



Costs Decision

Site visit made on 8 October 2024

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2024

Costs application in relation to Appeal Ref: APP/X2220/W/24/3343369 Dolittle Farm, Westcliffe Paddock, Dover Road, Westcliffe, Dover CT15 6EN

- 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 Joel Caplin for a full award of costs against Dover District Council.
 - The appeal was against the refusal of planning permission for temporary (3 year) change of use of land to a mixed use of agriculture and siting of 2 caravans for residential use, construction of a hardsurface and associated landscaping.
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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. It goes on to state that local planning authorities are at risk of an award of costs against them if they behave unreasonably with regard to procedural matters at the appeal or if they behave unreasonably with respect to the substance of the matter under appeal, for example by preventing development which should clearly be permitted or by making vague, generalised or inaccurate assertions about a proposals impact.
4. The applicant's concerns about discussions held by Members at the committee meeting whilst considering the planning application, and Members conduct during that meeting are beyond the scope of the costs regime which is limited to behaviour during the appeal process.
5. With regard to substantive matters, it is clear that the officer's report details issues relating to the appellant's personal circumstances, the supply of gypsy and traveller accommodation and any alternative accommodation available to the applicant. Although the officer identified harm to the rural landscape, they considered that the harms did not justify a refusal of the application. However, it was not unreasonable for Members to consider that the harm to the countryside did justify refusing planning permission, even though I have found to the contrary. The neighbouring dwelling granted planning permission in 2018 is clearly a different form of development and so it was not unreasonable for the Council to come to a different view on the appeal development.
6. Therefore, it has not been demonstrated that the Council behaved unreasonably resulting in unnecessary or wasted expense on behalf of the

applicant, as described in the PPG. Therefore, the application for an award of costs is refused.

A Owen

INSPECTOR