
Costs Decision

Site visit made on 18 January 2023

by Hannah Guest BSc (Hons) MA MRTPI

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

Decision date: 23 February 2023

Costs application in relation to Appeal Ref: APP/C1435/W/22/3291760 The Old Fire Station, Fletching Street, Mayfield, East Sussex TN20 6TB

- 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 Christopher Besant for a full award of costs against Wealden District Council.
 - The appeal was against the refusal of planning permission for demolition of the existing fire station building and redevelopment to construct one detached three-bedroom dwellinghouse and 2 no. semi-detached two-bedroom dwellinghouses with off-street parking spaces.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance 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 planning application was poorly managed by the Council and that the Council failed to properly engage during the process. This, they state, has led to the application being unreasonably delayed and the Council have failed to reach a professionally supported outcome.
4. I acknowledge that the application took a long time to validate and significantly longer to determine than 8 weeks and appreciate that this would cause frustration to the applicant. However, the applicant had the opportunity to make an appeal for non-determination and chose not to. With regards to the additional reports and information that were required to support the application, there is nothing before me to suggest that these were unnecessary and/or superfluous. Nevertheless, neither the timescales of the application or the additional information have resulted in the applicant incurring unnecessary or wasted expense in the appeal process.

5. The applicant refers to the Council making inaccuracies, errors, and having a lack of professional understanding. However, this is a matter of interpretation and there is no substantive evidence before me demonstrating this. The Decision Notice clearly sets out the reasons for refusal and which policies the proposal would conflict with, which are adequately substantiated by the Council in its Officer Report. I appreciate that the outcome of the application will have been a disappointment to the applicant, particularly following a positive and, what the applicant considered to be a favourable, pre-application experience. However, the Council was not unreasonable in coming to its decision. The Officers Report includes a detailed analysis of the proposal and reasoned conclusions. It is also clear in the Council's pre-application response that three units may not be deemed acceptable at an application stage. Indeed, following consideration of the application on its merits alone, I have concurred with the Council.
6. I note that the Council, in their response to the applicant's cost claim, refer to their Statement of Case setting out how the planning decision was made based on policy and for sound planning reasons. However, it does not appear that the Council submitted a Statement of Case during the appeal process. Nonetheless, this reasoning is provided in the Officer's Report.
7. While further dialogue with the Council may have led to solutions to some of the issues identified, given the fundamental reasons that the application was being refused, I consider that an appeal could not have been avoided.
8. For the reasons set out above, I conclude that it has not been demonstrated that unreasonable behaviour has resulted in an appeal which would not have otherwise been necessary. Furthermore, despite not submitting a Statement of Case, the Council's Decision Notice and Officer's Report provide sufficient reasoning to inform the appeal and have not resulted in any unnecessary or wasted expense in the appeal process. Given this, and having regard to all other matters raised, an award for costs is therefore not justified.

Hannah Guest

INSPECTOR