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## Costs Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 16 October 2025

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### **Costs application in relation to Appeal Ref: APP/W1525/C/25/3361459**

### **Seven Acre Farm, Crows Lane, Woodham Ferrers, Chelmsford, Essex, CM3 8RS**

- 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 Chelmsford City Council for a full award of costs against Mr Peter Evans.
  - The appeal was against an enforcement notice alleging the material change of use of the land for caravan/motorhome/other vehicles storage and associated operational facilitating development.
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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. There was no appeal to consider under s174(2)(a) of the 1990 Act. Thus, there was no deemed planning application. The appellant also accepted that there could be no ground (a) appeal. Therefore, despite some planning merits arguments appearing in the appellant's grounds of appeal, there was no basis for me to consider them. I have made that clear in my appeal decision. There was no phantom ground (a) appeal and there was consequently no need for the Council to make any substantive comments on the planning merits mentioned. Regarding the matter of the expediency of issuing the enforcement notice, this is for judicial review only which also need not have troubled the Council. These parts of the Council's costs application do not demonstrate unreasonable behaviour by the appellant.
4. Although I have not found in favour of the appellant on the ground (f) appeal, seeking to rely on a fallback position of development granted planning permission by the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) is a frequently advanced and not unreasonable argument to put forward when seeking to challenge whether the requirements of the notice are excessive or not. I pragmatically assumed that even if the land would have a lawful agricultural use after complying with the enforcement notice, the rights under the GPDO for a hardstanding would not apply anyway. As such, there was no need to find on what the lawful use of the land would be. The ground (f) appeal was not without merit and thus it did not demonstrate unreasonable behaviour by the appellant.
5. At the time the appeal was made against the enforcement notice, there may have been problems complying with the requirements timescale bearing in mind the contractual situation with the owners of caravans stored at the appeal site. That was a reasonable case to make even if a copy of the contract was not supplied until

later in the appeal process. Suggesting 15 months would be more appropriate for a compliance timescale was not wholly without any basis. I have also acknowledged that the appellant has taken a responsible and proactive approach to winding down the site operations in response to the enforcement action. Nothing about the appellant's ground (g) appeal falls on the side of being unreasonable.

6. The Council may not agree with the Appellant's case, and it will be aware that I have not found in favour of the Appellant in the appeal decision. However, the appeal as a whole was not based on unreasonable behaviour that then resulted in unnecessary or wasted expense. Thus, an award of costs is not warranted.

*Gareth Symons*

INSPECTOR