



Costs Decision

Site visit made on 27 August 2025

by **Philip Willmer BSc Dip Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 17 September 2025

Costs application in relation to Appeal Ref: APP/C1435/D/25/3368248

6 Carriage Mews, Church Lane, Ripe, BN8 6EX

- 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 S Collins for an award of costs against Wealden District Council.
 - The appeal was against the refusal of planning permission for amendment to approval WD/2023/3009 to provide pair of opening in doors in lieu of window with iron safety balustrade.
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Decision

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

Reasons

2. The Planning Practice 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.
3. The appellant contends that the basis upon which the planning decision was made was factually incorrect. The reasons for the appellant's contentions are:
 - Firstly, it was suggested that the site was readily visible from Church Lane and the adjoining footpath;
 - Secondly, it was stated that dormers are not commonly found in the conservation area; and
 - Finally, there was no clear explanation as to why there was an apparent change of opinion as to the acceptability of a dormer here despite the earlier dormer approved under Ref: WD/2023/3009/F.
4. As I saw on site, and as illustrated on the Council's record photographs included with its committee report, albeit limited due to the high boundary hedge, the property is visible from both Church Lane and the public footpath.
5. The degree of visibility would of course be subject to both the time of the year and any trimming or maintenance of the hedge. Further, paragraph 3. – (3) of The Hedgerows Regulations 1997 states that the regulations do not apply to any hedgerow within the curtilage of, or making a boundary of the curtilage of, a dwelling house. Accordingly, notwithstanding that the hedge is in the ownership of the appellant, there is no reason why, as identified by the Council, it could not be

cut back or even removed over time, thereby making the rear of the house more open to public view.

6. As I found the development acceptable, I did not consider screening to be an issue in my determination. However, I believe it was legitimate for the question of screening to be raised, given the view that the Council had taken in respect of the potential harm to the conservation area.
7. I note that in the committee report, reference is made to paragraph 4.5.10 of the Ripe Conservation Area Draft Character Appraisal 2024 and acknowledges that dormers are an existing feature of both the appeal property and the wider courtyard development. I consider therefore that the committee report gave a fair assessment of dormers to be found in the conservation area.
8. From the committee report, I see that it was not the dormer itself but the proposed French doors and Juliet-style balcony that were the concern. Furthermore, the reason for refusal in the Council's decision notice refers only to the harm caused by the proposed first floor glazed doors and iron safety balustrade, and not the dormer itself.
9. In conclusion, I cannot therefore agree that the Authority has acted unreasonably in any aspect of this case. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For the reasons set out above and having regard to all other matters raised, neither a full nor partial award of costs is justified.

Philip Willmer

INSPECTOR