
Costs Decision

Site visit made on 11 February 2020

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2020

**Costs application in relation to Appeal Ref: APP/K2230/X/19/3223660
Julies, Southfield Shaw Park Homes, Harvel Road, Meopham, Gravesend
DA13 0RH**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr S Cooper for a full award of costs against Gravesham 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 a certificate of lawful use or development for use of caravan site for the siting of 3 mobile homes.
-

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. The applicant has stated that costs should be awarded due to the wasted expense in pursuing this appeal, and provides details of a recent award of costs in the same Borough¹, for a non-determination case.
3. Paragraph 48² of the PPG states that in any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time limit, and why it would not have granted the application. If an appeal in such cases is allowed, the local planning authority may be at risk of an award of costs, if the Inspector concludes that there were no substantive reasons to justify delaying the determination.
4. In this case, the Council has provided reasons for not reaching a decision in the prescribed period. It has also provided reasons why it would not have granted the application, if it had been able to determine it, and I have found that the reasons for the Council's deemed refusal were well founded. As I have dismissed the appeal, it is not the case that the appeal could have been avoided. The applicant has not therefore incurred unnecessary or wasted expense and it is not comparable with the case referred to by the applicant.

¹ APP/K2230/W/3225211 and Costs Decision

² Paragraph: 048 Reference ID: 16-048-20140306 Revision date: 06 03 2014

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

N Thomas

INSPECTOR