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## Costs Decision

Site visit made on 2 March 2021

**by Stephen Wilkinson BA (Hons) BPL DIP LA MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 April 2021**

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### **Costs application in relation to Appeal Ref: APP/V2255/W/20/3256730 land at Chequers Way, Minster Kent ME12 3SH**

- 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 Mr R Alderson for a partial award of costs against Swale Borough Council.
  - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for the erection of 5No. dwellings on land to the south of Chequers Road with matters other than access reserved.
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### **Decision**

1. The application for a partial award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance (the Guidance) advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expenses in the process.
3. The application has been made on the basis that the award of costs is for a full award from the point at which the Council claimed they could demonstrate a 5 year housing land supply to the eventual point when they confirmed that this was not the case. Accordingly, I have treated this as an application for a partial award.
4. The officer's report to Planning Committee, dated 25 June 2020 identified that the Council had an undersupply of housing land. This was a primary reason for the recommendation to grant permission. Members of the Committee decided to arrange a site visit before making a decision and at this point the applicant lodged the appeal against non-determination.
5. From the Council's evidence submitted in respect of the appeal, it is unclear the basis of the Committee's resolution to refuse the application against the officer's original recommendation, had it been in a position to do so, following the lodging of the appeal.
6. Whilst the Council does regret the miscalculation of its 5 year housing land supply, this would appear to have only recently come to light, following its response to enquiries of an Inspector colleague in respect of another appeal<sup>1</sup>.

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<sup>1</sup> APP/V2255/W/20/3249359

7. On the evidence available to me, it is unclear whether the Committee's resolution was informed by evidence in respect of housing land supply or other matters.
8. Although the Council's mistakes amount to unreasonable behaviour, the fact that the applicant has sought costs in respect of the previous appeal<sup>2</sup>, for the same body of work, demonstrates that unnecessary expenditure solely pertaining to this appeal has not been incurred.

### **Conclusions**

9. I therefore find that whilst unreasonable behaviour has occurred, unnecessary or wasted expense, as described in the Guidance, has not been demonstrated. Therefore, an award of costs is not justified.

*Stephen Wilkinson*

INSPECTOR

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<sup>2</sup> ibid