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## Costs Decision

Site visit made on 28 February 2017

**by Nicola Davies BA DipTP MRTPI**

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

**Decision date: 13 March 2017**

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### **Costs application in relation to Appeal Ref: APP/P1425/W/16/3162762 26 Bramber Avenue, Peacehaven BN10 8HR**

- 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 S Bruce on behalf of JJ SEA Ltd for an award of costs against Lewes District Council.
  - The appeal was against the refusal of planning permission for the demolition of existing bungalow and construction of a pair of semi-detached dwellings.
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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 indicates that the Council's pre-application advice was sought. The application was submitted incorporating various amendments that had been recommended by the local planning authority. The Council's officer recommended the scheme, but members turned it down. The appellant asserts that the refusal of planning permission has prevented and delayed development that should have been permitted and considers it has met the relevant planning policies.
  4. It is of course open to Council members to come to a different conclusion to their officers, but the Council must give adequate reasons for its decision. I am satisfied that the application was considered on its own merit in light of policy considerations and that the Council has substantiated its reason for refusal in these respects. The fact that I have arrived at a contrary view does not, of its self, show that the Council has behaved unreasonably.
  5. In addition, the appellant contends that the Council has granted a similar scheme close by at No 24 Dorothy Avenue (planning application ref LW/14/0319) under their delegated authority. I acknowledge that this site has been subject to a revised planning permission (planning application ref LW/16/1028). There may be similarities between schemes, which is often the case in residential areas. However, irrespective of other developments that may take place within the surrounding area each proposed development should be considered on its own merits as different circumstances will apply.
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6. 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