



Costs Decision

Site visit made on 29 October 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2024

Costs application in relation to Appeal Ref: APP/Z2260/W/24/3338388 6 Luton Avenue, Broadstairs, Kent CT10 2DH

- 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 S Mayhew (Maybank Homes Ltd) for a full award of costs against Thanet District Council.
 - The appeal was against the refusal of planning permission for change of use from an assisted living home for over 55 year olds, with no living-in staff, to a house in multiple occupation.
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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 seeks a full award of costs. He contends the Council has exhibited unreasonable behaviour with respect to the substance of the matter under appeal, by failing to substantiate its reason for refusal with technical or professional evidence. He further contends members of the Planning Committee (PC) made nonsensical, inflammatory or non-planning related comments during their discussion of the case.
4. Under section 38(6) of the Planning and Compulsory Purchase Act 2004, decisions must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan policies and other material considerations relevant to the proposal were set out in the officer report about the planning application. This report was considered by the Council's PC.
5. Whilst drawing upon the site-specific and scheme-specific facts of the application, noise and disturbance and its effect on an area is a matter of planning judgement. The officer report concluded the effect of the proposal on the living conditions of neighbouring occupiers was acceptable. However, when applying their planning judgement to this issue, and taking account of the technical evidence before them, the PC reached a different conclusion.
6. As decision-maker, the PC was not bound to accept the recommendation of officers, so long as it justified its decision and showed it to be reasonable. The reasons for the PC's decision are recorded in its reason for refusal, with

reference to relevant development plan policies. These reasons are further explained in the Council's statement of case for this appeal. I reached a different conclusion on this issue in my decision, based on the evidence before me. Nevertheless, despite this difference in judgement, I find the PC's conclusion was appropriately justified, notwithstanding that it did not rely on alternative technical or professional evidence.

7. I have considered the transcript of the PC's discussion and the sections brought to my attention by the applicant. Notwithstanding some personal opinions expressed by some Members of the PC, I find the debate overall was reasonable, considered the available evidence and was informed by clarifications from the officer presenting the case. These clarifications included the conditions that had been proposed and the considerations that were material to planning. There is no compelling evidence within this transcript that comments from Members were inflammatory or that non-planning related arguments unduly influenced the PC's final decision.
8. I therefore conclude unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Carpenter

INSPECTOR