
Costs Decision

Site visit made on 17 September 2025

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

Costs application in relation to Appeal Ref: APP/K2230/D/25/3367552

5 Forge Lane, Higham, Kent ME3 7AS

- 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 Hamada Aqlan for a full award of costs against Gravesham Borough Council.
 - The appeal was against the refusal of planning permission for a crossover to the front, ground floor rear extension, loft conversion, rear annex.
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Decision

1. The application for an award of costs is refused.
2. The Planning Practice Guidance 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. The appellant submits that the Council has failed to produce evidence to substantiate each reason for refusal on appeal; has not determined similar cases in a similar manner; there has been a lack of co-operation with the appellant; and prevented the development when it should have been permitted.
4. Whilst I can understand the applicant's perceived frustration with the outcome of the application and the lack of communication from the Council during the course of determination, the delegated report sets out an appropriate analysis of the indicated harm in respect of character and appearance and highway safety, and how the scheme would conflict with relevant adopted planning policies.
5. Moreover, the reasons for the refusal in the decision notice are complete, specific and relevant to the application. They clearly state the policies of the Development Plan with which the proposal would be in conflict, and I am of the view that the Council has interpreted them correctly. As such, I have seen no sufficiently compelling evidence of unreasonable behaviour on these grounds.
6. Although I have disagreed with the Council in terms of highway safety, the Authority's costs response outlines why the other cases cited by the appellant are not directly comparable to the proposal before me. Whilst the appellant may not agree, and I have not found in the Council's favour in this regard, it is a matter of judgement. There is no call to say that the Authority was unreasonable in its judgement, merely that it gave the factors, including the provision of electric charging, different weight.

7. Overall, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme at that time. There were reasonable concerns about the impact of the proposed development which warranted the decision.
8. Consequently, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

C Hall

INSPECTOR