



Costs Decision

Site visit made on 10 September 2024

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 12 September 2024

Costs application in relation to Appeal A Ref: APP/X0360/C/22/3309531 Land at Chloes Cottage, Highlands Avenue, Barkham, RG41 4SP

- 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 Wokingham Borough Council for a partial award of costs against Mrs Sally Pike.
 - The appeal was against an enforcement notice alleging the stationing of a mobile home for residential 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 costs claim revolves around the issue of the wheels on the mobile home. In their response to a 2021 PCN and in their original appeal statement, the appellant says that the wheels were removed from the mobile home. Subsequently a revised appeal statement was sent in, which says there were no wheels. This, according to the Council, casts doubt on the integrity of the appellant's evidence and caused unnecessary expense in responding to the final comments.
4. As noted in my appeal decision, the issue of the wheels was irrelevant to whether the structure was now a building or not. The appellant says the PCN and the agent's original statement were made using the best information available. The appellant was not personally responsible for moving and erecting the structure. It was only when they received the statutory declaration from Mr Roberts, who did move and re-erect the structure, did they realise there never were any wheels in the first place. This seems an entirely reasonable explanation to me. The PCN dealt with a number of different issues and to the best of the appellant's knowledge what they said was true. It was after all a very minor part of a much larger response. It is far from unusual for such minor details to be corrected when the focus shifts to a specific issue, such as the movability of the mobile home, which was an issue in this appeal but not in the PCN. I do not think the fact that the PCN referred to a "mobile home" is significant. I doubt the appellant was aware of the subtle difference between a caravan and a building that would be important in this appeal and saw no need to correct the PCN description of the structure as a mobile home.

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5. I do not therefore think there has been any unreasonable behaviour on the part of the appellant and an award of costs is not justified.

Simon Hand

INSPECTOR