



Costs Decision

Site visit made on 19 October 2022

by R J Redford MTCP MRTPI

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

Decision date: 2 December 2022

Costs application in relation to Appeal Ref: APP/L3815/W/22/3293229 Black Boy Court, Main Road, Fishbourne PO18 8XX

- 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 Greetland Ltd for a full award of costs against Chichester District Council.
 - The appeal was against the refusal of planning permission for the creation of 4 no. parking spaces, dropped kerb, boundary treatment and landscaping.
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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. Unreasonable behaviour can be considered as either substantive or procedural in nature. The applicant considers that the Council has failed to substantiate the stated reason for refusal and lacked proper judgement in assessing the proposal at committee failing to take into account the planning officer recommendation and relevant public benefits.
3. Nevertheless, the Elected Members of the Council are not duty bound to follow the advice of the professional officers, and if a different decision is reached, the Council must clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
4. From the evidence before me the planning committee undertook a thorough assessment of the scheme and tested the officer recommendation through relevant questioning pertaining to the potential effects of that before them. The decision notice cited relevant policies of the development plan in line with section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended, and its decision to refuse was further expanded within its appeal statement. The Council's position in respect of the scheme is therefore a matter of planning judgement and fairly substantiated.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

R J Redford

INSPECTOR