



Costs Decision

Site visit made on 30 May 2019

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th October 2020.

Costs application in relation to Appeal Ref: APP/Z2260/W/20/3252985 1 Stanley Road, Margate CT9 2DL

- 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 Joe Crosbie for a full award of costs against Thanet District Council.
 - The appeal was against the refusal of planning permission for the conversion of the existing five-bedroom dwelling to one five-bedroom dwelling and one two-bedroom fully wheelchair accessible dwelling, with a 4m x 5m rear extension.
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Decision

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

Reasons

1. The Planning Practice Guidance 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.
2. The Appellant states that the Council has acted unreasonably, in that it has prevented the development when it should have been permitted and made vague, generalised or inaccurate assertions about the proposal's impact.
3. Although the Council's planning officer concluded that the development would conform to the development plan, there is an element of subjectivity in this judgement in terms of attributing weight. Committee Members were entitled to weigh matters differently and to conclude as they did, considering any potential conflicts with the development plan. Accordingly, the information before me indicates that the Council did not behave unreasonably in relation to its conduct during the decision-making process. To my mind, the reason for the refusal under policy CV2 set out in the decision notice is complete, specific and relevant to the application. It clearly states the policy of the Development Plan with which the proposal would be in conflict.
4. The preamble to policy CV2 sets the scene for the obvious concerns relating to the subdivision of family dwellings in Cliftonville. Having regard to the policy, I consider that the reason for refusal has been adequately substantiated by the Council in its appeal statement. Whilst the Appellant refers to policy SP22, I am satisfied with the Council's explanation in light of the adoption of the new Local Plan. With regard to the garden layout, I agree that this objection would relate to the Council's concerns regarding the intensification of the site through the presence of new backland development.

5. Although I have come to a different conclusion, I do not consider that the Council failed to properly evaluate the application to the extent that the appeal could have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

C Hall

INSPECTOR