



Costs Decision

Site visit made on 4 November 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Costs application in relation to Appeal Ref: APP/L3815/D/25/3373514 31 South Bank, Chichester PO19 8DX

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Simon & Karen Maskrey & Arnold for a full award of costs against Chichester District Council.
 - The appeal was against the refusal of planning permission for erection of single storey rear extension and erection of replacement outbuilding and associated works.
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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 Applicants have set out two principal grounds relating to their application for an award of full costs against the Council. First, that the Council has not determined similar cases in a consistent manner, and secondly that the Council did not properly assess whether there were public benefits arising from the perceived harm to the designated heritage asset, in accordance with the National Planning Policy Framework and case law.
4. In respect of the first issue, each proposal must be considered on its individual merits and the Officer's report clearly set out the reasons why it considered that the development proposed would be unacceptable. The Applicants specifically refer to the lack of consistency with a permission granted by the Council in respect of a similar property on the same side of the road in 2024 for a rear extension which would also have infilled the side passageway. The infilling of the side passageway was the principal reason for refusal for the Applicants' proposal.
5. I do not have the full details of that 2024 proposal in front of me, and whilst from the information made available to me, it clearly would build across the side passageway, it does not appear directly comparable with the proposal before me. The Council has advised in its rebuttal to the costs application that the other scheme was materially different to the scheme at the appeal property although it has not provided any further details. Given the proximity of that scheme to the appeal property and the recent date of the permission granted, and that it would also have infilled the side passageway, I do consider it unhelpful to the Applicants

that the Council did not even reference the other permission in its report and elaborate its reasons for drawing a distinction between the two schemes.

6. The Applicants have also contested that the Council did not properly consider whether there would be any public benefits arising from the proposal to outweigh the harm it, the Council, considered would arise to the character and appearance of the Conservation Area from the proposal. The lack of public benefits to outweigh the harm was referenced in the reason for refusal and referenced by both the Conservation Officer in its consultation response as well as by the Planning Officer in the report, although the extent of the consideration is not clearly set out. Whilst it would have been helpful to have had this exercise more explicitly set out by the Council, it has not been demonstrated that such an exercise was not undertaken or an appropriate assessment made.
7. Whilst I consider that the Council has not been as thorough in its assessment as it should have been, I am not persuaded that the Council would have reached a different conclusion to avoid the necessity of an appeal.
8. 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