



Costs Decision

Site visit made on 4 December 2025

by Sarah Dyer BA BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2025

Costs application in relation to Appeal Ref: APP/F2605/X/24/3349320

54A Cyprus Road, Attleborough, Norfolk NR17 2DY

- 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 Ms Michelle Monck for a full award of costs against Breckland Council.
 - The appeal was against the refusal of a certificate of lawful use or development for the stationing of a log cabin mobile home within residential garden for ancillary 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 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. A local planning authority is at risk of an award of costs against it where it does not determine similar cases in a consistent manner. This is the basis on which the application for costs as been made along with the appellant's view that the Council did not substantiate its reasons for refusal or properly take account of the evidence before it.
3. The appellant has not listed the other applications which have been considered by the Council for certificates of lawful use or development (LDCs) in her application for costs but there is reference to three cases in her appeal statement. Copies of the Council's officer reports are attached as appendices, but the supporting information submitted with the applications has not been provided.
4. The first case relates to the stationing of a caravan at Anchor Farm, Wood Lane, Little Ellingham (Council Ref. 3PL/2019/1496/LU) (the Anchor Farm LDC). In that case the Council was satisfied that the caravan would be delivered in two parts, would not be attached to the land and that there would be no building operations.
5. The second case concerns a caravan/mobile home at Mimosa, 62 Litcham Road, Mileham (Council Ref. 3PL/2021/1278/LU). The officer report refers to the caravan being substantially constructed off site.
6. The third case relates to a mobile home at Church Farm, 15 Tuns Road, Necton (Council Ref. 3PL/2022/0159/LU) (the Church Farm LDC). In common with the Anchor Farm LDC the report notes that the caravan would be delivered in two parts and then bolted together.

7. The Council has not responded to the inconsistency argument which the appellant makes in her application for costs. However, applications for LDC are very fact specific. For example it appears that the Council could confirm its view that in order to meet the definition of a caravan the structure had to be delivered in two parts straightforwardly in relation to the Anchor Farm LDC and the Church Farm LDC.
8. By contrast the appeal scheme requires consideration of the degree to which the structure is to be constructed on site. Although I have not agreed with the Council in terms of its conclusion, its decision on the appeal scheme was not inconsistent with the other cases based on the different information before it. Therefore, the Council has not acted unreasonably in reaching a different view on the appeal scheme in this case.
9. In response to the application for costs the Council has submitted an appeal decision relating to an LDC at Trenear, 29 The Lagger, Chalfont St Giles (Appeal Ref. APP/X0415/X/17/3174735). The applicant advises that the information submitted in support of this scheme was not so comprehensive as that before me. Thus, this decision provides further demonstration that the outcome of applications and appeals is case sensitive.
10. The Council's planning officer report addresses the relevant tests and also covers the question of whether or not the log cabin amounts to a building. There is also reference to the appeal decisions which were submitted to the Council by the applicant. Whilst the surveyors report and the crane hire report are not specifically mentioned in the planning officer report there is detailed reference to the way in which the log cabin was to be constructed and to the means by which it could be moved by crane.
11. There is a lack of agreement regarding whether or not the Council requested further information from the applicant before it made its decision. Furthermore, the advice provided by the Council in its email exchange with the applicant does not clarify the extent to which it had regard to the surveyors report nor the crane hire report before it made its decision. However, the Council refers to these documents in its decision notice which suggests that it did have regard to them when determining the application.
12. Overall there is a lack of clarity about what information the Council took into consideration when making its decision. However, the planning officer report addresses the key issues and on that basis the Council has not acted unreasonably in refusing the application, albeit that the appeal has been successful.

Conclusion

13. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Sarah Dyer

INSPECTOR