

Costs Decision

Site visit made on 14 June 2017

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 21 June 2017

Costs application in relation to Appeal Ref: APP/U2235/D/17/3171857 Land at St. Martins on the Hill, Cranbrook road, Staplehurst TN12 0ES

- 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 Dr David for a full award of costs against Maidstone Borough Council.
 - The appeal was against the refusal of planning permission for the demolition of single storey extensions and construction of single storey and 2 storey extensions, construction of new parking and turning area and widening of existing pedestrian gate to form new vehicular access.
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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. In respect of the above, the appellant's claim is based on a number of points.
4. Firstly, it is argued that because of pressures of staffing shortages over the holiday period insufficient time was given to fully consider the proposal. However, there is no specific evidence before me to support that allegation and on the contrary, the officer report clearly sets out a review and analysis of the various issues and Development Plan considerations. I also note that the application was determined within the statutory period which the appellant accepts.
5. I acknowledge that there was a difference in approach in the way in which increase in floorspace was calculated but the reason for refusal did not turn on that issue alone, with the Council clearly setting out in its officer report that its concerns were also directed towards the impact of the proposed extension from public vantage points, and the design approach adopted.
6. The appellant is also aggrieved that upon learning of the Council's concerns, he was not given an adequate opportunity to amend the scheme prior to a decision being reached. However, I note that no pre-application advice was

sought by the appellant prior to submitting the application. Whilst I accept that such advice is not binding, it would have at least been likely to alert the appellant to the fact that the design approach adopted was unlikely to be supported. Given that no such advice was sought and that the scale of amendments were likely to be significantly different so as to require further publicity and re-consultation, it seems to me that the Council was under no obligation to delay consideration of the proposal whilst revisions were negotiated. In that respect I also note that the appellant was given an opportunity to withdraw the application which was declined.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Kim Bennett

INSPECTOR