
Costs Decision

Site visit made on 18 July 2018

by L Gibbons BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 October 2016

Costs application in relation to Appeal Ref: APP/C3810/D/16/3148367 12 Tamarisk Way, East Preston, Littlehampton BN16 2TF

- 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 Emmanuel Gilbert for a full award of costs against Arun District Council.
 - The appeal was against the refusal to grant consent, agreement or approval to details required by a condition of a planning permission - The details for which approval is sought are: Concrete plain tile – Anthracite. (sample enclosed)
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Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
 3. As detailed in my appeal decision, I have found that the roof material does not cause harm to the character and appearance of No. 12 Tamarisk Way and the surrounding area. The Guidance states that examples of unreasonable behaviour include vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis. Considerations of planning applications and appeals involve matters of judgement which are finely balanced.
 4. I note the applicant refers to a mechanical comparison of the colour of the tiles by the Council. However, from the information provided I understand that the Council's officer saw the tiles in situ and considered that the colour was darker than other examples found within the area. I note that there was correspondence from the manufacturer of the tile in relation to the speed of weathering; however this does not provide an indication of time. From the evidence before me including correspondence provided by the applicant the Council had considered the effect of weathering. They provided an explanation as to their concerns in this matter and the effect of the tiles on the character and appearance of the area. In relation to No. 34 Tamarisk Way, the Council adequately explained that they considered this was not directly comparable to No. 12.
 5. The tiles were in situ before the Council refused approval of the details. I am satisfied that this did not result in the Council preventing or delaying
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development which should have clearly been permitted. The Council have also referred to the relevant development plan policies including Policy 1 of the East Preston Neighbourhood Plan. I accept that Policy 1 does refer to adjoining properties. However, it also refers to amongst other things, that materials of all development reflect and enhance the architectural and historic character. I therefore consider that the Council has not acted unreasonably by referring Policy 1 and to saved Policy GEN 7 of the Arun District Local Plan 2003.

6. I accept that the Council does not refer to permitted development rights in respect of being able to change the materials of a roof. However, I note that the condition for the submission of details was attached to the original planning permission and there is no evidence before me that unnecessary or wasted expense was incurred in respect of this matter.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance has not been demonstrated.

L Gibbons

INSPECTOR