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## Costs Decision

Site visit made on 28 June 2023

**by Zoë Franks Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>TH</sup> SEPTEMBER 2023**

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### **Costs application in relation to Appeal Ref: APP/U2370/C/22/3311673 Land at Ripon Hall Farm, Catterall Lane, Catterall, Lancashire, PR3 0PA**

- 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 Mr John Hitchen for a full award of costs against Wyre Borough Council.
  - The appeal was against an enforcement notice alleging the material change of use of the Land from mixed use for the purposes of agriculture and associated residential use of the farmhouse that forms part of the Land to a mixed use of agriculture, associated residential use of the farmhouse that forms part of the Land and for the siting of a caravan/mobile home (in the approximate position shown edged purple on the attached plan) for residential purposes (outside the curtilage of the said farmhouse and not incidental to the residential use of said farmhouse) together with operational development to facilitate the material change of use consisting of the erection of a post and wire fence ("Fence") (in the approximate position shown marked yellow on the attached plan), and the installation of an electric connection point.
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### **Decision**

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

### **Reasons**

2. Planning Practice Guidance advises that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. The applicant's case is that the Council had not undertaken adequate prior investigation before issuing the notice because the caravan was not being occupied at that time, and that communication with the landowner could have prevented the notice and planning appeal. They also argue that the fence is permitted development.
4. Whilst an award of costs does not always follow the decision in the appeal, it is relevant in this case that I found that the caravan had been stationed for the purposes of human habitation as a separate residential unit. The residential use is accepted by the appellant and it is not necessary for it to have been continuing at the date of the issue of the notice. The stationing of the caravan and the fence facilitated the residential use of the land and as such can be required to be removed, in part to prevent any future unauthorised use and is therefore not unreasonable behaviour by the Council.

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

*Zoë Frank*

INSPECTOR