



Costs Decision

Site visit made on 29 November 2022

by C Shearing BA (Hons) MA MRTPI

An Inspector appointed by the Secretary of State

Decision date: 5 January 2023

Costs application in relation to Appeal Ref: APP/C3810/W/22/3290960 The Chalet, Littlehampton Road, Ferring BN12 6PG

- 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 Joanna Goodman for a full award of costs against Arun District Council.
 - The appeal was against the refusal of planning permission for marine workshop and boatyard, martial arts gym (class E) and storage container compound (class B8) to replace former glasshouses.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The applicant considers that the Council behaved unreasonably through preventing or delaying development that should clearly have been permitted and through making vague, generalised or inaccurate assertions about the proposal's impact. More specifically these concerns relate to the failure of the Planning Committee to follow the recommendation and advice of its officers, and adopting a negative approach which subsequently led to the need for the appeal.
4. The Planning Committee were not bound to follow the officer's advice, and the Committee process is an inherent part of the Council's decision making process. While it would have been frustrating for the applicant, this does not constitute inappropriate behaviour by the Council.
5. While I have disagreed with the Council's decision, I do not find this to be a case which should clearly have been permitted. Given the site's agricultural history and location outside any settlement or built-up area, a judgement was required in assessing whether the proposals were appropriate to this location. The minutes of the Committee meeting show consideration of appropriate planning matters, and the reason for refusal had regard to relevant local plan policies and was further substantiated in the Council's appeal statement. I do not have specific evidence of generalised or inaccurate assertions relating to the appeal scheme. Therefore, I find that the Council did not behave unreasonably with respect to the substance of the matter under appeal.

Conclusion

6. For the reasons given, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described by the PPG, has not been demonstrated. Therefore the application for costs is refused.

C Shearing

INSPECTOR