



Costs Decision

Site visit made on 7 October 2025

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 11th November 2025

Costs application in relation to Appeal Ref: APP/R3650/X/24/3343161

15 Crondal Lane, Farnham, Surrey, GU9 7BG

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Philly Hook for a full award of costs against Waverley Borough Council.
 - The appeal was against the refusal of a certificate of lawful use or development for 'Stationing of shipping container within rear garden of site edged red on accompanying plan'.
-

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 appellant contends that the Council has acted unreasonably in: not issuing a valid decision notice; failing to substantiate its reasons for refusing to grant a lawful development certificate (LDC); not acting consistently in its determination of LDC applications; not taking proper account of previous LDCs granted in respect of the siting of a caravan on the appeal site and siting of a 'caravan compliant container' on the site; relying on unsubstantiated difficulties in relation to placing the container on site; failing to undertake a site visit before determining the LDC application.
4. As to the decision notice, I found in my appeal decision that the decision notice issued was not invalid due to the absence of a location plan. No unreasonable behaviour has arisen in this regard.
5. The Council has offered detailed explanation of its refusal through reference to case law and site specific details. Equally, it is widely recognised that these sorts of cases are very fact specific and as such (and as outlined in my appeal decision) there is no validity in the appellant's allegation of unreasonably inconsistent determination of LDC applications on other sites.
6. For example, as regards the recent LDC granted in respect of a shipping container at Lower Punchbowl Farm¹, as explained in my appeal decision, given the highly fact specific nature of these assessments, it was not unreasonable for the Council

¹ WA/2024/00634

to grant a LDC in respect of the Lower Punchbowl Farm proposal and to refuse to grant a LDC for the appeal proposal.

7. Turning to the suggestion that the Council did not take proper account of a LDC granted for the siting of a caravan on the appeal site², the Council has distinguished this in written submissions and I also found in my appeal decision that the appeal proposal would not be covered by that LDC.
8. As to the contention that granting of a LDC for a caravan compliant container³ was inconsistent with the refusal in this case, bearing in mind that the term 'caravan' is statutorily defined with a connected body of case law, this was not an unreasonable approach. Indeed, even if this had amounted to unreasonable behaviour, since I found the appeal proposal to represent operational development, no wasted expense has arisen in any event.
9. It was in my view perfectly reasonable for the Council to consider site specific details which could affect the practicalities of moving a shipping container in this location given that this is of relevance to the case law tests for assessing whether or not operational development would occur.
10. Finally, as regards the determination of the LDC application without carrying out a site visit, given the case officer's familiarity with the area and the information provided with the application, it was not unreasonable for the Council to proceed to a determination in the absence of a formal site visit in this case.

Conclusion

11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

V Bond

INSPECTOR

² APP/R3650/X/16/3161457

³ Ref: WA/2024/1785