dowsettmayhew
Planning Partnership

EMAIL ONLY

Planning Inspectorate

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Trafalgar Place
Brighton
BN1 4DU

☏ 01273 947776
Email laura.bourke@dowsettmayhew.com
URL www.dowsettmayhew.com

2 June 2021

Dear PINS

Appeal Reference: APP/Y3805/W/21/3270585

Site Address: 66 Old Fort Road, Shoreham-By-Sea, BN43 5HA

I write in respect of the above appeal and to confirm, on behalf of the appellant, an application for costs is made.

For the reasons set out below, it is respectfully requested the Inspector orders Adur District Council (ADC) to pay all of the appellant's (Andrew Pollard) costs in respect of the above appeal.

It is submitted the appellant has been put to unnecessary expense due to the unreasonable behaviour of ADC. National Planning Policy Guidance confirms the type of behaviour which may give rise to an award against a local planning authority. In this instance, it is submitted ADC have acted unreasonable in refusing the application.

As set out the Appellant's Statement of Case, given ADC's reason for refusal relates to the impact of the development on the local area, it is considered reasonable to draw attention to the nearby properties which are of varying scale, mass, built form, architectural style and character. To demonstrate the varied and eclectic street scene and to assist the Inspector's understanding of the area, enclosed is a visual presentation of the surrounding properties. This clearly demonstrates the varied character, form, scale, massing, bulk and height which surrounds the appeal site. Particular attention is drawn to 3 storey properties along the southern boundary of Old Fort Road.

The enclosed demonstrates ADC have consistently concluded that increased height and scale of dwellings would not adversely impact their immediate local context, given the variety that exists in the area.

The appellant accepts that each planning application must be determined on it's own merits, irrespective of decisions made elsewhere. However, it is also incumbent upon LPA's to seek to ensure consistency of decision making and assess schemes and apply policy in a fair and balanced way.

In light of such, it is submitted ADC have raised unreasonable objection to the proposed scheme, which is inconsistent with other approvals in the appeal site's immediate context. ADC have previously considered the remodelling/replacement of homes with increased scale and massing to be acceptable along Old Fort Road.

The LPA's refusal has delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and other material considerations.

The Appellant has engaged specialist planning consultants to prepare and submit the appeal on their behalf. It is considered permission should have been granted, and the appeal is therefore unnecessary. The cost of engaging specialist consultants is considered an unnecessary expense. This expense is highlighted to the Inspector however, it is not a basis for the cost claim.

It is submitted on behalf of the Appellant that planning permission should have been granted, and this appeal has been unnecessary. For the reasons set out above, it is submitted the appellant has been put to unnecessary expense due to the unreasonable behaviour of ADC. In light of such it is respectfully requested a a full award of costs is made in favour of the Appellant

Yours sincerely



Laura Bourke BA MSc MRTPI
Senior Planner

Enclosed:

Visual presentation of the surrounding properties

Costs Application form

The Planning Inspectorate

Application for an award of appeal costs

You can use this form as a template if you wish to apply for costs in:-

- a written appeal
- an appeal going to a hearing or inquiry, but you wish to giveadvance notice of an application for costs
- an appeal which is withdrawn (or where the enforcement notice iswithdrawn).

Notes to help you are in part D

A. Information about the claimant

Full name: Andrew Pollard

Address: C/o Agent, Mocatta House, Trafalgar Place, Brighton

Postcode: BN1 4DU

Your reference: APP/Y3805/W/21/3270585

Daytime telephone No: 01273947776..... Fax no: .....

Email address: C/o Agent laura.bourke@dowsettmayhew.com

Status (Appellant/Local Planning Authority/Interested Party): Appellant

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Agent's Name (if applicable): Laura Bourke

Agent's Address: dowsettmayhew Planning Partnership, Mocatta House,Trafalgar Place, Brighton

Postcode: BN1 4DU

Reference: APP/Y3805/W/21/3270585

Daytime telephone No: 01273 947776..... Fax no: .....

Email address: laura.bourke@dowsettmayhew.com

Date Received (Official use)

B. Information about the party being claimed against

Full name: Adur District Council

Address: The Shoreham Centre, Pond Road, Shoreham-by-Sea, West Sussex

Postcode: BN43 5WU

Status (Appellant/Local Planning Authority/Interested Party): Local Planning Authority

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C. Information about the appeal

Planning Inspectorate appeal reference number APP/Y3805/W/21/3270585

(Please quote all appeal reference numbers if the costs application relates to more than one appeal)

Name of Local Planning Authority: Adur District Council

Description of the development: DEMOLITION OF A TWO STOREY HOUSE AND REPLACEMENT WITH A THREE STOREY 5 BEDROOM DETACHED HOUSE

Address of the site: 66 Old Fort Road, Shoreham, BN43 5HA

D. Notes for guidance on your costs application – please read before going ahead

Appellants, local planning authorities and anyone else involved with the appeal (the parties) are normally expected to cover their own expenses. But anyone involved in the appeal can ask the Secretary of State or appointed Inspector to order that one party pays some or all of another party's costs. Before agreeing to this, we will have to be sure that:

• the person applying was put to unnecessary or wasted expense in the appeal

• because of the unreasonable behaviour of the other party.

An award can only be made if both these tests are met.

Please write (in section E) how you think the other party has acted unreasonably and what expense this has caused you. **Please note that only the unnecessary or wasted costs of the appeal itself can be recovered by an award.**

Before going ahead with an application, your attention is drawn to The National Planning Practice Guidance web-based resource, which contains

advice on the award of costs, in the Appeals section.

While there is no formal procedure or application form for making an application for costs you can use the template (below) to make an application for costs in writing.

The decision on your application will not go into the actual amount of costs involved – only the principle and, if an award is made, what the award is broadly for. So there is no need to state the actual amounts you are seeking. If an award is made, the parties will need to settle the amounts involved between them by negotiation; or, if that fails, by applying to the Senior Courts Costs Office for an independent decision on the matter.

When using the costs application form, to give advance notice of a costs application in a hearing or inquiry case, please send a copy of your completed application to the other party.

Please also note there are time limits for making a costs Application depending on the procedure for deciding the appeal. The Award of Costs Guidance provides relevant information.

E. Your costs application

Please state whether you are applying for a full or partial award of costs and what you think is:

- the unreasonable behaviour which has caused you unnecessary or wasted expense in the appeal

Please see attached correspondence.

- your unnecessary or wasted expense in the appeal (not the amount, but the kind of expense)

Please see attached correspondence.

Please sign below

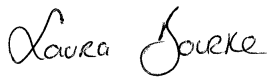
I understand that:

(a) use of this form is voluntary, and that the Planning Inspectorate may use the information I have given for official purposes in connection with the processing of my application for an award of costs;

(b) the costs decision resulting from processing my application will be published on the Planning Portal and will include relevant names but not addresses.

By signing this form I am agreeing to the above use of the information I have provided.

I have completed all sections of the form and confirm that details are correct to the best of my knowledge. (Please note: signature is not necessary for electronic submissions)



Signature

On behalf of Andrew Pollard

Name (in capitals) LAURA BOURKE

Date 27 May 2021

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our privacy notice.

See the link to the following page on GOV.UK
https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices

Please note exceptions below but otherwise send this form and any supporting documents to:

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

For the attention of your appeal case officer

Or e-mail it to the email address as shown on the letter(s) you have received from your appeal case officer.

Exceptions - please note:

(1) Householder Appeals Service (HAS) & Commercial Appeals Service (CAS)

Please ensure your costs application – if you wish to make one - is with your appeal form when submitting a HAS or CAS appeal. If you are submitting your costs application via the Planning Casework Service on the Planning Portal please attach it to the grounds of appeal as a separate document

If using the postal service please send your completed HAS/CAS appeal form along with your costs application to the address quoted on the appeal form.

(2) Tree Preservation Order (TPO) appeals

In the case of a written TPO appeal any application for costs should normally be made at the same time as the appeal. E-mail to: environment.appeals@pins.gsi.gov.uk or send the form to:

The Planning Inspectorate
For the attention of the Environment Team
Room 3/25
Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

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Visual Appraisal

66 Old Fort Road, Shoreham-by-Sea

March 2021

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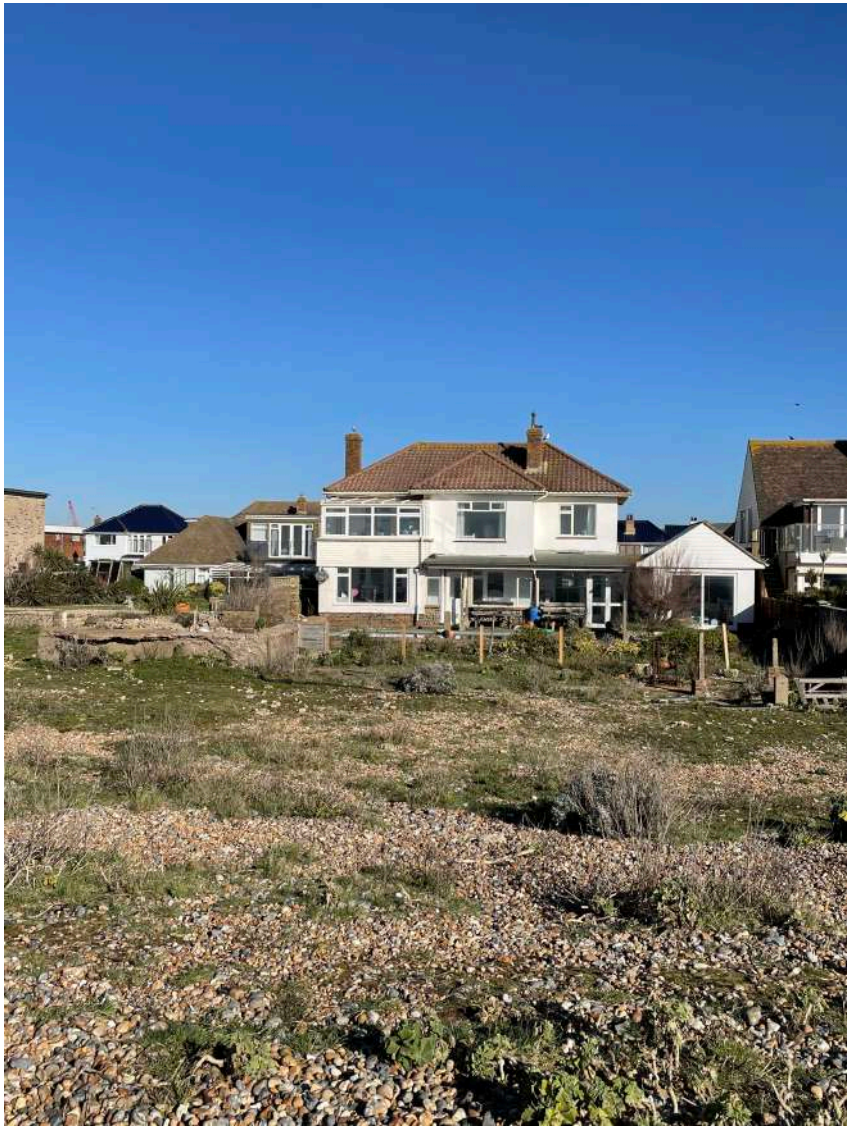
66 Old Fort Road: Front Elevation





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66 Old Fort Road: Rear Elevation







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Viewpoint Locations - Surrounding properties



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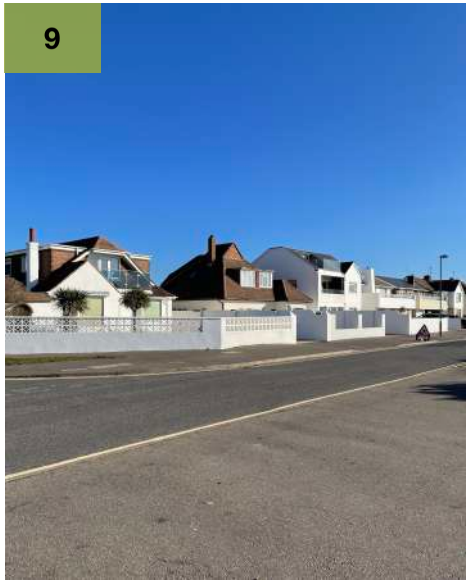
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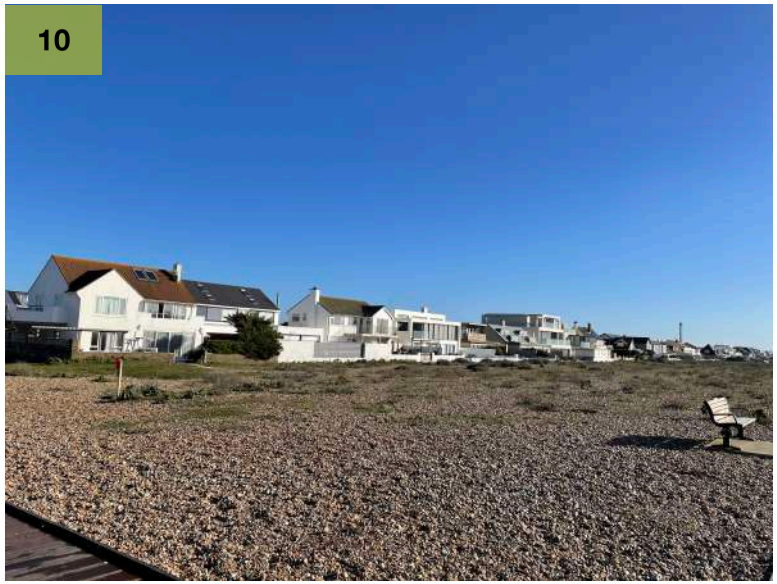
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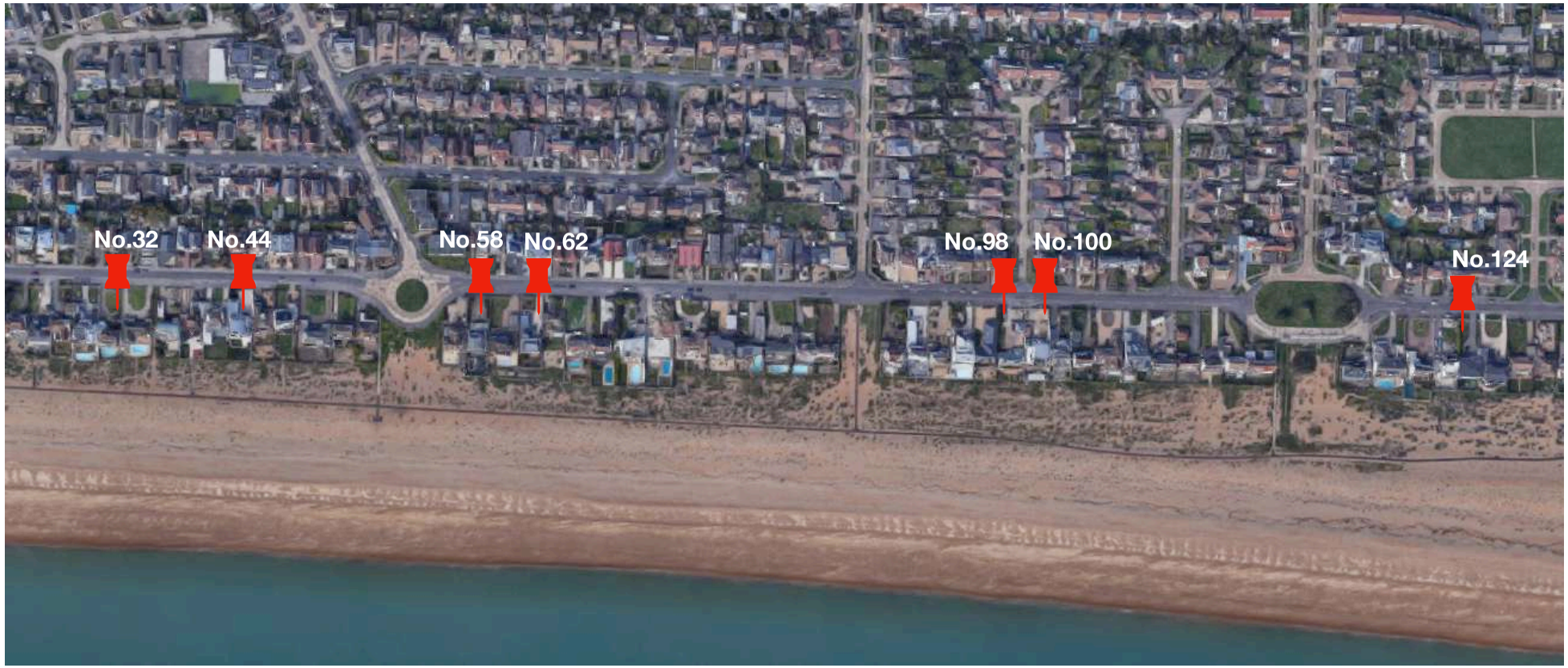


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Three Storey Properties Surrounding the Site



No.32





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No.44







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No.58



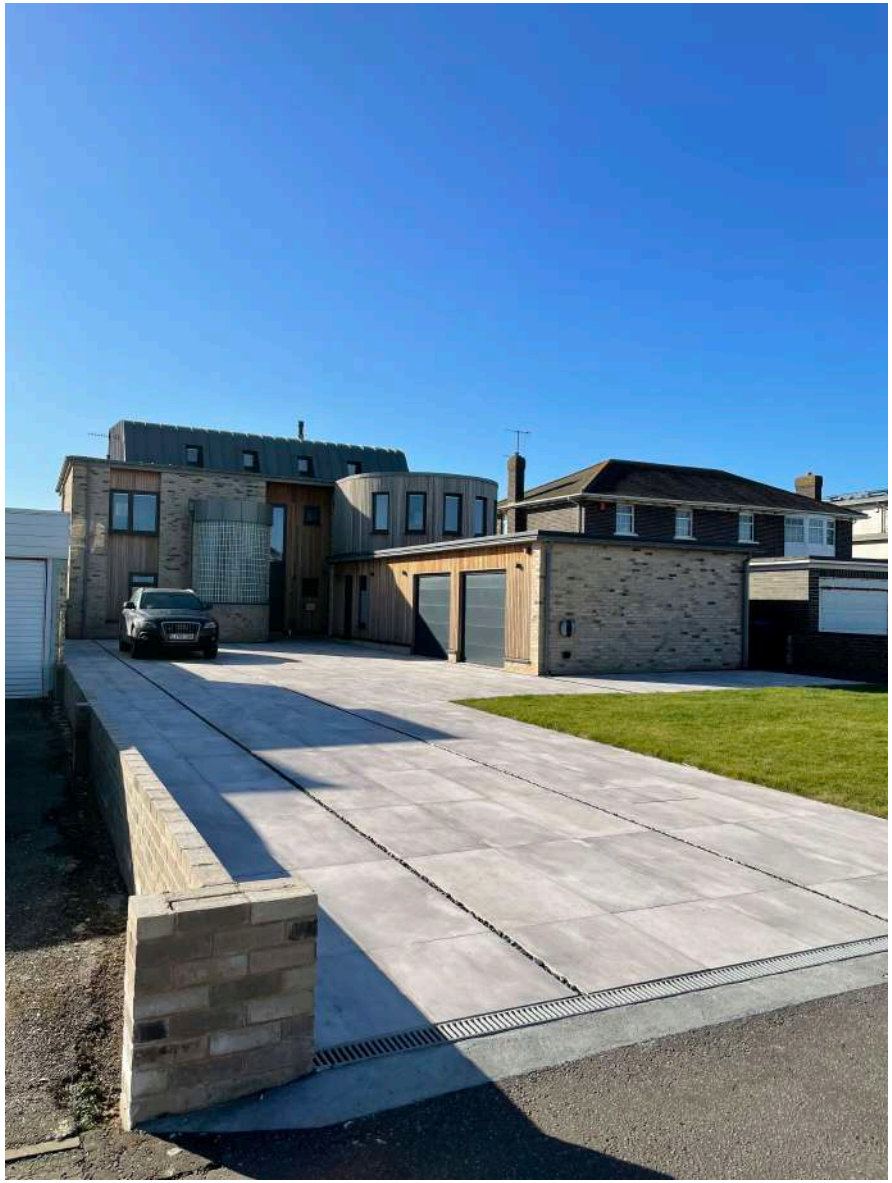


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No.62







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No.98





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No.100



No.124

