



Costs Decisions

Site visit made on 5 July 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2023

Costs Application A in relation to Appeal A Ref: APP/B1415/W/22/3298210 Land at Newts Way, St Leonards on Sea TN38 9TH

- 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 Ms E Owusu for a full award of costs against Hastings Borough Council.
 - The appeal was against the refusal of planning permission for a single dwellinghouse which would include 3 bedrooms, work from home space, gardens, parking and access to Newts Way.
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Costs Application B in relation to Appeal B Ref: APP/B1415/W/22/3298505 Land at Newts Way, St Leonards on Sea TN38 9TH

- 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 Ms E Owusu for a full award of costs against Hastings Borough Council.
 - The appeal was against the refusal of planning permission for construction of four family dwellinghouses which would include work from home space, gardens, parking and access to Newts Way.
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Decision

1. Costs Application A is refused.
2. Costs Application B is refused.

Reasons

3. Parties in planning appeals normally meet their own expenses. However, 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. The appellant alleges that the Council behaved unreasonably in respect of both Appeal A and Appeal B.
4. The applicant alleges that the Council failed to respond to the appeal in a measured and unbiased way, and omitted information provided to it both prior to, and during, the appeal. The Procedural Guide: Planning Appeals England is clear that the local planning authority's statement of case should be a succinct statement supporting the reasons for opposing the development and should set out the arguments as to why they consider planning permission should be refused. On this basis it was not necessary for the Council's response to the appeal to include or address all previous information, nor to make comments that would support the appellant's case. Consequently, unreasonable behaviour did not occur in this respect.

5. The applicant considers that the Council's treatment of a petition against the development was also unreasonable, as the Council described this to represent 'significant local opposition'. It is clear that the parties who signed the petition cover a wide geographical area. As the effects of the proposal, and indeed its benefits including the contribution to housing supply, could be experienced by anyone, I see no reason why the value of the petitions should be judged on the proximity of the parties who signed it to the site. While I do not find it necessary for officers to have referred to the opposition as 'local', the Members of the Planning Committee and any Planning Inspector would, in any event, have been aware of the addresses associated with the signatures before them, as these form an inherent part of the petition.
6. I do not find that the Council's case unduly relied upon the petition, as the Council adequately substantiated its case within its appeal statements. These refer to the reasons for refusal and relevant policies and considerations, of which the petition forms a part. Indeed, the appellant similarly makes reference to a petition in support of their case. Overall, I do not consider the Council's treatment of the petition against the development to have been unreasonable.
7. It is alleged that there were inaccuracies contained in the Council's case, which led to the need for the applicant to correct them. However, specific examples of factual errors by the Council, which led to unnecessary or wasted expense in the appeal process, have not been evidenced.

Conclusion

8. For the reasons given, there is not evidence that unreasonable behaviour occurred which caused the appellant to incur unnecessary or wasted expense in the appeal process, as described in the PPG. Consequently, neither application for costs succeeds.

C Shearing

INSPECTOR