



Costs Decision

Hearing held on 10 December 2025

Site visit made on 10 December 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2026

Costs application in relation to Appeal Ref: APP/M2270/W/25/3370337

Phillips House and Eynsham House, Crescent Road, Tunbridge Wells TN1 2PL

- 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 Kier HGP Tunbridge Wells LLP for a full award of costs against Tunbridge Wells Borough Council.
 - The appeal was against the refusal of planning permission for the redevelopment of the site involving the demolition of existing buildings and the provision of 38no. residential houses and 6no. residential flats, creation of new access, landscaping and associated works.
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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 contends that the Council has behaved unreasonably due to it preventing or delaying development which should clearly be permitted, making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis, and acting contrary to, or not following, well-established case law. The applicant suggests that in refusing the application, the Council had erroneously considered alternative schemes at the site. In the absence of any alternative permission at the site, the applicant suggests that the Council should not have afforded any weight to alternative proposals for development at the site.
4. The determination of planning applications by a planning committee is an established democratic process, and the committee reaching a different conclusion to that recommended by officers does not necessarily amount to unreasonable behaviour. Nevertheless, there is an expectation that where this occurs it should show reasonable planning grounds for taking a contrary decision and produce sound, substantive and defensible evidence on appeal to support the decision in all respects.
5. The minutes for both the meeting on 2 April 2025 and the subsequent meeting on 30 April 2025, indicate that discussion included concerns in respect of the mix of housing. While Members of the Planning Committee referred to other

developments, the reason for refusal was not solely focussed on the density of the development and included the concerns regarding the mix of housing. Moreover, whether a development makes an effective use of land where there are no density standards (or they are out-of-date), required an exercise of planning judgement based on the evidence presented.

6. The reason for refusal was substantiated within the Council's statement and whilst there was additional reference to other developments, including allocated sites, the Council also set out its case in respect of the mix of units proposed. Although my Appeal Decision did not find favour with the Council's case, the full reason for refusing planning permission required a judgement to be made. 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.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Pearce

INSPECTOR