



The Planning Inspectorate

Costs & Decisions Team

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Mr Graham Simpkin
Graham Simpkin Planning
2 The Parade
Ash Road
Hartley
DA3 8BG

Your Ref: 4018.PN

Our Ref: APP/K2230/W/23/3336156

Date: 15 January 2025

BY EMAIL ONLY

Dear Mr Simpkin

Local Government Act 1972 - Section 250(5)

Town and Country Planning Act 1990

Appeal by Mr T Russell

Site Address: Starwood, Pear Tree Lane, Shorne, DA12 3JU

YOUR APPLICATION FOR COSTS

1. I am directed by the Secretary of State for Housing, Communities and Local Government to decide your application for an award of costs on behalf of the appellant made on 29 December 2023 against Gravesham Borough Council ("the Council"). The appeal is against the decision of the Council to grant planning permission for the variation of condition 2 attached to planning permission reference number 20050912 for the erection of a detached garage, to allow the store in the roof space above the garage to be used as a hobby room and construction of a dormer extension in both side roof slopes of garage to provide enlarged roof space for the hobby room/store to allow use of detached garage as an annexe in connection with main dwelling house subject to conditions. The condition in dispute is condition 3:-

The building hereby permitted shall be used as an incidental annexe for the occupants of Starwood House containing a bedroom and bathroom at first floor, with the garage retained at ground floor for vehicular parking, and the building shall not, at any time, be let or sold and no trade or business shall be carried out therefrom.

2. On 12 November 2024 the Inspector sought the parties' views on how the guidance in paragraphs 14 and 18 of the PPG should be addressed in the appeal, and whether the proposal would result in a change to the operational part of the permission. The appellant was invited to consider withdrawing the appeal. The appeal was withdrawn on 19 November 2024.

DECISION

3. The application is refused.

Basis for determining the costs application

4. Planning policy guidance says that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by imposing a condition that does not comply with the guidance in the National Planning Policy Framework on planning conditions and obligations.

The application

5. The thrust of the costs application is that the Council acted unreasonably by imposing condition 3 which, the appellant maintains, is not needed. However, as the appeal was withdrawn, thus ending the appeal proceedings, the issues arising in the appeal remain unresolved and the Secretary of State has no further jurisdiction in the case. There is no substantive decision, following the consideration of the evidence, against which it is possible to assess the planning merits of the appeal. On the evidence before her, the Secretary of State is not satisfied that the Council behaved unreasonably causing the appellant to incur wasted or unnecessary expense in the appeal process. An award of costs against the Council will not therefore be made.
6. A copy of this letter has been sent to the Council.

Yours sincerely

Richard Holland

Authorised by the Secretary of State to sign in that behalf