



Costs Decision

Site visit made on 4 November 2024

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Costs application in relation to Appeal Ref: APP/Y9507/D/24/3345801 Leyfield, Border Close, Hill Brow, Rogate, West Sussex GU33 7QN

- 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 Sarah Chinn for a full award of costs against South Downs National Park Authority.
 - The appeal was against the refusal of the National Park Authority to grant planning permission for the erection of a part single and part two-storey rear extension with gable projections and dormer windows, the conversion of the existing hipped roofs to both side elevations to gables, including a dormer window to each side together with associated internal and external alterations to the floor plans and elevations.
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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 PPG also provides examples of unreasonable behaviour by local planning authorities. These include; preventing or delaying development that should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; and vague, generalised or inaccurate assertions about a proposals impact which are unsupported by any objective analysis.
4. The applicant contends that the National Park Authority (the NPA) had no reasonable grounds to refuse planning permission for the development.
5. In its response to the costs claim, the NPA indicates that it considered evidence of mitigating circumstances supplied by the applicant prior to the determination of the application. However, no reference to this evidence was made within the delegated decision sign-off sheet, and conflict with 1.a of policy SD31 of the Local Plan¹ was identified. Nevertheless, even if the NPA had found that exceptional circumstances applied, and that there would therefore be no conflict with criterion 1.a) of policy SD31, it was reasonable for consideration to also be given to whether the development would comply with criteria 1. b) and 1. c) of this same policy.

¹ South Downs National Park Authority – South Downs Local Plan – adopted 2 July 2019 (2014-33)

6. The extensions and replacement dwellings Technical Advice Note² was not referenced in either the NPA's delegated decision sign-off sheet or the decision notice. Nonetheless, the NPA has clearly and soundly explained its concerns regarding the effect of the development on the character of the area.
7. I understand that the outcome of the application will have been a disappointment to the applicant. Nevertheless, the reason for refusal set out in the decision notice is complete, precise, specific, and relevant to the development that was proposed. It also clearly identifies which development plan policies the NPA considered the proposal would conflict with.
8. Although I reached different conclusions from the NPA in terms of development plan policy compliance and the acceptability of the proposed development, for the reasons given, the NPA did not behave unreasonably in coming to its decision.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

V Simpson

INSPECTOR

² South Downs National Park Authority – South Downs Local Plan – Extensions and Replacement Dwellings Technical Advice Note – 26th October 2023