The Planning Inspectorate

Costs Decision

Site visit made on 6 July 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 26 July 2017

Costs application in relation to Appeal Ref: APP/L3815/W/17/3169956 Maudlin Mill, Stane Street, Maudlin, Westhampnett, Chichester, West Sussex PO18 0PD

- 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 Luke Leleu (Hamlet Homes Ltd) for a full award of costs against Chichester District Council.
- The appeal was against the refusal of planning permission for development of workshop with office over.

Decision

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

Procedural Matter

2. I have taken into account the Government's Planning Practice Guidance (PPG), issued on 6 March 2014, in reaching my decision.

Reasons

3. The PPG advises that, irrespective of the outcome of the appeal, 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.

4. The applicant claims that the Council acted unreasonably in refusing planning permission, especially in light of the most recent appeal decision allowing the proposed Use Classes B1/B2 industrial development of the site. In relation to that decision, it is claimed that policy 45 of the Chichester Local Plan: Key Policies (the Local Plan) was determined to be of no relevance to the development of the site. Furthermore, it is claimed that policy 26 of the Local Plan is the important one and which would be fully satisfied by the appeal proposal.

5. The Council did not take account of policy 26 in coming to its decision and referenced policy 45 in respect of its first reason for refusal even though the proposal is not one which requires a countryside location. However, importantly, the Council rightly also referred to policy 48 of the Local Plan in respect of that first reason. Furthermore, I found in my decision that the unacceptable harm to the character and appearance of the surrounding area was an over-riding factor that would outweigh any benefits of the scheme. It is therefore unlikely that had the Council taken account of policy 26, its decision would have been different.

6. Although I concluded differently to the Council on the matter of highway safety, its reason for refusing planning permission in this respect is clearly set out in its decision notice, having regard to relevant development policy, and adequately explained in its officer report and appeal statement. I have not received the full details relating to the previous appeal to enable proper consideration of the access proposals for that scheme or the full circumstances at that time. However, it was reasonable on the part of the Council to consider the proposal on its own merits in a situation where the previous appeal scheme remains to be implemented, and where it assessed there to be a need for further details to be certain that the existing access would be fit for purpose.

7. In conclusion, for the above reasons, I find that the Council did not behave unreasonably in determining the application and that, therefore, the applicant's costs in pursuing the appeal were not unnecessarily incurred or wasted. For this reason, and having regard to all other matters raised, neither a full or partial award of costs is justified.

Andrew Dawe

INSPECTOR