Planning Inspectorate

Costs Decision

Site visit made on 9 October 2026

By N Perrins MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2026

Costs application in relation to Appeal Ref: 6015092
9 Rosslyn Avenue, Shoreham-by-Sea, West Sussex BN43 6WJ

- 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 Duncan Wright for a full award of costs against Adur District Council.
- The appeal was against the refusal of planning permission for a front elevation dormer window on the first floor.

Decision

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

Reasons

2. The parties in planning appeals normally meet their own expenses. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process. Examples of unreasonable behaviour by local planning authorities include failing to substantiate a reason for refusal, making vague or generalised assertions about a proposal's impact unsupported by objective analysis, and refusing pre-application discussions where a more helpful approach would probably have avoided the appeal or narrowed the issues.

3. The applicant's first ground concerns the Council's handling of the application. Following the refusal of the earlier scheme, the applicant sent a revised design to the case officer, who replied on 8 August 2025 that they thought it was "a considerable improvement" and that "in the absence of objections I think it could be supported". The officer also advised against appealing the refused scheme. The applicant states that they relied on that advice in making a fresh application rather than appealing. The applicant also states that the Council did not respond to a further request for advice made on 8 April 2026, before the revised application was submitted.

4. Informal comments by an officer before an application is made do not bind the Council's formal decision, and the Council was required to reach its own view on the application, on its merits, once it had been made. From the information before me, the officer's email of 8 August 2025 responded to the applicant's proposed revision, which the applicant's email of 22 July 2025 explains they had drawn themselves, showing a dormer with a sloping roof blending into the existing roof at a shallow angle and re-using the existing tiles. That drawing is not before me, but the appeal scheme, prepared later by a different agent, has a flat roof faced in brick slips. It therefore appears that the officer's comments related to a different design from the one refused. In any event, even if they related to the appeal scheme, a

change of view between informal advice and formal determination is not in itself unreasonable where, as here, the Council's eventual decision is properly reasoned and substantiated. The officer's advice that the earlier refusal could be defended at appeal was a professional view they were entitled to give.

5. The applicant refers to the Planning Appeals Procedural Guide, which advises that local planning authorities should be open to discussions on whether they are likely to view an amended application favourably. The officer's emails of July and August 2025 show that the Council did engage in such discussions. The Guide does not suggest that informal views expressed in them determine the outcome of a subsequent application.

6. I acknowledge the sequence of advice is not straightforward. The officer's email of July 2025, on the earlier scheme, explained why the dormer then proposed could not be supported and suggested a side window extending into the roof space as an alternative. The email of August 2025 was more positive, but it related to the applicant's own revised design, which may have differed from the appeal scheme. The applicant's request of April 2026 may well have concerned the scheme subsequently submitted, but that correspondence is not before me, and the Council's response to the costs application does not clarify what was submitted to or considered by the officer at each stage. It is therefore possible that the applicant made the application without knowing the Council's view of the scheme that is subject of this appeal.

7. However, the Council explains that the request was not answered because the case officer was absent through sickness, and the applicant accepts that explanation. In the absence of a reply, it was understandable that the applicant proceeded with the application. Nonetheless, the unanswered approach of April 2026, made by telephone and email during a period of staff absence, is not a refusal to engage of the kind described in the PPG. Informal contact of this kind, while helpful, cannot guarantee either a response or a particular outcome.

8. It is possible that a response would have led the applicant to submit a different scheme, or none at all. However, there is no evidence of what any response would have said, or that it would have changed the applicant's approach. The decision whether to apply, and in what form, rested with the applicant. In any event, the expense of the appeal arose from the refusal of permission, which the Council determined on its merits with substantiated reasons, as I find below. In respect of the first ground, I therefore conclude that the Council did not behave unreasonably in the terms described in the PPG.

9. The applicant's second ground is that the reason for refusal relies on vague or generalised assertions unsupported by objective analysis. Related to this, the applicant contends that the application was refused for reasons practically identical to those given for the earlier scheme, without adequate explanation. The Council's report on the earlier application indicates that the dormer then proposed had a hipped roof but was in a similar position in the roof slope. The appeal scheme changed the roof to flat but kept that position, and the Council's report on it explained why the previous reason for refusal had not been overcome. It is therefore unsurprising that the reason was the same.

10. The Council's report on the appeal application also set out the dimensions of the dormer, described the house type and its roof form, identified the relevant policy

and guidance, including paragraph 3.12 of Development Management Standard No 2, and explained the harm by reference to the siting and form of the dormer. That analysis is concise but specific to the proposal. Although the Council's response wrongly describes its objection as one of principle, the reason for refusal concerned siting and design, and that wording does not make the refusal unreasonable. Nor did the lack of third-party objections require the Council to grant permission. I have reached the same conclusion on the main issue in my appeal decision. The Council has therefore sufficiently substantiated its reason for refusal, and this is not a case of development which should clearly have been permitted.

11. To conclude, unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated, and an award of costs is not justified.

N Perrins

INSPECTOR