



Costs Decision

Site visit made on 13 June 2019

by Martin Andrews MA(Planning) Bsc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2019

**Costs application in relation to Appeal Ref: APP/C3810/D/19/3226601
11 Beechlands Close, East Preston, Littlehampton, West Sussex BN16 1JT**

- 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 Mrs K Wetherfield for a full award of costs against Arun District Council.
 - The appeal was against the refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
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Decision

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

Reasons

2. The Government's Planning Practice Guidance 2014 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 applicant argues that the Council's approach to the application for variation of the condition was contradictory to the Council's initial appraisal for the application to alter and extend the building.
4. In the reasons for my Decision I have acknowledged the views of the officer in the original application that led to the grant of permission. However, whilst I also accept that in this appeal the officer attached greater weight to the extent to which No. 11 can be seen from Beechlands Close, I have pointed out that the original permission included condition no. 3, which would have had the effect of mitigating any adverse effects resulting from the alterations and extensions to the building.
5. The choice in my view of a contrasting and unsympathetic roof covering, without consultation with the Council, has altered the balance of acceptability of the original scheme. It is the combination of the increased scale and bulk of the roof and the markedly contrasting tile that has caused the problem in this case, rather than differences of emphasis in the assessment of case officers.
6. As regards the fact that a change in roof tile after completion of the development would be permitted development, the appellant's agent will be aware that there are a range of potential anomalies and inconsistencies between permitted development and proposals that are the subject of a formal

application and permission. However, I am satisfied that this has no relevance to the Council's judgement and decisions in its processing of the appeal application.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Martin Andrews

INSPECTOR