
Costs Decision

Site visit made on 15 September 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

**Costs application in relation to Appeal Ref: APP/Z2260/W/20/3244440
Land formerly used as Club Union Convalescent Home & Land East of
Convent Road, Reading Street, Broadstairs CT10 3AZ**

- 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 A Horn for a full award of costs against Thanet District Council.
 - The appeal was against the refusal of planning permission for erection of 24no. dwellings with associated vehicular access from Reading Street and Convent Road, pedestrian access from Astor Road, parking and landscaping.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, 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 application needs to clearly demonstrate that this is the case, as parties in planning appeals normally meet their own expenses.
3. The PPG provides examples of unreasonable behaviour by local planning authorities. This includes both procedural and substantive matters, such as preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and other considerations; failure to produce evidence to substantiate the reason for refusal on appeal; and vague and generalised or inaccurate assertions about a proposal's impact which are unsupported by an objective analysis.
4. The applicant contends that the Council's decision is inconsistent with the previous Inspector's decision wherein the matters of location, design and scale of development were considered to be acceptable in terms of the character and distinctiveness of the local area and the setting of the Reading Street Conservation Area. The applicant states that it was unreasonable for the Council to refuse planning permission on vague generalisations and the decision was unsupported by objective analysis, evidence or definition of harm; and there was no consideration of the social, economic or environmental benefits of the proposal.
5. The Council's decision notice of 22 November 2019 includes 2 reasons for refusal. The first reason states "*the proposed development, by virtue of its*

location, design and scale, would result in a poor quality form of development, which is both unrelated and unsympathetic to the local character and distinctiveness of surrounding development, contrary to Thanet Local Plan Policy D1 and paragraphs 127, 130 and 192 of the National Planning Policy Framework". The Council's decision was taken contrary to the recommendation of its officers, and I also note that the conservation officer raised no objection to the proposal. However, Council Members are not bound to accept the recommendations of their officers, though they must act rationally on the basis of valid material planning considerations in doing so.

6. Whilst the first reason for refusal is worded broadly, the Council's appeal statement sets out its specific areas of concern. As can be seen from my decision, I find that the design and scale of the dwelling on Plot 10, and the proposed use of flint blocks, would integrate satisfactorily with the surrounding area. Furthermore, the amended layout and reduced scale of the buildings closest to Convent Cottages would provide sufficient openness to preserve the setting of the Grade II listed buildings. Nevertheless, issues relating to scale, appearance and the effect of a proposal on the setting of listed buildings are inevitably a matter of planning judgement.
7. The officer's report sets out the social, economic and environmental benefits of the proposal and so Members would have been aware of this in making their decision.
8. For these reasons, I am unable to conclude that the Council has behaved unreasonably or that it caused unnecessary or wasted expense for the applicant in the appeal process as a result.

Conclusion

9. For the reasons given above, I determine that the costs application should fail and no award is made.

C Osgathorp

INSPECTOR