



Costs Decision

Site visit made on 29 September 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Costs application in relation to Appeal Ref: APP/U2235/W/25/3365250

Horseshoe House, Dean Street, East Farleigh, Kent, ME15 0PU

- 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 Colin Dale for a full award of costs against Maidstone Borough Council.
 - The appeal was against the refusal of planning permission for the demolition of garden room/office & garage to allow new 2 bedroom dwelling to rear garden.
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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 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 applicant considers that the Council has behaved unreasonably by not visiting the site during the planning application process and for failing to substantiate its reason for refusal. Consequently, the applicant considers that the Council has prevented or delayed development that should clearly be permitted.
4. Although the case officer may not have visited the site and the harms identified by the Council have been overstated. Although this certainly does not suggest best practice, the appellant has identified no legal requirement for them to have done so. Moreover, there is nothing within the evidence that suggests a lack of understanding of the site and its context, albeit that I have found there to be a lesser degree of harm to the character and appearance of the area.
5. The Council's reasons for refusal were set out in the decision notice and substantiated within the Officer Report. The reasons for refusal were detailed further within the Council's Statement of Case. The planning application required an exercise of planning judgement, and my Appeal Decision found favour with the Council's case. Accordingly, the Council has not prevented development that should clearly have been permitted, having regard to the development plan, national policy and other material considerations.
6. Therefore, while I acknowledge and appreciate the frustrations of the applicant, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Pearce

INSPECTOR