



Costs Decision

Site visit made on 15 July 2024

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2024

Costs application in relation to Appeal Ref: APP/C3810/D/24/3339003 Riverside House, 2 Fitzalan Road, Arundel, West Sussex BN18 9JS

- 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 Ms Bertille Guilbert for a full award of costs against Arun District Council.
 - The appeal was against the refusal of approval for erection of one and two additional storeys on existing dwellinghouse.
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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 application was made in a timely manner.
4. The Council granted prior approval under Article 3(1) and Schedule 2, Part 1, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for 'erection of one and two additional storeys on existing dwellinghouse' ref AB/3/21/PD dated 8 March 2021. The development permitted was not completed in accordance with the condition in paragraph AA.2.(3)(c) of the GPDO.
5. The applicant submitted a new application for prior approval in December 2023 with the aim of renewing the previous approval. The Council refused approval in its decision notice dated 14 February 2024. The applicant has provided a copy of the Council's decision notice for the previous approval and says that nothing regarding the house or the surrounding environment had changed. However, since the previous approval was granted, other matters have changed, including relevant case law, and as noted in my appeal decision, it appears that the appeal dwelling has been altered.
6. The applicant had been relying on the grant of prior approval to finance maintenance works to the house. So, she is seeking compensation for the difference in value between her house as it stands and her house with the benefit of prior approval for the development, based on estimates from local estate agents. However, these costs are not directly related to the appeal.
7. The Council considered the application submitted in December 2023 afresh, and it made its decision with reference to the GPDO. The reasons for the

Council's decision are explained in its officer's report, and its reason for refusal is complete, precise, specific and relevant to the application. Whilst my appeal decision differs in its details, it supports the Council's stance. The Council also accepts that the previous decision may have been incorrect. So, the Council has behaved in a reasonable manner, and it has substantiated its case.

8. The Council submitted its questionnaire and other relevant documents in accordance with the timetable, and it responded to the costs application in a timely manner. So, the Council's procedural behaviour during the appeal process was reasonable.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Reid

INSPECTOR