



Costs Decision

Site visit made on 28 May 2019

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Costs application in relation to Appeal Ref: APP/Q1445/D/19/3225598 Lanterns, The Green, Rottingdean, Brighton, East Sussex, BN2 7DD.

- 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 N James for a full award of costs against Brighton and Hove City Council.
 - The appeal was against the refusal of planning permission for the conversion of attic with dormers to front roof slope and roof lights to rear—revised plan following refusal of BH2018/00602.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may 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 appellant's basis for claiming a full award of costs is that the Council acted unreasonably in that similar schemes have not been determined in a consistent manner and that the proposed development accords with the relevant policies.
4. A copy of the approved drawing in respect of Court Barn (Ref: BH2018/02511) referred to by the appellant has been provided by the Council. From this it is clear that the approved dormer at Court Barn was located in the lower range roof and not, as proposed at Lanterns, in the main barn roof. Accordingly, I am not persuaded the approved scheme at Court Barn and that proposed here are directly comparable as suggested.
5. I agree that it was within the gift of the Council to grant planning permission for the two dormers at Lanterns. However, such matters as this are based on subjective judgements and, while I have reached a contrary conclusion, it was within the remit of the authority to decide whether or not the development would cause harm to the host building and or fail to preserve or enhance the character or appearance of the conservation area, in accordance with adopted policy and guidance.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and that a full award of costs is not justified.

Philip Willmer INSPECTOR