Costs Decision

Site visit made on 22 January 2024

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2024

Costs application in relation to Appeal Ref: APP/U1430/W/23/3321733
The Cottage in the Woods, Hobbs Lane, Beckley, East Sussex TN31 6TX

- 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 Ms E Nicholson for a full award of costs against Rother District Council.
- The appeal was against the refusal of the Council to issue a notice of their decision within the prescribed period on an application for an agricultural building to be used for storage of machinery, tools, feed, and general farming materials. The building will also have space for a farm office and workshop.

Decision

1. The application for a full award of costs is dismissed.

Reasons

2. The national *Planning Practice Guidance* (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.

3. The applicant submits that the design of the proposed barn would have been found to be acceptable if the Council had consulted the authority's conservation officer. In addition, the applicant contends that the Council also failed to consult an agricultural consultant or a rural surveyor, either of which would have been able to make a judgement on the barn's suitability for agricultural use.

4. In a rebuttal, the Council has brought to my attention that a conservation consultant contributed to its statement of case. The Council also argues that the proposal was assessed by a suitably experienced officer and endorsed by senior managers who determined that the domestic type design of the building was not suitable for agricultural purposes.

5. While not referred to specifically, I nonetheless have no reason to doubt that the Council included comments from a conservation consultant in its statement of case. In any event, as the Council refused the proposal on design matters, there would have been no necessity to seek the views of an agricultural consultant in this case. Moreover, even if the Council had found otherwise, as part of the application process the onus was on the appellant to submit accurate evidence in support of her case.

6. Furthermore, these were activities that in the main occurred prior to the appeal being submitted. The PPG is clear in that the primary focus of the costs regime in planning appeals is centred on unreasonable behaviour occurring during the appeals process. Nonetheless, I acknowledge the evidence submitted by both parties. Indeed, I don't doubt that both parties were seeking to find an acceptable resolution.

7. Therefore, as the Council were carrying out the normal activities and steps associated with a planning application, I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the applicant was put to unnecessary or wasted expense.

Conclusion

8. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

J E Jolly

INSPECTOR