
Costs Decision

Site visit made on 25 September 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 December 2019

Costs application in relation to Appeal Ref: APP/L2250/W/19/3232016 82 Seabrook Road, Hythe CT21 5QA

- 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 Mrs Lois Cavallaro for a full award of costs against Folkestone and Hyther 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 the provision of hardstanding to the front of the property to provide off-street parking along with an associated access onto a primary road.
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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 states that the appeal was unnecessary as the proposal complies with the development plan and that the Council has failed to enter into positive discussions, despite repeated requests. The appellant has had to seek professional advice to lodge the appeal which has resulted in unnecessary expense being incurred.
4. From the evidence before me, the Council had carried out pre-application discussions with the appellant and there had been in discussions with the appellant during the application process. This is evident from the request by the Council for plans to illustrate visibility splays which were not submitted with the application at the outset. Subsequent correspondence took place highlighting that the highways authority had objected to the application and that the Council would be refusing the application.
5. The Officer Report demonstrates that the proposal would be a form of development harmful to highway safety using evidence submitted by the highway authority. The Report states that the proposal conflicts with Policy TR11 of the Shepway District Local Plan Review (16 March 2006). For the reasons set out in the appeal decision, I too have highway safety concerns regarding the appeal proposal. I arrived at that decision based on my consideration of the details and merits of the proposal having regard to all the evidence and representations submitted.

6. Whilst the Council did not issue its decision within the prescribed period and did not avail itself in discussion post-submission to the extent that the applicant may have hoped, I have found the proposal to be unacceptable, and in accordance with the Council's subsequent assessment.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Neil Smith

INSPECTOR