



Costs Decision

Site visit made on 30 January 2025

by **A Price BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

Costs application in relation to Appeal Ref: APP/M2270/W/24/3346786 Land between Hawthorn Walk and Green Way, Tunbridge Wells, Kent TN2 3UH

- 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 Rodic Development for an award of costs against Tunbridge Wells Borough Council.
 - The appeal was against the refusal of planning permission for the construction of a pair of three bedroom semi-detached houses and one four bedroom detached house.
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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 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. There are several strands to the applicant's case for an award of costs. In summary, the applicant sets out that the council has acted unreasonably on several substantive grounds, including that pre-application advice was provided confirming that the site was suitable for development. The appellant also sets out that the reasons for refusal have not been adequately substantiated by evidence and that the Council introduced new issues at the appeal stage, namely in respect of trees.
4. The Council's reason for refusal is set out in the decision notice. This reason is complete, precise, specific and relevant to the application. It also clearly states the policies of the development plan that the proposals, in the view of the Council, would conflict with.
5. Fundamentally, the planning committee is entitled to take a different view to that of planning officers. I accept that this is highly frustrating for the appellant, particularly given that positive pre-application advice was provided. Nevertheless, it is my view that the application for costs essentially relates to a disagreement about legitimate matters of planning judgement. Moreover, pre-application advice is *advice*. It is not binding on the final planning decision.
6. In respect of the trees, I note that a Tree Preservation Order was placed on the site following the planning decision. It is not for me to reconsider that procedure. Whilst I am aware of this matter, I have dealt only with the matters in dispute relating to the refused scheme, and as considered at the time of the original application. In

any case, this matter would not have altered the Council's original decision or my conclusions in the main appeal decision.

7. Overall, I am satisfied that the Council's determination of the application, and its reasoning, were credible and that it was entitled to reach the decision it did. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Price

INSPECTOR