



Costs Decision

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 February 2025

Costs application in relation to Appeal Ref: APP/M2840/X/23/3327605

17 Farmstead Road, Corby, Northamptonshire NN18 0LE

- 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 Mr David and Mrs Debbie Watt for a full award of costs against North Northamptonshire Council.
 - The appeal was against the refusal of a certificate of lawful use or development for the siting of a caravan for use ancillary to the main dwelling.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. Unreasonable behaviour may be procedural – relating to the process; or substantive – relating to the issues arising from the merits of the appeal. In this case, the applicants have sought an award of their costs on substantive grounds.
4. Paragraph 049 of the PPG provides a list of examples of unreasonable behaviour that might apply to Council's in respect of the substance of an appeal. These include preventing or delaying development which should clearly have been permitted, having regard to its accordance with the development plan, national planning policy and other material considerations, acting contrary to, or not following well-established case law, and not determining cases in a consistent manner.
5. Summarised, the applicants' case is that the relevant case law and appeal decisions they provided were not assessed in detail, nor was it explained how the proposed caravan would, in the Council's view, be fixed to the ground. Furthermore, the applicants consider that the Council has not explained how there is any difference in terms of "mobility" between the appeal scheme and the caravan proposed in the LDC application¹ that was approved by the Council in July 2023.
6. With regards to the applicants' first point, in my view neither the Case Officer's delegated report (DR) or the Council's appeal statement of case (SOC) contain a comprehensive assessment of the relevant case law or other appeal decisions provided by the appellants. The "Officer's Assessment" within the DR is essentially restricted to seven lines which state that the information provided by the appellant

¹ Council Ref: NE/23/00528/LDP

has been considered, and that the proposal is considered to be a building because it is not readily transportable. The SOC is again limited in terms of its detail with the assessment of whether the proposal is a caravan or building largely restricted to a single paragraph. This states that the proposal is considered to involve a degree of fixation to the land through *“the use of ‘ground screws’ which are driven into the ground to provide a means of support and stability”*.

7. There is no mention in either the DR or SOC of the Caravan Sites and Control of Development Act 1960 (CSCDA) or the Caravan Sites Act 1968 (CSA). Given that the application clearly sought the siting of a caravan, the lack of any critical analysis or assessment of whether or not the proposal met the statutory definition as set out in the aforementioned Acts is somewhat surprising. I am not therefore satisfied that the Council properly engaged with the statutory definition of a caravan and whether the proposal complied with this or not.
8. Turning to the Council’s contention that the proposal would constitute a building operation under section 55(1) of the 1990 Act, there is very little substance behind the Council’s position that the use of ground screws would result in the caravan being fixed to the ground. In particular, there is no reference to well-established case law or the primary factors that should be taken into account and assessed when considering whether what is proposed is a “building”. There is also very little in the DR or SOC to demonstrate that the Council fully considered the applicants evidence or considered any of the case law referred to, including *Measor*².
9. The lack of reasoning in both the DR and SOC leads me to conclude that relevant legislation and case law were either not taken into account at all or they were not applied correctly.
10. The applicants also referred to a LDC application at 7 Cotterstock Road for the *“Siting of a caravan for ancillary residential use”*. That application, which was submitted by the same agent, was purportedly for a caravan that would be constructed, sited, and rest on ground screws in the same manner as the appeal proposal. Whilst I have not been provided with the full details of that application, it is clear from the Case Officer’s report that a far greater analysis of the proposal has been carried out when compared to the appeal scheme. Specific reference to the CSCDA and CSA is contained within the report along with consideration being given to each of the “three tests” that should be applied when determining whether a proposed structure is a caravan.
11. The Council have remained silent in relation to the apparent inconsistencies between how the two applications were considered, and how the Council came to reach different conclusions. The apparent inconsistencies in how the Council determined these similar cases has not therefore been satisfactorily explained.
12. As a result, I find that the Council’s reason for refusing the application lacked any real substance and did not include any detailed or objective scrutiny of the submitted information and evidence. There is nothing before me to suggest that the Council undertook a full assessment of relevant case law, or other appeal decisions provided by the applicants. The Council has also failed to explain the apparent inconsistencies in how two LDC applications for ancillary residential caravans were determined in the space of a few months. Consequently, I find it highly probable that had the Council carried out a more detailed and considered analysis of the

² *Measor v SSETR & Tunbridge Wells DC* [1999] JPL 182

available information and evidence, as well as relevant and well-established case law, the application would not have been refused and the appeal would have been avoided.

13. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

14. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that North Northamptonshire Council shall pay to Mr David and Mrs Debbie Watt, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
15. The applicant is now invited to submit to North Northamptonshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

David Jones

INSPECTOR