



Costs Decision

Site visit made on 25 May 2021

by N Thomas MA MRTPI

An Inspector appointed by the Secretary of State

Decision date: 26 August 2021

Costs application in relation to Appeal Ref: APP/X2220/W/20/3261400 Woodland east of Wolverton Cottages, Alkham Valley Road, Dover, Kent CT15 7DS

- 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 Ms Rebecca Anderson for a partial award of costs against Dover District Council.
 - The appeal was against the refusal of the Council to grant planning permission for closure of existing vehicular access to site and creation of new vehicular access with associated hard surfacing, gating and fencing works (part retrospective).
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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 PPG gives examples of the sorts of behaviour that could give rise to an award of costs against a local planning authority. This could include lack of co-operation with the other party or parties, and delay in providing information in relation to the procedural handling of the application. In terms of a substantive award, examples of behaviour include failure to produce evidence to substantiate each reason for refusal on appeal, vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The appellant claims that the Council failed to act on the Highway Authority's request for additional information in relation to the access and did not request the information from the appellant during its consideration of the application. The Council has explained that this was because of its fundamental concerns with the removal of protected trees. Nonetheless, the appellant noted the request and submitted the visibility splay information. It is not therefore the case that the Council's behaviour led to unnecessary or wasted expense.
5. While I do not agree with all of the Council's concerns, it has provided sufficient information to explain its position. Moreover, the appellant has not

demonstrated that the concerns in relation to forward visibility can be overcome. I do not therefore agree that the appeal could have been avoided.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

N Thomas

INSPECTOR