
Costs Decision

Site visit made on 21 October 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2025

Costs application in relation to Appeal Ref: APP/V2255/W/25/3370775

20 Park Road, Sittingbourne, ME10 1DR

- 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 Patrick Melanophy for a full award of costs against Swale Borough Council.
 - The appeal was against the refusal of planning permission for the conversion of building currently used as offices into three apartments. Demolition and replacement of existing single-storey extension with new rear extension and associated landscaping.
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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. Awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
3. The appellant states that the Council misapplied the Nationally Described Space Standard (NDSS) by excluding voids over stairs from the gross internal area calculation, and that this error led to an unnecessary appeal. The Council's floorspace calculation for Unit 1 should have included voids above staircases in accordance with the NDSS. On that narrow point the Council was mistaken.
4. However, the refusal was not founded solely on the NDSS figure. The officer's assessment identified substantive harm to future occupiers' living conditions arising from the basement bedroom's poor light and outlook, and from the contrived access arrangement whereby occupiers of the upper flat would pass immediately beside the ground-floor bedroom window of Flat 2. Those concerns were policy-based and reasonable, and they would have persisted irrespective of the precise NDSS figure.
5. Even had the correct floorspace figure been used, the application would still have been refused on living conditions grounds. The appeal would therefore still have been necessary to resolve the parties' disagreement on those issues. In these circumstances, while there was an error, it did not cause the appellant unnecessary or wasted expense in the appeal process.

6. The appellant also refers to the planning officer's limited engagement during the application process and suggests that greater dialogue or an opportunity to amend the scheme could have avoided the appeal. Whilst proactive communication is generally encouraged by the PPG, the Council is not necessarily required to negotiate or invite amendments where they consider the proposal to be fundamentally unacceptable. In this instance, the Council's concerns related to the overall quality of the accommodation and the site layout, matters that could not have been readily overcome through minor revisions. I therefore do not find that the Council's approach amounted to unreasonable behaviour.
7. I am satisfied on the basis of the evaluation of the planning merits set out in the Council Officer's Report that the Council has shown a clear rationale for its decision in light of the disputed assessment over the adequacy of the internal space and has provided a balanced commentary on the other material planning considerations. A full and reasonable assessment of the proposal against the Development Plan and other material considerations has therefore been undertaken by the Council during the course of the planning application. In the absence of any conclusive evidence to the contrary, I am unable to conclude that the Council has acted unreasonably in their assessment and determination of the proposed development.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Thomas Courtney

INSPECTOR