The Planning Inspectorate

Costs Decision

Site visit made on 3 December 2013

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 December 2013

Costs application in relation to Appeal Ref: APP/Y3805/A/13/2203185 Land at 25 Riverside, Shoreham-by-Sea, BN43 5RU.

- 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 Justin Clements for a full award of costs against Adur District Council.
- The appeal was made against the refusal of planning permission for demolition of existing poor quality 3 bedroom bungalow and garage. Construction of two contemporary, high quality 3 bedroom semi-detached dwellings.

Decision

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

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only 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. As stated in paragraph B20 of Circular 03/2009 planning authorities are not bound to accept the recommendations of their officers, although they do need to show reasonable planning grounds for taking a contrary decision. At the same time circular 3/2009 advises that where decisions involve matters of judgement, such as the impact of a scheme on the living conditions of the occupiers of adjoining properties, it is unlikely that costs will be awarded if realistic and specific evidence is provided by the local authority.

4. Although I did not find in favour of the Council in relation to the living conditions of the occupants of the proposed dwellings, the Council provided realistic and specific evidence in their Appeal statement, both in relation to the proposed living conditions and the impact the scheme would have on the living conditions of existing residents. This was supported and expanded on by local residents, whose concerns were founded on valid planning grounds. Thus the Council's concerns were supported by substantial evidence, which were evident at the Appeal site visit.

5. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated.

Elizabeth Lawrence

INSPECTOR