



Costs Decision

Site visit made on 24 June 2025

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2025

Costs application in relation to Appeal Ref: APP/H2265/W/25/3361029

113 High Street, Tonbridge, Kent TN9 1DL

- 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 S Khan for a full award of costs against Tonbridge and Malling Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for "loft conversion and internal and external alterations to create 2 apartments".
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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 appellant provides considerable background relating to the pre-application submissions and the previous planning application which was ultimately refused by the Council. It appears to me that the feedback given by the Council during that protracted process was not timely and left the appellant with little confidence in the way any future submission would be dealt with. Nevertheless, the application for costs before me is in respect of unnecessary or wasted expense incurred at appeal, to which the previous planning application and pre-application enquiries do not directly relate.
4. In terms of the application the subject of the appeal, the appellant did not receive any timely or productive feedback regarding its progress, and I can appreciate it was frustrating once it was established the case officer was not available for several weeks.
5. I appreciate an extended period of sick-leave can present operational challenges. The option was nevertheless open to the appellant to appeal against the failure of the Council to determine the application within the statutory period. The appellant then took this up fairly promptly, within 3 weeks following the expiry of the statutory period. Although the Council's communication with the appellant regarding the status of their planning application was not helpful, on balance I do not consider that this in itself can be classified as unreasonable behaviour sufficient to justify an award of costs.

6. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process as described in the PPG has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

L Francis

INSPECTOR