
Costs Decision

Site visit made on 6 June 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 27th June 2017

Costs application in relation to Appeal Ref: APP/L2250/W/16/3160774 Ashley Farm, Woodland Road, Lyminge, Folkestone, Kent CT18 8DP

- 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 Vale for a full award of costs against Shepway District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the change of use of land from agricultural to the keeping of horses, conversion of an existing barn to stables and erection of a menage.
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Decision

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

Reasons

2. The Government's Planning Practice Guidance (the PPG) advises¹ 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 making an appeal.
3. The applicant's application for costs has been made in very brief terms and I have treated it as one seeking a full award of costs. The applicant made his appeal because the Council failed to determine his planning application within the prescribed time period. The applicant contends that the delay in receiving a decision from the Council meant that he was unable to commence the development in the expected time frame and to that end he has sought the refund of the application fee paid to the Council.
4. The PPG makes it clear that costs that are indirectly associated with submitting an appeal are ineligible for an award. An award of costs cannot extend to compensation for indirect losses, such as those which may result from an alleged delay in obtaining planning permission². The recovery of the application fee therefore falls outside the scope of the costs regime because it does not concern a cost associated with the making of the appeal. The appeal was made by the applicant in person and it involved the completion of the standard appeal form, with the statement of case amounting to a few lines of text. It would therefore appear that the applicant did not incur any appreciable costs in making his appeal. I therefore consider that for the

¹ PPG Paragraph: 028 Reference ID: 16-028-20140306

² PPG Paragraph: 032 Reference ID: 16-032-20140306

purposes of the PPG the applicant did not incur wasted expense in preparing the appeal for submission.

Conclusion

5. For the reasons given above I find that unreasonable behaviour resulting in wasted expense, as described in the PPG, has not been demonstrated. The application for an award of costs is therefore refused.

Grahame Gould

INSPECTOR