
Costs Decisions

Site visit made on 27 January 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Costs application in relation to Appeal Ref: APP/L2250/W/19/3240192 Baptist Chapel, North Street, New Romney TN28 8DR

- 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 Paul Stacey for a full award of costs against Folkestone and Hythe District Council.
 - The appeal was against the refusal of planning permission for the change of use from Baptist chapel (D1) to single residential dwelling (C3), together with insertion of rooflights.
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Decision

1. The application for an award of costs against Folkestone and Hythe District Council is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. The PPG also advises that the behaviour of parties during the time of the planning application can be taken into account in deciding whether unreasonable behaviour has occurred, although the costs themselves can only be awarded in relation to unnecessary or wasted expense at the appeal.
3. The claim for costs is on the basis that it was unnecessary to refuse the application on the two reasons for refusal because they could have been easily overcome through negotiation. And, that this is proved because of the subsequent application Ref Y19/0679/FH being granted permission.
4. I note that the subsequent application was for a slightly amended scheme, with additional marketing information provided and an alteration to the location of the bedroom window. These changes have evidently overcome the reasons for refusal, because permission was granted. However, the changes required in order to make the subsequent application acceptable would have required re-assessment of new supporting evidence in relation to marketing, and re-consultation with neighbours due to the change in window location. They could not therefore have easily been introduced as part of the original application. Whilst I sympathise with the apparent lack of communication from the Council during the course of the application period, which I note is not refuted by the Council, I therefore find that it is not unreasonable to have determined the

application on the basis of the proposal and supporting information as originally submitted.

5. In this regard, the reasons for refusal are reasonable and are adequately justified, as can be seen from my decision on the appeal. The decision was made in less than 6 months from submission of the application, which, although longer than the statutory determination period of 8 weeks, is not an excessively long determination period.
6. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the Applicant was put to unnecessary or wasted expense.

Conclusion

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

O S Woodward

INSPECTOR