



Costs Decision

Site visit made on 19 March 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th April 2025

Costs application in relation to Appeal Ref: APP/C1435/W/24/3352404 BROILER HOUSE PADDOCK, INGRAMS FARM, BEXHILL ROAD, NINFIELD TN33 9EE

- 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 Court Developments Ltd for a full award of costs against Wealden District Council.
 - The appeal was against the refusal of planning permission for the erection of 9 no. dwellings together with associated access, roads, parking provision and open space.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. It is the applicant's contention that there were no objections from the Highway Authority to the proposal, and this was supported by the Council's Officers who recommended that permission be granted. In the light of this and Officer advice that refusing the application could have further consequences, the Planning Committee nonetheless refused the application. It is said that this decision unreasonably delayed the development and resulted in the unnecessary costs of the appeal.
4. As the Council rightly point out, a Planning Committee does not have to follow the recommendation of its Officers or the advice provided by consultees. However, the PPG states that local planning authorities are at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal, and if they rely on vague, generalised or inaccurate assertions about a proposal's impact.
5. The decision notice referred to the passing places and pedestrian refuge as being inadequate and sub-standard rather than being inappropriate for any particular user. The Council's appeal statement refers specifically to those with pushchairs/wheelchairs and less able users. It suggests that the issue for the Planning Committee was not so much the specifications and technical aspects of the proposal but the suitability of the access route for all users.
6. Whilst it may be the case that the proposed new access would be less than ideal for all pedestrians, it would be an additional or secondary access route to Bexhill

Road. The proposal did not replace footpath access through the adjoining site and onto Bexhill Road. Furthermore, the distances and ease of access to the village shop and bus stop were not necessarily enhanced by using the new access. Therefore, the new route being formalised would not necessarily attract people to use it to reach those destinations, especially if they were less able or had a pushchair or wheelchair.

7. Even allowing for the fact it would represent a more direct route to the Parish Hall, its use by pedestrians would in reality be quite low. Given that there was no evidence that the works would not meet any technical or construction standards it was not clear how the passing places and refuge would be insufficient to minimise conflict between different users and not be a sufficiently safe route.
8. Consequently, I do not find the reason for departing from the recommendation of professional officers has been adequately substantiated. I therefore conclude that the Council has behaved unreasonably, and this has led to unnecessary and wasted expense for the appellant, having to address this matter at appeal.

Conclusion

9. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Wealden District Council shall pay to Court Developments Ltd, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. The applicant is now invited to submit to Wealden District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Stewart Glassar

INSPECTOR