



## 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: 18 September 2025

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### **Costs application in relation to Appeal Ref: APP/A2280/W/25/3364803**

#### **20 Broom Hill Road, Strood, Rochester, Medway ME2 3LE**

- 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 Freshbloom Ltd for a full award of costs against Medway Council.
  - The appeal was against the refusal of planning permission for demolition of existing buildings and construction of 26 flats set across 3 blocks of flats with associated access, refuse storage and parking.
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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 behaviour can be procedural or substantive.
3. In summary, the applicant contends that the Council has acted unreasonably by failing to identify the harm that would be caused by the proposal and why the proposal should be refused having regard to national and local planning policy. In addition, it is contended that the Council did not review its case following the publication of the revised National Planning Policy Framework in December 2024 (the 2024 Framework). The Council disputes that it has acted unreasonably.
4. The Council's reason for refusal relates to a matter of judgement. The Planning Committee Members were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view. Although brief, the Council's appeal statement identifies the main characteristics of the local built environment and why the proposal would cause significant harm to that local character. The Council has adequately substantiated its reason for refusal against development plan policy and other material considerations.
5. 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.

6. There is no clear evidence that the Council's case has not had regard to the 2024 Framework. Indeed, section 4 of the Council's appeal statement identifies that the 2024 Framework is the relevant national policy and that the Framework paragraphs referred to in the reason for refusal, which relate to securing well-designed places, have not significantly changed. Consequently, there is nothing to suggest that the Council failed to review its case following the publication of the 2024 Framework.
7. The acknowledgement that paragraph 11 d) is triggered is restated in the Council's appeal statement. Its appeal statement also identifies benefits of the scheme but concludes that the weight given to them would not outweigh the weight given to the harm. The triggering of paragraph 11 d) does not mean that permission has to be granted. The planning balance still needs to be undertaken, which is what the Council has done.
8. Parts of the appeal site could be classified as previously developed within the 2024 Framework's definition. Nonetheless, the requirement for decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes has not changed in the 2024 Framework. While it now also states that '*proposals for which should be approved*', this is unless substantial harm would be caused. The Council considered that significant harm would be caused to the character and appearance of the area, and as set out above, although brief, it is clear from the reason for refusal and the Council's appeal statement why this was considered to be the case.

### **Conclusion**

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

*F Wilkinson*

INSPECTOR