



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

Costs application in relation to Appeal Ref: APP/C3810/W/21/3269319 Land at former McIntyre Nursery, Littlehampton Road, Ferring BN12 6PG

- 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 Standby Self Storage for a full award of costs against Arun District Council.
 - The appeal was against the refusal of planning permission for demolition of a polytunnel, storage building and scaffolders' shelters and racking, use of land for Class B8 container self-storage and the siting of 79 single-stacked containers, part regrading of the ground, new fencing, CCTV and lighting.
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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. The site lies in countryside outside any defined settlement and within a designated gap between settlements. Policies in the development plan relevant to these designations are generally restrictive in nature. The main issue turns on a matter of judgement as to whether intensification of development on the site conflicts with those development plan policies. In this regard, I note that the application was flagged as a departure from the development plan in the Council's description of the proposal.
4. In the circumstances, and notwithstanding the officer recommendation which was to grant or my own conclusions on the appeal, I acknowledge that there are arguments to be made on both sides and that there were sufficient grounds for members to reach an alternative conclusion. I do not therefore consider the Council's members to have behaved unreasonably in reaching the decision they did.
5. The appellant refers to an appeal decision¹ within the same commercial enclave as the appeal site. Although this decision concluded the proposal for a new B1/B8 building did not conflict with the settlement gap policy, there are inevitably differences between the two schemes in terms of what is proposed

¹ W/4000626.

and their individual impacts on the perceived gap between settlements. While the issue for determination may be similar, the differences are such that there is limited applicability from one case to the other. I therefore give it limited weight.

Conclusion

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

Guy Davies

INSPECTOR