
Costs Decision

Site visit made on 29 June 2015

by **J L Cheesley BA(Hons) DIPTP MRTPI**

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

Decision date: 22 July 2015

Costs application in relation to Appeal Ref: APP/Q1445/W/15/3004478 Land at 1 Saltdean Drive, Saltdean, Brighton, East Sussex BN2 8SB

- 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 Nigel Rose, Homemakers of Brighton Ltd for a full award of costs against Brighton and Hove City Council.
 - The appeal was made against the refusal of planning permission for the demolition of existing house and construction of six residential units.
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1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance advises that 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. I understand that two case officers considered the proposal favourably yet the planning application was refused following internal discussion and consideration by a Senior Officer. Whether or not the Senior Officer should have visited the site is not for my determination. I note that the Senior Officer had reviewed the planning application and submissions and the Case Officer's report before an internal discussion. I note that this was in accordance with the procedures at the Council. I have no concerns with this approach.
4. The Council referred to the character and appearance of the area, which is a matter of judgement. The Council referred to Local Plan policies in this respect. In my opinion, the Council provided a clear explanation of its reasons for refusal, with reasonable planning grounds, and therefore, the Council's behaviour was not unreasonable when judged against the planning guidance. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

J L Cheesley INSPECTOR
