



Costs Decision

Site visit made on 17 December 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 January 2025

Costs application in relation to Appeal Ref: APP/L2250/W/24/3341951

Clifton Hotel, 1-6 Clifton Gardens, Folkstone, Kent CT20 2EB

- 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 Clifton Hotel for a full award of costs against Folkestone and Hythe District Council.
 - The appeal was against the refusal of planning permission for window renewals 2nd, 3rd and 4th floors.
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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. Paragraph 049¹ of the PPG highlights the examples of unreasonable behaviour by Local Planning Authorities where costs can be awarded. The applicant has submitted that the Council has acted unreasonably in that they have not determined similar cases in a consistent manner thus preventing or delaying development which should clearly have been permitted.
4. I note that the applicant refers to other decisions in Clifton Gardens with regard to the addition of uPVC windows within the Folkestone Leas and Bayle Conservation Area. However, I have been furnished with little information in respect to these decisions, and thus it is unclear whether there are similarities between these proposals and the scheme considered here. Nevertheless, those proposals turned on their own merits, and I would give these examples only limited weight, as I cannot be certain they are directly comparable.
5. Whilst not directly related to the costs application, the applicant highlights that the Council have been unsupportive of any refurbishment works at Clifton Hotel, stating “restrictive hurdles” have been put in place preventing investment and impacting on the businesses viability. Whilst the applicant may be frustrated with their dealings with the Council in respect to the planning application process, the concerns about the conduct of the Council, are best addressed not to me but the Council’s complaints procedure and potentially the Local Government ombudsman.
6. Overall, despite my alternative findings to the Council in respect to the planning application, I find that there was no unnecessary or wasted expense in appealing

¹ Paragraph: 049 Reference ID: 16-049-20140306

the Council's reason for refusal. As parties in planning appeals and other planning proceedings normally meet their own expenses, I therefore find that unreasonable behaviour by the Council, resulting in unnecessary and wasted expense, as described in the PPG, has not been demonstrated and that no award of costs is justified.

Robert Naylor

INSPECTOR