
Costs Decision

Site visit made on 10 January 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 26th January 2017

**Costs application in relation to Appeal Ref: APP/U1430/W/16/3160125
The Devonshire, Devonshire Square, Bexhill on Sea, East Sussex, TN40
1AB**

- 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 F Forte Development Ltd for a full award of costs against Rother District Council.
 - The appeal was against the refusal of planning permission described as '*replacement (upgrade) of extractor unit within existing location (light well) not visible from any public viewpoint – retrospective*'.
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Decision

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

Reasons

2. The national *Planning Practice Guidance* (the 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. I have taken into account the application and rebuttal of the main parties.
3. The Council refused permission with concerns over the living conditions of nearby occupiers. The Council provided justification as to why they considered the scheme does not conform to the adopted development plan policies. Whilst the appellant may disagree with the Council's decision, this was in itself not unreasonable. The Council has a duty to consider the evidence before them, and in their case they considered it pointed towards a refusal of permission.
4. Whilst the appeal has been allowed, there is a degree of balancing conflicting demands and issues when considering a proposal. In this case, the Council refused permission, justified their reasons against the adopted development plan, and then explained at appeal why they considered the proposal unacceptable in practical and policy terms. In doing so the Council did not act in an unreasonable manner in this case.
5. Accordingly, as described in the Guidance, the unreasonable behaviour which may result in costs being awarded has not been demonstrated in this case.

Cullum J A Parker

INSPECTOR