



Costs Decision

Site visit made on 23 April 2024

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2024.

Costs application in relation to APP/V2255/D/24/3337879

1 Norwood Walk West, Sittingbourne, Kent ME10 1QF

- The application is made under the Town and Country Planning Act 1990, section 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Tatler for a full award of costs against Swale Borough Council.
 - The appeal was against the refusal of planning permission for a two storey side extension.
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Decision

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

Reasons

2. Irrespective of the outcome of the appeal, costs may only 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's contention is that he addressed both Bobbing Parish Council and local objections to the planning application, as well as those concerns of the Local Planning Authority officers, meeting the objective of working positively with parties as required by the Planning Practice Guidance. The Officer report to Planning Committee recommended approval as the proposal accorded with the development plan. The applicant also points out that the proposal accorded with the Council's adopted Supplementary Planning Guidance. However, Members of the Planning Committee refused the planning application contrary to officer recommendation and with only 50% of its Members attending the Member site visit.
4. In addition, it is considered that the reasons that have resulted in the refusal have not been articulated satisfactorily or appropriately and the Council has failed to determine the planning application in a consistent manner, citing a planning permission at No.80 Norwood Walk as an example. Further to this, I note that other examples have been provided by the applicant within the drawings submitted in the Design and Access Planning Statement and the appeal statement.
5. For these reasons the applicant considers that the Council have acted unreasonably and the applicant has incurred the unnecessary cost of the appeal process.

6. The Local Planning Authority explains that following debate of the proposal at Planning Committee the application was deferred for a Member site visit meeting to take place. On referral back to Planning Committee the planning application was refused by Members. Despite amendments to the planning application, as requested by officers, there remained Parish Council and public objection to the proposal. A summary of the objections was provided within the Officer report to Planning Committee.
7. I have been provided with the Committee Minutes. These set out the concerns raised by Members to the proposal, which included, amongst others, scale, overdevelopment and amenity concerns. These three concerns went on to form a basis for the Council's reason of refusal. The concerns are reflected and amplified within the Committee Minutes that show that Members took into consideration both the Parish Council and public concerns. The Council is of the view that an objective decision was made by Members.
8. Members are of course entitled to depart from their officer's recommendation for good reasons, but their reasons for doing so need to be capable of articulation, and open to public scrutiny.
9. The Council's reason for refusal is clear and refers to the relevant development plan policies. The refusal reason also reflects the Committee Minutes which provide an overview of Members discussions and concerns at the various Council meetings. The Minutes clearly indicate that Members took on board those concerns of Bobbing Parish Council and those of third parties, which they are required to do.
10. It is of course open to Council Members to come to a different conclusion to that of their officers. I am satisfied that the planning application was considered on its own merit and, having reviewed the Council Minutes leading up to their determination of the planning application, the Council's Committee Members have reached a reasonable conclusion. The fact that I have arrived at a contrary view to the proposed development does not, of itself, show the Council have behaved unreasonably.
11. In terms of consistency of decision making, the Local Planning Authority explains that the siting of No.80 Norwood Walk differs to that of this appeal site in that it is bounded by a highway to the side and the neighbouring residential properties do not form the same relationship as Nos 44 & 46 Norwood Walk West do with this appeal site.
12. I acknowledge that there are other examples of development in the area but each proposal must be considered on its own individual merits. On the evidence before me I am satisfied that Members of the Planning Committee have considered this proposal on its own merits taking into account those Parish Council and public objections raised.
13. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Nicola Davies

INSPECTOR