
Costs Decision

Site visit made on 6 January 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 4th May 2017

Costs application in relation to Appeal Ref: APP/J2210/W/16/3155753 Hillside Cottage, Wood Hill, Tyler Hill, Hackington CT2 9NL

- 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 Paul Green for a full award of costs against Canterbury City Council.
 - The appeal was against the refusal of the Council to grant planning permission for the demolition of the existing property and the erection of a pair of semi-detached dwellings with associated parking and turning areas.
-

Decision

1. The application for costs is refused.

Reasons

2. The Planning Practice Guidance advises 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 applicant contends that the Council failed to: consider the objectives and policies of the adopted and emerging local plans; properly assess the National Planning Policy Framework (the Framework) with regard to giving appropriate weight to the importance of housing development within villages and rural areas; give weight to the need to provide a five year supply of deliverable housing sites and to take account of an earlier approved scheme on the appeal site in assessing the impact on the landscape.
 4. Taking the matter of housing land supply first, the Council has pointed out that the Council was able to demonstrate a five year supply at the time the application was determined, as set out in paragraph 12 of the delegated report. It also concedes that there was a typographical error throughout that report which noted wrongly that the site was within the settlement of Tylers Hill.
 5. Secondly, whilst the Framework indicates that housing development within rural areas can enhance or maintain the vitality rural communities, it does not change the statutory status of the development plan as the starting point for decision making. Although in these particular circumstances I have found that there are material considerations which outweigh the conflict with the development plan, the Council was not unreasonable in objecting to a proposal that it considered did not accord with its adopted plan.
-

6. The proposal is for two semi-detached houses. The footprint, scale and form would be broadly similar and in places smaller than a previously approved scheme for a single dwelling. I have concluded that the appeal proposal would not have a significantly greater impact on the surrounding landscape than a previously permitted scheme, and thus there would be no harm to the character and appearance of the surrounding area. However, whilst I came to a contrary view, the Council set out in the officer report why it considered that the proposal would be visually harmful with reference to its development plan policies, and consequently did not act reasonably in this respect.
7. For the above reasons, I conclude that unreasonable behaviour has not been demonstrated and an award of costs is not justified.

Claire Victory

INSPECTOR