

Costs Decision

Site visit made on 5 December 2017

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 14 December 2017

Costs application in relation to Appeal Ref: APP/Q1445/D/17/3180614 Land at 83 Roundhill Crescent, Brighton BN2 3GP

- 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 Tom Musicka for a full award of costs against Brighton & Hove City Council.
 - The appeal was against the refusal of planning permission for the erection of a single storey ground floor rear extension, creation of staircase for access from ground floor to garden level and walkway for access from first floor to garden. Roof alterations incorporating rear dormer, front and rear rooflights. Revised fenestration and alterations to boundary wall with other associated works.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) states that parties in planning appeals normally meet their own expenses and that all parties are expected to behave reasonably to support an efficient and timely process. However, where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary wasted expense in the appeal process, they may be subject to an award of costs. The PPG states that awards against a Local Planning Authority may be either procedural or substantive.
3. The applicant has not stated why they consider that the Council has acted unreasonably, they have simply sought to recoup the administration costs for the submission of their appeal. I have been given no indication that the Council has done anything but follow due process and therefore, I consider that the Council has not behaved unreasonably from a procedural prospective such as to warrant an award of costs against it.
4. With regard to substantive matters, I have found within my appeal decision that planning permission should be refused, with the proposal being contrary to both the Development Plan and the National Planning Policy Framework, in addition to failing to meet the statutory test in respect of preserving or enhancing the character or appearance of Conservation Areas.
5. The Council has substantiated, with evidence, its reasons for refusal and within its statement supported their position with respect to the proposal's impact upon the character of the host building and the Designated Heritage Asset, as

well as the living conditions of the occupants of both neighbouring residential properties.

6. I consider that the Council's reasons for refusal were precise and therefore I find that unreasonable behaviour, resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for a full award of costs is therefore refused.

C J Tivey

INSPECTOR