



Costs Decision

Site visit made on 18 August 2025

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2025

Costs application in relation to Appeal Refs: APP/C1760/C/24/3339720, APP/C1760/C/24/3339721

The land and premises known as Paddock Farm, Scallows Lane, West Wellow, Romsey, Hampshire SO51 6DX

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr and Mrs Christopher for a full award of costs against Test Valley Borough Council.
 - The appeal was against an enforcement notice alleging: Without planning permission, the making of a material change in the use of the land to a residential use, along with the associated building operations involving construction of a semi-detached dwellinghouse.
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Decision

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

The submission for the Applicants

2. The applicants were first contacted by the Council in August 2022, during which the intention to use part of the stable building for temporary accommodation was advised. A PCN was then responded to in January 2023. The applicants then advised the Council that occupation had commenced in September 2023. They have therefore been transparent throughout and advised of the temporary timeframe. The Council then continued with sporadic communication and whilst the applicants thought the position had been accepted, a notice was subsequently issued.
3. There was, however, no need for a notice to be issued; the alleged harms are minor and temporary in nature only. The applicants have always maintained that there is no need or desire to form an additional residential dwelling on the site and the intention was always to restore the temporary accommodation back to a welfare facility within the stable complex when it was no longer required.
4. Therefore, negotiations over a reasonable timeframe for the temporary accommodation could have easily continued. There has at no point been a reasonable explanation provided by the Council as to why communications ceased.
5. It appears though, that the Council overlooked their own guidance on enforcement matters contained within the Test Valley Borough Council Local Enforcement Plan 2019 (August 2019) when issuing the Enforcement Notice.

This is particularly as paragraph 6.4 expressly states that “enforcement action should be a last resort” and that “councils are expected to give those responsible for a breach of planning control the opportunity to put matters right or seek to regularise the breach before resorting to formal action such as an Enforcement Notice”.

6. In this case, no such approach was taken. As such, it is considered that the Council’s pursuit of enforcement action on this site and the steps requested to remedy the matter have been entirely disproportionate and unnecessary, leading to the requirement to submit an appeal.
7. It is contended that this course of action could have been easily avoided, negating the need for a notice to be served and the subsequent submission of this appeal. As a result, the Council’s actions therefore constitute unreasonable behaviour, and the applicants therefore respectfully request that an award of costs be granted.

The response for the Council

8. The applicants appear to infer that the pace of the Council investigation constitutes unreasonable behaviour, and that correspondence was “sporadic”. This is not an accurate reflection of the situation. The Council provided generous timeframes to give plenty of opportunity to respond and comply throughout the investigation.
9. The Council is content that it has provided ample time for the applicants to engage in a meaningful way. The Council has been clear and consistent, over a prolonged period of time, that the development is unauthorised.
10. In summary, the Council has not acted unreasonably. The Council was careful to consider the full facts of the case before serving the notice and its rationale is presented in its appeal submissions. It is the prerogative of the Council, as per Section 172 of the Town and Country Planning Act, to “issue a notice where it appears to them (a) that there has been a breach of planning control; and (b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations”. Accordingly, it appears that the applicant’s submission of a costs application is entirely unreasonable.

Inspector Reasons

11. 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.
12. Irrespective of the transparency of the applicants, the Council advised them of a breach of planning control, and it was unrealistic to expect the Council to negotiate and accept the continuation of the breach for what would have been a considerable period of time. I therefore am not persuaded that the Council failed to follow its own guidance or that correspondence was sporadic.
13. The ground (a) appeal has then failed, even if the applicants consider the harms to be minor, which I do not.
14. It therefore follows that the issuing of a notice and conduct of the Council was not unreasonable. An appeal was therefore inevitable and has provided an

opportunity for any contended disproportionate and unnecessary steps, amongst other things, to be assessed.

Conclusion

15. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Paul T Hocking

INSPECTOR