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## Costs Decision

Site visit made on 13 July 2021

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

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

**Decision date: 19 July 2021**

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### **Costs application in relation to Appeal Ref: APP/C3810/W/21/3270515 Land at Summer Lane, Pagham**

- 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 Paula Hilton and Brian Biermann Collins for a full award of costs against Arun District Council.
  - The appeal was against the refusal of planning permission for a material change of use of land from agricultural use to use for open space.
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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. As is indicated by my decision on the appeal, I consider the Council to have justifiable grounds on which to refuse planning permission and defend the appeal. The proposal conflicts with the development plan and there are no material considerations that outweigh that harm. This behaviour is plainly not unreasonable.
4. The Council also opposed the proposal on the grounds that there was not safe and suitable access to the site. This is an arguable point of detail that turns on a judgement as to whether the site in its current form and without any operational development was suitably accessible to the general public. While I found in favour of the appellants on this issue, there are arguments both for and against the proposal on access grounds and it was not unreasonable for the Council to argue its case, which it did in detail in its appeal statement.

### **Conclusion**

5. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

*Guy Davies*

INSPECTOR