



Costs Decision

Inquiry held on 25 and 26 February and 5 March 2025

Site visits made on 25 and 27 February 2025

by Jessica Graham BA (Hons) PgDipL

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025

Costs application in relation to Appeal A Ref: APP/M1710/C/24/3347356 and Appeal B Ref: APP/M1710/C/24/3347357 (“the Enforcement Appeals”) Land Adjacent to Oak Tree Farm, Gibbs Lane, Shortheath Common, Bordon, Hampshire GU35 9JS

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Jesse Stevens for a partial award of costs against East Hampshire District Council.
 - The inquiry was in connection with the appeals against the Enforcement Notice alleging the unauthorised material change of use of land to a residential Traveller site, together with an appeal against the Council's refusal to grant planning permission (Appeal Ref: APP/M1710/W/24/3352249).
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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 Appellant made an application for a partial award of costs against the Council, *in the event that* [my emphasis] the Enforcement Notice was quashed pursuant to the Enforcement Appeals on either ground (b) or ground (c). The application was made in respect of all of the costs incurred in dealing with the Enforcement Appeals in circumstances where a materially flawed Enforcement Notice was issued.
4. In my Decision Letter, I set out the reasons why I consider that the Enforcement Appeals should not succeed on either ground (b) or ground (c). I found no flaw in the Enforcement Notice, and concluded that it should be upheld, subject to the extension of the compliance period. It follows that it was not unreasonable of the Council to issue the Enforcement Notice in the terms that it did.
5. Unreasonable behaviour resulting in unnecessary or wasted expense has not therefore been demonstrated, and a partial award of costs is not warranted.

Jessica Graham

INSPECTOR