



Costs Decision

Site visit made on 23 December 2024

by Grahame Kean BA (Hons) Solicitor MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2025

Costs application in relation to Appeal Ref: APP/P1940/X/24/3336810

20 Marlin Square, ABBOTS LANGLEY, Hertfordshire, WD5 0EG

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Ms L Quinn for a full award of costs against Three Rivers District Council.
 - The appeal was against the refusal of the Council to issue a notice of their decision within the prescribed period on an application for a certificate of lawful use or development for siting of a Caravan/Mobile Home for ancillary residential use.
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Decision

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

The submissions for Ms Quin

2. The costs application was submitted in writing. The following points were made.
3. The Council was wrong *“to have based its decision on how it asserts the proposed caravan is screwed into the ground in contrast to the clear unambiguous and repeated assertion that it is not, that it stands under its own weight on feet and has very limited connection to the ground”*. The application was not made on this basis, it sought an LDC for the siting of a caravan/mobile home for ancillary residential use only.
4. The Council failed properly to consider appeal decisions to illustrate that even where there were more substantial forms of connection to the ground than in the current appeal, it may be decided that there is no operational development involved. The Council conflated other landscape gardening works that have taken place with the siting of the caravan whereas the garden area was level and required minimal works in advance of the siting of the caravan.
5. The Council failed to consider that a caravan could be assembled on site but focused incorrectly on the assumption that the caravan was screwed into the ground whereas it was not. It failed to consider that despite the inconvenient access to the garden the caravan could be lifted in its assembled state and moved on a trailer or vehicle.
6. The actions of the Council were substantively unreasonable, rather than procedural, and caused the appellant to incur unnecessary expense. Therefore, a full award of costs was justified.

The response by the Council

7. No response was made by the Council.

Reasons

8. 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. “unreasonably” is to be understood in its ordinary meaning.
9. Costs decisions do not always “follow the event”, however the submissions for the applicant essentially rehearse what were argued to be the substantive merits of the appeal. In the appeal decision I found that the structure in question was more likely to be operational development than not and failed to meet the definition of a caravan due to several factors examined in accordance with the established criteria, among which was the fact that it failed the test of manoeuvrability for the reasons set out therein.
10. The structure did not solely stand on its own weight although this was a relevant factor, and on the evidence there was judged to be a significant connection to the ground. The Council’s detailed consideration of the issues was rational in my view and the conclusions they came to could not be said to be unreasonably held. The contention that the structure could be lifted in its assembled state and moved on a trailer or vehicle, given the circumstances of its assembly and siting, was completely unrealistic. No persuasive evidence substantiated this claim.
11. The other appeal decisions provided (not only by the applicant but the Council) had limited application given that each such case was considered on its own merits, according to well-established tests and that the full evidence in those appeals was not available. The Council correctly identified the relevant tests to apply and that none of the matters can be taken, individually on their own, to indicate whether particular works result in the formulation of a building or constitute development, under the 1990 Act. I am unable to find fault with the way the Council considered the matter.
12. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Grahame Kean

INSPECTOR