



Costs Decision

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 application 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 Basildon Borough Council for a full award of costs against Buildit (SPV) Ltd.
 - 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.
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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 Basildon Borough Council for a full award of costs against Buildit (SPV) Ltd.
 - 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.
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Decision

1. The application for an award of costs is allowed in the terms set out in the Costs Order below.

Reasons

2. The application and the response by the appellant were made in writing. 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 (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. The Council's application is based on several arguments.

Appeal A, lack of cooperation

4. The lack of cooperation in providing information, including responding through a planning contravention notice (PCN), is identified by the PPG as a type of behaviour which may give rise to a procedural award against an appellant. In this

case the PCN was worded in a straight forward way and had the appellant not understood the PCN a contact at the Council was included in the related information. The failure to respond was unreasonable behaviour that led to enforcement notices being issued in the alternative. The expense the Council incurred on Appeal A was unnecessary.

Provision of inaccurate information

5. The appellant acknowledged a mistake was made in the grounds of appeal when stating the mobile homes were occupied by members of the Gypsy/Traveller community. However, a traveller site is not a land use in its own right, unlike a site for travelling showpeople, but is a caravan site where occupation of caravans is restricted by planning condition. To propose such a condition was not unreasonable behaviour in the ground (a) appeal, having regard to policy advice on use of conditions.

Introducing a new issue

6. At the hearing the appellant submitted Enforcement Notices One and Two should be quashed because the Land comprised three separate planning units, not a single planning unit. This matter had not been raised by the appellant before and arose towards the end of the discussion of item 2 on the Agenda, the Land and the planning unit. The Agenda was circulated on 18 September, a month before the proceedings were due to take place. The introduction of a new issue at the event with no warning beforehand was unreasonable behaviour. The proceedings were prolonged as a result, which led to unnecessary expense associated with attendance.

Statement of common ground

7. The Planning Inspectorate's start letter dated 16 July 2025 did not request or set a timescale for the submission of a statement of common ground. The Procedural Guide Enforcement Notice Appeals England outlines the timetable for an enforcement appeal proceeding by a hearing, based on the Regulations governing this type of procedure. The preparation of a statement of common ground is not included in the timetable. The Regulations and Procedural Guidance that apply to planning appeals under section 78 have different requirements.
8. A statement of common ground can be helpful and may be encouraged in enforcement appeals proceeding by a hearing. However, it is not a requirement and therefore the appellant's delayed engagement was not unreasonable behaviour.

Conclusions

9. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in Appeal A and a full award of costs is therefore warranted in respect of that appeal.
10. Unreasonable behaviour resulting in unnecessary or wasted expense has occurred in Appeal B in relation to the late introduction of a new issue. A partial award of costs is therefore warranted.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Buildit (SPV) Ltd shall pay to Basildon Borough Council the costs of the appeal proceedings described in the heading of this decision, in respect of:

- The full costs incurred in Appeal A, including the expense of making the costs application, and
- The costs in Appeal B limited to those costs incurred at the hearing related to the discussion of the new issue regarding planning units and the effect on the enforcement notices,

such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Buildit (SPV) Ltd, to whose agents a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Diane Lewis

INSPECTOR