



Costs Decision

Site visit made on 13 July 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2021

Costs application in relation to Appeal Ref: APP/G2245/W/21/3270155 112A Chipstead Lane, Riverhead TN13

- 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 Mrs Joanna Whittaker for a full award of costs against Sevenoaks District Council.
 - The appeal was against the refusal of planning permission for "Demolition of existing single storey dwelling to provide 2 new semi-detached residential units".
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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 claims that both of the Council's reasons for refusal were unexpected following a previous planning application and that these issues were not raised with the appellant prior to the Council's decision being issued. In both instances it is claimed the Council's reasoning was flawed, amounting to unreasonable behaviour and wasted expense in the appeal process.
4. In respect of the first reason for refusal, the appellant claims the windows proposed to serve Bedroom 2 and Bedroom 3 of each proposed dwelling are a standard solution to avoid overlooking throughout the country, and have been suggested by planning officers of the Council at different sites in the past. This may be correct, but as set out in the reasoning of my main decision, in this case, the proposed windows would create two bedrooms to each proposed dwelling with unacceptable levels of outlook on account of those being the only windows serving those bedrooms. The Council have advised that this issue was raised during a previous application where it was concluded that obscure glazing would not be appropriate to those bedrooms.
5. The Council's second reason for refusal referred to the lack of a survey to demonstrate the loss of on-street parking resulting from the proposal would not increase pressure on existing on-street parking provision, which was claimed to be at capacity, and increase highway congestion. The appellant has referred to a survey undertaken by the Council regarding proposed parking controls in the local area; however, the full details of that survey have not been presented and I am unaware of the full extent or findings of that survey,

including its date. From the internet link provided to Appendix 3 of that survey, I can see the public response to the survey was unsupportive of the proposed parking controls and that some of those responses refer to there being no need for such controls.

6. The information presented does not demonstrate that the loss of on-street parking resulting from the proposed development would not increase pressure or congestion on existing on-street parking provision, and I have seen conflicting statements regarding parking stress in the locality. Although the Council did not previously request a detailed parking survey to be carried out, it was a matter for the appellant to demonstrate the proposal was appropriate for the site, which included demonstrating it accorded with the development plan. The Council could have invited the appellant to submit additional information to support the application, but as there was another objection to the scheme which the appellant may not have been able to address without substantial amendments being made to the proposal, the Council were not obliged to do so. I note the appellant did not seek pre-application advice from the Council or Highway Authority prior to submitting the application, which could have avoided the need for any further information or amendments.
7. I note that the Council's second reason for refusal was not raised during a previous application, but based on the information presented, my understanding is that the previous application included different parking arrangements. The appellant has not presented any information as part of the appeal to demonstrate the Council's second reason for refusal should have been raised as an objection to the first scheme. If the previous application did include two crossovers of the same size as those proposed, then it would have been good practice for the Highway Authority to have clarified the full extent of any objection to the loss of on-street parking spaces in this location as part of the previous application.
8. I conclude that although it would have been helpful for the Council to have advised the appellant of their intended reasons for refusal early in the application process to allow them the opportunity to seek to resolve these issues, it was a matter for the appellant to ensure the application did not require any amendments or further information prior to its initial submission. I have been unable to conclude whether the Council's second reason for refusal should have been raised in respect of an earlier application because the appellant has failed to demonstrate this.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Accordingly, an award of costs is not justified.

L Douglas

INSPECTOR