
Costs Decision

Site visit made on 31 March 2022

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th July 2022

Costs application in relation to Appeal Ref: APP/V2255/W/21/3274740 Brookside Park, First Avenue, Eastchurch, Sheppey, Kent, ME12 4JN

- 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 Brookside Leisure Limited for a full award of costs against Swale Borough Council.
 - The appeal was against the refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions 2 and 3 of planning permission for the detailed layout of caravan camp.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. The appellant indicates that the application for costs is made on the basis that the Council behaved unreasonably in refusing planning permission in respect of all refusal reasons. The basis of the claim is largely on the lack of weight provided to the Interim Planning Policy (IPP), dated June 2020.
3. The reasons for refusal are reasonable and are adequately justified, as can be seen from my decision on the appeal. The IPP, despite being agreed at Full Council meeting, only has limited weight. This is because it has not undergone a full public consultation and it is not part of the Development Plan, and in fact conflicts with Policy DM5 of the Swale Borough Local Plan 2017. In addition, I have found that the proposal conflicts with the IPP in any event. Full details of this are set out in my decision on the appeal. The conditions therefore meet the tests set out in the Framework, and are necessary, relevant, enforceable, precise and reasonable in all other respects. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the Applicant was put to unnecessary or wasted expense.

Conclusion

4. Taking all of the above into account, I find that unreasonable behaviour by the Council resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

O S Woodward
INSPECTOR