



Costs Decision

Site visit made on 13 March 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 11 April 2024

Costs application in relation to Appeal Ref: APP/B1415/W/23/3329236 11 Linton Road, Hastings, TN34 1TN

- 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 Mark Bartlett for an award of costs against Hastings Borough Council.
 - The appeal was against a refusal to grant planning permission for a single detached dwelling at land to the rear of 11 Linton Road.
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Decision

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

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 Appellant has not specified whether he is applying for a full or partial award of costs but from the information before me and absence of any detailed concerns in respect of any of the specific reasons for refusal, it would appear that the application is for a full award of costs. It should be explained that it is only this current proposal and appeal that is before me and I am only in a position to consider the application for costs that the Appellant has incurred in respect of this current appeal process.
4. Whilst I have found that the location of the site within the urban area of Hastings results in the principle of residential development being acceptable, I have dismissed the appeal on the basis that I have found that the proposal would harm the character and appearance of the local area. I have found that the living conditions of the neighbours would not be harmed and satisfactory living conditions would be provided for future residents of the proposed dwelling, but these findings are not outweighed by the harm I have concluded to the character and appearance of the local area.
5. The award of costs is only applicable if demonstrated that a party (in this case the Council) has behaved unreasonably and thereby caused the party (the Appellant) to incur unnecessary or wasted expense in the appeal process.
6. Whilst I have disagreed with the Council's findings on some matters, it has not been demonstrated to me, beyond generalised assertions, that the Council has behaved unreasonably. The Appellant may have considered that he had

addressed all issues arising from the earlier refusals and whilst it may have been possible to reduce the number of reasons for refusal, there is nothing before me to indicate that a different decision would have been reached and planning permission granted. I have assessed the proposals on their planning merits and against the development plan and other material considerations and have also found against the proposal.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

L J Evans

INSPECTOR