



Costs Decision

by J E Jolly BA (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2019

**Costs application in relation to Appeal Ref: APP/C3810/W/19/3232378
Inglecroft, 1 Toddington Lane, Littlehampton BN17 6JU**

- 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 M Hartnett for a full award of costs against Arun District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the demolition of the existing vacant dwelling and workshop and the erection of 10 detached dwellings (9 dwellings net) as described on the submitted plans.
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Decision

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

Reasons

2. Paragraph 30 of the national Planning Practice Guidance (the Guidance) advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Applicant submits that the Council has acted unreasonably by failing to issue a notice of their decision within the prescribed period due to a disputed pre-commencement condition related to a surface water management plan; as required by the Local Lead Flood Authority, West Sussex County Council (LLFA). An appeal was lodged on 2 July 2019.
4. The Council contend that the appellant was made aware of the determination date and that he would be expected to agree to a pre-commencement condition related to drainage as part of normal planning application procedures.
5. I note the evidence submitted by both parties. I don't doubt that both parties were seeking to find an acceptable resolution; indeed the Applicant, as is their right, does not have to follow the Council's guidance. However, as the Council were carrying out the normal activities associated with a planning application, I cannot agree that the Council has acted unreasonably in this case.
6. As such there can be no question that the Applicant was put to unnecessary or wasted expense.

7. In the planning judgement and having regard to the provisions of the development plan, national planning policy and other material considerations, the development should not proceed without an approved Surface Water Management Plan as set out in Appeal Decision APP/C3810/W/19/3232378.

Conclusion

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

J E JOLLY

INSPECTOR