
Costs Decision

Site visit made on 26 January 2021

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2021

Costs application in relation to Appeal Ref: APP/K2230/D/20/3261573 33 Artillery Row, Gravesend DA12 1LY

- 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 & Mrs J Bhanot for a full award of costs against Gravesham Borough Council.
 - The appeal was against the refusal of an application for planning permission for two storey front and rear extensions being a revision to permission 20190260 allowed on appeal.
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Decision

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

Reasons

2. I have considered this application for costs in the light of the Government's Planning Practice Guidance (PPG). This 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. An award of costs against a local planning authority may be procedural, relating to the appeal process, or substantive, relating to the planning merits of the appeal.
 3. There is one ground for the claim; that the Council was unreasonable in refusing the planning application for essentially the same reasons as the previous application, which was allowed on appeal. The PPG sets out that persisting in objections to a scheme or elements of a scheme which an Inspector has previously indicated to be acceptable is behaviour which may give rise to a substantive award against a local planning authority.
 4. The Council's finding of harm was directly precisely at the first-floor, front extension. It raised no objection to the other elements of the proposal, which had been found acceptable by the Inspector in the appeal following the refusal of the first application. The first-floor, front extension in the allowed scheme extended across less than half the width of the house. The first-floor, front extension in this case extended across the entire width of the house. This is a materially different design. The Council was entitled to review this new element, and to reach a different overall conclusion from the Inspector.
 5. Moreover, in considering the smaller extension, the Inspector noted its modest size, how it would not span the whole width of the property, and how its roof would not rise more than half-way up the main roof slope, features not shared by the extension in this case. The Council did not object to the scheme or
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elements of it that the Inspector had indicated to be acceptable. It has not behaved unreasonably in this respect.

Conclusion

6. I conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Patrick Whelan

INSPECTOR