
Costs Decision

Site visit made on 27 March 2023

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

an Inspector appointed by the Secretary of State

Decision date: 03 April 2023

Costs application in relation to Appeal Ref: APP/C3810/W/22/3306960 Morelands, Arundel Road, Fontwell, Arundel, West Sussex BN18 0SB

- 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 Mohammed Al-Samaraie of Moreland Property Development Limited for a full award of costs against Arun District Council.
 - The appeal was against the refusal of the Council to grant approval for 5 No. residential dwellings, associated car parking and access.
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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. PPG explains that costs may include, for example, the time spent by appellants and their representatives in preparing for an appeal. Costs applications may relate to events before the appeal was brought, but costs that are unrelated to the appeal are ineligible.
5. The applicant alleges that advice given by the Council's officers during the application process for 2 subsequent planning applications led to the unnecessary expense of the appeal. This is on the basis that advice given for the first application, which was then withdrawn, amounted to pre-application advice for the second application, which was the subject of the appeal.
6. As the application for costs relates to the Council's behaviour during the application process, it is ineligible. Moreover, the Council has confirmed that no pre-application advice was sought after the first planning application was withdrawn. So, the circumstances in my colleagues' costs decisions ref APP/J9497/D/17/3185212 and APP/M1005/W/19/3238780 differ from those in the application before me.
7. Whilst local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, the Council's reasons for refusal are complete, precise, specific and relevant to the

application. It has substantiated its case in its officer's report, which includes reference to relevant Development Plan and national policy and guidance. The Council has also complied with procedure during the appeal process, by submitting its questionnaire and most other relevant documents in accordance with the timetable.

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

J Reid

INSPECTOR