



Costs Decision

Site visit made on 31 January 2023

by Richard S Jones BA(Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 May 2023

**Costs application in relation to Appeal Ref: APP/Y3615/C/21/3267984
Land on the West side of Horsley Road, Ockham also known as Brick Kiln
Farm & Brick Kiln Copse, Old Lane, Cobham, KT11 1NH**

- 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 Guildford Borough Council for a full award of costs against Mr Dennis Read (Hawksview Investments Limited).
 - The appeal was against an enforcement notice alleging, without planning permission, the making of a material change of use of the land from a nil use to the use of the land for residential purposes through the stationing of caravans.
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Decision

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

Reasons

2. Awards against appellants may be either procedural or substantive.
3. Guildford Borough Council seeks a full award of costs against the appellant in relation to the wasted time producing a statement largely based on the argument that the mobile home is lawful as it has been sited on the land in excess of four years.
4. However, it will be seen from my decision that I have found the enforcement notice to be invalid and is therefore quashed. Consequently, I am not in a position to conclude on that substantive issue not having considered the merits of the appellant's case in my appeal decision. In the circumstances it would clearly be inappropriate to make an award of costs against him for exercising his right to appeal under s174 of the Town and Country Planning Act 1990, as amended.

Conclusion

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated.

Richard S Jones

INSPECTOR