The Planning Inspectorate

Costs Decision

Site visit made on 4 October 2022

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Costs application in relation to Appeal Ref: APP/J2210/D/22/3297882
4 Oaten Hill, Canterbury CT1 3HP

- 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 Brian Cox for a full award of costs against Canterbury City Council.
- The appeal was against the refusal of planning permission for the erection of a fence (retrospective).

Decision

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

Reasons

2. The Planning Practice Guidance 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 appellant states that the Council has acted unreasonably, in that it has prevented the development when it should have been permitted. Consequently, the appellant has been put to unnecessary expense of having to pursue the appeal.

4. Although the Council's planning officer concluded that the development would conform to the Development Plan, there is an element of subjectivity in this judgement in terms of attributing weight. Committee Members were entitled to weigh matters differently and to conclude as they did, considering any potential conflicts with the Development Plan.

5. Accordingly, the information before me indicates that the Council did not behave unreasonably in relation to its conduct during the decision-making process. To my mind, the reason for the refusal under policies DBE3 and DBE6 set out in the decision notice is complete, specific and relevant to the application. It clearly states the policies of the Development Plan with which the proposal would be in conflict.

6. Although I have come to a different conclusion, I do not consider that the Council failed to properly evaluate the application to the extent that the appeal could have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The Council's position has been further clarified in its cost's response statement, providing adequate explanation of the salient points raised by the appellant.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

C Hall

INSPECTOR