



Costs Decision

Site visit made on 23 September 2025

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 31 OCTOBER 2025

Costs application in relation to Appeal Ref: APP/Y9507/C/23/3329558

Land at Erickers, The Street, Lodsworth, PETWORTH, GU28 9BZ

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Richard Fenech for a full award of costs against South Downs National Park Authority.
 - The appeal was against an enforcement notice alleging the erection of an outbuilding.
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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.
3. The appellant alleges that the National Park Authority (NPA) has acted unreasonably in: not making planning decisions in a consistent manner; incorrect approach to assessment of the appeal development; not accepting landscape evidence in the related planning application¹; delaying sending the Officer's Report in respect of the 2021 Application; not making any suggestions of remedial works.
4. As regards consistency in decision-making, while the appellant has cited planning permissions granted nearby for similar development, I share the NPA's view that planning applications are rightly determined on their own individual merits. Numerous factors such as whether or not the development falls within the setting of a listed building, siting and detailed design will all impact on an assessment of merits and I do not therefore find that the NPA has acted inconsistently in approving other similar development in the local area.
5. The appellant alleges that the NPA has overstated the impact of the appeal development and not dealt appropriately with material considerations. While I have reached a different conclusion to that reached by the NPA on two of the main issues, it was not unreasonable for the NPA to make a different assessment substantiated by site specific evidence. Further, although the NPA referred to heritage development plan policy only in the 2021 Application Officer Report, cross-reference was made and there is in any event significant duplication between the relevant local and national policy. The parties' heritage analyses were therefore applicable to both local and national policy and no wasted expense has arisen.

¹ SDNP/21/05261/HOUS (2021 Application)

6. While I can appreciate the appellant would have liked to adduce landscape evidence during the course of the 2021 Application, it was not unreasonable for the NPA to not accept this given that there were other reasons which were to form a basis for refusal. Indeed, the evidence submitted with this appeal has not led the NPA to a different conclusion on this issue.
7. I can appreciate the appellant's frustration as regards the delay in receiving a copy of the Officer Report on the 2021 Application in order to enable the making of an appeal. However, the delay was relatively short such that, had the appellant not have been out of the country for a significant period following refusal of the 2021 Application (which I appreciate was due to undertaking humanitarian work), there would still have been plenty of time following receipt of the Officer Report to make an appeal.
8. While I can understand that the appellant would have wished to engage with the NPA in order to seek to agree an alternative scheme/remedial works, given the number of concerns held by the NPA in relation to the appeal development, it was not unreasonable for the NPA not to take this approach; from the NPA's perspective, a fairly wholesale redesign and alternative siting would have been necessary in order to overcome its concerns.
9. I find then that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

V Bond

INSPECTOR