



Costs Decision

Site visit made on 22 July 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2025

Costs application in relation to Appeal Ref: APP/X2220/W/25/3362043 Agricultural Building To East Of Cop Street, Upper Goldstone Farm, Cop Street Road, Ash CT3 2DN

- 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 D Duske for a full award of costs against Dover District Council.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a change of use and conversion to a 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.
3. On procedural grounds, the applicant suggests that the Council have provided information that is shown to be manifestly inaccurate or untrue. This includes references to the wrong building, adjacent to the appeal site, which has now been demolished, assumptions on the works to be carried out and words taken from a previous report in relation to the adjoining site.
4. The Council submits that errors were made within their report, however they state that this does not alter their assessment or overall conclusion in relation to the application. Whilst I appreciate that I have found the proposed building operations to be acceptable and the appeal has been allowed, the Council were not unreasonable in coming to their decision and sound planning reasons were given for the refusal to grant prior approval, which relate to a matter of fact and degree. Whilst unfortunate, I do not believe that the errors made by the Council had an impact on their overall conclusion, as they had the correct information before them, submitted as part of the application, and carried out a site visit before coming to their decision.
5. Furthermore, the section of the Council's report regarding Q.2(f) is in relation to a different consideration under Class Q and therefore I do not agree that the finding in relation to this contradicts their reason for refusal.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense as described in the Planning Practice Guidance has not been demonstrated and an award for costs is not justified.

Conclusion

7. For the reasons given above and having had regard to all other matters raised, the award of costs is refused.

E Grierson

INSPECTOR