



Costs Decisions

Site visit made on 21 November 2017

by **Grahame Gould BA MPhil MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19th December 2017

Costs application in relation to Appeal Ref: APP/X2220/W/17/3179235 Land on the south west side, Singledge Lane, Whitfield 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 Dover District Council for a partial award of costs against Abbey Developments Limited.
 - The appeal was against the refusal of planning permission for 133 new residential units including 40 affordable homes, new vehicular and pedestrian access, internal access roads, car parking, landscaping, provision of open space and a locally equipped children's play area (LEAP).
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises in its section on appeal costs that these 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.
3. A partial award of costs is sought by the Council on the basis of it having been unreasonable of the appellant to have made an application for costs.
4. In my reasoning concerning the appellant's application for costs I have explained that the Council's appeal case has failed to substantiate both reasons for refusal. I have therefore found that it was unreasonable for the Council to have relied on those reasons for refusal. I have therefore concluded that the appellant's application for costs should be allowed. It therefore follows that I find it was reasonable for the appellant to have made its costs application and that an award of costs for the Council's response to that application is therefore unjustified.

Conclusion

5. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for an award of costs is therefore refused.

Grahame Gould

INSPECTOR