

Costs Decision

Site visit made on 9 June 2017

by R J Maile BSc FRICS

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

Decision date: 3 July 2017

Costs application in relation to Appeal Ref: APP/T2215/D/17/3172121 27 Northdown Road, Longfield, Kent, DA3 7QN.

- 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 S Khunkhun for a full award of costs against Dartford Borough Council.
 - The appeal was made against the refusal of planning permission for demolition of existing garage and construction of a 2 storey side and rear extension including front canopy.
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Procedural Matter

1. The appellant's application for a award of costs is based upon guidance set out in Circular 03/2009¹ which was withdrawn on 7 March 2014 and replaced by the Planning Practice Guidance issued on 6 March 2014. I have had regard to that replacement guidance in my determination of this costs application.

Decision

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

Reasons

3. 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.
4. On behalf of the appellant it is argued that both he and his agent entered into negotiation with the Council's Planning Officer and made substantial alterations to the proposal to ensure that the scheme complied with Development Plan policies.
5. The Officer's Reports to Committee considered both design issues and the effect of the proposal upon neighbour amenity by reference to Development Plan and national policy. Both of the reports provided to me concluded that planning permission should be granted, subject to conditions.

¹ Circular 03/2009: Costs awards in appeals and other planning proceedings.

6. In response, the Council states that the Committee Members were very much aware of the option to approve the development, subject to conditions. They nevertheless concluded, notwithstanding the presumption in favour of sustainable development referred to by the appellant at paragraph 14 of the Framework², that the development would fail the test of high quality design and of securing a good standard of amenity for adjoining occupants.
7. It is a long-established principle that Local Planning Authorities are not bound to accept the recommendation of their Officers. I consider that the Planning Committee was fully entitled to come to a different conclusion having regard to the topography of the site, the rising ground levels and the proximity of the extensions to their respective boundaries.
8. For the reasons detailed in my decision letter I have found that development as proposed would unacceptably impact upon the character and appearance of the surrounding area. It would also have a materially harmful impact on the living conditions of existing and future occupiers of the adjacent properties at 25 and 29 Northdown Road. Those concerns, which were shared by the Committee Members, represent sound planning reasons for refusing the application and led to my decision to dismiss the appeal.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

R. J. Maile

INSPECTOR

² The National Planning Policy Framework.