



Costs Decision

Site visit made on 1 October 2025

by **G Dring BA (Hons) MA MRTPI MAUDE**

an Inspector appointed by the Secretary of State

Decision date: 18th November 2025

Costs application in relation to Appeal Ref: APP/U2235/W/25/3368899 The Lodge Boughton Mount, Boughton Lane, Boughton Monchelsea, Kent ME17 4NA

- 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 and Mrs S Ballard for a full award of costs against Maidstone Borough Council.
 - The appeal was against the refusal of planning permission for demolition of double garage, store and outbuildings. Erection of 1no. self-build two storey dwelling with associated access, parking, landscaping, provision of secure cycle parking facilities and rebuild of a section of the boundary wall.
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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.
3. The applicant asserts that the Council has acted unreasonably by not determining similar cases in a consistent manner and preventing or delaying development which should clearly be permitted, having regard to the development plan, national policy and material considerations. The applicant states that as a result of the Council's behaviour, it has led to them incurring unnecessary or wasted expense.
4. The applicant has provided information which details two previous planning applications for residential development at the appeal site, which were both refused along with a pre-application advice response from the Council.
5. The pre-application advice response is of some age, being dated 2019, nevertheless, no clear assessment of the historic environment nor any concerns about heritage assets were raised at that time. I understand that advice was provided taking into account policies set out in a previous local plan, however, I also note that in the officer report extract provided for one of the previous planning applications, policies were considered under that previous local plan that related to heritage assets.
6. I understand that it is frustrating when matters such as heritage constraints are not fully considered or explained at the pre-application advice stage, however, there is no evidence before me to suggest that pre-application advice is a formal decision by the Council, or that it guarantees success if a planning application is submitted.

7. The first planning application submitted in 2022 was in outline and in that case the officer report raised considerations about the non-designated heritage asset and the connection with the listed structures but stated that due to matters being reserved, this did not form a reason for refusal at that time. Therefore, heritage matters were clearly identified in the officer report, despite them not forming a reason for refusal.
8. The second planning application submitted in 2023 was a full planning application. No heritage concerns were raised through the determination of that application, and the scheme was refused on matters of character and appearance, unrelated to effects on the historic environment. The Council has confirmed that the conservation officer was not consulted on that particular application, but had they been it would be reasonable to assume that the heritage issues raised under the current appeal scheme would have been identified.
9. In my view it is unfortunate that an assessment of the effect of the scheme on heritage assets was not identified in the 2023 application, particularly given the points raised in the previous officer report in 2022. It does suggest the approach taken by the Council has been inconsistent.
10. However, the Council refused the application on matters of character and appearance as well as the effect on heritage assets. Both of these matters are subject to planning judgement based on the submitted evidence. The officer report and decision notice clearly set out the Council's concerns on both of these matters. Although I took a different view to the Council in my appeal decision, the justification submitted by the Council meant the two reasons for refusal were arguable and it had adequately substantiated its reasons. As such, I do not consider that the Council prevented or delayed development which should clearly be permitted.
11. Whilst I therefore find that the inconsistent approach by the Council has been unreasonable, I do not find that the appeal would have been avoided and therefore it has not led to unnecessary or wasted expense.
12. The Council state that the applicant chose not to appeal either of the two previous schemes. Nevertheless, the applicant states that this is because they tried to work with the Council to overcome the issues raised, choosing to submit revised applications instead. I do not find anything wrong with the applicant's approach in trying to resolve the issues through the submission of revised applications. However, this does not alter my conclusions set out above.

Conclusion

13. Based on my reasoning above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For the reasons set out, and having regard to all other matters raised, an award for costs is therefore not justified.

G Dring

INSPECTOR