The Planning Inspectorate

Costs Decision

Site visit made on 27 March 2023

by Guy Davies BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2023

Costs application in relation to Appeal Ref: APP/U1430/W/22/3305181
Pebsham Rural Business Park, Pebsham Lane, Bexhill on Sea, East Sussex TN40 2RZ

- 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 M Worssam for a full award of costs against Rother District Council.
- The appeal was against the refusal of planning permission for the erection of a single storey Class E business unit with parking and associated works.

Decision

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

Reasons

2. The Planning Practice Guidance advises that parties in planning appeals normally meet their own expenses. Costs may only be awarded against a party who has behaved unreasonably, and where that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.

3. In the appeal, I found that the proposed development would conflict with policies which protect the strategic gap between Bexhill and Hastings/St Leonards. Although I concluded that in this case such conflict was outweighed by the benefits of the proposal and the support of other policies relating to economic growth, that is very much a matter of judgement, balancing harm against benefits to arrive at a final decision.

4. The case report sets out why the Council reached its decision on the planning application, and the statement of case expands on that justification in the appeal. I am satisfied that the Council did consider the nature of the site as well as policies in support of economic development in reaching its decision. It is also apparent that those making the decision were aware of the previous planning history.

5. Although I understand why the appellant disagrees strongly with the conclusions reached in those documents, in particular the extent of intrusion into the openness of the strategic gap, I do not find such conclusions amount to the unreasonable behaviour necessary to justify an award of costs. The subsequent email correspondence with the Director of Place and Climate Change is noted, but as that is the view of an individual officer rather than a decision by the Council, I give it only limited weight.

Conclusion

6. Given that there is conflict with some of the policies in the development plan, and the decision rests on a balancing exercise, I find that the Council did not act unreasonably. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

Guy Davies

INSPECTOR