Planning Inspectorate

Costs Decision

Site visit made on 15 September 2026

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2026

Costs application in relation to Appeal Ref: APP/G2245/C/24/3342795
Oakview Stud Farm, Lombard Street, Horton Kirby DA4 9DF

- 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 W Cook for a full award of costs against Sevenoaks District Council.
- The appeal was against an enforcement notice alleging the erection of buildings labelled E and M and W on the plan attached to the notice.

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 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 applicant seeks a full award of costs on several grounds. It is contended that the notice was legally invalid because it did not state its date of issue. However, for the reasons given in my appeal decision, that omission did not render the notice invalid. Nor did the Council's failure to include the date amount to unreasonable behaviour.

4. The applicant claims that, following the publication of revised versions of the National Planning Policy Framework (the Framework) in December 2024 and August 2026, it was unreasonable for the Council to maintain that the development was inappropriate development in the Green Belt. The applicant also contends that the Council acted unreasonably by failing to withdraw the notice, thereby requiring the submission of updated grounds of appeal and an addendum.

5. The notice did not prevent or delay any development which should have clearly been permitted, as claimed, as the development had already been carried out. Moreover, it was not clear that the development should have been permitted.

6. Although the Council declined to withdraw the notice following the publication of revised versions of the Framework, this does not mean it failed to review its case as part of sensible ongoing case management. The submissions show the Council considered the revised Framework and remained of the view that the development was inappropriate development in the Green Belt which should not be authorised. I have reached a different view on that matter in my appeal decision, but the submissions show the Council gave due consideration to the relevant changes in the Framework, and its position was not unreasonable.

7. The Council's concern that the site did not comprise previously developed land (PDL), because of the unauthorised activities said to be taking place there, was not inherently unreasonable. However, I found in the appeal decision that its position was not supported by sufficiently precise and unambiguous evidence to demonstrate, on the balance of probabilities, that the site was not PDL. That evidential shortcoming did not, in itself, make the Council's conduct unreasonable. Furthermore, reference to the site as PDL in the Council's Local Plan Regulation 19 publication (2026) was not a formal declaration that it should be considered as such for development management purposes, although I have taken that into account in my appeal decision as a relevant consideration.

8. Policy DM8 of the Framework refers to the need for local planning authorities to take account of any local enforcement plan, the impact of the breach of planning control, and the extent to which the breach would otherwise be acceptable when considering the expediency of taking formal enforcement action. The Council's submissions show it did this. I have reached different views from the Council in my appeal decision, but it was not unreasonable for the Council to find it expedient to issue the notice and await the outcome of the appeal on the reasoning set out in the notice and the submissions.

Conclusion

9. For the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

L Douglas

INSPECTOR