



Costs Decision

Site visit made on 11 December 2019

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th December 2019

Costs application in relation to Appeal Ref: APP/G2245/W/19/3236750 Hazeri, Button Street, Swanley, Kent BR8 8DY

- 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 E Newman for a full award of costs against Sevenoaks District Council.
 - The appeal was against the refusal of planning permission for demolition of existing buildings, removal of caravan and erection of a detached bungalow including associated change of use of land from mixed residential (Use Class C3) and commercial kennels (sui generis) to residential (Use Class C3) (resubmission of planning application SE/18/01998/FUL).
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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. Unreasonable behaviour in this context may be procedural, relating to the appeal process, or substantive, relating to issues arising from the merits of the appeal. This application mainly cites substantive matters and the Council's behaviours in respect of the merits of the proposal.
3. The main substantive matter is the reduced significance given by the Council to the porch and conservatory to the existing temporary mobile home, on the basis that, with the removal of the latter, these permanent structures would serve no purpose and also likely be removed. I do not consider this as an entirely unreasonable conclusion for the Council to have reached. However, in its assessment on openness, the Council had factored in the dimensions of the porch and conservatory. Overall, this particular concern would be insufficient for me to find the Council had acted unreasonably in reaching the decision it did.
4. Regarding the assessments made over the effect of the proposal on Green Belt openness, both in respect of its spatial and visual implications, I agree with the Council that these are both matters of judgement. Whilst these differ from those conclusions I reached in the appeal, the assessments made are not grounds for me to find the Council had acted unreasonably in the decision reached on the proposal.

Conclusion

5. On the basis of the foregoing, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, I conclude that the application for an award of costs should be refused.

Jonathan Price

INSPECTOR