



Costs Decision

by R Curnow MA(TCP), BSC(Hons), CMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2026

Costs application in relation to Appeals Ref: APP/U1105/C/24/3354198 and APP/U1105/C/24/3354199

Land adjoining Harcombe Farm, Harcombe, Uplyme, Lyme Regis, DT7 3RN

- 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 East Devon District Council for a full award of costs against Mx Cian Willett-Dalglish and Mx Graham Willett-Dalglish.
 - The appeal was against an enforcement notice alleging Without planning permission and within the last 10 years, the material change of use of the Land for the siting and residential occupation of a touring caravan known as 'The Tiny Home' whose approximate position on the Land is shown edged in blue on the enclosed Location Plan.
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Decision

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

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 Council's case is that the Appellants did not offer any arguments or evidence to substantiate the many different grounds of appeal that have been made. This amounts to unreasonable behaviour, which has resulted in unnecessary costs to the Council in responding to the appeals.
4. In their response to the claim, the Appellants set out their intentions for the use of the land, and the pressures on them. They state that they do not consent to paying costs. The failures in the case lie with the Council's refusal over the preceding 4 years to use the policies with which the Appellants' position complies. They say that they have no contract or corporation with the Council, which has harassed them. They state that they have submitted considerable evidence and, in any event, the period for giving evidence has not ended.
5. The pressures on the Appellants in undertaking to use the land to provide food are immaterial to this costs application. This is simply to be assessed against whether they acted unreasonably during the appeal process and, if so, did this lead to unnecessary expense to the Council. For the same reasons, whether they had entered into a contract or corporation with the Council, and how it undertook its enforcement actions, are irrelevant here.
6. The Appellants did not submit considerable evidence to justify their various grounds of appeal. In the Ground (b) case, their own submissions show that there is a residential unit on the land. The evidence shows that this could reasonably be

described as a touring caravan, and that it is being used for residential purposes. They did not supply any evidence to substantiate their case, here, that the alleged breach of planning control had not occurred.

7. The Appellants put forward a very limited argument under Ground (c). This was based on the assertion that they were living on the land while they erected a building under permitted development rights. For reasons that I have given in my appeal decision letter, no evidence has been given to show they have a permitted development right to erect a building. Their case had no reasonable chance of success.
8. No evidence was put forward to substantiate their Ground (d) case and the evidence before me clearly pointed to the use having been undertaken for a matter of months rather than the 10 years required by statute. Similarly, no evidence was provided that was relevant to a Ground (f) appeal.
9. A case was put forward under Ground (g). Whilst I did not agree with the whole of its reasoning, that relating to the difficulties of finding alternative accommodation had resonance. I varied the terms of the Notice, though not to the degree requested by the Appellants.
10. As there was no fee paid, the Appellant's put no case before me to substantiate that their position was supported by planning policy. Lastly, the period for submitting evidence in respect of the appeal against the enforcement notice has ended. No further evidence can be submitted.
11. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a partial award of costs for the work undertaken by the Council on the appeal, save for that related to Ground (g) is therefore warranted.

Costs Order

12. 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 Mx Cian Willett-Dalglish and Mx Graham Willett-Dalglish shall pay to East Devon District Council, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Mx Cian Willett-Dalglish and Mx Graham Willett-Dalglish, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

R Curnow

INSPECTOR