
Costs Decision

Site visit made on 13 September 2016

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 24 November 2016

Costs application in relation to Appeal Ref: APP/X2220/W/16/3152188 Summerfield Farm, Barnsole Road, Staple, Kent CT3 1LD

- 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 and Mrs Vickers against Dover District Council for a full award of costs against Dover District Council.
 - The appeal was against the refusal of the Council grant to planning permission for the change of use of barn to residential dwelling and associated material operations.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellant has stated that the Council requested further amendments requiring operations which went beyond the requirements of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), namely the removal of proposed openings within the walls of the building. Class Q of the GPDO provides for building operations reasonably necessary to enable the residential use. This might commonly include the opening up of elevations to provide doors and windows.
4. The Council maintains it did not invite the aforementioned amendments. However, notwithstanding this, the reason for refusal related to the effect of the development on the setting of nearby listed buildings. Whilst I have taken a contrary view, the Council's justification for refusing the application was set out in the officer report, and thus I consider it was not unreasonable in refusing the application.
5. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in paragraph 52 of the Guidance, has not been demonstrated, and thus an award of costs is not justified.

Claire Victory

INSPECTOR
