
Costs Decision

Site visit made on 7 April 2026

by **T C King BA(Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 April 2026

Costs application in relation to Appeal Ref: APP/G2245/X/24/3349448 Westward Ho Bower Lane, Knatts Valley, Sevenoaks, Kent TN15 6XT

- 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 Mr M Kite for an award of costs against Sevenoaks District Council.
 - The appeal was against the refusal of the Council to issue a lawful development certificate (LDC).
-

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 essence of this case is that the Council did not consider the relevant pocket of land to be residential curtilage and also that the appellant had failed to demonstrate that the mobile home, the subject of the appeal, was being used as additional living accommodation for the benefit of the appellant's family, only. The latter, for reasons I have explained in my main decision letter, was not critical to this appeal as the LDC applied for did not relate to a claim that the mobile home was being used as a separate and independent residential unit. Nonetheless, details of the manner of occupation in the appellant's representations were barely touched upon.
4. Even though the Council's approach on this issue was incorrect insofar as it wasn't a determinative factor given the limitations of the LDC applied for, in the interests of completeness on a comprehensive submission I am of the view that fuller details would have meant that this issue would not have been brought to the fore. The appeal would then have been narrowed down.
5. Instead, the appeal turned on the critical factor of whether or not the piece of land on which the mobile home is situated was part of residential curtilage associated with the site's dwellinghouse. In deciding that it was I came to a different decision to the Council, but that does not mean that the Council's approach on this issue was flawed. As case law has shown, court judgements have held that this is a matter for the particular decision maker, and is one of fact and degree, with particular criteria highlighted to be assessed and weighted.
6. Accordingly, the fact that the Council's assessment and mine of the factors involved proved different, with opposing conclusions reached, is not an unusual occurrence in s195 appeals. The appeal would still have ensued, even if the issue of

occupation had been ironed out at the application stage. As such, I am not convinced that unreasonable behaviour resulting in significant unnecessary or wasted expense, as described in the PPG, has been demonstrated.

7. I therefore refuse the application for an award of costs.

TC King

INSPECTOR