



Costs Decision

Site visit made on 17 September 2025

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2025

Costs application in relation to Appeal Ref: APP/X2220/W/24/3357870 Land South West Of St Edmunds Road, Deal, Kent CT14 9UQ

- 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 C Sherlock-Scougall of Clague Architects for a full award of costs against Dover District Council.
 - The appeal was against the refusal of planning permission for outline planning application for the erection of 23 houses and associated parking and infrastructure; with all matters reserved except access.
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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. Behaviour that may give rise to a substantive award of costs includes where a local planning authority has made vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
3. The Council's decision on the appeal proposal was different to that recommended by planning officers in the committee report. The Council is not required to accept the advice of its officers and is entitled to exercise its own planning judgement and reach a different conclusion. However, if a different conclusion is reached, the Council must explain why a proposal is unacceptable on planning grounds and adequately substantiate its reasons for doing so.
4. Whether or not the appeal development would harm the character or appearance of the area is a matter of planning judgement for the decision maker and involves a degree of subjective judgement. The applicant says the Council's decision to depart from the recommendation by planning officers and refuse planning permission on the grounds of visual harm on the countryside has not been properly substantiated through a thorough analysis.
5. The reason for refusal and appeal statement of case show that the Council made its assessment based on an understanding of the scale of the development and the existing conditions at the appeal site and its surroundings, including their visibility from public vantage points. They contain adequate reasoning and assessment as to how the conditions at the appeal site and its surroundings would change and be affected by development of the scale proposed, including from public vantage

points. To inform that judgement it had before it a range of evidence including indicative drawings showing the likely scale of development and the applicants Landscape and Visual Impact Assessment (LVIA), showing photographs of the site in its surroundings. Therefore, I am satisfied that the Council has adequately substantiated its judgement that the appeal development would harm the character and appearance of the countryside and landscape.

6. The Council's was entitled to apply its judgement to the evidence before it and was under no compulsion to seek its own advice from an equivalent landscape consultant or architect. It is relevant that the applicant's LVIA also identified adverse effects, and in my main decision I have found the appeal proposal to be harmful to the character and appearance of the area.
7. For those reasons the Council's planning judgement on the effects of the appeal development on the character and appearance of the countryside and landscape, and the conclusions reached, are adequately substantiated and supported by an objective analysis. They do not amount to vague, generalised or inaccurate assertions of appeal development's its impacts and therefore the judgement it made was not unreasonable the terms set out in the PPG.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

G Sylvester

INSPECTOR