

S78 Appeal By: Paula Hilton and Brian Biermann Collins

Appeal Reference: APP/C3810/W/21/3270415

Site Address: Land at Summer Lane Pagham

Local Planning Authority: Arun District Council

Advance Notice of the intention to submit an Application for Costs on behalf of the Appellant

Relevant NPPG states that:

The aim of the costs regime is to:

- encourage all those involved in the appeal process to behave in a reasonable way and follow good practice, both in terms of timeliness and in the presentation of full and detailed evidence to support their case
- encourage local planning authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, not to add to development costs through avoidable delay,
- discourage unnecessary appeals by encouraging all parties to consider a revised planning application which meets reasonable local objections.

Amongst other matters the NPPG states that a Local Planning Authorities are at risk of an award of costs on substantive matters if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications or by unreasonably defending appeals and gives the following examples of relevance in this case:

- *Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.*
- *failure to produce evidence to substantiate each reason for refusal on appeal*
- *vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.*
- *refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead*
- *not reviewing their case promptly following the lodging of an appeal against refusal of planning permission (or non-determination), or an application to remove or vary one or more conditions, as part of sensible on-going case management.*

The Council should be aware from correspondence circulated whilst the application was under consideration and prior to its decision and since the appeal was lodged as well as the Appellants Full Statement of Case that the Appellant considers that all these examples of unreasonable behaviour on the part of Arun District Council have occurred in this case.

In view of this the Appellant has resubmitted the appeal application in order that Arun District Council may reconsider its position and its case and grant the planning permission sought so that the need to prosecute this appeal can be avoided.

Paul Collins BA (Hons) DipTP – 8 March 2021