



Costs Decision

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an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Costs application in relation to Appeal Refs: APP/J3720/C/24/3341256 & 3341257 The Leys, Welsh Road, Priors Hardwick, CV47 7SJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Stratford-on-Avon District Council for a full award of costs against Mr G and Mrs S J Wilson.
 - The appeals were against an enforcement notice alleging the change of use of the land from agricultural land to domestic garden use and the erection of a timber climbing frame with integral swing and raised platform which facilitates the change of use.
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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 Appellants' Agent referred to national and local planning policy and to site details and planning history in his statement. But neither he nor the Appellants sought to introduce a ground (a) appeal so the inclusion of this information could simply be ignored. In this regard, the Council has not incurred any wasted expense.
4. The ground (c) appeals do not relate to the alleged breach of planning control but to a fence that is the subject of one of the requirements of the enforcement notice. The argument that the fence is permitted development and that the requirement to remove it is therefore excessive, could have been made under ground (f), as suggested by the Council. But whether the argument is made under ground (c) or ground (f) would not change the evidence nor the overall outcome of the appeals. The Appellants, through their Agent, may have misinterpreted the grounds of appeal but the Council, in this regard also, has not incurred any wasted expense.
5. The application for an award of costs is not therefore justified.

John Braithwaite

Inspector