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## Costs Decision

Site visit made on 24 November 2020

**by Guy Davies BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 02 December 2020**

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### **Costs application in relation to Appeal Ref: APP/Q1445/W/20/3252042 218 Dyke Road, Brighton BN1 5AA**

- 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 LAN Estates Ltd for a full award of costs against Brighton & Hove City Council.
  - The appeal was against the refusal to grant planning permission for the erection of 1 no. 3 bedroom dwellinghouse.
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### **Decision**

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

### **Reasons**

2. Planning Practice Guidance advises that parties in planning appeals normally meet their own expenses. Costs may only be awarded against a party who has behaved unreasonably, and where that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. In this case the Council refused planning permission for three reasons, against the advice of their officers. Members of the Council's Planning Committee do not have to follow the advice of their officers, but where they do not do so, their decision needs to be clear and substantiated on sound planning grounds.
4. In this case, I note that members visited the site prior to debating it at the Planning Committee meeting and the minutes of the meeting indicate that a full discussion was had at which differing views and opinions were aired. I am therefore satisfied that members addressed themselves to the planning merits of the case and were diligent in considering the evidence before them.
5. I am also satisfied that the reasons for refusal are clear and concise in setting out the matters in dispute. The Council's appeal statement provides further detail to substantiate those reasons for refusal and addresses the appellant's grounds for appeal. Although I have found in favour of the appellant, it is the case that these are all matters of judgement, and I do not consider it unreasonable for members to have taken a different view based on the weight they attached to the relevant issues.
6. The appellant criticises members for not debating the issue of housing land supply at the Planning Committee meeting. However, the issue was one that was aired by officers at the meeting, and it was addressed in the committee report that was before members. It is not unusual for a debate to focus on

particular issues of interest, but that does not mean that other issues, such as housing land supply, have been ignored. I consider this issue was adequately addressed at the time.

7. Based on the evidence before me I find that the Council has not acted unreasonably and has provided clear and justified reasons as to why it reached its decision on the planning application.

### **Conclusion**

8. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated.

*Guy Davies*

INSEPECTOR