
Costs Decision

Site visit made on 11 December 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 28 December 2017

Costs application in relation to Appeal Ref: APP/T1410/W/17/3183314 Garage block adjacent to 21 Derwent Road, Eastbourne BN20 7PH

- 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 Mrs Jeanette Crouch for an award of costs against Eastbourne Borough Council.
 - The appeal was against the refusal of planning permission for development described as *"demolition of existing three garages and erection of chalet bungalow type 1 bedroom single dwelling"*.
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Decision

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

Reasons

2. 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. The appellant considers that the local planning authority's planning committee acted unreasonably, both procedurally and substantively, in its determination of the application which resulted in the appellant having to avail herself of the appeal process.
4. The appellant suggests that the Council did not set out its reasons for refusal clearly in its decision notice or within the recorded minute of the committee meeting. It is also argued that the grounds of refusal were cursory and unspecified and did not provide a useful indication of the Committee member's specific concerns. This led to the appellant having to adopt a blanket approach to cover all possible areas of concern as part of her appeal.
5. The appellant also highlights that the Council allowed two objectors to publicly address the Committee, one of which had not submitted an objection prior to the meeting. It is asserted that two speakers do not accord with the rules set out in Council's Constitution on Public Speaking at Council Meetings. It is also suggested that the Members placed undue weight upon the objections of these speakers.
6. In addition, the decision reached by the Council's planning committee went against the advice of their Conservation Advisory Group, Conservation Officer and Planning Policy Officer. In doing so it is suggested that the Committee members did not adhere to the advice and guidance set out in its Probity and

Planning document pertaining to decisions made contrary to the officer recommendation.

7. As such, it is asserted that the conduct of Committee members amounts to unreasonable behaviour on the Councils part.
8. The Council's reason for refusal indicates that "*The proposal by reason of its size, bulk and siting including boundary treatment would result in a form of development that would have an unneighbourly and overbearing relationship with the occupiers of the adjacent properties*". Although not expanded upon, this wording is also reflected in the Council committee minute. To my mind, this clearly sets out the Council members specific concerns in relation to the proposed development. I therefore disagree with the appellant on this point.
9. The Council has explained that the two public speakers were an immediately adjoining neighbour and a representative of a community association. As such, they had different interests in the planning application. There is no substantive evidence before me that would indicate that the Council has not followed its democratic processes and procedures in respect to public speaking.
10. It is of course open to Council members to come to a different conclusion to their officers and advisers having heard the views of the public speakers at the Committee meeting. Based upon the available evidence I cannot conclude that the Committee members disregarded the Council's Probity and Planning document which is, after all, an advice and guidance document for members.
11. I note that the appellant, in good faith, sought to address the Council's concerns that arose from the representations received during the course of the Council's consideration of the application. Although the appellant questions whether all the relevant plans/amendments were available to the Committee members, there is no clear reason before me that would lead me to doubt this.
12. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Nicola Davies

INSPECTOR