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## Costs Decision

Site visit made on 19 June 2017

**by Tim Wood BA(Hons) BTP MRTPI**

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

**Decision date: 11 July 2017**

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### **Costs application in relation to Appeal Ref: APP/C3810/W/17/3171399 21 Greencourt Drive, Bognor Regis PO21 5EU**

- 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 Matt Lush for a full award of costs against Arun District Council.
  - The appeal was against the refusal of planning permission for an outline application with all matters reserved for 2 No dwellings.
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### **Decision**

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

### **Reasons**

2. National Planning Practice Guidance (PPG) states that parties will normally be expected to meet their own costs in relation to appeals and costs may only 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.
3. The officers' Committee report recommended that the application should be approved, subject to conditions and upon the receipt of a Planning Obligation. The members of the Committee are not bound to accept the recommendation of its officers but if they choose not to, evidence should be supplied which supports their decision. In this instance the Council has failed to provide a supporting statement of any kind (and has failed to respond to the claim for costs). The minutes of the Committee which have been provided are brief and offer very little beyond the reason for refusal. I find this unreasonable in itself.
4. The only assessment of the character of the area is given in the Committee report, which concludes that the effects of the proposal would be acceptable. No explanation has been submitted which adds any substance to the vague and generalised assertion made in the reason for refusal. Indeed, and confusingly, the minutes relate the members' concerns relating to access and egress and allege the scheme to be overdevelopment, whilst the agreed reason relates to the overdevelopment and its effects on the streetscene. Notwithstanding, none of these matters are supported in any way by evidence.
5. I have agreed in my main decision that the proposal would have an acceptable effect on the streetscene and this is the only conclusion available on the basis of any submitted evidence. If the Council had agreed with the recommended course of action, the Committee would have resolved to grant permission and,

upon receipt of a planning obligation within a timely manner, it would have issued planning permission. As a result of my findings, I conclude that the Council has acted unreasonably and has failed to provide evidence to substantiate its reason for refusal.

### **Costs Order**

6. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Arun District Council shall pay to Mr Matt Lush, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
7. The applicant is now invited to submit to Arun District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*S T Wood*

INSPECTOR