
Costs Decision

Site visit made on 5 November 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2025

Costs application in relation to Appeal Ref: APP/E2205/W/24/3340179 The Silvers, Selling Road, Chilham, Kent CT4 8BH

- 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 and Mrs Scott for a full award of costs against Ashford Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a new dwelling.
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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. The claim is made on the assertion that the Council has acted unreasonably by not having a pre-application advice service available following refusal of a previous planning application¹ for a similar scheme. Furthermore, the applicant contends that the Council failed to provide a clearer explanation in relation to the settlement boundary and the requirements of Policy HOU3a of the Ashford Local Plan 2030.
4. Whilst the Council paused its pre-application serviced for a few months around the time when the first planning application was determined, the evidence suggests that the Council engaged with the applicant before the second application was submitted. However, the advice provided regarding the likelihood of an alternative scheme being accepted was limited.
5. While it is good practice for the Council to work pro-actively with applicants, in the absence of any conclusive evidence to the contrary, the extent to which the Council's concerns could have been addressed through pre-application discussions or during the consideration of the planning application is a matter of speculation. Consequently, I am not persuaded that the appeal could have been avoided.
6. The applicant contends that the case officer did not carry out a site visit on the scope of the second application, therefore further reducing the opportunity for engagement. However, this occurred during the application process rather than

¹ LPA Ref PA/2022/2114

the appeal process, and therefore it does not demonstrate that the Council has behaved unreasonably in relation to matters at the appeal. Indeed, the reasons for refusal have been adequately substantiated by the Council in evidence and I do not consider them to be unsupported by objective analysis, vague or unbalanced.

7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

P Terceiro

INSPECTOR