



Costs Decision

No site visit made

by M Madge Dip TP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2025

Costs application in relation to Appeal Ref: APP/N1730/X/23/3335652

5 Pine Drive, Blackwater, Camberley, Hampshire GU17 9BG

- The application is made under the Town and Country Planning Act 1990, sections 195, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Dominique Finck and Ms Joanne Shelley for a full award of costs against Hart District Council.
- The appeal was against the Council's refusal to grant a certificate of lawful use or development for the proposed siting of a caravan to be used for residential purposes ancillary to the host dwelling.

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 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 applicants are seeking a full award of costs on substantive grounds. They claim the Council, in refusing to issue a lawful development certificate (LDC), has relied upon reasoning that falls outside the statutory provision provided in section 13(1)(a) of the Caravan Sites Act 1968 (CSA 1968) and goes beyond the legal test of the balance of probabilities. They claim there is no statutory requirement for the construction of the 2 sections of a twin unit caravan to take place away from the site on which they are then joined together, and that, with care and attention, the lifting apparatus shown in the Lifting Diagram plans would be able to lift the structure on to a motor vehicle or trailer with sufficient precision and unambiguity.
4. The respondent argues that their failure to agree with the appellant's conclusions on whether the development would be lawful is not unreasonable behaviour.
5. The officer's delegated report (the OR) may demonstrate the Council's preference for the 2 component sections of a 'twin unit caravan' having to be constructed away from the site where they are joined. However, they do not rely solely on this point in relation to the construction test.
6. The lack of a construction method statement and it therefore being "*impossible*" to ascertain whether compliance with section 13(1) of the CSA 1968 would be achieved is referenced in the OR. The Council also refer to it appearing that the kitchen and bathroom would be installed after the 2 sections are joined, and it being unclear at what stage windows and doors would be added. The Council conclude that "*Without any construction or assembly details, on the balance of probabilities, the proposed structure fails the construction test...*". Setting aside the location of

where the 2 component sections were constructed, the Council would still therefore have found the construction test was not met.

7. In respect of the mobility test, the OR acknowledges that a Lifting Diagram has been provided, *“but there are no detailed lifting calculations, which would be needed to deal with weight distribution, load bearing etc. Given the joint line is not central this clearly needs to be tested”*. The OR then sets out several legal authorities from which the Council draws the conclusion that the mobility test is not met because *“In summary, insufficient information has been submitted to demonstrate...that the structure could be lifted or moved once it has been assembled.”* I have reached the same conclusion in my decision on the appeal.
8. The OR also identifies ambiguity in the assembled structure’s dimensions provided by the appellant. The OR goes on to state *“the information is inconsistent and an accurate conclusion on the size of the unit cannot be made.”*
9. The courts have held that the appellant’s evidence has to be sufficiently precise and unambiguous to grant a lawful development certificate (LDC), on the balance of probabilities. The Council’s reason for refusing to grant an LDC clearly identifies why they find the evidence provided is not sufficiently precise and unambiguous and why it does not therefore show, on the balance of probabilities, that the proposed caravan meets the statutory tests.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

M Madge

INSPECTOR