



Costs Decision

Site visit made on 27 July 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2022

Costs application in relation to Appeal Ref: APP/G2245/W/22/3290248 Southdown House, High Street, Brasted TN16 1JA

- 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 Ronald Fender for a full award of costs against Sevenoaks District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on the change of use and conversion of Southdown House to create a self-contained four bedroom dwelling, conversion of outbuildings to ancillary living accommodation, demolition of existing outbuildings and extensions to Southdown House and the erection of a detached four bedroom dwelling in the rear portion of the curtilage, with associated parking, landscaping and amenity. without complying with a condition attached to planning permission Ref 19/02249/FUL.
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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. Unreasonable behaviour can be considered as either substantive or procedural in nature.
3. The applicant considers that the Council behaved unreasonably on procedural matters by not issuing a decision nor providing proper communication. On substantive matters the unreasonable behaviour is cited as a prejudicial stance by the Conservation Officer within their comments.
4. Paragraph 48 of the PPG sets out when a local planning authority's handling of the application may lead to an award of costs, specifically in relation to non-determination applications. In an appeal of this nature the Council should explain their reasons for not reaching a decision within the relevant time limit and why permission would not have been granted had they determined the application in a timely manner.
5. The Council have acknowledged their failure in determining the application and the patchy communication ascribing it to staffing issues which is a known, ongoing, and reported issue within the planning sector as whole. They have also provided an appropriate statement of case at appeal outlining why the application would have been refused. I therefore do not find that the Council have behaved unreasonably on this matter.

6. Turning to the Conservation Officer's comments, on review it is clear the Officer does not agree with the approved new dwelling. This was their professional opinion at the time of the previous appeal, which allowed the new dwelling, and it is unsurprising their stance on this matter has not changed. Nevertheless, they do explicitly restrict their observations to the proposed amendments and their impact on the relevant heritage assets. Equally the Council draw out from those comments the specific points pertinent within the conclusion of its Statement of Case referring to relevant development plan policies. I am satisfied the Council's case in respect of the scheme was not prejudiced and is therefore a matter of planning judgement and fairly substantiated.
7. Consequently, I do not find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated.

RJ Redford

INSPECTOR