
Costs Decision

Hearing Held on 9 August 2022

Site visit made on 9 August 2022

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 8 September 2022

Costs application in relation to Appeal Ref: APP/E2205/W/21/3266911 Greenacres Farm Fishery, Sissinghurst Road, Biddenden TN27 8EH

- 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 Greenacres Farm Fishery for a full award of costs against Ashford Borough Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for erection of new bailiffs cabin and siting of 4 holiday-lets on site.
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Decision

The application for an award of costs is refused.

Reasons

1. The Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
2. It adds that examples of unreasonable behaviour by local planning authorities include:
 - vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and
 - refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead
3. I note the Applicant had attempted to contact a Councillor to discuss the application and concerns regarding the advertisement of a Parish Council meeting. Furthermore, I acknowledge concerns regarding the discussion of the application at the Development Management Committee Meeting including regarding a tea shop and use of the site for parties.
4. However, the reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly sets out the development plan policies that the proposal would conflict with, in the view of the Council. In addition, the Council's appeal statement evaluates the scheme and sets out the concerns with respect to the living conditions of neighbouring

occupiers. The Council also clearly set out their concerns with respect to the proposal during the hearing.

5. While I have come to a different view for the reasons set out in the decision letter, the Council reasonably submitted evidence to support their case in this regard. Therefore, even if the Council's actions, including with respect to the discussions during the Development Management Planning Committee meeting, were unreasonable, they have not resulted in unnecessary expense in the appeal process.
6. For this reason, and having regard to all other matters raised, an award for costs is not justified.

R Sabu

INSPECTOR