



Costs Decision

Site visit made on 4 October 2023

by N Perrins BSc (hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06.11.2023

Costs application in relation to Appeal Ref: APP/B1415/D/23/3327405 44 Clifton Road, Hastings, East Sussex TN35 5AN

- 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 & Mrs Killick for a full award of costs against Hastings Borough Council.
 - The appeal was against the refusal of planning permission for a single storey rear extension at first floor level to form additional living space.
-

Decision

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

Reasons

2. The Planning Practice Guidance 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's costs application is based on their view that the planning application was refused where there were no feasible planning grounds to do so resulting in delays and costs by having to appeal the decision. The applicants consider that based on the information provided, the appeal proposal accorded with the development plan and planning permission should have been granted.
4. The PPG explains that examples of unreasonable behaviour by local planning authorities includes a failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact that are unsupported by any objective analysis.
5. In this case, I found that the appeal proposal was acceptable in planning terms and did not conflict with the development plan when read as a whole and taking into account material considerations. In particular, I did not agree with the Council's assessment that the proposal would result in harm to the living conditions of the neighbouring property No 42 Clifton Road.
6. However, this is a matter of planning judgment. The Planning Officer's report explains clearly and rationally their professional opinion that there would be harm to the living conditions of No 42. The report provided justification in the form of distances to boundaries when compared with other properties nearby. The Council's assessment in this regard, whilst not one I agree with in planning terms, was entirely reasonable and one they were entitled to make based on the facts and application of planning judgments as they saw them.

7. Overall, I am satisfied that the Council fully substantiated the reasons for refusing planning permission by undertaking an objective analysis. I therefore cannot agree that the Council relied upon vague, generalised or inaccurate assertions about the impact of the proposed development. The main issue relevant to the appeal was a matter of planning judgment and the Council was entitled to make their decision to refuse planning permission. Accordingly, I do not agree that the Council acted unreasonably in refusing planning permission for the proposed development.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

N Perrins

INSPECTOR