



Costs Decision

Site visit made on 20 July 2021 by Thomas Courtney BA(Hons) MA

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2022

Costs application in relation to Appeal Ref: APP/X2220/W/21/3274801 3 Middle Deal Road, Deal, CT14 9RF

- 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 D. Nolan for a full award of costs against Dover District Council.
 - The appeal was against the refusal to grant approval for the erection of 4no. attached dwellings with under croft parking and bin stores (existing buildings to be demolished).
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Decision

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

Reasons

2. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, 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. It goes onto state that local planning authorities are at risk of an award of costs if they behave unreasonably in relation to procedural matters at the appeal. The applicant states that the second reason for refusal as set out in the Decision Letter was unreasonably added at the insistence of members of the Dover District Planning Committee who appraised the scheme at the meeting held on the 19th November 2020.
4. The applicant highlights the fact that the officers at the Dover District Council Planning Department (DDCPD) had initially found the proposed development to be acceptable in terms of design, scale, form, and its impact on the character and appearance of the area. Whilst the members of the Committee would have taken into account the recommendation of Council Officers, it does not preclude them from taking a different viewpoint, which in concluding that the development would relate poorly to its context, resulting in an adverse impact on the character and appearance of the area, in this instance they clearly have done so. From the submissions, it is evident that the reasoning related to members' assessment of the proposed development has been clearly substantiated within the minutes of the Committee meeting, leading to the inclusion of the second reason for refusal. This does not support a conclusion of unreasonable behaviour.
5. There is no evidence to support the contention that DDCPD did not engage appropriately with the applicant and exercised their planning judgement

dutifully. Whilst I note that there were some delays in reaching a decision, I do not find that these were unacceptable. I am also minded to consider sympathetically the impact and pressures of the Covid-19 pandemic on the capacity of the Council to deliver timely decisions.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Consequently, the application for an award of costs is refused.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

7. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application is refused.

Martin Seaton

INSPECTOR