



Costs Decision

Site visit made on 27 May 2025

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Costs application in relation to Appeal Ref: APP/J2210/W/24/3356594

13 Orchard Street, Canterbury, Kent CT2 8AP

- 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 Ms Caroline Hill for an award of costs against Canterbury City Council.
 - The appeal was against the refusal of planning permission for a change of use from part of guest house (Class C1) to single residential dwelling (Class C3) and reinstatement of the party wall.
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Decision

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

Preliminary Matters

2. As it is not clear from the applicant's submission whether a full or partial award of costs is applied for, I have proceeded on the basis that a full award is sought.

Reasons

3. 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.
4. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG. Whilst the list is not exhaustive, the applicant does not identify any of these that the Council engaged in. Rather, the grounds seem to be that the planning officer did not engage to examine material considerations.
5. Much of the detail of the costs application relates to the difficulty applying the policy to the situation, in which the use of only part of the guest house was to change. Whilst arguably an inflexible application of policy, that is the subject matter of the planning appeal, and not a basis for an award of costs.
6. The applicant acknowledges that, on submission, the application did not include the requirements in Policy TV3 of the Canterbury District Local Plan 2017. Evidence of material considerations was only supplied 11 weeks later. The Council determined the application a week after that, focussing only on the development plan.
7. It is generally the planning applicant's responsibility to submit relevant evidence in as timely a manner as possible, ideally on submission, rather than the Council's to request it. Whilst no award is sought by the Council, delays in providing information are an example of unreasonable behaviour by appellants.

8. Considering the timescales, it was not unreasonable for the Council to determine the application, despite making only limited reference to the additional evidence.

Conclusion

9. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, an award of costs is not justified against the Council.

S Simms

INSPECTOR