
Costs Decision

Site visit made on 17 January 2017

by John Felgate BA(Hons) MA MRTPI

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

Decision date: 06 February 2017

Costs application in relation to Appeal Refs:

(Appeal A): APP/L3815/W/16/3159592 and

(Appeal B): APP/L3815/W/16/3159817

22 Seafield Close, East Wittering, West Sussex PO20 8DP

- 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 B Agostinelli for a full award of costs against Chichester District Council.
 - The appeals were against the refusal of planning permission for (Appeal A) *"Extension and conversion of single storey detached dwelling, to form two 2-storey semi-detached dwellings, including demolition of existing garage and outbuildings"*; and (Appeal B) *"Demolition of existing garage and outbuildings, extension and loft conversion of detached bungalow"*.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another to incur unnecessary or wasted expense in the appeal process.
 3. The appellant argues that the appeal proposals accord with local and national policies, and would have no adverse impacts, and therefore should clearly have been approved. It is also argued that the refusal of the appeal schemes was inconsistent with the Council's decisions on other developments in Seafield Close, and failed to take account of the way the street's character has changed.
 4. However, these are all matters of planning judgement. In the case of the Appeal A scheme, it is clear that the Council's planning committee considered that the proposal would cause harm to the area's character and appearance. For the reasons set out in my decision, I have found their view to be justified, on its planning merits. The decision was therefore not unreasonable.
 5. In the case of Appeal B, the decision was taken by a planning officer, but again it was made on similar grounds, and turned on a planning judgement. Although in this case I have come to a different conclusion, this does not make the planning officer's judgement unreasonable. The officer set out his reasoning in his delegated report, and there is no evidence that he was
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unaware of other developments in the street, or ignored their effects. Although I disagree with the conclusion that was arrived at, the judgement that he made was not unreasonable.

6. I conclude that he Council did not act unreasonably in refusing permission for either of the appeal schemes, and therefore no award is made.

J Felgate

INSPECTOR