



Costs Decision

by S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th November 2025

Costs application in relation to Appeal Ref: APP/K2230/X/25/3368436

Land at Bowesden Lane, Shorne, Gravesend, Kent DA12 3LA

- 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 T&CPP Limited for a full award of costs against Gravesham Borough Council.
 - The appeal was against the failure of the Council to issue a notice of its decision within the prescribed period on an application for a certificate of lawful use or development for the siting of a caravan for purposes ancillary to the agricultural use of the land.
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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 appeal relates to the failure to determine an application for a proposed Lawful Development Certificate (LDC) for the siting of a caravan for purposes ancillary to the agricultural use of the land. The application was validated on 16 April 2025, and the statutory 8-week determination period expired on 11 June 2025. Two extensions of time were agreed between the parties, the first to 20 June 2025 and the second to 27 June 2025. No decision was issued by the Local Planning Authority within the extended period. The appeal was subsequently lodged and validated by the Planning Inspectorate on 2 July 2025, with the start letter issued on the same date.
4. The applicant argues in support of their application for an award of costs that the Council acted unreasonably by failing to determine the application within the agreed second extension and by not requesting a further extension when it was clear a decision would not be issued in time.
5. The Council explains that the application was not determined within the agreed timescales because of an unresolved issue concerning land ownership. The authority states that it raised this matter with the applicant during the determination process, but the information provided was not considered satisfactory to address the ownership question.
6. The application form identified T&CPP Ltd as both the applicant and the agent. In Part 5 of the form, notice was stated as having been served on Mr Rob Harris, described under 'nature of interest in the land' as 'owner/occupier'. This information was incorrect.

7. The applicant states that they were informed by their client, Mr Rob Harris, who was engaged in negotiations with the landowner regarding a potential purchase of the property, that the landowner was made aware of the submission of the LDC application. Following a request from the Council's Validation Team on 30 April 2025, the application form was subsequently amended to address this error. The amendments included listing Mr Harris as the '*proposed* owner/occupier' and identifying Mrs Prior as the current owner of the land.
8. The Council indicates that it was later advised by another party during the application process that an incorrect address had been provided for Mrs Prior. On 2 July 2025, the applicant was again asked to confirm ownership of the property before a decision could be made. By that time, however, the applicant had already submitted an appeal against non-determination, having not received any further request to extend the determination period.
9. While the application might have been rendered invalid due to issues relating to notifications under Section 39(2)(c) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO), it appears that the Council relied on the agreed extensions of time to seek to verify whether the landowner had been appropriately notified.
10. The PPG advises that where the Local Planning Authority has failed to determine an application within the time limits, it should set out its reasons and explain why permission would not have been granted had the application been determined within that period. The guidance further notes that, where such an appeal is allowed, the authority may be at risk of an award of costs if the Inspector or Secretary of State concludes that there were no substantive reasons to justify the delay and that better communication with the applicant could have avoided the appeal. Any such decision would also take into account whether the appellant acted unreasonably in causing or contributing to the delay.
11. In the circumstances, I consider that the Council was justified in raising concerns given the original errors and omissions in the application form. While extensions of time were initially agreed, it is unfortunate that the Council failed to request a subsequent extension. Nevertheless, it is clear that the delay in determination was largely attributable to uncertainty surrounding these matters.
12. With respect to the appellant's claim that it was unreasonable of the Council to not 'explain in its rebuttal evidence why it would have refused to issue an LDC', the Council clearly set out its reason for refusing the application within its statement of case submitted in support of appeal. Although the appellant had the opportunity to consider the reasons and respond, they chose not to.
13. The applicant refers to a costs decision in which another Local Planning Authority failed to determine an LDC application. In that case, the Council's first contact with the appellant occurred more than seven weeks after submission, when concerns were raised about confusion arising from the similarity of the application to a recently approved proposal. Although both applications were not determined before an appeal was lodged, I find the circumstances in the present case to be materially different, and it does not lead me to a different conclusion.
14. As set out in my decision on the LDC appeal, I have concluded that the proposed use would not have been lawful, and I have dismissed the appeal. Had the Council

received credible information regarding land ownership, it is likely that it would have been satisfied that all parties with an interest in the land had been properly notified, which in turn could have enabled the application to be determined within the agreed timescales. Furthermore, as I have found that the Council's deemed refusal was well-founded, it follows that the appeal would still have been necessary and that the applicant has not incurred wasted expense in appealing the Council's decision.

Conclusion

15. For the reasons given above, I conclude that unreasonable behaviour by Gravesham Council resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. A full award of costs is therefore not justified.

S A Hanson

INSPECTOR