
Costs Decision

Site visit made on 3 May, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 6th June, 2017

Costs application in relation to Appeal Ref: APP/G2245/W/17/3166647 Beggars Barn, Chapel Wood Road, Ash, DA3 8HB

- 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. Ken Gadsdon for a full award of costs against Sevenoaks District Council.
 - The appeal was against the refusal of planning permission for demolition of existing dwelling and associated outbuildings and replacement with new dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance 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.
3. The applicant's claim is a procedural one, relating to the Council declining to discuss the planning application before or after its submission.
4. Although the applicant had been given what appeared to be a clear steer from the findings of the Inspector in the previous, dismissed appeal, the proposal submitted subsequently had failed to take account of the exact requirements of policy GB4 of the Allocations and Development Management Plan 2015 to measure floorspace externally. As I have concluded in my decision, the increase in floorspace identified under that approach has tipped the proposal into the category of inappropriate development in the Green Belt.
5. The Council's delegated report is clear in identifying this as being at the heart of their conclusion that the proposed replacement building would be inappropriate development. The applicant would therefore have been aware of this issue when deciding whether to proceed with an appeal. Although, therefore, it is understandable that he would be disappointed that the Council did not alert him to this discrepancy during the life of the planning application, I cannot agree that the Council's behaviour led him to incur unnecessary or wasted expense.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

S J Buckingham INSPECTOR
