
Costs Decision

Site visit made on 10 February 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2020

Costs application in relation to Appeal Ref: APP/M1520/W/19/3241369 Land adjacent to 24 Landsburg Road, Canvey Island, Essex

- 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 Dean Bullock of D.R. Bullock Builders Ltd for a full award of costs against Castle Point Borough Council.
 - The appeal was against the refusal of planning permission for the construction of a 3-bedroom chalet with associated facilities and new public footpath.
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Decision

1. The application for an award of costs against Castle Point Borough Council 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 expense in the appeal process.
3. The claim for costs is on the basis that the planning committee behaved unreasonably in making its decision of refusal, due to the fact the committee overturned the officer recommendation and that the proposal met with all planning requirements. It is also stated that an element of the planning committee vote against all development on Canvey Island, irrespective of planning legislative reasoning. The claim for costs is with regard to what is alleged to have been the unnecessary expense of making the appeal.
4. As a matter of principle, it is not necessarily unreasonable behaviour in and of itself for Council members to overturn a recommendation for approval. The reasons for refusal are on the basis of harm to character and appearance, effect on living conditions, loss of community space, and public safety, all of which are reasonable, planning based and adequately justified reasons. The third reason for refusal partly relies, at least to some extent, on the potential designation of the site as protected open space through the emerging Local Plan, which only carries limited weight. However, the reason for refusal is also partly in relation to the loss of the undeveloped grassed public footpath being detrimental to the character of the area. This is also, therefore, a reasonable, planning based and adequately justified reason for refusal.

5. The decisions the Council's committee have made on other development on Canvey Island are not before me, and in any event do not influence the nature of the committee's decision on the appeal application. This has not therefore weighed on my decision for this costs award.

Conclusion

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

O S Woodward

INSPECTOR