Planning Inspectorate

Costs Decision

Site visit made on 4 November 2026

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2026

Costs applications in relation to Appeal A Ref: APP/G2245/C/24/3357785 and Appeal B Ref: APP/G2245/C/24/3357786
Land at 24 Ashen Grove Road, Knatts Valley, Kent TN15 6YE

- The applications are 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 Mr William Primrose and Mrs Lillie Primrose for a full award of costs against Sevenoaks District Council.
- The appeals were against an enforcement notice alleging the erection of a dwelling.

Decision

1. The applications for awards of costs are 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 Council's enforcement action relied on a photograph dated 17 February 2021 provided by a neighbouring resident, who described works on the dwelling as remaining ongoing at that time. This photograph shows significant works taking place, with a large opening in the rear elevation of the building. The metadata of that photograph, provided in the Enforcement Report, gives reasonable certainty as to the date it was taken. It was not unreasonable for the Council to take this dated photograph and the neighbour's claims as reliable evidence that the building was not substantially complete for the purposes of section 171B of the Town and Country Planning Act 1990 (as amended) at that time.

4. While it would have been good practice where time allows, it was not essential for the Council to issue a Planning Contravention Notice, and this would not necessarily have ascertained the true facts. I have limited details of any relationship or disputes between the person who provided the photograph dated 17 February 2021 and the applicants, but I see no reason why the Council should have treated the evidence it had at the time with more caution than normal.

5. I have found the applicants' evidence to be more convincing, as a matter of fact and degree, than the Council's claims relying on the photograph and the neighbour's less detailed claims, but it was not unreasonable for the Council to proceed to issue the enforcement notice based on the evidence it had at that time, where a dwelling had been erected in the Green Belt without planning permission. The Council's prior investigation was adequate in the circumstances,

notwithstanding that the evidence subsequently submitted by the applicants led me to a different conclusion.

6. The applicants raised arguments relating to a claimed fallback position and the Council referred to a previous building on the site in respect of the appeal on ground (a). The Council did not dispute the arguments made in respect of the claimed fallback position, but the appeal on ground (a) was not bound to succeed on that point. Therefore, even if the Council did act unreasonably in this regard, the appellants did not incur any unnecessary or wasted expense when raising and pursuing that argument. It was part of their case in support of the appeal on ground (a) which they chose to pursue.

7. References by the Council to a previous building on the site were not irrelevant insofar as they demonstrated that the Council had taken account of a potential material consideration. As the existence of the previous building was not disputed, the applicants were not required to respond to that aspect of the Council's submissions, and it was not unreasonable for the Council to cover this point in its statement of case.

8. The Council made a valid claim in suggesting that a compliance period exceeding 9 months would be tantamount to a temporary planning permission. This was not unreasonable behaviour.

9. On receipt of the grounds of appeal there was no good reason for the Council to withdraw the notice. It was only after receipt of the statement of case and supporting evidence that the Council may have become aware that the appeals on ground (d) stood a good chance of succeeding, but even then, it was entitled to rely on the evidence it had presented in support of its case. By this point, it was not unreasonable for the Council to await the outcome of the appeal without submitting final comments.

Conclusion

10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

L Douglas

INSPECTOR