
Costs Decision

Site visit made on 15 October 2019 by Emma Worby BSc (Hons)

Decision by Andrew Owen BA (Hons) MA MRTPI

appointed by the Secretary of State

Decision date: 3rd December 2019

**Costs application in relation to Appeal Ref: APP/P1425/D/19/3233658
3 East Albany Road, Seaford, BN25 1TU**

- 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 Louis Wilkinson for a full award of costs against Lewes District Council.
 - The appeal was against the refusal of planning permission for a two-storey rear extension.
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Decision

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

Reasons for the Recommendation

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. It adds that costs may be awarded against a Council if they prevent or delay development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations.
3. The appellant claims that the Council's report does not consider that the affected rooms of the neighbouring property are served by other windows on the rear elevation; the presence of the existing close boarded boundary fence; or an alternative extension that could be built under permitted development, and therefore these points have not been given appropriate weight. Although, these factors are not mentioned within the Council's report, the presence of the fence and the location of the neighbour's windows would have been apparent from a site visit, and their omission from the report does not necessarily mean they were omissions from the assessment of the proposal. Moreover, the officer is not obliged to consider possible alternative proposals unless presented to them.
4. The Council have provided clear planning reasons within their report and decision notice as to why the application was refused. I have considered these reasons and the other factors raised by the appellant and consider the proposal would be harmful. Therefore the Council did not prevent development that should have been permitted. Whilst I appreciate that the appellant does not agree with the outcome of the application, the Council did not behave unreasonably.

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, an award for costs is not justified.

Conclusion and Recommendation

6. For the reasons given above and having had regard to all other matters raised, I recommend that an award of costs of refused.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

7. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis an award of costs is refused.

Andrew Owen

INSPECTOR