
Costs Decision

Inquiry held on 29 October 2025

Site visit made on 29 October 2025

by **R Curnow MA(TCP), BSC(Hons), CMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Costs application in relation to Appeal Ref: APP/Y9507/X/25/3368430

Land at Coloured Ponds, Rogate, Petersfield GU31 5DL

- The application is made under the Town and Country Planning Act 1990, sections 195, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by South Downs National Park Authority ('SDNPA') for a full award of costs against Mrs Kendra Whittock.
 - The inquiry was in connection with an appeal against the refusal of the SDNPA to issue a certificate of lawful use or development for use of part of a barn as a separate self-contained dwelling.
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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 application by SDNPA was made orally. It sought an award of full costs on the basis that, as the Appellant did not bring forward any additional evidence from that submitted with the application, there was no reasonable prospect of success.
4. In response, the Appellant said that this was not the case. There had been a lot of debate in the Inquiry, including on matters that weren't part of the proposal, and the threshold of proving the case on the balance of probability had been reached.
5. In this case, there was a significant difference between the information that was available at the application stage and at the Inquiry stage. Although the Appellant did not produce any further written evidence, both she and her son set out its terms oath in the Inquiry. This evidence was then subject to cross-examination. Taken as a whole, the evidence put forward by the Appellant led me to conclude, on the balance of probabilities that the case for a certificate was made.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Roy Curnow

INSPECTOR