
Costs Decision

Site visit made on 29 April 2025

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

Costs application in relation to Appeal Ref: APP/U2235/D/25/3359220
Church Manor, 3 Church Green, Upper Street, Hollingbourne, Kent ME17 1HW

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 applicant considers an illustration of a drawing overlaid on a site photograph in the Officer's Report was inaccurate and must have misled the delegated officer into accepting the Officer's assessment of visual impact. The applicant also alleges that the Council applied the wrong policy tests and thresholds.
4. Whether accurate or not, I have no reason to believe that the Officer intended to do anything other than illustrate how the proposal would appear or to assess impacts. The Officer reached different conclusions to the applicant and, indeed, to me, but this need not amount to unreasonable behaviour.
5. Whilst I note also that there was no objection in respect of the Kent Downs National Landscape, neither does this mean that the Council was unreasonable to conclude as it did, as the reason for refusal and the effect on the National Landscape do not necessarily coincide.
6. Similarly, questions as to what may count as close proximity are subjective and it was reasonable for the Council to conclude that the submitted tree and landscape plans and any management plan would be insufficient to mitigate the impact that it perceived would occur.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

S Simms

INSPECTOR