



Costs Decision

Site visit made on 9 April 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2024

Costs application in relation to Appeal Ref: APP/Q1445/W/23/3333949 Garages to the rear of 10 Bavant Road, Brighton BN1 6RD

- 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 Paul Corcut for a full award of costs against Brighton & Hove City Council.
 - The appeal was against the refusal of planning permission for the redevelopment of existing garage block with a pair of semi-detached chalet style dwellings.
-

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 appellant's claim for costs relies on that the committee refused the application against officer's advice and that the reasons for refusal are unsubstantiated.
4. The Council originally recommended approval and the officer's report makes a thorough assessment of the proposal. It was a matter for the Council, as decision-maker, to determine the weight that all considerations should be attributed in the overall planning balance, and this was clear within the report.
5. The committee saw sight of this report and assessment during their consideration of the application and in their view the scheme was unacceptable. I acknowledge that the appellant has sought to make changes to an earlier scheme which the Officer found to be acceptable. However, the committee were not unreasonable to reach a different view when weighing up the overall planning balance.
6. The reasons for refusal within the decision notice are clear and are supported by relevant planning Policies.
7. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for costs is refused.

D Wilson

INSPECTOR