



Costs Decision

Site visit made on 22 July 2024

by N Perrins BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Costs application in relation to Appeal Ref: APP/U2235/D/24/3344042 Moonrakers, Darman Lane, Laddington, Maidstone, Kent ME18 6BL

- 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 Shane Huke for a full award of costs against Maidstone Borough Council.
 - The appeal was against the refusal of planning permission for the demolition of existing conservatory and erection of two storey side extension and part single part two storey rear extension and widening of existing access.
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Decision

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

Reasons

2. 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. The applicant's costs application is based on its view that the Council, when assessing the planning application, did not review the previous appeal decision¹ as a whole and placed too much emphasis on the previous Inspector's use of the word 'large' within paragraph 9 of that decision. The subsequent planning application subject of this appeal had been designed to overcome the Inspector's reasons for dismissing the previous appeal. The applicant considers that the Council, therefore, acted unreasonably by not acknowledging the main objections raised by the previous inspector and refusing planning permission.
4. PPG explains that examples of unreasonable behaviour by local planning authorities includes a failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact that are unsupported by any objective analysis.
5. In this case, the Planning Officer's report references conclusions reached by the previous Inspector. The report also states that "*the harm identified in the previous application by the Local Planning Authority and subsequently by the Planning Inspector related to the scale and design of the proposed first floor rear extension*". It is clear, therefore, that the Council and applicant interpreted the previous Inspector's conclusions regarding scale differently.

¹ APP/U2235/D/23/3331578

6. However, I find that it was not unreasonable for the Council to have interpreted the Inspector's conclusions in the way they did in view of the reference to 'large' and 'dominant' within the decision letter. Moreover, at no point was the scale of development in the previous appeal proposal stated as being acceptable in that decision.
7. Furthermore, the Planning Officer's report in this case sets out a detailed assessment of the revised application with regard to the impact of its scale and design, and compliance with the policies within the development plan that have been updated with the adoption of the Maidstone Borough Local Plan 2021-2038 (2024) since the previous appeal decision. It is also evident from the Planning Officer's Report that the Council recognised where the revised proposal has been improved following the previous appeal decision highlighting that an objective and fair assessment was undertaken.
8. Overall, I find that the Council's assessment of the planning application was entirely reasonable with due regard to the previous appeal decision, and one they were entitled to make based on the facts and application of planning judgments as they saw them. I am also satisfied that the Council fully substantiated the reasons for refusing planning permission by undertaking an objective analysis and due consideration of material considerations including the previous appeal decision. Accordingly, I do not agree that the Council acted unreasonably in refusing planning permission for the proposed development.
9. I, therefore, find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

N Perrins

INSPECTOR