
Costs Decision

Site visit made on 23 November 2021

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2021

Costs application in relation to Appeal Ref: APP/Z1775/D/21/3278875 Land at 34 Whitwell Road, Southsea PO4 0QR

- 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 and Mrs Rick and Clare Cowhig for a full award of costs against Portsmouth City Council.
 - The appeal was against the refusal of planning permission for a single storey ground floor rear infill extension.
-

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 be either procedural or substantive.
3. I acknowledge the applicants' frustration in that no representative of the Council visited the site, however unfortunately such situations have not been uncommon within the last 18 months or so. Nonetheless they did make an assessment based on site photographs provided by the applicants and as I have found within my appeal decision, the impacts of the proposal on the living conditions of the occupants of 32 Whitwell Road was finely balanced.
4. I accept that the Council could have requested an extension of time to determine the planning application and it is clear that communication was not at a level that met the applicants' expectations. Whilst I accept that it would have been both professional and courteous to the applicants if the Council had communicated its concerns prior to issuing the refusal of planning permission, nonetheless the Council did substantiate its reasons for refusal in some detail within the Officer Report.
5. I consider overall that the refusal of planning permission did not amount to unreasonable behaviour resulting in unnecessary or wasted expense for the applicants.
6. Consequently I consider that unreasonable behaviour as described in the PPG has not been demonstrated and the application for a full award of costs is therefore refused.

C J Tivey INSPECTOR