



Costs Decision

Site visit made on 7 January 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2021.

Costs application in relation to Appeal Ref: APP/M2270/W/19/3243971 72 Camden Road, Royal Tunbridge Wells TN1 2QP

- 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 Peter Bowring (on behalf of AngloLat London LLP) for a full award of costs against Tunbridge Wells Borough Council.
 - The appeal was against the refusal of planning permission for the proposed creation of 1 x 2-bedroom flat.
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Decision

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

Reasons

2. 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.
3. The appellant submits that the Council has acted unreasonably by making vague generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis, and preventing the development when it should have been permitted. An application granted at 116 Camden Road is highlighted as being a material consideration.
4. As I have explained in my appeal decision, I consider that the proposal is sufficiently different from that assessed by the Council at 116 Camden Road. No. 116 is further away from the Primary Shopping Area, and the floor plans contrast to the appeal proposal before me. Therefore I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme, and as such the appeal could not have been avoided. The Authority had reasonable concerns about the impact of the proposed development which justified its decision.
5. Consequently I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

C Hall

INSPECTOR