

Costs Decision

Site visit made on 12 February 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 11 April 2024

Costs application in relation to Appeal Ref: APP/C3810/W/23/3323503 Land between 11a The Grove and 30 Brook Lane, Ferring BN12 5HZ

- 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 Arun District Council for a full award of costs against Mr Andrew Bridges.
 - The appeal was against the refusal of planning permission for a 1-bedroom house along with associated parking and private outdoor amenity space.
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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 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 Council contends that the appellant has behaved unreasonably as it is clear the proposal does not accord with the development plan and the appeal follows a recently dismissed appeal¹ for a marginally different development, and it would be unreasonable to expect a different outcome.
4. Whilst I agree with the Council that the proposal does not accord with the local development plan, as part of the appeal the appellant made a coherent argument to the contrary. Both the effect of the proposal on the character and appearance of the area, and living conditions are matters which are subject to planning judgement. There were merits to the appeal proposal, and I do not consider that it was clear that the proposal did not accord with the development plan.
5. As set out in my appeal decision, the appeal proposal is harmful for similar reasons to the previously dismissed scheme. Although the size and orientation of the appeal site restricts the extent of any meaningful changes, there are some relatively significant differences between the two appeal schemes, including a reduction in the gross internal area by 25% and an increase in the outdoor amenity space by 38%. For these reasons, I consider that the appellant has made significant changes to the scheme, in an attempt to overcome the harm previously identified. However, this has not been achieved in this instance.

¹ Appeal Ref. APP/C3810/W/21/3281178

6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Hobbs

INSPECTOR