



Costs Decision

by Mr James Blackwell LLB (Hons) PGDip, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 4 August 2025

Costs application in relation to Appeal Ref: APP/U2235/X/25/3363633

Rosewood Farm, Scragged Oak Road, Detling, Kent ME14 3HL

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Town and Country Planning Partnership Ltd for a full award of costs against Maidstone Borough Council.
 - The appeal was against the refusal of a certificate of lawful use or development for the siting of a caravan for use ancillary to the lawful agricultural use of the site.
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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 says the Council's decision to refuse the application for an LDC was unfounded and not substantiated by reasons. The applicant also says that the Council should have withdrawn its objection to the appeal as soon as another appeal decision¹ was issued, which concerned a similar development on the same site (Previous Appeal).
4. For an LDC application, the onus is on the applicant to demonstrate that a proposed use would be lawful. The PPG makes it clear that "*an application needs to describe precisely what is being applied for (not simply the use class) and the land to which the application relates*". It goes on to say that "*without sufficient or precise information, a local planning authority may be justified in refusing a certificate*"².
5. In this case, the description of proposed use in the LDC application was limited on detail. In particular, the application did not specify where the caravan would be sited within the appeal site, nor did it explain how the caravan would be used in practice. Whilst such information may not always be necessary to demonstrate the lawfulness of a proposed use, it was not unreasonable for the Council to exercise caution in this instance, given the site's previous use as a residential caravan site for gypsy families.
6. This wider context gave legitimate cause for the Council to conclude further information would be needed to demonstrate the proposed use would be truly

¹ APP/U2235/X/24/335777

² Paragraph: 005 Reference ID: 17c-005-20140306

ancillary to an agricultural use of the site, and therefore lawful. Notwithstanding the outcome of the appeal, the Council's decision was therefore not unfounded or unsubstantiated by adequate reasons.

7. As well as the Previous Appeal decision mentioned above, a further appeal decision relating to similar development at the same site was also issued in November 2024³. Whilst both these appeals concerned similar applications for similar development on the same site, the Inspectors reached different decisions. Given the resultant uncertainty, it would not have been unreasonable for the Council to standby its objection to the present appeal, even following the latest appeal decision.
8. Even so, the Council did ultimately withdraw its objection to the present appeal following the Previous Appeal decision. This dispensed with the need for the hearing and site visit, which ensured costs were minimised.
9. Overall, unreasonable behaviour resulting in unnecessary or wasted expense has therefore not occurred and an award of costs is not warranted.

Mr James Blackwell

INSPECTOR

³ APP/U2235/X/23/3332814