



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/G2245/W/20/3256816 Bank Building, Station Road, Otford TN14 5QX

- 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 R Gulliver for a full award of costs against Sevenoaks District Council.
 - The appeal was against the refusal of planning permission for the demolition of existing building, erection of replacement building comprising 3 x 1 bedroom and 2 x 2 bedroom residential units, parking and associated works.
-

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 failing to determine the application in a timely manner, a general lack of co-operation and delays in providing information, particularly given the positive response following pre-application advice from the Authority. If a subsequent appeal is allowed, the local planning authority may be at risk of an award of costs, if the Inspector or Secretary of State concludes that there were no substantive reasons to justify delaying the determination.
4. I am aware that pre-application advice constitutes the informal opinion of an officer of the Council based on the information submitted, and does not prejudice any decision the Council might make subsequently following the submission of a formal planning application where other issues may come to light, including responses received as part of the consultation process.
5. At application stage, I acknowledge that the Council could have explained the reasons for delay more clearly. Nevertheless, I note that the case officer was willing to hold a further meeting in on 27 February 2020 to attempt to address the issues that had been identified. The parties would have agreed to delay the determination of the scheme pending the submission of further details, which I understand were sent to the Council on 29 April 2020.

6. With this in mind, I am satisfied that the Authority was within its rights to engage with the Urban Design Officer following these discussions, who raised concerns in respect of the impact of the development on the character and appearance of the area. I have explained in my appeal decision that I share these views. On the balance of probabilities, I conclude that the Council has not unreasonably delayed granting planning permission for the application as there were planning matters that required addressing, and it was not a foregone conclusion that permission would be granted.
7. 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