



Costs Decision

Site visit made on 21 July 2025

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2025

Costs application in relation to Appeal Ref: APP/U2235/W/24/3353565

15-17 King Street, Maidstone, Kent ME14 1BA

- 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 Suresh Velani, Velani Corporation for a full award of costs against Maidstone Borough Council.
 - The appeal was against the refusal of planning permission for the change of use of part of ground floor and whole of first floor to a co-living HMO (Sui Generis) comprising 20no. bedrooms, associated communal facilities and bin and bike storage, including erection of a mansard roof to form second floor and insertion of 11no. front and side dormers.
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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. The PPG states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal, and vague, generalised, or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
3. The applicant submits that the Council has acted unreasonably as the planning submission should never have been refused. It is suggested that the proposal followed two years of preparation including a formal pre-application discussion and that the refusal was unexpected. It is further suggested that the Council failed to engage in seeking a positive outcome, exaggerated the level of harm and failed to take full account of the positive attributes of the proposal and reach a balanced judgement. The applicant further submits that the appeal resulted in unnecessary and wasted expense because of consultancy costs to prepare and submit the appeal, including the preparation of an additional drawing.
4. The reasons for the refusal set out in the Council's decision notice are precise, specific and relevant to the application. The heritage assets are identified, and it clearly states the policies of the Development Plan and guidance in the National Planning Policy Framework that the proposal would conflict with. These reasons have been adequately substantiated by the Council in its officer report and appeal statement. These explain how the proposal would fail to integrate with the design, massing and detailing of surrounding buildings which would be of detriment to the nearby heritage assets.

5. It is regrettable that the officer report did not fully articulate the public benefits of the proposal but given the heritage harm identified it was not unreasonable for the Council to refuse the application. Having determined the appeal, I have no reason to disagree.
6. I appreciate that the outcome of the application will have been a disappointment to the appellant, and I acknowledge the time taken to prepare the proposal and the concerns expressed about the handling of the application. However, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The appellant had to address those concerns in any event.
7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

G Bayliss

INSPECTOR