



Costs Decision

Site visit made on 13 November 2023

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Costs application in relation to Appeal Ref: APP/Z2260/W/23/3322220 54 Stone Road, Broadstairs, Kent CT10 1DZ

- 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 Dan Clewley for a full award of costs against Thanet District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for the erection of two storey front and rear extensions together with 4 roof lights, front flat roof porch and first floor rear balcony and alterations to fenestration and materials.
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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 application is based on the fact that the Council failed to make a decision on the application within the 8-week timeframe, despite the committee report outlining the planning officer's recommendation for approval and the proposal being for a reduced scheme when compared to a previous permission. Further, the Council indicated that a decision would not be made on the planning application until July 2023.
4. The planning application was first reported to the Council's Planning Committee with a recommendation to grant planning permission, subject to planning conditions. I understand that the impact of the proposal on neighbouring properties was discussed and, following concerns raised by interested parties and members, Planning Committee decided to defer the application, in order to allow members to carry out a site visit.
5. It is a well-established and fundamental principle that Planning Committee members are not bound by the advice of their officers and are entirely within their rights to exercise judgement based on the evidence and information available to them. As such, notwithstanding the officer's recommendation and the previous application, it was not unreasonable for members to opt to delay their decision in order to carry out a site visit.
6. Due to the timing of local elections, there was no planning committee scheduled in May, so the site visit was set to occur on 7 July 2023 which would

ensure that members of the Planning Committee would be able to determine the application after receiving their training. I find this to be entirely reasonable circumstances for which the determination of the application was delayed. Given the minutes of the subsequent committee meeting, it is more likely than not that the appeal would have been avoided had the applicant waited until July for the application to be determined.

7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

P Terceiro

INSPECTOR