
Costs Decision

Site visit made on 23 September 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/24/3351094 Land Opposite Junction of Glen Lea and Nutcombe Lane, Nutcombe Lane, Surrey GU26 6BP

- 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 Angela Jenkins 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 'The proposed siting of a shipping container within the land edged red on the attached plan for use ancillary to the lawful use of agriculture and equestrian 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 appellant submits that the Council has acted unreasonably in: failing to grant a lawful development certificate (LDC) for 'no good reason'; not explaining why a LDC was granted in respect of an 'identical container'; and acting inconsistently by not taking enforcement action in respect of another shipping container.
4. As regards the first allegation, in my appeal decision, I found that the Council's decision to refuse to grant a LDC was well-founded and the Council offered a detailed site specific explanation for its assessment with reference to relevant case law. It is not therefore the case that the LDC was refused for 'no good reason'.
5. Turning to the second submission, the Council offered a clear basis for distinguishing a case¹ where a LDC was granted for an identical container based on an analysis of site specific circumstances.
6. While a LDC was granted for a similar shipping container on the appeal site², this met with the statutory definition of a caravan and was distinguished from the appeal development in this regard. Although the appellant considers this approach to be irrational, bearing in mind that the term 'caravan' is statutorily defined and a connected body of case law relates to that definition, this was not an unreasonable distinction in my view. Indeed, even if this had amounted to unreasonable

¹ Ref: WA/2024/00634

² Ref: WA/2024/01480

behaviour, since I found the present proposal to represent operational development, no wasted expense has arisen.

7. The absence of enforcement action against another shipping container on site does not indicate inconsistency on the part of the Council as to whether or not a shipping container represents operational development since there are a number of potential reasons why the Council may not have taken enforcement action related, for example, to expediency or immunity.
8. I find then that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

V Bond

INSPECTOR