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: 23 November 2026

Costs application in relation to Appeal Ref: APP/G2245/X/25/3367459
Windy Cott, The Grove, West Kingsdown, Kent TN15 6JJ

- 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 Thomas Moore for a full award of costs against Sevenoaks District Council.
- The appeal was against the refusal of a certificate of lawful use or development for the existing use of the land as a dwelling house, the installation of the existing rear elevation kitchen door and window, alterations made to drainage to disconnect old manhole and install new manholes and soil vent pipe, and the installation of the existing east elevation door, all carried out in accordance with planning permission SE/78/988 dated 11 October 1978.

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 Council's officer report and decision notice refer to the applicant's claims not being demonstrated beyond reasonable doubt. This is the criminal standard of proof. The applicable civil standard is the balance of probabilities. It is unclear whether the Council officers who considered the application were aware of this, notwithstanding generalised text within the officer report referring to the civil standard. There is no reasonable explanation for the officer report and decision notice erroneously referring to the criminal standard.

4. It was unreasonable for the Council's officer report and decision notice to refer to the criminal standard. However, reading those documents in full, it is clear that the civil standard was actually applied to the limited evidence. Moreover, the confused nature of the applicant's submissions (which required further clarification from the applicant), and the poor quality of the evidence provided, mean that the Council was not bound to issue the LDC sought. Although the appeal has succeeded in part, I am not satisfied that the Council's reference to the wrong standard caused the applicant to incur unnecessary or wasted expense in bringing the appeal.

5. There is no evidence that the Council asked for 'substantial evidence' to support the application. The copy of the email dated 13 June 2024 from the Council to the applicant's agent uses clumsy language in stating that the applicant needed to show that 'the development in accordance with the 1978 plans has been

substantially commenced', but that is very different to asking for substantial evidence. In any event, this was informal advice given before the LDC application was submitted, and the applicant remained responsible for deciding what evidence to provide in support of the application.

6. The Council submitted its delegated report in support of its case for the appeal and did not comment on the applicant's submissions. It was not unreasonable for the Council to consider this sufficient to defend the appeal, particularly given the overall lack of precise and unambiguous evidence put forward by the applicant.

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

L Douglas

INSPECTOR