
Costs Decisions

Site visit made on 24 October 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2021

Costs application A – Appeal Ref: APP/M3835/W/20/3249414 The Wheatsheaf, 24 Richmond Road, Worthing, BN11 1PP

- 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 Ms Emma Taylor-Moore for a full award of costs against Worthing Borough Council.
 - The appeal was against the refusal of planning permission for a proposal originally described as demolition of the former Wheatsheaf Public house and erection of eight apartments across four floors.
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Costs application B - Appeal Ref: APP/M3835/W/20/3251832 The Wheatsheaf, 24 Richmond Road, Worthing, BN11 1PP

- 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 Ms Emma Taylor-Moore for a full award of costs against Worthing Borough Council.
 - The appeal was against the refusal of planning permission for a proposal originally described as demolition of the former Wheatsheaf Public house and erection of seven apartments across three floors.
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Decision

1. Costs applications A and B are both refused.

Reasons

2. Planning Practice Guidance advises that parties in planning appeals and other planning proceedings normally meet their own expenses. However, 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. Both planning appeals were recommended for approval by officers, but Councillors reached a different view and refused planning permission at planning committee. In each case a detailed reason for refusal was provided, raising concerns about the effect of the proposal on the character and appearance of the area, including the setting of various heritage assets around the site. Whilst it is suggested that this was not reflected in the discussion at the committee meeting, the reasons for refusal, amplified by the Council's statement of case, were clear.
4. On both occasions the Council's concern was fundamentally about size and design. The cited development plan policy in both reasons for refusal, Core

Strategy policy 16, relates to design. The references to site coverage and density were descriptive, and advanced in this context.

5. It is argued that the proposal technically meets or exceeds other policies relating to density. Various other statements of support for taller buildings in the town centre are cited. However, it is clear from the reason for refusal and subsequent submissions at appeal that on this occasion the Council placed greater weight to the perceived harm to the character and appearance of the area, in the circumstances of this case. On the material planning issues, the Council fully substantiated its position in both appeals. It did not act unreasonably.
6. With regard to the housing land supply position, this was acknowledged by the Council throughout the planning application and appeal. The degree of weight that should be given to it is a matter of judgement for the decision maker. The appeal statement makes clear that the Council considered the harm to the setting of neighbouring heritage assets would not be outweighed by the public benefits of the proposal, including the additional housing being provided. This is broadly consistent with the approach set out in the National Planning Policy Framework. It did not act unreasonably, in this respect.
7. Whilst both planning appeals were allowed, they raised complex planning issues. The appellant disagreed with the Council's position on character and visual impact, but these are matters of planning judgement. The Council clearly explained its position in both appeals. It did not refuse permission that should clearly be permitted. It acted reasonably in how it handled both planning applications that led to this appeal.

Conclusion

8. In conclusion, I cannot agree that the Council has acted unreasonably in any aspect of these cases. The Applicant was not put to unnecessary or wasted expense in pursuing either appeal. An award of costs is not justified.

Neil Holdsworth

INSPECTOR