



Costs Decision

Site visit made on 23 February 2026

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 March 2026

Costs application in relation to Appeal Ref: APP/E2205/W/25/3376190

Apple Tree Cottage, Wye Road, Boughton Aluph, Ashford TN25 4HY

- 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 Nicholas Hanson for a full award of costs against Ashford Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for one new detached 2 bed / 4 person dwelling, with garden space and off-street parking on land adjacent to Apple Tree Cottage, Wye Road, Boughton Aluph, Ashford TN25 4HY.
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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 PPG states that awards may be either procedural, in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal. In this case the appellant is seeking costs due to both procedural and substantive grounds.
4. A highways objection was received after the initial consultation deadline. Ideally, all consultation responses should be received within the timeframes set through consultation deadlines. However, the Council had not made a decision on the application at the time the appeal was lodged. It is reasonable for the Council to take into account all representations prior to its decision being issued.
5. As I have concluded in my main decision, an application for the widening of a driveway is materially different to an application which would lead to the intensification of the use of the driveway. I therefore do not find a contradiction as to how the Council dealt with the two applications.
6. The applicant is of the view that the Council incorrectly ignored the mitigation routes presented in relation to the effect of Stodmarsh Lakes, a Special Protection Area (SPA), Special Area of Conservation (SAC), and a Ramsar site. This includes the suggestion of a Grampian condition. I have concluded in my main decision that the PPG is clear that such conditions are unlikely to be appropriate in the majority of cases. In line with my main decision, I find that, in the absence of secured

mitigation, the Council were justified in identifying harm to the integrity of Stodmarsh Lakes.

7. It is suggested that the Council's committee report, which forms its statement of case, relies on outdated evidence. However, it is not clear specifically what updated evidence the appellant is referring to and therefore I cannot be satisfied that this represents evidence of unreasonable behaviour.

Conclusion

8. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified against the Council.

L Gardner

INSPECTOR