The Planning Inspectorate

Costs Decision

Site visit made on 22 December 2020

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 25 January 2021

Costs application in relation to Appeal Ref: APP/D1590/W/20/3254089
18 Kilworth Avenue, Southend-on-Sea, Essex, SS1 2DT.

- 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 Saunders for a full award of costs against Southend-on-Sea Borough Council.
- The appeal was against the refusal of the Council to grant subject to conditions planning permission for the conversion of the existing 6 bed (Class C4) HMO to a 7 bed (sui Generis) HMO and to erect a single storey part side and rear extension to the existing 6 Bed (Class C4) HMO which will be the 7th. Bedroom with ensuite.

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 appellant considers that the Council acted unreasonably by refusing planning permission based on what he contends to be a decision founded on poorly framed assumptions rather than facts.

4. It is well within the remit of a planning officer to decide from a land-use planning perspective whether or not living conditions are likely to be satisfactory. The planning officer made a judgement about the development appearing overbearing resulting in an undue sense of enclosure together with a loss of outlook and daylight as so often planning officers have to do. On balance, I do not consider that the contentions made in the reason for refusal or matters set out in the evidence were so vague, generalised, or inaccurate that the Council's behaviour in refusing the application was unreasonable.

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

Philip Willmer

INSPECTOR