



Costs Decision

Site visit made on 7 October 2025

by Chris Preston BA (Hons), BPI, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2025

Costs application in relation to Appeal Ref: APP/B1415/C/24/3348260
Flat 1, 1 Emmanuel Road, HASTINGS, TN34 3LB

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 application is set out in writing so the following is a brief summary of the grounds.
4. The applicant contends that the Council behaved unreasonably in failing to engage with him to resolve the issue relating to the shed. Representations were made to the effect that the structure amounted to a caravan, under the Caravan Sites and Control of Development Act 1960 (the CSCDA) and requested that the Council refrain from taking enforcement action. A site meeting was held where the construction was explained but no further correspondence was received from the Council, nor any prior notification that the enforcement notice (EN) was due to be served. It is said that the process caused unnecessary stress to the applicant.
5. The Council disagrees that it has failed to engage and cites a list of correspondence relating to the matter leading up to the service of the EN, including a site visit and subsequent letter explaining why it was considered that the structure did not constitute a caravan.
6. For reasons fully set out in my associated decision in respect of the EN appeal, I agreed with the Council's position that the structure does not amount to a caravan. The Council's case was fully set out in its statement. Having regard to the correspondence referred to by the Council, I am satisfied that they engaged properly with the applicant in the lead up to the service of the EN. In effect, there was a difference of opinion over whether the structure amounted to a caravan or not.
7. It was far from unreasonable for the Council to serve the EN, having regard to its belief that it amounted to a building operation and taking account of the context where an appeal against the retrospective planning application had already been dismissed. The appellant could be in little doubt as to the Council's position having

regard to the correspondence referred to and the fact that the EN was served should not have been unexpected.

8. Thus, the Council did not behave unreasonably. In the absence of any unreasonable behaviour there are no grounds for an award of costs and I shall refuse the application.

Chris Preston

INSPECTOR