
Costs Decision

Site visit made on 27 June 2025

by **O Tresise MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Costs application in relation to Appeal Ref: APP/Y9507/D/25/3365510

4 Butser Walk, Petersfield, Hampshire GU31 4NS

- 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 Mrs Katherine Pepper for a full award of costs against South Downs National Park Authority.
 - The appeal was against the refusal of the Authority to grant planning permission for the construction of a new rear elevation and front elevation in place of the existing, change of existing white UPVC and other windows to dark brown/grey wood/metal/composite frames. (Amended plans received 13.02.2024, proposed side elevations received 28.08.2024).
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant asserts that the Authority was unreasonable in its decision-making. In particular, the concerns regarding the loss of amenity were vague and generalised, the Authority took private law right to light inaccurately, and it failed to take into consideration permitted development rights, and to provide a time scale for the decision.
4. The PPG sets out that a local planning authority is at risk of an award of costs if it behaves unreasonably with respect to the substance of the matter under appeal, for example, by preventing development which should clearly be permitted, by failing to produce evidence to substantiate each reason for refusal on appeal, or by making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis. In addition, it cites not determining similar cases in a consistent manner and failing to grant a further planning permission for a scheme that is the subject of an extent permission where there has been no material change in circumstances as examples of unreasonable behaviour.
5. In this case, the delegated report clearly set out the factors which led the Authority to its conclusion on the planning merits of the case. The Authority correctly considered the proposal against relevant development plan policies and the national policy. The Authority had regard to the site context, including its siting in relation to the adjacent properties. Whilst I do not agree with the Authority's

position, it was not unreasonable for the Authority to take this instance. Ultimately, this was a question of judgement, and I am satisfied that the Authority gave a reasoned assessment for their decision.

6. The applicant suggests that the Authority took the private law right to light inaccurately. However, the delegated report shows the Authority referred to the level of light, and there is no evidence to demonstrate the Authority has taken the suggested private law as part of the assessment of the planning application.
7. The applicant indicates that the Authority should take into consideration the limit of the permitted development right. However, the applicant's design and access statement did not cite details of permitted development rights as fallback position. The evidence indicated that it was only briefly mentioned in an email correspondence to the Authority. Notwithstanding this, given that matters of living conditions are subject to planning judgement, and I have also found that the Authority clearly identified its concerns in relation to this matter, I do not consider that the Authority acted unreasonably in this respect.
8. The applicant alleges that the Authority has not determined the application in a consistent manner with previous similar cases. However, I have not been provided full details of those cases, and there is little evidence to substantiate this claim.
9. With regard to the timescale of decision, there is clear evidence that the Authority were in communication with the applicant prior to making the decision. During the planning application process, the Authority also approached the applicant to seek clarifications on the details of the proposed development and accepted the amended proposal, which was subject to public re-consultation. Whilst it might have been helpful for a clear timescale to be provided by the Authority, there is no clear evidence to substantiate that the Authority was not cooperating with the applicant.
10. The Authority has not therefore behaved unreasonably with respect to the substance of the matter under appeal. It follows the applicant has not wasted expense in testing that judgement at appeal.

Conclusion

11. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. Therefore, the application for an award of costs is refused.

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INSPECTOR