



Costs Decision

Site visit made on 3 February 2026

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 April 2026

Costs application in relation to Appeal Ref: APP/E2205/W/25/3376208 Mainey Farm, Pluckley Road, Maltmans Hill, Smarden, Kent, TN27 8RD

- 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 Stephen Matthews for a full award of costs against Ashford Borough Council.
 - The appeal was against the refusal of prior approval for the conversion of three agricultural buildings into six dwellings.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 considers that the Council behaved unreasonably on both procedural and substantive grounds. Specifically, that it refused to discuss the case with them, did not publicise additional evidence provided by them following comments from the Council's officer and did not consider relevant appeal decisions.
4. The second ground somewhat contradicts the first, in that the Council clearly did provide feedback and there is evidence of verbal discussions. However, meaningful engagement was limited. In a fixed-timescale process, late evidence is difficult to consider but earlier communication or extensions of time could have avoided this.
5. The Council states that it did not formally request additional structural information in writing and so was not obligated to consider it. Having had the further opportunity to review evidence, including that submitted with the appeal, the Council continued to rely solely on the report of its officer on the application. In these circumstances, refusing to consider evidence submitted in good faith to resolve concerns runs contrary to the requirement to approach decisions in a positive and creative way.
6. I accept both that the assessment in this case was one of planning judgement and that appeal decisions are fact specific. However, the decisions illustrate the extent to which the evidence of a qualified structural engineer is instructive in cases such as this, and equivalent advice was not obtained by the Council.
7. This resulted in both uncertainty for the appellant as to the level of detail and extent of survey work required and expense in obtaining further reports. Significantly, the

application was a resubmission, so that evidential requirements could have been clarified earlier. Had this occurred, it is possible that the appeal could have been avoided entirely. Consequently, I find that unreasonable behaviour resulting in unnecessary or wasted expense has been demonstrated.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Ashford Borough Council shall pay to Stephen Matthews, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Ashford Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

S Simms

INSPECTOR