
Costs Decision

Site visit made on 8 February 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 17 March 2023

Costs application in relation to Appeal Ref: APP/B1415/W/22/3291151 Land at rear of 23 Martineau Lane, Hastings TN35 5DS

- 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 J Pocknell for a full award of costs against Hastings Borough Council.
 - The appeal was against the refusal of planning permission for erection of two to three storey detached dwelling (revision to HS/FA/17/00648) (part retrospective).
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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 only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. This application is founded upon the Council Members voting to refuse planning permission overturning the Council Officer's recommendation to approve, without adequate reason to do so and failing to consider a fallback position. In addition, the claimant indicates that the Councillors also failed to consider whether the proposals are visible from public vantage points and in turn whether it would cause harm to the High Weald Area of Outstanding Natural Beauty.
4. It is contended that this led to the unnecessary preparation and submission of a written representations planning appeal by the Applicant's consultants.
5. Whilst I note the recommendation of the Council Officer, the decision is one of a matter of judgement. The Council Members were entitled not to accept the professional advice of the Officer, so long as a case to the contrary could be made.
6. Although I disagree with the Council Members' judgement, the Council substantiated its reason for refusal which is clear and concise and based on planning merit, it also identified where it believes the proposal conflicts with the development plan. The Council Members were made aware of the fallback position and public vantage points of the development within both the Committee Report and the presentation during the committee, itself. I have not been presented with evidence that suggests the Council Members did not consider this when making their decision.

7. As a result, I cannot agree that the Council has acted unreasonably in relation to planning application Ref. HS/FA/21/00712. As such, the Applicant did not incur unnecessary or wasted expense as a result of the Council's actions.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated.

J Hobbs

INSPECTOR