



Costs Decision

Site visit made on 10 December 2024

by D Fleming BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th January 2025

**Costs application in relation to Appeal A, Ref: APP/D3830/C/23/3333842
43 Wilderness Road, Hurstpierpoint, HASSOCKS BN6 9XD**

**Appeal B, Ref: APP/D3830/W/23/3331711
43 Wilderness Road, Hurstpierpoint, West Sussex BN6 9XD**

Decision

1. The application for an award of costs is refused.

The submissions for the applicant

2. There are six grounds for the application:
 - That the local planning authority (LPA) prevented/delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations;
 - That the LPA failed to produce evidence to substantiate each reason for refusal on appeal/ justification for enforcement action;
 - That the LPA used vague, generalised or inaccurate assertions about the proposal's impact, which are unsupported by any objective analysis;
 - That the LPA refused planning permission on a planning ground capable of being dealt with by condition;
 - Not determining similar cases in a consistent manner; and
 - Refusing to enter into discussions, or to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal.

The response by the Council

3. The Council provided a timeline to explain how and when they dealt with the development on site. They also responded to the grounds of appeal with a full Statement of Case (SoC).

Reasons

4. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (the 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.

5. Given my findings on the ground (a) appeal and the section 78 appeal, I consider there is no basis on which to support the 1st, 3rd and 4th costs grounds. With regard to the 2nd cost ground, the Council's SoC provided a detailed response to each of the grounds of appeal. For example, the Council understood that the onus of proof for the ground (c) appeal lay with the applicant and that Class F permitted development rights are subject to conditions. This cost ground is therefore not substantiated.
6. With regard to the 5th costs ground, although the applicant provided a list of over 30 addresses where purportedly similar developments have taken place, she provides no detailed analysis to show that this is the case. Less than 5 of the sites appear to be in Hurstpierpoint and only 1 of those (No 13 Wilderness Road) has similar circumstances to the appeal site. Several applications were granted prior to the adoption of the current district plan and it is not clear whether sites in places such as Crawley, East Grinstead or Haywards Heath are covered by neighbourhood plans. This cost ground is therefore not substantiated.
7. Finally, with regard to the last costs ground, the email evidence submitted by the Council demonstrates that this is not the case. Rather, the Council appear to have acted promptly on discovering the extension was not being built in accordance with the approved plans, emails were responded to, meetings were held and the applicant was kept informed. The applicant may not have agreed with the Council's views on the situation but this is not grounds for establishing unreasonable behaviour.

Conclusion

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

D Fleming

INSPECTOR