
Costs Decision

Site visit made on 30 January 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 16 February 2017

**Costs application in relation to Appeal Ref: APP/Q1445/D/16/3165261
8 Sefton Road, Portslade BN41 2RH**

- 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 Mark Pulling for a full award of costs against Brighton & Hove City Council.
 - The appeal was against the refusal of planning permission for development proposed is described as "Extension with dormer rooms in roof and associated alterations to existing dwelling".
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Decision

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

Reasons

2. Irrespective of the outcome of the appeal, costs may only be awarded against a party who have behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant contends that the Council has failed to apply due diligence and care when carrying out its duties relative to the determination of the application for planning with the result that their decision is flawed when tested against current and local planning policies. The appellant considers that the failure of the Council to grant planning permission is unreasonable.
4. The proposed development needs to be considered in regard of its effect on the character and appearance of the area. The Council Officer's Report evaluates the extension to the host dwelling, how it would relate to the existing pattern of development in the area and how it would effect the character and appearance of the area. I am satisfied that the application was considered on its own merit in light of policy considerations and that the Council has substantiated its reason for refusal in these respects. The fact that the Council came to a negative decision is a matter of their discretion. The fact that I have arrived at a contrary view does not, of its self, show that the Council has behaved unreasonably.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Nicola Davies

INSPECTOR
