

Costs Decision

Site visit made on 18 October 2021

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2021.

Costs application in relation to Appeal Ref: APP/Z1775/D/21/3278173

3 Maidford Grove, Portsmouth PO3 5TJ

- 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 Colin Mountifield for a full award of costs against Portsmouth City Council
 - The appeal was against the refusal of planning permission for a single storey rear extension, side two storey extension, loft conversion and single storey side extension.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that 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. The PPG states that awards against a local planning authority may either be procedural or substantive.
3. Contrary to the applicant's claim, it is quite clear from the emails from the Council's Planning Officer to them, that whilst they had concerns with the design as submitted, they provided constructive advice as to, in their opinion, the way forward to obtain planning permission.
4. Whilst I acknowledged within my appeal decision that a criterion of subservience is not specifically referred to within Policy PCS23 of the Portsmouth Plan, nonetheless it is a term commonly used throughout the English planning system and is not some alien concept that has just been introduced.
5. I noted the applicant's concern that the planning permission granted at 8 Brampton Lane was given very little weight in the determination of the proposal by the Council, however there were clearly inherent differences between the two schemes. Notwithstanding this ultimately each case must be assessed on its own merits.
6. As with all criteria based policies, there will frequently be times where not all of them are directly relevant to a specific development. Nevertheless it is common practice that if a proposal conflicts with certain elements of such a policy, it can be found to be contrary to it. Therefore, notwithstanding the fact that I found no material conflict between the proposal and the

Development Plan, I consider that the Council not only communicated its concerns with regard to the design of the proposal to the applicant prior to making its decision, but also substantiated its reasons for refusal.

7. I consider that the reasons for refusal of planning permission did not amount to unreasonable behaviour resulting in unnecessary or wasted expense to the applicant and I hereby dismiss the application for costs.

C J Tivey

INSPECTOR