
Costs Decision

Site visit made on 9 March 2026

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2026

Costs application in relation to Appeal Ref: APP/Y9507/W/25/3363513 Riplington Barn, Bereleigh Estate, East Meon, Petersfield GU32 1HU

- 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 Mr and Mrs Jack and Emily Tyrwhitt-Drake for a full award of costs against South Downs National Park Authority.
 - The appeal was against the refusal of planning permission for conversion and re-use of redundant agricultural building as a dwelling, hard and soft landscaping, and associated works.
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Decision

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

Preliminary Matter

2. The application for costs does not expressly state whether the applicant is seeking a full or partial award of costs against the Authority. On the basis of the information before me, it appears that the applicant is seeking costs in relation to the manner in which the Authority determined the planning application and in relation to each of the reasons for refusal. As such, I consider that the application seeks a full award of costs and I have determined this application accordingly.

Reasons

3. 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.
4. Local planning authorities will be at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. Paragraph 049 of the PPG provides examples of unreasonable behaviour which may result in an award of costs.
5. The applicant's case for a full award of costs is that the Authority prevented or delayed development which should clearly be permitted; failed to produce evidence to substantiate each reason for refusal; provided vague, generalised or inaccurate assertions about the proposal's impact, which are unsupported by any objective analysis and failed to determine similar cases in a consistent manner.
6. I do have some sympathy for the applicant, as from the evidence before me, it appears that the Authority had led the applicant to believe, over a sustained period of time that an approval would be forthcoming. It is also unhelpful that the Authority sought additional consultee comments, which then conflicted with those which had

- already been received. However, even if I found that the Authority had behaved unreasonably in this respect, a costs award would only be justified where the applicant had incurred unnecessary and wasted expense in the appeal process.
7. The 'Procedural Guide: Planning Appeals' states that an executed and certified copy of the planning obligation must be submitted at the time of making an appeal. As I have found in favour of the Authority in respect of the first main issue, an appeal could not have been avoided. It therefore follows that the time taken to draft the Unilateral Undertaking for submission with the appeal was not wasted.
 8. Although I acknowledge that there are similarities between the construction of existing barn on the appeal site and the one at Whitedale Farm, there is no evidence to show that the Authority has been inconsistent in determining comparable cases. Even if the Authority had concluded that the appeal building was capable of conversion, as it did at Whitedale Farm, the appeal proposal involves significant changes to the building's overall size and form and for this reason it is not comparable to the proposal at Whitedale Farm.
 9. I have found, in respect of the first reason for refusal, that the proposal would be contrary to the development plan and I have dismissed the appeal. Therefore, the appeal could not have been avoided and the Authority have not delayed development which should clearly have been permitted.
 10. With regards to the second reason for refusal, the applicant could have submitted an objective analysis of the proposal such as a landscape and visual assessment, in support of their planning application. Instead, they only submitted one which had been produced for a similar proposal at the site, at the appeal stage. In the absence of an objective analysis, the decision by the Authority was a matter of judgement. Whilst I have not found in favour of the Authority in respect of the effect on the character and appearance of the area, the officer report reasonably addresses the Authority's concerns in respect of the character and appearance of the area which justified its decision.
 11. I conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is therefore not justified.

Alison Fish

INSPECTOR