



Costs Decisions

Hearing Held on 18 May 2022

Site visit made on 18 May 2022

by Martin Small BA (Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2022

Costs application in relation to Appeal Ref: APP/Z2260/W/21/3282151 St Nicholas Court Farm, Court Road, St Nicholas at Wade, Birchington, CT7 0PT

- 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 Thanet District Council for a partial award of costs against St Nicholas Court Farms Limited.
 - The hearing was in connection with an appeal against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the erection of building to provide farm worker crew and training rooms..
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Costs application in relation to Appeal Ref: APP/Z2260/W/21/3282043 St Nicholas Court Farm, Court Road, St Nicholas at Wade, Birchington, CT7 0PT

- 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 Thanet District Council for a partial award of costs against St Nicholas Court Farms Limited.
 - The hearing was in connection with an appeal against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for erection of building to provide seasonal farm worker accommodation.
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Decisions

1. The applications for a partial award of costs in respect of both appeals are refused.

Reasons

2. National Planning Practice Guidance (PPG) advises that, regardless of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The applications for costs follow the applications for costs against the Council by the applicant in respect of both appeals, which are the subject of separate decisions. The Council is seeking the costs of rebutting these applications on the basis that the applicant's claims for costs are entirely unmerited and without justification.

4. I have found that the applicant's claim for costs in respect of Appeal A should succeed for the reasons set out in that decision. It follows therefore that I find that the appellant was justified in making that claim and did not behave unreasonably in doing so.
5. Although I have come to a different conclusion in respect of the application for costs for Appeal B, the appellant had reasonable grounds for the claim given the acknowledged inaccuracies in the Council's case for the appeal. Again, therefore, I do not find that the appellant has behaved unreasonably in making a costs application.

Conclusions

6. I therefore conclude, for the reasons given above, that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated in either Appeal A or Appeal B.

Martin Small

INSPECTOR