



Costs Decisions

Site visit made on 2 October 2023

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd November 2023

Costs application in relation to

Appeal A Ref: APP/P1425/W/23/3314433

4 Church Street, Seaford, East Sussex BN25 1HD

- 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 Mike Bryon for a full award of costs against Lewes District Council.
 - The appeal was against the refusal of planning permission for change of use from residential to holiday let with internal alterations including addition of a sauna in the basement, addition of shower space to ground floor bathroom and addition of ensuite bathroom on first floor.
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Appeal B Ref: APP/P1425/Y/23/3314434

4 Church Street, Seaford, East Sussex BN25 1HD

- 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 Mike Bryon for a full award of costs against Lewes District Council.
 - The appeal was against the refusal of listed building consent for change of use from residential to holiday let with internal alterations including addition of a sauna in the basement, addition of shower space to ground floor bathroom and addition of ensuite bathroom on first floor.
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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, 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. The applicant has applied for costs on the grounds that for Appeal A, the Council's decision is contrary to development plan policy and that it did not correctly assess the site or consider the economic benefits of the proposal in reaching this decision. For Appeal B, the appellant is concerned the Council did not request that additional information was provided, despite this being raised by the applicant prior to determination.
4. The Council has not responded to these grounds and so has not disputed them. Nevertheless, the applicant's references to certain policies within the development plan, which it considers support the appeal proposal, do not mean that the proposal complies with the development plan as a whole. In my main

decision, and despite recognising the in-principle support for the visitor economy, amongst other things, I have found that the proposal would conflict with the development plan as a whole.

5. The Council's assessment of Church Street is somewhat inaccurate; whilst it is a narrow road, the proper application of the parking restrictions means that problems with parking would be unlikely to arise. Nevertheless, and notwithstanding the nearby public houses, the scope for noise and disturbance from loading and unloading remains and the Council was entitled to conclude this would be harmful, in its decision.
6. The applicant makes repeated references to the requirements of online booking platforms in their evidence. However, as I have explained in my main decision, the Council was correct to disregard these matters in its decision.
7. The Council's assessment of waste and recycling arrangements is informed by the very limited evidence provided by the applicant in this regard and whilst there is no direct reference in the Council's officer report to the benefits to the economy from the proposal, it does recognise the need for visitor accommodation in Seaford, which would clearly have economic benefits for the town.
8. Whilst there are errors in the Council's assessment of Church Street, in the context of the proposal and the stated reasons for refusal, I do not consider that this, or the other stated grounds, show unreasonable behaviour that has caused the appellant to incur unnecessary expense with regard to Appeal A.
9. Whilst the applicant did ask the Council whether any further information was required, this was with regard to Appeal A rather than Appeal B. The applicant did not ask the Council whether any further information was required for the listed building consent application.
10. I have already noted that the Council's behaviour in not providing a response to this enquiry was unhelpful. Nevertheless, given the stated reference number on the applicant's correspondence, this is not unreasonable behaviour with regard to Appeal B, as the applicant contends.
11. For these reasons, unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not been demonstrated and so an award of costs is not justified.

Andrew Parkin

INSPECTOR