
Costs Decision

Site visit made on 18 February 2020

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 21 February 2020

Costs application in relation to Appeal Ref: APP/T2215/W/19/3233487 Holy Trinity Church, High Street, Dartford, Kent DA1 1DE

- 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 West Hill Life Ltd for a full award of costs against Dartford Borough Council.
 - The appeal was against the refusal of planning permission for the change of use of 43m² of land as play space to rear of the church and erection of a timber fence.
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Costs application in relation to Appeal Ref: APP/T2215/Y/19/3233491 Holy Trinity Church, High Street, Dartford, Kent DA1 1DE

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by West Hill Life Ltd for a full award of costs against Dartford Borough Council.
 - The appeal was against the refusal of listed building consent for works described as the change of use of 43m² of land as play space to rear of the church and erection of a timber fence.
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Decision

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

Reasons

2. 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.
3. The applicant is applying for costs on the grounds that the Council's Committee refused the planning application on unfair grounds. However, it is unclear which unfair grounds the applicant is referring to.
4. The refusal reasons are clear and are valid planning reasons. The Council's appeal statement explains these reasons in more depth. The fact that the Council's Development Control Board decided to refuse the application contrary to the officer recommendation to approve is not unusual and is not unreasonable given its clear planning reasons for refusal.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Nick Fagan, INSPECTOR