



Costs Decision

Site visit made on 30 July 2019

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2019

Costs application in relation to Appeal Ref: APP/M1520/W/19/3227535 Land rear of 66 Manor Road, Benfleet, Essex, SS7 4BG

- 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 Sharon Oram for a full and partial award of costs against Castle Point Borough Council.
 - The appeal was against the refusal of planning permission for a proposed change of use of existing annexe ancillary to No. 66 Manor Road to single dwelling unit.
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Decision

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

Reasons

2. The Planning Practice Guidance (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.
3. The application sets out a number of reasons why it considers the Council acted unreasonably. It effectively relies upon the fact that the development is considered to accord with the development plan, national policy and other material considerations. It is implied the Council has prevented or delayed a development which should have clearly been permitted having regard to its accordance with the development plan, national policy and other material considerations. The appellant therefore considers the Council has behaved unreasonably, as set out in paragraph 16-049-20140306 of the PPG.
4. In respect of reason for refusal No. 1, in assessing the impact of the development upon the character and appearance of the area, the Council has given consideration to and set out its approach with respect to the extant development and the proposed development. Whilst I do not agree with their conclusions, this is clearly a matter of planning judgement and simply because I have found differently to the Council, does not mean that their behaviour has been unreasonable.
5. In respect of reason No. 2 the Council has taken a reasonable approach to considering living conditions by considering the current availability of use of amenity space associated with the main dwelling, the size of the private amenity space in the appeal site, and the provision of other available spaces nearby. It has had regard to the adopted Castle Point Residential Design Guidance Supplementary Planning Document (2013) (the SPD) and the

National Planning Policy Framework (the Framework). I do not consider the number of habitable rooms referenced by the appellant in paragraph 12 of their application, to be material to this issue. Whilst I have found differently to the Council as a matter of planning judgement, the Council has not behaved unreasonably in its consideration outdoor amenity space.

6. In respect of reason No. 3, the parking space is below the standard size set out in the adopted Highway Authority standard, as required by Policy T8 of the Castle Point Borough Local Plan (Adopted 1998) and the SPD. This would not result in any significant safety risk. There is a minor degree of conflict with Policy EC2 in respect of convenience. The Council considered the existing hard standing and the existing use, having regard to the highway standards and the advice of the Highway Authority, and reached a planning judgement on that basis. Whilst my findings differ to the Council, I do not consider that the Council has behaved unreasonably in its findings for reason three.
7. The Council does not appear to make comprehensive reference to the 'titled balance' and how the titled balance has been weighted in the decision to refuse planning permission, as set out in the officer's report. However, the appellant appears to have provided a very small amount evidence in this regard, and in any event would have reasonably expected to address the titled balance in its appeal evidence. Therefore, even if I were to conclude that the Council has acted unreasonably in this regard, this is unlikely to have resulted in any extra costs being incurred by the appellant.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Dan Szymanski

INSPECTOR