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## Costs Decision

Site visit made on 20 February 2018

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State

Decision date: 8 March 2018

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### **Costs application in relation to Appeal Ref: APP/Q1445/D/17/3182784 62 Poplar Avenue, Hove BN3 8PS**

- 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 T A von Biel for an award of costs against Brighton & Hove City Council.
  - The appeal was against the refusal of planning permission for installation of front dormer.
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### **Decision**

1. I refuse the application for an award of costs.

### **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 appellant's claim is for the reimbursement of time spent reading documentation to the appeal, as it is claimed that the refusal of permission was as a result of poor planning and execution on the part of the Council.
4. The Guidance states the principle that parties in planning appeals normally meet their own expenses. All parties are expected to behave reasonably to support an efficient and timely process.
5. Looking first at the claim regarding the need to read documentation; that is no more than would be required of a party to an appeal and would normally be an expense to be borne by each party. However, if the cause of the appeal was unreasonable behaviour, work such as that may well be the subject of an award.
6. In this case the accompanying Appeal Decision has found the Council's reason for refusal to be based on Development Plan policy as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, together with the guidance in the Supplementary Planning Document. The possible material consideration of the dormer at number 64 had been addressed in the Officer's Report, notwithstanding the ambiguity referred to in the Appeal Decision. Of particular note is the requirement of the National Planning Policy Framework for good design. The Council made clear the view as to the merit of the existing dormer and the harm that repetition would cause.

7. As a result, there is no indication that the decision taken by the Council was unreasonable and represented poor planning, or that their behaviour in considering the application and at appeal was poor execution of their development control function. This did not therefore result in unnecessary or wasted expense for the appellant, rather, the time and costs incurred were as would be expected in pursuing the right of appeal against a refusal of permission. The application for an award of costs fails on that basis.

*S J Papworth*

INSPECTOR