



Costs Decision

Site visit made on 22 September 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 NOVEMBER 2021

Costs application in relation to Appeal Ref: APP/H2265/W/21/3269267 Land to south of 166 Rocks Road

- 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 Long and Price for a full award of costs against Tonbridge & Malling Borough Council.
 - The appeal was against the refusal of planning permission for development of 2no. detached houses with associated gardens and parking.
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Decision

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

Reasons

2. An award of costs may be allowed where it is found that a party behaves unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Appellant's case is that Member's actions were unreasonable in refusing the application against an officer recommendation of approval.
4. It is not unreasonable in itself for planning committee Members to come to a different conclusion to an officer recommendation. The appellant has concerns about the conduct and procedures at the meeting. However, the decision notice and minutes of the committee meeting provide a clear reason for refusal which is supported by development plan policy. Therefore, I am satisfied that this has not led to the refusal of an application which should clearly have been permitted. As such, this does not represent unreasonable behaviour.
5. Since the refusal of the appeal scheme, the Council have approved a subsequent similar application with further information about visibility splays. Therefore, whilst the Council no longer contests the appeal, in these circumstances that is not unreasonable. Nor does it alter my conclusion that the original decision was not unreasonable.
6. Consequently, for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated.
7. For this reason, neither a full nor partial award for costs is justified.

H Miles

INSPECTOR