
Costs Decision

Site visit made on 14 November 2016

by G D Jones BSc(Hons) DipTP DMS MRTPI

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

Decision date: 03 January 2017

**Costs application in relation to Appeal Ref: APP/K2230/D/16/315892
72 London Road, Northfleet, Gravesend DA11 9LF**

- 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 Peter Jones for a full award of costs against Gravesend Borough Council.
 - The appeal was against the refusal of planning permission for development described as the proposed scheme is to provide a front drive with space for two parked cars comprising removal of part of the garden and replaced with a block paved surface, surface water drainage system and garden landscaping.
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Decision

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

Reasons

2. The Government's Planning Practice Guidance states that 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 application for costs is made on the basis that the Council behaved unreasonably in refusing planning permission in respect to both refusal reasons. I deal with each in turn.
4. In respect to the first refusal reason, while I do not agree with all aspects of the Council's case, overall based on all of the evidence I have concluded that the appeal development would materially harm highway safety, conflict with the development plan, would not be sustainable development and should be refused planning permission. On this basis, I consider that the Council has behaved reasonably in this regard.
5. The second refusal reason concerns the potential setting of a precedent for other comparable development. In this case I have found no reasons to believe that, if allowed, the appeal development would necessarily set a precedent. Nonetheless, precedent and the potential setting of a precedent are legitimate planning considerations and I do not consider that the Council has behaved unreasonably in this regard either.
6. I have come to this view primarily bearing in mind that matters of highway safety involve a degree of judgement, that other potential future schemes for new access drives in the vicinity are likely to give rise to at least some of the

same concerns that have arisen in this case and given the potentially very serious consequences that can result from a reduction in highway safety.

7. In any event, given that the second reason for refusal is so closely linked and aligned to the first refusal reason, I am not persuaded that any materially greater amount of resources would have been necessarily consumed over and above those required in respect to the first refusal reason.
8. Taking all of the above into account, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated in this case and that an award of costs is not justified.

G D Jones

INSPECTOR