



Costs Decision

Hearing held on 12 September 2023

Site visit made on 12 September 2023

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2023

Costs application in relation to Appeal Ref: APP/D3830/W/23/3320110 Land north of Staplefield Road, Slaugham, Haywards Heath, RH17 6AG

- 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 Mid Sussex District Council for a partial award of costs against Mr L Nugent.
 - The appeal was against the refusal of planning permission for change of use of land to a Transit Site for Gypsy/Traveller's comprising the formation of 6 Touring Caravan Pitches for nomadic use only, and the erection of 6 utility buildings, as well as the formation of a children's play area.
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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 Council considers that the appellant has acted unreasonably by dealing with a substantive matter as part of the appeal process, as they consider that the reason for refusal relating to the absence of sufficient survey information regarding protected species should have been dealt with at application stage and additional evidence should not have been provided as part of the appeal, as this information was supplied after the deadlines set out within the Inspectorates start letter.
4. The PPG sets out examples of unreasonable behaviour which may result in an award of costs include introducing fresh and substantial evidence at a late stage necessitating an adjournment, or extra expense for preparatory work that would not otherwise have arisen.
5. However, it is not unreasonable that the appellant would wish to produce further evidence in relation to matters under consideration. It is relatively common that discussions and negotiations continue throughout the appeal process, with a view to reaching an amicable solution to contested matters that could result in specific grounds of appeal or areas of dispute being withdrawn.
6. I do not find that the Council has incurred unnecessary additional expense in preparing and submitting evidence in support of their position. This is because attendance at the hearing by a relevant expert would have been necessary to

defend their reason for refusal and this would have occurred without the submission of the additional evidence. Sufficient time was also available for the Council to respond to these matters as an adjournment was not requested as part of the hearing process.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the application for costs is refused.

G Pannell

INSPECTOR