
Costs Decision

Site visit made on 25 June 2025

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 14th July 2025

Costs application relating to Appeal Ref: APP/Y2620/X/23/3332332 Static caravan at Wood View, Thorpe Market Road, Roughton NR11 8TB

- The application is made by Alex Brackley under the Town and Country Planning Act 1990, sections 195 and 322 and Schedule 6, and the Local Government Act 1972, section 250(5), for a full award of costs against North Norfolk District Council.
 - The appeal was against the refusal to grant a certificate of lawful use for "Use of land for siting of static caravan, and use of static caravan as a dwelling".
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Costs decision

1. The application is refused.

Reasons for the costs decision

2. The Government's planning practice guidance ("the Guidance") indicates that the parties to an appeal are expected to behave reasonably to support an efficient and timely process and that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, the party may be subject to an award of costs.
 3. The applicant states that the Council behaved unreasonably in the way they handled the application and in relation to the basis for their decision. The Council do not consider that either party acted unreasonably in the assessment and determination of the application. They are of the view that the costs application should be dismissed.
 4. The Guidance states that applications for certificates must be accompanied by sufficient factual information/evidence for the Council to decide the application and that this is the applicant's responsibility. It adds that without sufficient or precise information the Council may be justified in refusing the certificate. It indicates that, if the Council have no evidence to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
 5. The caravan had been installed in the garden of a relative's dwelling and had been occupied by family members. The Council took the view that it was unclear whether the occupation of the caravan had been wholly independent of the dwelling, as a separate residential unit. They maintained that the evidence
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was not sufficiently clear and precise as to the use of services, the sharing of maintenance costs and bills and the documentation of separate utility and Council Tax accounts.

6. I do not consider that, in the circumstances that pertained in this instance, the Council's somewhat rigorous approach to the factual information and evidence they required from the applicant was unreasonable nor that they reached a conclusion which, although I disagreed with it, could not arguably have been justified on the basis of the information and evidence available to them. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated and that an award of costs is not justified.

D.A.Hainsworth

INSPECTOR