



Costs Decision

Site visit made on 5 October 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2020

Costs application in relation to Appeal Ref: APP/L3815/W/19/3243595 Dolphins, Rookwood Lane, West Wittering PO20 8QH

- 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 George Chapman for a full award of costs against Chichester District Council.
 - The appeal was against the refusal of planning permission for steps down through garden to a 1.5 metre long tunnel beneath public footpath rising through another set of steps to the foreshore garden.
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Decision

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

Reasons

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.
3. The Council's planning officer recommended that permission was granted. While the committee members took a different view, that in itself is not unreasonable behaviour. The Council's appeal statement explained the reasons for the decision and, whilst I have not agreed with that position, the reason for refusal has been substantiated.
4. Like the Council's planning officer, I have concluded that planning conditions could control any noise that may emit from the pump. However, the appellant has provided very little evidence in respect of this matter, so I find that wasted expense in the appeal process has not occurred.
5. I, therefore, find that unreasonable behaviour resulting in wasted expense in the appeal process has not been demonstrated.
6. Accordingly, the application for an award of costs is refused.

M Bale

INSPECTOR