



Costs Decision

Site visit made on 6 June 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

**Costs application in relation to Appeal Ref: APP/Y9507/W/22/3310647
Southbrook Lodge, Southbrook Road, West Ashling, West Sussex,
PO18 8DN**

- 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 Mrs Nikki Miller for a full award of costs against South Downs National Park Authority.
 - The appeal was against the refusal of planning permission for one dwelling in the side garden of Southbrook Lodge.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the 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 applicant submits that the South Downs National Park Authority (NPA) failed to deal with the application reasonably and accurately by not accepting that the site is previously developed land (PDL). It is however clear from the evidence before me that, whilst it reached a different conclusion, the NPA considered this matter. PDL is referred to in the NPA's officer report and the NPA's reasons for not concluding that the site is PDL are set out clearly, with reference to the definition of PDL given in the National Planning Policy Framework (Framework) where it says that 'it should not be assumed that the whole of the curtilage should be developed'.
4. By not finding the site to be PDL the applicant suggests that the NPA was wrong to state that the site was open countryside, and that it should instead be regarded as an infill plot. I am satisfied that the NPA's assessment of the proposal in the context of its development plan was reasonable, and in my appeal decision I reached a similar conclusion on this main issue.
5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Tucker

INSPECTOR