



Costs Decision

Inquiry held on 14-17 November 2023

Site visit made on 15 November 2023

by Elizabeth C Ord LLB(Hons) LLM MA DipTUS

an Inspector appointed by the Secretary of State

Decision date: 09 January 2024

**Costs application in relation to Appeal Ref: APP/G2245/C/21/3274119
The Ice House, Penshurst Off Road Cycling Club, Grove Road, Penshurst,
Kent, TN11 8DU**

Decision

1. The application for a partial 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 application relates to the Appellant's grounds of appeal under section 174(2)(b) and (d), which the Council says were wholly without merit.
4. The Enforcement Notice was originally vague with respect to the importation and deposit of soil, hardcore and waste materials in that it did not properly specify all the areas of the site it related to. Materials had been brought onto site over a long period of time and, therefore, the Appellant, who was then acting in person, tried to cover all bases in making a broad response. It was not unreasonable of him to do so. It was only at the start of the inquiry that the allegations were clarified and narrowed, and the Appellant was able to focus on specific areas.
5. The Appellant conceded that the storage containers were brought onto site in late 2019 to early 2020 and clarified at the inquiry that there was no ground (b) or (d) appeal in this respect.
6. The Appellant was successful with his ground (b) appeal with respect to the importation and deposit allegations, as they did not occur. It follows that, if they did not take place, the allegations could not have been within the relevant time period either.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Elizabeth C Ord

INSPECTOR