
Costs Decision

Site visit made on 2 September 2021

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 22 September 2021

Costs application in relation to Appeal Ref: APP/Y3805/W/21/3275187 Land opposite 17-19 Victoria Road, Shoreham BN43 5LA

- 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 David Abbott for a full award of costs against Adur District Council.
 - The appeal was against the refusal of planning permission for Erection of a single two double bedroom family dwelling and associated landscaping.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance (PPG) advises that, where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. The application was made in a timely manner.
4. It is generally accepted that issues involving judgment, such as character and appearance or occupier's living conditions, rarely result in an award of costs. The Council's written preapplication advice explained that it was given without prejudice to the formal consideration of any future planning application. The case officer exercised his professional judgment and the officer's report recommended that the proposed development should be approved. However, the Council is not bound to accept the advice of its professional officers. The Council used its experience and local knowledge, and it exercised its judgment in respect of the proposal's effect on the character and appearance of the area, and it considered relevant Development Plan and national policy. As it is the decision of the Council as a body that was at issue in the appeal, the comments made by individuals in reaching its decision are not relevant.
5. The Council considered its officer's report in its assessment of the scheme. Its reasons for refusal are sufficiently complete, precise, specific, and relevant to the application. Whilst the Council's reasons for refusal do not refer to specific paragraphs of the National Planning Policy Framework (Framework), Framework paragraph 3 makes clear that the Framework should be read as a whole.

6. The Council has substantiated its case in its statement. Its statement includes reference to an appeal decision, ref APP/Y3805/W/20/3266076, concerning a similar development at the site. As that appeal decision was issued after the Council made its decision on the planning application in the appeal before me, the Council's behaviour in referring to the appeal decision in its statement was reasonable. As the acceptability of the proposal depended upon the exercise of the Council's judgment, it was not development that could clearly be permitted, having regard to the Development Plan, national policy, and any other material considerations. My appeal decision supports the Council's stance.
7. There is almost no evidence to show that there was a lack of cooperation by the Council during the appeal process. The Council notified relevant parties and it provided its questionnaire and statement in accordance with the timetable. The Council agreed to the appellant's request for an extension of time to submit its costs response. Thus, the Council's procedural behaviour during the appeal process was also reasonable.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

J Reid

INSPECTOR