
Costs Decision

Site visit made on 20 January 2025

by **J Pearce MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th February 2025

Costs application in relation to Appeal Ref: APP/X2220/W/24/3345064

- 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 Sir Roger Manwood's School for a full award of costs against Dover District Council.
- The appeal was against the refusal of planning permission for detached house, formation of new access and associated landscaping.

Land next to 95 St George's Road, Sandwich, Kent CT13 9LE

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 Council refused the planning application at the planning committee, contrary to officer recommendation. The applicant considers that the planning committee behaved unreasonably in not supporting the officer recommendation and subsequently making a decision, which is unsupported by any objective analysis or assessment against the relevant policy tests. Consequently, the applicant considers that the Council has prevented or delayed development that should clearly have been permitted.
4. The determination of planning applications by a planning committee is an established democratic process, and the committee reaching a different conclusion to that recommended by officers does not necessarily amount to unreasonable behaviour. The Council's statement of case, and reason for refusal, demonstrates why the committee found that the proposal would be unacceptable, and the reasoning was substantiated. The application required an exercise of planning judgement, and my Appeal Decision found favour with the Council's case. Accordingly, the Council has not prevented development that should clearly have been permitted, having regard to the development plan, national policy and other material considerations.
5. For the reasons set out above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, the application for an award of costs is refused.

J Pearce

INSPECTOR