



Department for Levelling Up,
Housing & Communities

3 November 2021

Dave Harris
Head of Planning,
Medway Council,
Gun Wharf,
Dock Road,
Chatham ME4 4TR

Our Ref: APP/A2280/W/20/3259868

Dear Sir

LOCAL GOVERNMENT ACT 1972, SECTION 250(5)
TOWN AND COUNTRY PLANNING ACT 1990, SECTIONS 78 and 320
APPEAL BY A C GOATHAM & SON
AT LAND OFF PUMP LANE, RAINHAM, KENT
APPLICATION REF: MC/19/1566

APPLICATION FOR A PARTIAL AWARD OF COSTS

1. I am directed by the Secretary of State to refer to the enclosed letter notifying you of his decision on the above named appeal.
2. This letter deals with Medway Council's application for a partial award of costs against the developer. The application as submitted and the response of the developer are recorded in the Inspector's Costs Report (CR), a copy of which is enclosed.
3. In planning inquiries, the parties are normally expected to meet their own expenses, and costs are awarded only on grounds of unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process. The application for costs has been considered in the light of the Planning Practice Guidance, the Inspector's Costs Report, the parties' submissions on costs, the inquiry papers and all the relevant circumstances.
4. The Inspector's conclusions and recommendation with respect to the application are stated at paragraphs CR4.1-5.1. The Inspector recommended that a partial

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award of costs is justified on the basis of unreasonable behaviour by the developer which caused the Council to incur unnecessary or wasted costs in relation to all but one of the component parts of the application.

5. Having considered all the available evidence, and having particular regard to the Planning Practice Guidance, the Secretary of State agrees with the Inspector's conclusions in his report and accepts her recommendations. Accordingly, he has decided that a partial award of costs, as specified by the Inspector at paragraph CR5.1 is warranted on grounds of unreasonable behaviour on the part of A C Goatham & Son.
6. Accordingly, the Secretary of State, in exercise of his powers under section 250(5) of the Local Government Act 1972 and sections 78 and 320 of the Town and Country Planning Act 1990, HEREBY ORDERS that the developer shall pay to the Council its partial costs of the inquiry proceedings limited to those costs incurred in producing the Pump Lane and Lower Rainham Transport Impact Appraisal Addendum 2028 results (December 2020) and Addendum 2 2037 (January 2021), the costs incurred during the adjournment, including the production of further proofs of evidence from Messrs Rand and Jarvis, the costs incurred in the additional sitting day and the costs of making the costs application, such costs to be taxed in default of agreement as to the amount thereof.
7. You are invited to submit to the developer details of those costs, with a view to reaching agreement on the amount. Guidance on how the amount is to be settled where the parties cannot agree on a sum is at paragraph 44 of the Planning Practice Guidance on appeals, at <https://www.gov.uk/guidance/appeals#how-to-make-an-application-for-an-award-of-costs>

Right to challenge the decision

8. This decision on your application for an award of costs can be challenged under section 288 of the Town and Country Planning Act 1990 if permission of the High Court is granted. The procedure to follow is identical to that for challenging the substantive decision on this case and any such application must be made within six weeks from the day after the date of the Costs decision.
9. A copy of this letter has been sent to the developer.

Yours faithfully,

MA Hale

Mike Hale

This decision was made by the Minister of State for Housing on behalf of the Secretary of State, and signed on his behalf