



Costs Decision

Site visit made on 8 August 2023

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2023

Costs application in relation to Appeal Ref: APP/X2220/W/23/3314961 Land southeast of Eastside Farm, The Street, East Langdon, Kent CT15 5JF

- 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 David Woodward for a full award of costs against Dover District Council.
 - The appeal was against the refusal of planning permission for an outline planning application, all matters reserved, for the development of up to 10 dwellings on land to the southeast of Eastside Farm, East Langdon, Dover.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that parties in planning appeals normally meet their own expenses. Costs may only be awarded against a party who has behaved unreasonably, and where that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. It will be apparent from my decision on the appeal that I consider the Council has legitimate grounds for arguing its case on each of the reasons for refusal set out on its decision notice. Its actions have not therefore resulted in the appellant unnecessarily commissioning work to support his case at appeal, nor do I consider that the Council's grounds were perverse or contrary to planning law.
4. The one aspect where I have taken a different view is on the need for surface water drainage details. This was prompted by an objection from the Environment Agency, who are a statutory consultee and whose views therefore carry weight. While I found that surface water details could be dealt with either at the reserved matters stage or by condition, that is a matter of judgement, and it was not unreasonable for the Council, having regard to the views of the Environment Agency, to take a different view.
5. The appellant also criticises the Council for not registering the land as previously developed (brownfield) or publishing a conservation area character appraisal. Both of these are matters that fall outside the scope of this appeal, and do not prevent its determination. They have not therefore resulted in unnecessary costs.
6. I do not therefore accept that the Council has acted unreasonably in defending the appeal on the grounds set out in its refusal notice.

Conclusion

7. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

Guy Davies

INSPECTOR