
Costs Decision

Site visit made on 17 May 2022

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

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 May 2022

Costs application in relation to Appeal Ref: APP/L3815/W/21/3284142 Annabel Barns, Chalk Lane, Sidlesham PO20 7LW

- 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 Perry Duffy of HD Developments for a full award of costs against Chichester District Council.
 - The appeal was against the refusal of planning permission for single storey extension to existing office and storage building.
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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. The applicant says that the proposed development should have clearly been permitted, having regard to the Development Plan, national policy, and other material considerations. In consequence, the appeal could have been avoided.
5. However, the Council considered the Development Plan as a whole, and other material considerations including national policy, and it came to a different view. The applicant says that the Council applied their own separate test of need, but this is a requirement of Policy 45 of the Local Plan. The Council understood the meaning of 'development'. It considered the application, and, amongst other things, it sought further information from the applicant. The Council took a balanced view regarding comments made by its consultees, and its reasons for refusal drew attention to conflict with Local Plan Policy 2, which had not been mentioned in the applicant's planning, design and access statement.
6. The Council was entitled to interrogate the appellant's evidence, and to use its knowledge of the locality and the aims of the Development Plan and national policy in its assessment of the scheme. Some of its queries could have been better framed, but that was not enough to make the Council's behaviour unreasonable. The Council's reason for refusal could also have been clearer and

more precise, but it is sufficiently complete, specific, and relevant to the application. The Council has substantiated its case in its representations. The proposal 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 submitted its representations and responded to the costs application in a timely way. 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