



Costs Decision

Site visit made on 1 November 2022

by V Simpson BSc (Hons) MSc MRTPI

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

Decision date: 13 December 2022

Costs application in relation to Appeal Ref: APP/Y9507/W/22/3292952 Oakleaves, School Lane, Lodsworth GU28 9DH

- 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 South Downs National Park Authority for a full award of costs against Mr Michael Fletcher.
 - The appeal was against the failure of the council to determine the application for planning permission for the extension of existing bungalow to provide first floor accommodation and construction of a new garage building.
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Decision

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

Reasons

2. Planning Policy Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The NPA considers that the appellant behaved unreasonably by submitting an appeal during a period in which the appellant and the applicant were engaged in on-going negotiations regarding the development proposals subject of the planning application.
4. Whilst the NPA had indicated that it would have recommended the conditional approval of the application, this indication was not provided until the day following the date that the appeal was made. By that time, the appellant had already incurred costs in relation to the appeal process. That the appellant chose to let the appeal run after being advised that the application would be recommended for conditional approval, was a decision that they were within their rights to make, and which was not unreasonable.
5. Whilst the NPA incurred costs in defending the appeal, had they determined the application within the prescribed time, then no such appeal on the basis of the failure of the Council to determine the planning application within the prescribed time could have been made.
6. I therefore find that unreasonable behaviour by the appellant, resulting in unnecessary expense to the applicant during the appeal process has not been demonstrated.

V Simpson

INSPECTOR