Planning Inspectorate

Costs Decisions

Hearing held on 21 October 2025

Site visit made on 21 October 2025

by Diane Lewis BA(Hons) MCD MA LLM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

Costs applications in relation to Appeals related to Land at Lyndale, Hovefields Drive, Wickford, Essex SS12 9JD:

Appeal A Ref: APP/V1505/C/25/3369058

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Buildit (SPV) Ltd for a full award of costs against Basildon Borough Council.
- The appeal was against an enforcement notice alleging a material change in the use of the Land to a mixed use comprising residential use, leisure use independent of the host dwelling, and use for the storage of caravans, motor vehicles, building materials and a shipping container.

Appeal B Ref: APP/V1505/C/25/3369059

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Buildit (SPV) Ltd for a full award of costs against Basildon Borough Council.
- The appeal was against an enforcement notice alleging the material change in use of the Land to a mixed use comprising residential use, leisure use independent of the host dwelling, the stationing of caravans for residential occupation, and the storage of motor vehicles, building materials and a shipping container.

Decisions

1. The applications for an award of costs are refused.

Reasons

2. The applications and the response by the Council were made in writing and the written submissions will not be repeated in detail.

3. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance on Appeals 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.

4. The appellant's first application is in respect of Appeal A and Appeal B, on the basis the enforcement notices have been quashed. For the reasons explained in the appeal decisions I did not accept the unsubstantiated case of the appellant that the Land comprises three planning units. The enforcement notices have not been quashed as a result of that argument. Unreasonable behaviour has not been demonstrated.

5. The appellant's second application regards Enforcement Notice One, which was issued in the alternative to Enforcement Notice Two. Both notices were issued on the same day 12 June 2025. The key difference is Notice One alleges the storage of caravans as part of the mixed use whereas Notice Two alleges the stationing of caravans for residential occupation as a component of the mixed use.

6. The reason for issuing the two notices was due to the failure of the appellant to cooperate in providing correct information. According to the events described by the Council (which are not fully accepted by the appellant), when officers visited the site on 6 May 2025 the appellant stated the residential use of the caravans had ceased, they were being stored and it was the intention to let them in the future. Importantly, the appellant did not complete and return a Planning Contravention Notice dated 13 May 2025 (the PCN), issued as a follow up to the site visit.

7. Planning Practice Guidance on Enforcement confirms a PCN is a recognised option for obtaining information about an alleged breach of planning control. A PCN may be issued to allow the local planning authority to require any information they want for enforcement purposes about any operations being carried out, any use of, or any activities being carried out on the land. In relation to Lyndale, the Council followed a statutory procedure. The PCN included questions on the use of the caravans and was an opportunity for the appellant to provide considered and accurate information on the use of the caravans. Confirmation of a residential use probably would have overcome the necessity of issuing Enforcement Notice One.

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

Conclusion

9. The applications for costs do not succeed.

Diane Lewis

INSPECTOR