
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: 06 August 2021

Costs application in relation to Appeal Ref: APP/C3810/W/21/3269025 Spindlewood, Yapton Lane, Walberton, Arundel BN18 0AS

- 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 Andrew Davis for a full award of costs against Arun District Council.
 - The appeal was against the refusal of planning permission for demolition of existing dwelling and erection of 8 new dwellinghouses with associated landscaping and parking.
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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 development was not in accordance with the development plan, and it was only because material considerations relating to the lack of housing supply in the area outweighed that conflict that the appeal was allowed. This is a matter of judgement, and while I found in favour of the appellant in relation to the appeal, it was not unreasonable for the Council to have reached a different judgement based upon the weight it placed on the matters relevant to the case.
4. This included an assessment of the site's accessibility by means of transport other than the motor car. The relevant factors were set out in the officer's report including consultation responses, distances to local facilities, the relative safety and ease with which those could be accessed, and a judgement was reached having regard to those matters. I consider that judgement was based on the available evidence and was substantiated in the report. I see nothing vague or inaccurate in that approach.
5. It is also alleged that the Council was inconsistent in its decision making when compared to the recent development at Progress Close. I recognise the similarities between the two schemes. However, it is also the case that Progress Close was designated for residential development in the former Neighbourhood Development Plan, which the appeal site is not, and was occupied by a commercial garage, which the appeal site is not. There are therefore significant differences between the two schemes which distinguish

them in planning terms. I do not therefore consider that the Council has been inconsistent in its decision making.

Conclusion

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

Guy Davies

INSPECTOR