



Costs Decision

Hearing Held on 8 June 2022

Site visit made on 9 June 2022

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 9 November 2022

Costs application in relation to Appeal Ref: APP/N1730/W/21/3281915 Church Farm West, Bramshill Road, Bramshill, Hook, RG27 0PS

- 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 Hart District Council for a full award of costs against Mr Slavchev of EU Plants Ltd.
 - The hearing was in connection with an appeal against the refusal of planning permission for the permanent siting of six seasonal worker accommodation units.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, 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 provides examples of the types of behaviour which may give rise to a procedural award against an appellant. Examples of unreasonable behaviour which may result in an award of costs include providing information that is shown to be manifestly inaccurate or untrue and the deliberate concealment of relevant evidence at planning application stage or at a subsequent appeal.
4. The appeal before me concerns an application for planning permission for the siting of some six static caravan units together with a corresponding number of utility sheds to be occupied by seasonal workers during the months of December to February and April to October. During the months of November and March the units and utility sheds would remain in situ on the appeal site and their use would be as storage.
5. At the hearing, the respondent's oral evidence suggested that the farm was not left unattended during the months of March and November; the business cannot be left unattended and continues to require some, albeit much reduced, level of supervision. The oral evidence given stated that those workers required for this purpose would remain within the static caravan units in breach of the occupancy condition. Furthermore, it was put forward by the respondent that by reason of the recent addition of the cold store, that going forwards the enterprise would require in the region of 10 permanent workers. In respect of the extent of occupancy that had taken place, I accept that there are considerable differences and contradictions between the written and oral

evidence, such that I consider part of the evidence to be manifestly inaccurate or untrue.

6. Furthermore, it is put to me that based upon the evidence of the respondent as provided at the hearing, the planning permission which is sought, would not meet the operational needs and requirements of the farm enterprise by reason of there being no break in occupancy to facilitate the overwintering storage of the static caravan units during the months of November and March. Whilst this could be the case for some of the units, it cannot be said to be the case for all of them. A number of the workers would nonetheless be employed on a seasonal basis and would therefore be absent from the appeal site for two months of each year.
7. In such circumstances, if I had been minded to allow the appeal and granted planning permission on the basis of what was originally sought, those static caravan units that would be occupied on a seasonal basis with a break in occupancy would have been lawful and in accordance with the planning permission. As such, the appeal would still have needed to have taken place in respect of those static caravan units and I am not satisfied that the unreasonable behaviour has resulted in any unnecessary or wasted expense of the applicant.
8. Accordingly, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified.

E Brownless

INSPECTOR