
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: 4 April 2023

**Costs application in relation to Appeal Ref: APP/U1430/W/22/3298679
Chestnut Meadow Camping & Caravan Park, Ninfield Road, Bexhill
TN39 5JG**

- 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 Osborn Leisure LLP for a full award of costs against Rother District Council.
 - The appeal was against the refusal of planning permission for the change of use of land for the siting of 51 residential caravans (park homes) to form a retirement park.
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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. It will be apparent from my decision on the appeal that I consider the Council to have legitimate grounds for arguing its case in terms of spatial strategy, character and appearance of the countryside and accessibility. I do not therefore accept that the Council has acted unreasonably in defending the appeal on those grounds.
4. The Council was aware of the consequence of a lack of housing land supply and housing delivery but chose to defend the decision in the belief that the degree of harm significantly and demonstrably outweighed the benefits. Again, for the reasons set out in my decision, I consider there were legitimate grounds for arguing that case, and it was not unreasonable for the Council to do so.
5. The reason for refusal on surface water drainage arose from the consultation response from the Lead Local Flood Authority. It had advised that further information was required before it could determine its view on the proposal. That is a different circumstance to it being satisfied that adequate drainage could be achieved in principle, subject to further details being secured by condition. Given that the Council had resolved to refuse planning permission on other grounds, it was a reasonable approach to address the surface water drainage concerns as another reason for refusal rather than require the applicant to submit further information at that stage.

6. Once the appellant had decided to appeal the Council's decision, it was inevitable that it would need to provide those details so that the Lead Local Flood Authority could judge the scheme appropriately. I do not therefore consider the Council acted unreasonably or that unnecessary expense was incurred by the appellant in that regard.

Conclusion

7. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

Guy Davies

INSPECTOR