

Costs Decision

Site visit made on 19 April 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 31 May 2017

Costs application in relation to Appeal Ref: APP/A2280/W/16/3164704 2 Edwin Road, Rainham, Kent, ME8 0AA

- 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 Mrs Sylvia Adams for a full award of costs against The Medway Council.
 - The appeal was against the refusal of planning permission for a proposal described as *'Using the garden area to the side of the property at 2 Edwin Road, the proposal is for a 2 bed detached bungalow and a new single detached garage. This to create hard standing for three vehicles. Also to create off road parking for 3 vehicles to No 2 Edwin Road'*.
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Decision

1. The application for costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may 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.

Reasons

3. The applicants submit that the Council's committee had acted unreasonably in refusing the application. However the Council has confirmed that the application was determined under its delegated powers and was not reported to the planning committee.
4. In this case the reasons for refusal are precise and clear. They refer to relevant development plan policies and explain clearly why the proposal is not acceptable to the Council. This is supported by the delegated report that also provides a clear assessment of the scheme with reference to the relevant parts of the development plan. In addition the Council has supplemented this with a further statement as part of the appeal process.
5. I note that the applicant refers to a decision at 132 Cooling Road¹. However, the Council confirm that this scheme was in fact considered by its planning committee and was recommended for approval by the Council's officers. It is therefore clearly distinct from the appeal scheme.

¹ LPA ref MC/15/3715 and Appeal Ref APP/A2280/W/16/3147398

6. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated. Therefore, for the reasons given above, I refuse the application for an award of costs.

D J Board

INSPECTOR