



Costs Decision

Site visit made on 5 November 2025

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Costs application in relation to Appeal Ref: APP/K2230/C/24/3342528

Land at The Chestnuts Wrotham Road, Meopham, Gravesend, Kent DA13 9AH

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr J Read of Chestnuts Homes Ltd for a partial award of costs against Gravesham Borough Council.
 - The appeal was against an enforcement notice alleging the erection of a single-storey outbuilding.
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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. The appellant seeks a partial award of costs on a substantive basis relating to the Council preventing development having regard to changes to the National Planning Policy Framework (the Framework) during the course of the appeal. They also refer to whether the limited nature of the development should have led the Council to consider it was not expedient to take enforcement action.
3. I note the PPG indicates that the Council should review their case as part of on-going case management. In this case, the Council stated that the revised Framework had no impact on this enforcement appeal. However, it is clear that changes to the wording on which the appellant relied were sufficiently substantial that they could have altered the conclusion as to whether the outbuilding was inappropriate development in the Green Belt. In particular, this relates to paragraph 154g) of the Framework that changed from referring to whether development had a greater impact on openness to whether it caused substantial harm to openness.
4. I consider the changes to the wording were material. I state in my main decision that the outbuilding had a modest effect on the spatial aspects of openness and very limited effect in visual terms. That could have resulted in a conclusion that the development had a greater impact on openness. As a result, it is reasonably likely I would have come to a different decision as to whether the development was inappropriate had I assessed it against the earlier Framework.
5. Whilst it would have been desirable for the Council to review their case when the Framework was issued, it was not unreasonable behaviour not to do so. However, they should have reviewed their case when requested to comment on the Framework. Nevertheless, this was at the end of the process. On that basis, even if

not reviewing their case when asked about the revised Framework was unreasonable, this did not lead to unnecessary or wasted expense in the appeal process by the appellant.

6. The matter of expediency was a matter for the Council when deciding whether to take enforcement action. I have no jurisdiction to determine whether the Council were right to consider it expedient to take enforcement action. I have found above that the outbuilding may have comprised inappropriate development in the Green Belt at the time action was taken. For that reason, I consider the Council did not act unreasonably in deciding to take enforcement action.
7. For these reasons, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

AJ Steen

INSPECTOR