
Costs Decision

Site visit made on 11 December 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2021

Costs application in relation to Appeal Ref: APP/V2255/W/20/3253723 Land behind 9-10 Range Road, Eastchurch, Sheerness, Kent, ME12 4DU

- 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 L. Marshall for a partial award of costs against Swale Borough Council.
 - The appeal was against the refusal of planning permission for 2 bedroom bungalow with associated parking on land behind 9/10 Range Road.
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Decision

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

Reasons

2. This application for a partial award of costs relates to the conduct of the Council in relation to its housing land supply position, following the 2020 Housing Delivery Test (HDT) results published in January 2021.
3. The Council initially argued in a number of appeals that, following the HDT results it could demonstrate a 5-year housing land supply. However the appellant disputed the background calculations, making reference to well-established principles in calculating housing land supply. The Council accepted this rebuttal, ultimately conceding that its housing land supply is 4.7 years. In other costs decisions in Swale where the same issue arose Inspectors found the change in position amounted to unreasonable behaviour, a position that the Council appear to accept.
4. However, the Council's figures were clearly assembled in haste and in response to a change in circumstances. It quickly accepted the rebuttal provided by the appellant and changed its figures in response to this scrutiny, thus avoiding the need for further work. Whilst this does not reflect particularly well on the Council, it strikes me that this type of exchange is an expected part of the planning appeals process. In my view, the acknowledged errors do not meet the threshold of unreasonable behaviour. I acknowledge that this finding puts me at odds with the findings of other Inspectors, but I have explained the reasoning behind my decision above.
5. In conclusion, there was no unreasonable behaviour on this occasion. The appellant was not put to unnecessary or wasted expense. An award of costs is not justified.

Neil Holdsworth

INSPECTOR