



Costs Decision

Site visit made on 20 June 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Costs application in relation to Appeal Ref: APP/G2245/W/22/3309684 Rothbury Canons Walk, Brasted Chart, Westerham, Kent TN16 1NA

- 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 Dr G Hollingworth & Dr L Murtagh for a full award of costs against Sevenoaks District Council.
 - The appeal was against the grant subject to conditions of planning permission for *Addition of hipped roof to existing first floor flat roof (south elevation), installation of glass balustrade to existing flat roof on the south elevation and balcony access door.*
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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.
3. Unreasonable behaviour in the context of an application for an award of costs may be either procedural (relating to the process), or substantive (relating to the issues arising from the merits of the appeal).
4. The applicant's claim is advanced on substantive grounds, whereby the applicant considers that the Council acted unreasonably by imposing a condition to the grant of planning permission (Ref: 22/00936/HOUSE), which restricted certain permitted development rights under the GPDO¹.
5. The applicant claims that the Council's reasoning is inconsistent with the guidance and criteria of adopted policy; and that the blanket removal of permitted development rights conflicts with the advice contained at paragraphs 17 and 54 of the National Planning Policy Framework (the Framework).
6. The Council considered the proposed development with regard to Policy GB1 of the Sevenoaks Allocations and Development Management Plan 2015 and I have found this approach to be in conformity with the Framework. I have also found that the condition imposed was reasonable and necessary in this particular regard.
7. The condition seeks to restrict certain classes of development under the GPDO, limited to classes A-E of Schedule 2, Part 1 of the GPDO, and thus it is not a blanket removal of all permitted development rights. For example, it does not

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

seek to remove such rights under classes F, G or H of Schedule 2, Part 1 of the GPDO.

8. For the reasons above, I find that the Council's behaviour was not unreasonable in its consideration of the planning application, and also with regard to the need to impose a condition to restrict certain development rights.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Moore

INSPECTOR