was well founded. Whilst the comments of neighbouring objectors backed up the NPA's reasons for refusing the LDC, I have concluded that the appellant's evidence comes nowhere near to establishing the lawful use of the land as a caravan site used for continuous human habitation for the last 10 years, irrespective of the comments of neighbouring objectors.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Nick Fagan

INSPECTOR