



Costs Decision

Site visit made on 4 August 2026

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2026

Costs application in relation to Appeal Ref: APP/K2230/X/25/3361359 Parsonage Farm, The Street, Cobham, Kent DA12 3DG

- 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 Mr Richard Scripps of Adrian Scripps Ltd for a full award of costs against Gravesham Borough Council.
 - The appeal was against the refusal of a certificate of lawful use or development for: Implementation of planning permission 20230584 (as amended by 20240233) by digging a trench at the site.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications, or by unreasonably defending appeals. In this context, I take “planning applications” to include applications for lawful development certificates. I have no reason to think otherwise and the PPG is clear that its examples are not exhaustive.
4. As I have set out in my appeal decision, it is clear that the non-material amendment granted by the Council effectively meant that Condition 6 of planning permission 20230584 was no longer a pre-commencement condition. The amended wording of this condition explicitly allowed the trench to be dug prior to the scheme for the disposal of surface water run-off (SUDS) being required, a fact acknowledged by the Council in its own report at the time. The digging of that trench constituted implementation of the planning permission, due to the clear provisions of section 56 of the 1990 Act.
5. In light of the above, in deciding the LDC application, the Council did not have proper regard to the amended wording of Condition 6. It was, in effect, ignored. The Council maintains that Condition 6 is a pre-commencement condition but without any reasonable explanation. This is not a matter of interpretation as the wording of Condition 6 (as amended) (and the permission overall) is clear and needs no interpretation.

6. The Council considers that it has made 'a reasonable interpretation of planning policy'. But planning policy is a planning merits argument and the PPG is clear that planning merits are not relevant at any stage in this particular application type or appeal process.
7. According to the Council, it had regard to relevant case law, referring to an appeal decision from 2001. But an appeal decision is not "case law". Only a judgement handed down by a court constitutes case law.
8. Taking all of the above into account, the Council unreasonably refused the LDC application and unreasonably defended the appeal.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Gravesham Borough Council shall pay to Mr Richard Scripps of Adrian Scripps Ltd, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. The applicant is now invited to submit to Gravesham Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

L Perkins

INSPECTOR