

Costs Decision

Site visit made on 1 March 2023

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Con IHBC MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24th April 2023

Appeal Ref: APP/T2215/W/22/3291136

Land North of Railway Line and East of Station Road, Station Road, Greenhithe, Dartford

- 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 Regent Land and Developments Ltd for an award of costs against Dartford Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for development described as 'erection of 3 buildings up to four storeys in height to provide 47 flats with off-street car parking, communal amenity space, hard and soft landscaping, recycling and refuse storage facilities and new vehicular accesses serving the site from Station Road and Station Approach'.
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Decision

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

Reasons

2. Planning Practice Guidance (PGG) paragraph 030¹ advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellant outlines that the appeal application was recommended for approval at officer level. That decision was overturned by planning committee members. It is concerned that the Council has failed to defend its reasons for refusal, other than commenting upon the proposed amendments to the bay windows, which were submitted as part of revised plans with the appellant's appeal submission.
4. The Council did submit a full appeal statement. However, that full submission did not meet the deadline set by the Planning Inspectorate case officer and therefore was returned to the Council. In failing to adhere to the Planning Inspectorate's appeal time table, the Council acted unreasonably.
5. However, in the final event, having reviewed the file, to ensure procedural fairness, the appointed Inspector requested that the Council submit its full statement. For this reason, the full appeal statement was before the Inspector. The appellant had the opportunity to comment on that. Therefore, the appellant was not put to wasted expense in defending its position.

¹ ID 16-030-20140306

Conclusion

6. Unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG paragraph 030, has not been demonstrated and neither a full nor partial award of costs is therefore justified.

R Barrett
INSPECTOR