
Costs Decision

Site visit made on 19 January 2022

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

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Costs application in relation to Appeal Ref: APP/P1425/W/22/3290196 6 Steyne Road, Seaford BN25 1HA

- 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 Ian Poulsum of Southdown Homes Ltd for a full award of costs against Lewes District Council.
 - The appeal was against the refusal of planning permission for erection of 14 apartments arranged over first, second and third floors with ground floor podium car parking 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. During the application process, the applicant's agent and the Council's officer collaborated over a lengthy period to agree a mutually acceptable design, which culminated in the appeal proposal. Even so, PPG advises that costs can only be awarded in relation to unnecessary or wasted expense at appeal.
5. It is generally accepted that issues involving judgment, such as character and appearance or occupiers' living conditions, rarely result in an award of costs. The Council's officer exercised his professional judgment and the officer's report recommended that the proposal should be approved. However, the Council is not bound to accept the advice of its professional officers.
6. The Council heard views, including those of the applicant and interested parties, at its committee meeting and it considered its officer's report in its assessment of the scheme. 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 and other material considerations. Its reasons for refusal are sufficiently complete, precise, specific, and relevant to the application.

7. The Council has substantiated its case in its statement. Because 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.
8. There is almost no evidence to show that there was a lack of cooperation by the Council during the appeal process. Although the Council's questionnaire was delayed, the Council submitted its statement and responded to the costs application in a timely way. Thus, the Council's procedural behaviour during the appeal process was reasonable.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

J Reid

INSPECTOR