



Costs Decision

Site visit made on 21 August 2023

by Robin Buchanan BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Costs application in relation to Appeal Ref: APP/C3810/W/22/3313857 Land east of Kingston House, Kingston Lane, Kingston, West Sussex BN16 1RP

- 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 James Lloyd for a full award of costs against Arun District Council.
 - The appeal was against the refusal of planning permission for three stables and a barn.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Government's 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.
3. In essence, the costs application is that having decided to reject the Officer recommendation to grant planning permission subject to conditions, as Members are entitled to, it was unreasonable for them to have refused planning permission for the reasons that they did, as set out in the Council's decision notice. Accordingly, that planning permission should have been granted so the appeal and related costs incurred by the applicant should not have been necessary.
4. The Council was given an opportunity to comment on the costs application. I have taken its comments received into account in my decision, as well as the applicant's final comments in response.
5. PPG states that where local planning authorities have exercised their duty to determine planning applications in a reasonable manner, they should not be liable for an award of costs.
6. I appreciate that the applicant does not agree with the two reasons for refusal and has referred to relevant material planning considerations at application and appeal stages, including the history of similar development or proposals at the site. Nonetheless, the decision taken by members was with due regard to the details of the whole submitted application, a detailed written officer report, verbal advice from officers and the benefit of a site visit by some members of the planning committee. On the evidence before me, it was not a decision made on a whim or without evident forethought or foundation.

7. I am satisfied that both reasons for refusal relate to matters of acknowledged planning importance. Moreover, the Council has substantiated its objections with reference to relevant development plan policies and an appeal statement which of necessity, in these circumstances, presents a different explanation of the issues. That is not unusual or unexpected.
8. Notwithstanding that in my appeal decision I have not agreed with the Council in some respects, this should not be taken as vindication of the costs application – the Council's reasons for refusal were 'good grounds', as the applicant has put it, for Members to make the decision that they did. Fundamentally, there was a difference of planning judgement between the main parties which I have reconciled in my appeal decision.
9. I am, therefore, satisfied that the Council properly exercised its development management responsibilities and determined the application in a reasonable manner. These circumstances have led the applicant to decide to pursue the matter through the appeal process, rather than for example a fresh application informed by the Council's decision.

Conclusion

10. For the reasons given above, I find that unreasonable behaviour by the Council resulting in unnecessary or wasted expense in the appeal process, as described in PPG, has not been demonstrated. A full award of costs is not therefore justified, nor is a partial award for the same reasons.

Robin Buchanan

INSPECTOR