



Costs Decision

Site visit made on 29 May 2025

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2025

Costs application in relation to Appeal Ref: APP/Z2260/W/24/3355971

Land on the south west side of Cliff Road, Broadstairs, Kent

- 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 Blanchard for a full award of costs against Thanet District Council.
 - The appeal was against the refusal of planning permission described as 'the erection of a new dwelling and detached garage, along with new access to highway and new front boundary wall and gates.'
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably, and that behaviour has directly caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application is seeking to recover the full costs incurred in the appeal process. The applicant considers that the Council behaved unreasonably as it did not provide evidence to support its reasons for refusal. Further, the applicant considers that the Council did not have the resources to adequately administer the planning application, failing to engage with him during the determination period and causing delays. In addition, the applicant states that the Council did not visit the site or the adjacent site to assess the impact of the proposal. The applicant also refers to local and national policies in the decision notice that do not apply.
4. The Council's case comprises its planning officer's report (the report) and its appeal statement (the statement). The report includes sections on character and appearance, living conditions and contributions relating to the Thanet Coast and Sandwich Bay Special Protection Area which clearly set out its rationale for refusing the scheme. The statement responds to several points made by the applicant. Therefore, the Council has provided evidence to substantiate its reasons for refusal on appeal.
5. There were several emails from the applicant to the Council during the determination period. Although the Council did not respond to all of these, it outlined its position in relation to design and living conditions in an email dated 17 October 2024. The plans were then amended, and the Council considered all drawings and other information, including the correspondence from the applicant, against national and local policies in reaching its decision. Therefore, the Council engaged with the applicant during the determination period.

6. There is no substantive evidence that the Council requested mitigation for impacts on the Thanet Coast and Sandwich Bay Special Protection Area. However, Policy SP29 of the Thanet District Council Local Plan 2020 (LP) is clear that all proposals for new residential development will be required to provide such mitigation and that this should be via a financial contribution collected via a S106 payment.
7. The planning application was originally made on 29 May 2024 but was made invalid shortly before the deadline for determining the application. The Council explains that this was due to a technical matter relating to biodiversity net gain (BNG) which was informed by a consultation response from a relevant body.
8. As set out in the report, the applicant's originally submitted BNG metric baseline information had been recorded incorrectly and this required the submission of a revised BNG metric. This was provided and the planning application was subsequently validated on 13 September 2024, with the Council making its decision on 1 November 2024. The applicant did not appeal against the Council's failure to give notice of a decision on the planning application within the prescribed period¹ and I am satisfied that there was good reason for delays in the validation and determination of the planning application.
9. The Council confirms that a site visit was made to assess the site and its relationship with neighbours, amongst other things. Whilst it was not viewed from the neighbouring properties, the Council considers that it was able to fully assess the impact of the proposal from the site visit. From my observations on my site visit, I agree.
10. In my appeal decision, I have agreed that Policy QD4 of the Thanet District Council Local Plan 2020 and Policies BSP2 and BSP4 of the Broadstairs & St. Peter's Neighbourhood Development Plan 2021 do not apply to the reasons for refusal but found that other development plan policies apply. Further, the Council acknowledges that the fourth reason for refusal refers to incorrect paragraph numbers in the National Planning Policy Framework, but this also cites the relevant development plan policy. Therefore, these errors did not affect the outcome of the planning application to the Council.
11. In view of all the above points, I do not consider that the Council's behaviour has been unreasonable. It thus follows that the applicant has not incurred any unnecessary expense. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

A Wright

INSPECTOR

¹ Under section 78 of the Town and Country Planning Act 1990