



Costs Decisions

Site visit made on 28 January 2026

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2026

Costs applications in relation to:

Appeal A Ref: APP/G2245/C/25/3373386

Appeal B Ref: APP/G2245/C/25/3373387

Appeal C Ref: APP/G2245/C/25/3373388

Appeal D Ref: APP/G2245/C/25/3373389

**Land at Seasons Farm, Pootings Road, Crockham Hill, Edenbridge, Kent
TN8 6SD**

- 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 applications are made by Sevenoaks District Council and Pootings Residents Association for full awards of costs against Mr Thomas O'Brien, Mr William Harrington, Mr John Quilligan and Mr Thomas Coffey.
 - The appeal was against an enforcement notice alleging the material change of use of the land from use for agriculture to residential use including the siting of caravans, mobile homes and utility buildings ("the Material Change of Use") and associated operational development in the form of the creation of a new access, the laying of hardstanding consisting of tarmac and hardcore membrane and the installation of cesspits ("the Operational Development") ("the Development").
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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. These are procedural and substantive applications for costs in seeking to proceed with an appeal under section 174(2)(a) (ground (a)) of the Town and Country Planning Act 1990 as amended (the Act) and seeking to put forward points that do not fall within the scope of an appeal under section 174(2)(g) (ground (g)) of the Act.
3. The circumstances of the appeal under ground (a) were set out in letters that I wrote to the parties dated 17 December 2025. In brief, this confirmed that the enforcement notice was issued 3 days after a planning application was made to the Council. I accept that the fact that an application had been made should have been clear in documentation submitted by the appellant and Council. The application was subsequently found to be invalid. There was some doubt as to the effect of this in terms of section 174 of the Act and whether an appeal could be made under ground (a) in these circumstances. I concluded that it was not possible to make such an appeal. However, it was not unreasonable of the appellant to take an alternative view.

4. In addition, I note that this was not raised by any party until shortly before the Case Management Conference. I understand that the Council and Pootings Residents Association would have some wasted expense in preparing documentation in relation to ground (a) prior to that point. Nevertheless, taking account that this matter was not raised until later in the process, I do not find any unreasonable behaviour on behalf of the appellants.
5. In relation to ground (g), the arguments put forward by the appellant were relatively brief and related to their circumstances should the occupants need to vacate the site in the period specified by the notice. Whilst that is similar to considerations that would form the basis of a planning merits case under ground (a), these were reasonable points to raise in the circumstances of this case. Whilst it may be that the appellants should have sought to progress their planning application during the course of the appeal, I concluded that would not be a reason, of itself, to extend the period for compliance. For these reasons, I do not find any unreasonable behaviour that has led to unnecessary or wasted expense in the appeal process in relation to the appellants case under ground (g).
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

AJ Steen

INSPECTOR