



Costs Decisions

Hearing held on 23 July 2025

Site visit made on 23 July 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th of September 2025

Costs application in relation to Appeal A Ref: APP/G2245/W/25/3364155

Cheeseman's Cottage, The Brooms, Seal, Kent TN15 0EX

- 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 Mrs Mary Gundel for a full award of costs against Sevenoaks District Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for removal of late 19th century addition and replacement with designed extension using original materials including ragstone bricks and infill extension in oak with glazing cover to expose the original structure.
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Costs application in relation to Appeal B Ref: APP/G2245/Y/25/3364154

Cheeseman's Cottage, The Brooms, Seal, Kent TN15 0EX

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Mary Gundel for a full award of costs against Sevenoaks District Council.
 - The hearing was in connection with an appeal against the refusal of listed building consent for removal of late 19th century addition and replacement with designed extension using original materials including ragstone bricks and infill extension in oak with glazing cover to expose the original structure.
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Decisions

1. The application for an award of costs for Appeals A and B 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 costs application for both appeals was made in writing prior to the hearing. The Council also responded in writing. Additional points were made orally at the hearing. There are several strands to the applicant's case for an award of costs. In summary, the applicant claims that the Council failed to work with them in a positive and proactive manner, in particular that it did not request further detailed information. I also note that the applicant made clear that they were open to discussion in their submission. The applicant also states that the Council failed to balance the public benefits and harm of the appeal proposals, including in respect of housing need.

4. The Council, in response, sets out that it was not obliged to request further information during the course of the planning application and that its duty was to assess and determine the submitted application, which it did. The Council adds that discussion took place during a site visit and that pre-application advice was not taken prior to the submission of the application. In addition, the Council states that housing land supply is not a relevant issue in this case, as the appeal property is already in use as a dwelling. This latter point is something I have addressed within my appeal decision.
5. I acknowledge the applicant's frustration in respect of the Council's lack of request for additional information. In my reading of events, it appears that the Council undertook its duty in line with established legislation, policy and guidance and made a decision on the basis of the merits of the proposal, as submitted by the applicant. While there were clearly some limitations in the Council's communication with the applicant, I agree that the pre-application stage would have been the most appropriate time to discuss the scheme and submission requirements, noting the applicant's personal position on this. In any case, there is no substantive evidence before me to demonstrate that the request for, and subsequent submission of, further details would have resulted in an alternative planning decision or avoided the submission of an appeal.
6. The reasons for refusal set out in the decision notices for the applications are both sufficiently complete, precise, specific, and relevant to the applications. The decision notices also clearly state the policies that the Council considered the proposal would be in conflict with. The reasons for refusal were adequately substantiated by the Council in the officer report for each application, which includes detailed comments from the Conservation Officer. Although the Council considered that no public or heritage benefits arose from the scheme, it is evident that it did clearly and properly consider each of the proposals submitted by the applicant. It can be seen from my decision that while I, unlike the Council, found several benefits arising from the appeal scheme, these did not outweigh the identified harm.
7. Overall, it is my view that the application for costs essentially relates to a disagreement about legitimate matters of planning judgement and interpretation. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

A Price

INSPECTOR