
Costs Decision

Site visit made on 15 July 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 07 August 2019

Costs application in relation to Appeal Ref: APP/C3810/W/19/3227355 75 Highfield Road, Bognor Regis PO22 8PD

- 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 Trish Paul for a full award of costs against Arun District Council.
 - The appeal was against the refusal of planning permission for the conversion of single dwelling to form 6 in number new two and one bed flats with associated ancillary services in a sustainable development area.
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Decision

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

Reasons

2. The Planning Practice Guidance 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 expense in the appeal process.
3. The applicant states that the Council has behaved unreasonably in their assessment of the application, counter to the Highway Authority's opinion of highway matters relating to the development.
4. The sole reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the Policies of the Arun Local Plan that the proposal would be in conflict with, and the reason for the conflict has been adequately substantiated by the Council in its Officer Report.
5. The Officer Report demonstrates how the proposal would be harmful to the living conditions of local residents, using evidence submitted by the applicant, the Highway Authority, and third parties. It is acknowledged that the Highway Authority did not object to the proposal, however the Officer Report clearly explains that the Highway Authority reason for not objecting was on grounds of highway safety.
6. The issue of living conditions is one which involves the judgement of the decision maker. Hence, it is not unreasonable, despite the lack of objection from the Highway Authority on grounds of highway safety, that the Council came to the decision that they did based on the evidence from local residents and the Highway Authority comment about the existing pressure for on-street parking places.

7. It is acknowledged that the Council did not request a parking survey from the applicant. However, based on the evidence before me, the Council had informed the applicant before the application was determined that although the Highway Authority had not objected to the proposal they considered that the low ratio of off-street parking to the number of proposed flats, coupled with the existing pressure for on-street parking places, would result in harm to the living conditions of residents. Further, the Council explained the nature of the harm and noted a comment from the Highway Authority in which they advised the Council, as the planning authority, that they can consider the effect of the proposed development on the living conditions of residents.
8. As a result it follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the Applicant was put to unnecessary or wasted expense.

Conclusion

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

Andrew Bremford

INSPECTOR