



Costs Decision

Site visit made on 29 August 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2023

Costs application in relation to Appeal Ref: APP/K2230/W/22/3313228 Cobham Lodge, Valley Drive, Gravesend, Kent DA12 5UE

- 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 Dwight Breley, Breley Design Ltd for a full award of costs against Gravesham Borough Council.
 - The appeal was against the refusal of planning permission for proposed conversion of existing house to 10No. Flats including side and rear extension and loft conversion. Conversion of rear annex building to 2No. Dwelling houses including proposed new dormers. Construction of new apartment building to form 11No. new apartments. Construction of 8No. Semi-detached and 1 No Detached Houses and associated development.
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Decision

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

Reasons

2. Planning Policy Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The application contends that despite the applicant's extensive and collaborative engagement with officers, the Council's Committee went against the Planning Officer's report and recommendation that the application be approved. The applicant contends that the refusal of the application constitutes unreasonable behaviour as it prevented development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. Furthermore, the applicant states that the Committee's reasoning is vague, generalised and based on inaccurate assertions about the proposal's impact.
4. The PPG indicates that local planning authorities will be at risk of an award of costs being made against them if they fail to produce evidence to substantiate each reason for refusal. In this case, I have noted the recommendation of the Council's Officers. However, the decision is one which is a matter of judgement. The Council Members in this case were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view.
5. Following the Committee's resolution to refuse the planning application, the Council issued its Decision Notice. That sets out the reason for refusal, which is complete, precise, specific and relevant to the development proposed, and details the alleged harm and relevant local and national planning policies that

Members allege the proposal conflicts with. Although putting forward a contrary case to the Committee Report, the Council's appeal statement subsequently elaborates on the refusal reason, the Council's concerns with the appeal proposal and includes reasons why Members went against the recommendation of Officers. Sufficient detail was therefore provided to substantiate its position.

6. Although I have come to a different overall conclusion in relation to the proposal's effect on the character and appearance of the area, this does not mean that the Council acted unreasonably in refusing the planning application. For the above reasons, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

B Pattison

INSPECTOR

