



Costs Decision

Site visit made on 19 August 2024

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 28th August 2024

Costs application in relation to Appeal Ref: APP/D3830/W/23/3330802 Land at Anscombe Woods Crescent, Haywards Heath RH16 4UJ

- 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 c/o Mr Simon Brown of Homes (Haywards Heath) Ltd for a full award of costs against Mid Sussex District Council.
 - The appeal was against the refusal of planning permission for "The erection of two buildings to provide 2 no. 1 bed apartment, 6 no. 2 bed apartments and 2 no. 3 bed apartments (total 10 units), with associated access, car parking, covered cycle parking, refuse store, SUDS pond and woodland management plan".
-

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 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 application was made in a timely manner.
4. The Council cooperated with the applicant's agent during the application process, and it sought to resolve issues including design, ecology and protected trees. The applicant agreed to several extensions of time so that revised plans and further information could be considered by the Council's officer, and so that relevant consultees could be consulted again. The Council requested a vehicle tracking plan that had been submitted, which was an error, but ultimately the Council did not refuse the application for reasons relating to access for refuse collection. The Council's officer recommended that the application should be approved subject to conditions and the completion of a planning obligation. The officer's report was available to the Council's committee, and it included the planning history of the site. Moreover, the Council made its decision before the extensions of time had expired.
5. However, the Council is not bound to accept the recommendations of its professional officers, it exercised its judgment in the light of its knowledge of the locality and relevant policy and guidance, and it came to a different view. The Council's reasons for refusal are complete, precise, specific and relevant to the application. As character and appearance and residential occupiers' living conditions involve the exercise of judgment, the proposal was not development that could clearly be permitted. Whilst a completed planning obligation was put in by the applicant during the appeal process, the Council's reason for refusal 2

was reasonable because the infrastructure contributions that were subject to the planning obligation had not been secured at that time. For the reasons given in the Council's statement and its decision notice, the proposal was not in accordance with the Development Plan, and material considerations including national policy did not indicate otherwise. So, the Council's behaviour was reasonable, and it has substantiated its case.

6. During the appeal process, the Council submitted almost all of its representations in accordance with the timetable, and it confirmed that it would not pursue reason for refusal 2 after the planning obligation had been completed. So, the Council's procedural behaviour was reasonable.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Reid

INSPECTOR