
Costs Decision

Site visit made on 2 November 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2022

Costs application in relation to Appeal Ref: APP/V2255/W/21/3287086 Meadow View Park, Irwin Road, Minster On Sea, ME12 2DB

- 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 Boswell Park Homes for a full award of costs against Swale Borough Council.
 - The appeal was against the refusal planning permission for the stationing of 37 static caravans including associated hardstanding and landscaping without complying with conditions attached to planning permission Ref 18/506323/FULL, dated 3 June 2019.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. As explained in the appeal decision, the Council introduced an interim planning policy in June 2020 which outlined how it would consider planning applications for park home sites across the Borough. A similar policy was included in the pre-submission consultation on the draft Local Plan Review which commenced in February 2021. However, the Council subsequently decided not to proceed with that version of the draft Plan.
4. The report to the Council meeting in June 2020 explained that the interim policy would not have the full weight of adopted local plan policy but would nonetheless be a material consideration of some weight. The appellant indicates that information and news updates about the interim policy were all over social media and the Council's website. It is therefore understandable that the Council was seen as taking a positive approach to park home development, including in areas at high risk of flooding.
5. The Council was nevertheless perfectly entitled to bring forward an informal policy in response to issues identified in relation to, amongst other things, the affordability of housing in the Borough and the absence of a five year housing land supply. At the time the application was determined in May 2021, the park homes policy was included as Policy DM18 of the draft Local Plan. The delegated report refers to its status and it was technically correct that the policy should attract little weight when deciding the application. However, it seems strange that the Council gave it so little importance when considering

the application, especially given that it was promoting the policy with the intention of supporting proposals for park homes.

6. The policy is no longer part of the draft Local Plan as progress on its preparation has been halted. Furthermore, the Council has explained its objections to the proposed development with regard to policies in the adopted development plan. Whilst it is possible to appreciate the applicant's disquiet about the way that the planning policy landscape changed after June 2020, there was no unreasonable behaviour. Rather what occurred was an evolution of policy, a change of tack on the draft Local Plan and a legitimate balancing of the interim policy against the development plan.
7. Given the way that events unfolded, it was reasonable for the Council to give primacy to the Local Plan over the interim policy. Therefore, a costs award is not warranted.

David Smith

INSPECTOR