



Costs Decision

Site visit made on 20 March 2025

by **SJ Desai BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 April 2025

Costs application in relation to Appeal Ref: APP/E2205/W/24/3353434

Land to the North West of Brook Meadow, Wissenden Lane, Bethersden, Ashford TN26 3AJ

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Sarah Stacey for a full award of costs against Ashford Borough Council.
 - The appeal was against the refusal of planning permission for the erection of one detached dwelling and detached car barn with associated access, landscaping and biodiversity enhancements.
-

Decision

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

Reasons

2. 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 PPG provides that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications. Examples of this include where a local planning authority does not determine similar cases in a consistent manner.
4. On substantive grounds, the applicant contends that the Council have acted unreasonably by determining the planning application in an inconsistent manner to what the appellant believes are similar cases.
5. My attention has been drawn to a development at an adjacent site¹. It is apparent from the evidence presented, that there are differences between the two sites, including the presence of existing built form, the proximity to services in respect of walking routes and the relationship to the existing urban grain of the Bethersden. As such, I consider that there are material differences between the two proposals and that the consented scheme does not provide a robust justification for the appeal proposal.
6. I do not have the full details of the circumstances that led to the other examples, including two appeal decisions², of similar developments put to me being accepted

¹ PA/2022/2679

² APP/E2205/W/20/3255381 and APP/E2205/W/24/3338684

or accepted in part. Whilst I have been provided with the application references, one appeal decision and distances (in metres) to local services, the evidence does not include drawings or diagrams related to the planning permissions nor does it provide qualitative information on the characteristics of routes from these sites to local services for future occupiers. On the evidence presented I therefore cannot be certain that they represent a direct parallel to the proposed development and cannot conclude that the Council has acted unreasonably in their determination.

7. The Council sets out in its response to the applicant's cost claim the differences that in its view exist between the appeal proposal and the examples of similar schemes elsewhere in the local area, therefore explaining there has been no inconsistency of approach on its behalf. In any case, circumstances vary from one site to another, and an application must be considered on its own merits. I have no substantive evidence to show the Council has been inconsistent in its approach to decision-making on similar schemes that have the same site context as the appeal proposal.
8. The Council has clearly set out substantive, evidence-based reasons and reached a judgement accordingly. As such, I consider that the Council has properly evaluated the application and considered the merits of the scheme.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

SJ DESAI

INSPECTOR