



Costs Decision

Site visit made on 27 July 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2023

Costs application in relation to Appeal Ref: APP/T2215/W/22/3308693 Garage Rear of 105 Burnham Road, Dartford, Kent DA1 5AZ

- 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 Baljit Gill for a full award of costs against Dartford Borough Council.
 - The appeal was against the refusal of planning permission for continued use as a vehicle repair workshop following lapse of planning permission DA/13/01030/COU allowed under appeal reference APP/T2215/A/14/2214664. Installation of additional shutter door on the front elevation which would remain closed when garage is in operation. Removal of shutter on side elevation facing towards 105 Burnham Road and bricking up of the door opening. Introduction of administrative office to include door and window on front elevation. Installation of exhaust extraction systems and new air compressor.
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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 contends that the Council behaved unfairly in refusing to grant planning permission for a development which is acceptable in principle and which should have been granted with conditions.
4. However, in my Appeal Decision I have referred to inconsistencies in the appellant's evidence and that these go beyond minor matters of detail. The submitted evidence, including the Noise Impact Assessment, does not therefore demonstrate that the proposal is acceptable. I have dismissed the appeal and have concluded that the issues raised by the proposal could not be addressed by condition. I therefore cannot conclude that the Council has behaved unreasonably in refusing planning permission.
5. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not therefore justified.

David Cross INSPECTOR