Planning Inspectorate

Costs Decision

Site visit made on 7 May 2025

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2025

Costs application in relation to Appeal Ref: APP/E2205/W/24/3349190
The Rectory, Ashford Road, Great Chart, Ashford TN23 3AY

- 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 Canterbury Diocesan Board of Finance for a full award of costs against Ashford Borough Council.
- The appeal was against the refusal of planning permission for New Rectory (Net Zero) and Additional Family Dwelling

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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. “Unreasonable” is used in its ordinary meaning. The application for an award of costs is substantive in relating to the merits of the appeal and procedural in that it is suggested that a relevant policy was not supplied by the Council.

3. The appellant has identified a number of errors in the Officer Report of the Council. These include that the existing Rectory is located in “a fairly central position in a large plot” and that the proposed buildings would be two to three storeys rather than as actually proposed as two storey with pitched roof. Whilst I accept there were errors, they were relatively minor and did not affect their overall conclusions. On that basis, they were not sufficient to comprise unreasonable behaviour and have not resulted in unnecessary or wasted expense in the appeal process.

4. The Council indicate the site is adjacent to a barn and Great Chart Conservation Area and that the Rectory and listed buildings are separated by other development. They indicate that the proposed dwellings would be visible from public vantage points from which the church would also be visible. However, they acknowledge that the barn separates the church and site, indicating there would not be inter-looking between the two.

5. Whether the development would result in a tight urban form, create a hard edge to the settlement or whether there are views through the site are matters of opinion and planning judgement. The appellant suggests that the Council has equated change with harm. However, the Council expressly state that the design of the proposed dwellings would cause visual harm to the setting and significance of the heritage assets. The appellant indicates that the designer is able and experienced

but the Council do not suggest he is otherwise, albeit they consider the design would result in harm to the setting of Great Chart Conservation Area and listed buildings. As such, they have clearly found harm rather than just change.

6. The Council performed a planning balance in their decision, taking account of benefits including the need for housing given the lack of a five year supply of housing. As a result, they did take account of the benefits of the development that they had identified. They concluded that the adverse impacts would significantly and demonstrably outweigh the planning benefits of the development, reflecting the requirements of paragraph 11d)ii. of the Framework.

7. Whilst I do not wholly agree with all of the Council's assessment or all the conclusions they have reached, that is as a result of planning judgement. It was not, therefore, unreasonable.

8. I note that Policy HOU5 of the Ashford Local Plan (ALP) was included in the pack of policies supplied with the Questionnaire.

9. For these reasons, unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is not warranted.

AJ Steen

INSPECTOR