



Costs Decision

Site visit made on 20 September 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st November 2023

Costs application in relation to Appeal Ref: APP/G2245/D/22/3308941 The Old Bakehouse, Six Bells Lane, Sevenoaks, Kent TN13 1JE

- 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 Saleem Ali for a full award of costs against Sevenoaks District Council.
 - The appeal was against the refusal of planning permission for the conversion of disused outbuildings (washroom and outdoor WC) and an enclosed courtyard into a one bedroom annexe.
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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. The applicant submits, in summary, that the Council failed to take into account the decision of a previous planning inspector dealing with a similar issue on the same site and that it failed to substantiate reasons for refusal. This is alleged to have resulted in wasted cost.
4. In respect of the planning decision, I have noted the Council's reason for refusal. This is sufficiently complete, specific, and relevant to the application. The decision notice also clearly states the policies that the Council considers the proposal would be in conflict with. Moreover, the planning committee is entitled to take a different view to that of planning and specialist officers, which it has done here. It is my view that the application for costs essentially relates to a disagreement about legitimate matters of planning judgement.
5. It is evident from the main decision that I have disagreed with the Council's reason for refusal. Nevertheless, I am satisfied that the Council's overall determination of the application was credible and that it was entitled to reach the decision it did. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Price

INSPECTOR