



Costs Decision

Site visit made on 4 June 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2024

Costs application in relation to Appeal Ref: APP/P1425/W/23/3333092 The Bungalow, Newick Hill, Newick, Lewes BN8 4QR

- 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 Percival Worsley for a full award of costs against Lewes District Council.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for change of use of agricultural building to dwellinghouse (Use Class C3) and building operations reasonably necessary for the conversion.
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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 contends the Council has exhibited unreasonable behaviour with respect to the substance of the matter under appeal, by running points with no legal basis or without evidence, and by failing to substantiate its reasons for refusal.
4. Under paragraph W(3) of Schedule 2, Part 3 of the GPDO, the local planning authority (LPA) may refuse an application where, in its opinion, the developer has provided insufficient information to enable it to establish whether the proposed development complies with the conditions, limitations or restrictions applicable to the proposal.
5. The Council's reasons for refusal refer to insufficient information or evidence, and/or this argument is made in its decision report and subsequent appeal statement, having regard to the original and additional information submitted by the applicant. The Council's arguments are supported by examples of information it considers to be missing; and by evidence, such as DEFRA classification of the land and quotes from the appellant's Structural Report. In its appeal statement, the Council also refers to other appeal decisions it considers material to the case.
6. Whether or not information provided by the developer is sufficient to inform a decision is a matter of fact and degree. I have reached a different decision to the Council based on my assessment of the same information. Nevertheless,

notwithstanding this difference in planning judgement, there is no compelling evidence to persuade me the Council failed to justify its refusal reasons.

7. The Council's argument about abandonment of the building in its appeal statement is supported by evidence in the form of other decisions it considers to be comparable. I have reached a different conclusion from the Council on the evidence before me, but this does not lead me to find that it acted unreasonably in making this argument.
8. The Council's decision report refers to compliance with regulations in the section summarising representations made by others. However, the Council's own assessment of the structural condition of the building does not require compliance with other regulatory regimes as suggested by the applicant.
9. For the above reasons, I conclude unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Carpenter

INSPECTOR