

Costs Decision

Site visit made on 24 January 2017

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 3rd March 2017

**Costs application in relation to Appeal Ref: APP/L3815/W/16/3163693
Land adjacent to 51 Stane Street, Halnaker, Chichester, West Sussex PO18
ONF**

- 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 Malcolm Knight for an award of costs against Chichester District Council.
 - The appeal was against the refusal of planning permission for development described as 'a new 2 bedroom single storey oak framed self-catering holiday unit'.
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Decision

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

Reasons

2. Planning Practice Guidance (PGG) paragraph 030 advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
 3. The appellant suggests that the Council, in concluding that the appeal development does not require a rural location and results in unnecessary reliance on the private motor vehicle, acted unreasonably, in light of the facts of the case. However, the Council acknowledges that the appeal development would be close to a bus route but considers that it would not provide access to wider parts of the District and its major tourist attractions. In light of this, its conclusion that it would result in unnecessary reliance on the private motor vehicle is reasonable. Whilst I have taken a different view to the Council on this matter, I consider that the Council acted reasonably in coming to the conclusion that it did.
 4. Further, the appellant suggests that the Council was inconsistent in its arguments regarding the appeal site's proximity to 'local tourist attractions' and 'more minor or localised places of interest'. The Council explains that the former relates to places likely to attract visitors from outside the District, the latter to those likely to attract visitors from within the District. In referring to both, and concluding that the appeal site was not close to many of the former, although again, I took a different view, I consider that the Council acted reasonably.
 5. In having come to such a conclusion on the principle of the proposed development, I consider that the Council acted reasonably in not requesting amendments to the rear elevation of the proposed tourist accommodation to overcome its concern regarding light spill. In any event, bearing in mind the
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Council's first reason for refusal, this matter would not have avoided the need for an appeal.

Conclusion

6. Unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG paragraph 030, has not been demonstrated and an award of costs is therefore not justified.

R Barrett

INSPECTOR