



Costs Decision

Site visit made on 11 March 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 March 2025

Costs application in relation to Appeal Ref: APP/C1435/W/24/3349930

Land between 18 & 20 Lincoln Way, Crowborough TN6 3AQ

- 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 Trinoak Holdings Limited for a full award of costs against Wealden District Council.
 - The appeal was against the refusal of planning permission for the erection of a new dwelling with parking below.
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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. The PPG indicates that behaviour and actions at the planning application stage can be taken into account when considering whether costs should be awarded.
3. It is asserted that the Council did not make its decision in a timely manner. The applicant states that the application was validated on 3 August 2023. During determination of the application the Officer advised the applicant that the application would be recommended for approval, subject to the completion of a legal agreement securing a financial contribution to mitigate the impact of the proposal on the Ashdown Forest Special Protection Area. Acting on the Officer's advice, the applicant proceeded to engage a solicitor to draft the legal agreement.
4. In March 2024 the Council advised the applicant that the Officer had left the Council. In April 2024, the Council followed up with the applicant and advised that the application had been relocated to another Officer and was not going to be supported. While this is frustrating, the advice provided by the initial Officer in relation to the outcome of the planning application was not the formal decision of the Council.
5. The Council acknowledges that normally the title deeds required to ensure the satisfactory completion of any resultant legal agreement are requested after a report was considered to be an acceptable planning application. Regardless, a legal agreement would have been necessary as a part of this appeal to address the Council's second reason for refusal. Indeed, such an agreement was provided with the evidence. Therefore, even if the Council's failure to follow its own internal

processes is deemed an unreasonable behaviour, this has not led to unnecessary expense by the applicant in lodging the appeal.

6. There is no compelling evidence before me to demonstrate that the Council provided a robust explanation for the delay in determining the application. I therefore find that there were unacceptable delays, and the Council failed to offer a timely service to the applicant. However, whilst timeliness issues were frustrating for the applicant, in this case even if the decision was made earlier, an appeal would not have been avoided. This is due to my findings in the appeal decision.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

P Terceiro

INSPECTOR