# Costs Decision

Site visit made on 18 August 2025

**by F Wilkinson BSc (Hons), MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 August 2025**

**Costs application in relation to Appeal Ref: APP/Z2260/W/25/3365495**
**Land to the south east of Preston Road adjoining to Preston Caravan Park, Manston CT12 5AR**

- 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 Mr Godden of Kent Leisure Parks Ltd for a full award of costs against Thanet District Council.
- The appeal was against the refusal of planning permission for change of use of land to form an extension of existing caravan park to accommodate 110 caravans and associated parking, bin stores, hardscaping, landscaping and formation of 1.5m bund.

## 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 behaviour can be procedural or substantive.

3. The applicant contends that the Council has acted unreasonably in that it has gone against the advice of its professional officers without presenting any cogent evidence for non-compliance with the relevant development plan policy. The Council disputes that it has acted unreasonably.

4. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.

5. The Planning Committee is not duty bound to follow the advice of its officers as long as its contrary decision is made on planning grounds and clear evidence is provided to substantiate that reasoning.

6. The proposal would result in the loss of some best and most versatile agricultural land. As required by Policy E16 of the 2020 adopted Thanet Local Plan, a balancing of the benefits with the harm resulting from the loss of agricultural land is required.

7. The Council has not presented evidence to counter the applicant's figures on the economic benefits of the proposal. Nevertheless, the officer report sets out the identified benefits, including the wider economic benefits. The transcript of the

Planning Committee meeting shows that these were also covered in the officer presentation. There is no evidence to suggest that the Committee Members ignored them.

8. Given criterion 1 of Policy E16, this is a situation where it comes down to the weight given to the benefits compared to the harm that would result from the loss of best and most versatile agricultural land. This requires a planning judgement to be made. The Planning Committee took a different view to officers in terms of the weight to be ascribed to the benefits presented by the applicant and the harm that would be caused. An exercise of judgment which concludes that the harm would not be outweighed by the benefits is not, of itself, inherently unreasonable.

9. The reason for refusal is a matter of judgement. It explains why the Council considered the proposed development to be unacceptable, and this is framed within the context of the development plan. The PPG states that where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs against the local planning authority for unreasonable refusal of an application. I find this to be the case here, notwithstanding the fact that I have come to a different conclusion to the Council regarding the acceptability of the proposal.

**Conclusion**

10. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated

*F Wilkinson*

INSPECTOR