
Costs Decision

Site visit made on 24 May 2019

by S Poole BA(Hons) DipArch MPhil MRTPI

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

Decision date: 6 August 2019

Costs application in relation to Appeal Ref: APP/K2230/W/19/3223956 Thong House, Thong Lane, Shorne, Gravesend DA12 4AD

- 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 C Turner for a full award of costs against Gravesend Borough 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 erection of a double garage and log store.
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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 Appellant has sought a full award of costs on the basis that the Council failed to provide any indication as to when the planning application would be determined following a failure to issue a decision notice within the prescribed period for doing so and that this has resulted in unnecessary and wasted expense associated with the preparation and lodging of the appeal.
4. Paragraph 048 of the Planning Practice Guidance advises that if it is clear to a local planning authority that it will fail to determine an application within the time limits, it should give the applicant a proper explanation. The Guidance does not however indicate that a failure to do so should automatically trigger an award of costs if an appeal is lodged.
5. In its response to the application for an award of costs the Council explains that it has experienced a severe resourcing issue that has resulted in many planning applications exceeding their determination target dates. I note that the above was not relayed to the appellant's agent following the expiry of the prescribed period for determining the subject's application.
6. However, in response to the appeal the Council has provided substantive reasons for not reaching a decision within the relevant time limit, and has also explained why permission would not have been granted had the application been determined within the relevant period. The Council has therefore accorded with the main thrust of Paragraph 048.

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

S Poole

INSPECTOR