



Costs Decision

Site visit made on 30 June 2025

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 July 2025

Costs application in relation to Appeal Ref: APP/T2215/W/25/3363436 58 Main Road, Sutton at Hone, Kent DA4 9EU

- 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 Bestsafe Development (Dartford) Ltd for a partial award of costs against Dartford Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a detached 1.5-storey dwelling with 2 No. bedrooms and reconfiguration of car park and amenity space provision.
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Decision

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

Reasons

2. 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. In summary the Applicant considers that the Local Planning Authority (LPA) has raised a number of objections that fail to take account of: -
 - the ability to use planning conditions to address the matters raised;
 - the extent of matters requiring planning permission;
 - the lawful baseline position of the site, including historic permissions; and
 - the lack of evidence sourced by the LPA to justify departing from their own adopted parking standards.
4. Such elements of a decision maker's assessment are considered to be contrary to the National Planning Policy Framework that requires decision makers to be positive about development.
5. For these reasons the applicant considers that the LPA has behaved unreasonably and the applicant has been put to wasted time and expense arguing against the LPA's first reason for refusal at appeal. The Applicant contends that a partial award of costs should be made against the LPA on grounds of unreasonable behaviour.
6. The LPA comments that there appears to have been a misunderstanding of the issues raised in connection to the boundary fence. The plans that supported the planning application did not show any detail of boundary fencing between the existing House in Multiple Occupation (HMO) at 58 Main Road and the proposed

dwelling. Whilst a planning condition could be imposed, the LPA contend that confirmation that a fence could be provided and an understanding of where the boundary fence would be located would be expected to form part of the proposal details.

7. Given the proposal sought to subdivide a dwelling from the existing HMO use of the site, I do not consider the LPA's aim to ascertain the location of the boundary for reasons of privacy to be unreasonable to assist with the assessment of the acceptability of the proposed development. The fact that I have come to a contrary view on the matter of privacy to that of the LPA does not mean that the LPA has acted unreasonably. The point that there was no condition as part of the previously approved HMO that requires boundary treatment is irrelevant as the entire site was proposed for the purposes of the HMO use.
8. The applicant contends that the parking space sizes relating to the HMO would remain as they are presently. The LPA has explained that the aim of their assessment was to ensure that sufficient parking is provided and that the spaces to be considered as part of the proposed development, both for the proposed dwelling and the re-configured parking arrangements for the HMO meet current standards. This is a reasonable part of the assessment of the planning application.
9. There is contention to the LPA's approach to the assessment of parking needs by relying on the standard for 1 bed flats being applied to the provision for the existing HMO. The LPA advises that this has been used as a starting point. I consider it reasonable for the LPA to turn to the adopted parking standards to assist in the assessment of the proposed development, even if standards for HMO have not specifically been adopted by the LPA. It has been suggested that the LPA has not taken into account the existing baseline and lawful status of a site. However, on my reading of the LPA submissions, consideration of the planning permission relating to the original HMO proposal has been taken into account and the parking provision that was agreed by that planning permission.
10. With regard to parking provision, the LPA considers that the site is not located at a highly sustainable location and is only close to some local facilities. The LPA's submissions indicate that this has been considered as part of assessing the parking provision. I accept that considerations pertaining to different development plan policy can appear to be contradictory. However, it is reasonable for the LPA to take sustainability into consideration when assessing issues relating to parking and highway amenity which are matters relevant to the proposal.
11. Some contention has also been raised to the LPA having had regard to an appeal decision relating to a different site. It is not unreasonable for the LPA to have considered other appeal decisions where there is some similarity to the proposal. However, on my reading of the LPA's delegated report and appeal submission the appeal decision highlighted by the LPA was not a significant consideration in regard of the deliberation as to the acceptability of the planning application.
12. The applicant contends that money has been spent on addressing aspects of the LPA's case that did not need to be made to evidence or justify the refusal. The cost claim largely relates to the merits of the proposal, to which the parties hold different views. Differences in views do not necessarily correspond to unreasonable behaviour having occurred. Nor does it indicate that the cost that the

applicant has incurred in defending specific aspects of the case would have been avoided.

13. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Nicola Davies

INSPECTOR