



Costs Decisions

Site visit made on 23 October 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2026

Costs application in relation to Appeal A Ref: APP/J2210/W/25/3361622

2 High Street, Canterbury, Kent CT1 2JH

- 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 Shawarma Bros Ltd for a full award of costs against Canterbury City Council.
- The appeal was against the refusal of planning permission for installation of kitchen extraction system and retractable awning.

Costs application in relation to Appeal B Ref: APP/J2210/H/25/3361623

2 High Street, Canterbury, Kent CT1 2JH

- The application is made under section 322 of the Town and Country Planning Act 1990, Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007, and section 250(5) of the Local Government Act 1972.
- The application is made by Shawarma Bros Ltd for a full award of costs against Canterbury City Council.
- The appeal was against the refusal of advertisement consent for erection and display of externally illuminated fascia sign, externally illuminated projection sign and awning signage.

Costs application in relation to Appeal C Ref: APP/J2210/Y/25/3361624

2 High Street, Canterbury, Kent CT1 2JH

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
- The application is made by Shawarma Bros Ltd for a full award of costs against Canterbury City Council.
- The appeal was against the refusal of listed building consent for external and internal alterations including flue to rear elevation and vent and installation of gas meter box to front elevation, replacement front windows from timber to timber together with retractable awning.

Decisions

1. Application A: The application for an award of costs is allowed in the terms set out below.
2. Application B: The application for an award of costs is refused.
3. Application C: The application for an award of costs is refused.

Preliminary Matters

4. There are three applications for costs, relating to each of the appeals for planning permission, advertisement consent and listed building consent. I have considered each application on its individual merits. However, to avoid duplication, I have dealt with the applications together, except where otherwise indicated.

Reasons

5. 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.
6. All three appeals are made on substantive grounds. Paragraph 049 of the PPG advises that this relates to where the local planning authority has behaved unreasonably with respect to the substance of the matter under appeal and provides examples of this.
 7. Appeal A: I note the Council recommended withdrawing a previous application which included a substantial extraction flue and recommended that a less intrusive form of extraction was investigated. The merits of that advice are not before me, and does not, in and of itself, constitute unreasonable behaviour. Nor would the decision of the Council to refuse permission for the amended proposal automatically be unreasonable as each proposal must be considered on its own merits.
 8. However, the Council's reasoning for refusing the application was generalised, and based on a very brief comment from the environmental health manager. This was despite the extensive detail as to the operation of the extraction equipment submitted as part of the application. At appeal, the Council failed to produce evidence to substantiate this reason for refusal or provide any objective analysis to support their otherwise vague assertion about the effect of the proposed extraction system. Notwithstanding that I have dismissed Appeal A for other reasons, I find that the Council did behave unreasonably with respect to the reason for refusal related to the suitability of the proposed extraction equipment.
 9. Appeal B: The officer report clearly assesses the proposal against the relevant tests set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. It was necessary for the Council to do this and there is no reason they could not reach a different conclusion on each test. It was also reasonable for the Council to expect the awning to be of a suitable height to ensure highway safety. Given the importance of the appeal site as a Grade II* listed building, it was reasonable for them to conclude this was a matter that could not be dealt with by condition. Furthermore, the Council withdrew its reason for refusal with respect to the awning at an early stage once the drawings were clarified and so I find they did not behave unreasonably in this respect.
 10. With respect to the projecting sign, while the Council's reasoning was very brief, it was clear which aspects of the sign they had concern with. While I did not agree with their conclusion as to the effect of the projecting sign on amenity, the Council's report demonstrated a reasonable exercise of planning judgement. The policies the Council took account of in reaching their decision were all material to the proposal. There is no substantive evidence before me that the Council deliberately delayed reaching their decision. Consequently, I find the Council did not behave unreasonably with respect to Appeal B.
 11. Appeal C: There is a statutory duty on decision makers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The appeal site, as a Grade II* listed building, is a heritage asset of the highest significance. The evidence submitted with the application and appeal is scant when it comes to assessing the special interest and significance of the appeal property and how the proposal would affect these.

12. The Council's assessment of the appearance of the proposed internal extraction equipment is an accurate reflection of what is proposed, and their assessment of the effects of the proposal demonstrates a reasonable exercise of planning judgement. Consequently, the Council has not displayed unreasonable behaviour in this respect.

Conclusion

13. I have dismissed all of the appeals as the development would be physically and functionally linked to other aspects of the proposal which must be considered as a whole. Notwithstanding, I find with respect to Appeal A that unreasonable behaviour on the part of the Council has occurred. This has resulted in unnecessary or wasted expense on the part of the applicant with respect to the reason for refusal.
14. I do not find that the Council behaved unreasonably with respect to Appeals B and C and so the applicant has not been put to unnecessary or wasted expense.

Costs Order

15. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Canterbury City Council shall pay to Shawarma Bros Ltd, the costs of the appeal proceedings described in the heading of this decision in respect of Appeal A; such costs to be assessed in the Senior Courts Costs Office if not agreed.
16. The applicant is now invited to submit to Canterbury City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Jennifer Wallace

INSPECTOR