
Costs Decision

Site visit made on 8 June 2020

by S M Holden BSc MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2020

Costs application in relation to Appeal Ref: APP/Z2260/W/20/3244707 Land adjacent to 5 Prospect Place, Broadstairs CT10 1LE

- 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 B Hodgson for a full award of costs against Thanet District Council.
 - The appeal was against the refusal of planning permission for erection of an attached three storey building containing 3No 1-bed self contained flats with associated parking and access.
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Decision

1. The application for costs 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 or wasted expense in the appeal process.
3. As a consequence of the previous appeal, the appellant was aware that the roof design needed to be amended and she therefore sought pre-application advice. Several revisions were incorporated before a fresh application was submitted. The appellant considered that these revisions should have been sufficient to overcome the objections to the earlier scheme. However, pre-application advice is not binding on the Council and it is evident that it assessed the submitted scheme against the requirements of the development plan and found it to be unacceptable. It did not behave unreasonably in these respects.
4. The acceptability, or otherwise, of the proposal is a matter of planning judgement. The appeal process has given the appellant an opportunity to test the Council's assessment. It will be seen from my decision that I concurred with its conclusion that the amended design would be harmful to the street scene.
5. I therefore conclude that the Council did not behave unreasonably by refusing development that should otherwise have been permitted. Neither has it resulted in the appellant incurring unnecessary or wasted expense in the appeal process. It therefore follows that an award of costs is not justified.

Sheila Holden

INSPECTOR