



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: 14 November 2025

Costs application in relation to Appeal Ref: APP/V2255/W/25/3364501

Land adj. Rides House, Warden Road, Eastchurch, Kent ME12 4HA

- 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 Mark Ball for a full award of costs against Swale Borough Council.
 - The appeal was against the refusal of planning permission for the construction of two detached single-storey bungalows.
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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 claims that the Council acted unreasonably by misinterpreting the planning history, failing to give appropriate weight to previous permissions, and refusing an application that should have been approved. It is also alleged that procedural inconsistencies led to unnecessary expense.
4. The Council's delegated report identifies the earlier prior approval and full planning permission and explains why the demolition of the former agricultural buildings materially altered the site circumstances. In the Council's judgement, the loss of the buildings removed the fallback position that had previously justified residential development. The proposal was therefore assessed as a new-build scheme in the countryside. The Council applied relevant development plan policies and concluded that the proposal's location and form of development were unacceptable. It reached a view it was entitled to make. Disagreement with that planning judgement or the weight attached to particular considerations does not amount to unreasonable behaviour.
5. No persuasive evidence shows procedural unfairness, delay, or any failure in the decision-making process amounting to unreasonable behaviour. The officer report considered the site history, planning policy and the change in circumstances following demolition. There is no indication that relevant evidence was ignored or the proposal misunderstood.

6. While the appellant has incurred costs in preparing the appeal, these are the normal costs associated with challenging a refusal. There is no direct causal link between the Council's behaviour and any unnecessary or wasted expense.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Thomas Courtney

INSPECTOR