



Costs Decision

Site visit made on 18 July 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2023

Costs application in relation to Appeal Ref: APP/C3240/C/22/3309620 The Woodlands Workshop, Wrens Nest Lane, Ketley, Telford TF1 5HL

- 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 Pez Concrete Ltd for a full award of costs against Telford and Wrekin Council.
 - The appeal was against an enforcement notice alleging a change of use of the land to include uses associated with a concrete delivery business and the siting of a caravan for residential and security purposes.
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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 (PPG) 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's concerns relate to the Council's procedures, and the level of investigation and communication in the run up to the service of the enforcement notice. The applicant states that the Council failed to suitably establish the facts in relation to the site and relied on assumptions based on the site's appearance and third-party representations.
4. However, notwithstanding that various powers are available to a local planning authority to require a site owner/occupier to provide information on site planning matters, s172(1) of the Act states that a local planning authority may issue a notice where it **appears** to them that - (a) that there has been a breach of planning control; and (b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
5. The evidence presented by the Council indicates that a representative made several visits to the site prior to the service of the Notice. Photographs show materials, plant and vehicles of types used in association with the preparation and/or distribution of cement. They also show a caravan sited on the land for residential purposes. The service of the Notice indicates that the Council found sufficient grounds to conclude that a material change of use had occurred on the Land.
6. While there is limited evidence of the extent of communication or attempts at resolution prior to the service of the Notice, there is no evidence that the

Council's actions were in conflict with any locally adopted enforcement procedures. So far as it is alleged that the Council failed to establish the facts, as I have upheld the notice, that argument is unsustainable. Accordingly, I am not persuaded that the Council acted unreasonably, either procedurally or substantively.

7. For those reasons, I find unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated. An award of costs is not therefore warranted.

R Hitchcock

INSPECTOR