



The Planning Inspectorate

Costs and Decisions Team
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Mr Benjamin Bowen
(HUGH JAMES)

Your Ref:

Our Ref: APP/P2935/C/25/3359929
APP/P2935/C/25/3359930

Date: 26 February 2026

Dear Sir

**LOCAL GOVERNMENT ACT 1972 - SECTION 250(5)
TOWN AND COUNTRY PLANNING ACT 1990 - SECTIONS 174 & 322
LAND AT 44 DONNINGTON ROAD, LONDON, NW10 3QU: APPEALS BY MS
KATHRYN SHRIMPTON & MR PAUL SHRIMPTON: APPLICATION FOR COSTS**

1. I am directed by the Secretary of State for Housing, Communities and Local Government to refer to the Inspector's decision of 22 May 2025 allowing the above appeals and quashing the enforcement notice issued by Northumberland County Council. The notice concerned an alleged breach of planning control, namely;

"Without planning permission, the material change of use of the Land from agriculture to residential including the erection of a timber chalet" on land described above.

2. This letter deals with the appellants' application for an award of costs against the Council as made in correspondence of 10 June and 5 August 2025. The Council responded in correspondence of 28 July 2025.

Summary of decision

3. The formal decision and costs order are set out in paragraphs 10 and 11 below. The application succeeds, to the extent, that a partial award of costs will be made.

Basis for dealing with the costs application

4. In enforcement appeals, as with appeals in general, the parties are normally expected to meet their own expenses, irrespective of the outcome. Costs are awarded only on the grounds of "unreasonable" behaviour, resulting in unnecessary or wasted expense. The applications for costs have been considered by reference to the Planning Practice Guidance on awards of costs (as published on the Gov.uk website under "Appeals"), the appeal papers, the correspondence on costs and all the relevant circumstances.

5. All the available evidence has been carefully considered. The decisive issue is whether or not the Council acted unreasonably by not carrying out adequate investigations before issuing an enforcement notice, with the result that the appellants incurred wasted or unnecessary expense. Paragraph 049 of the costs guidance is considered to be particularly relevant in this case.

Conclusions

7. The Council clearly disagree with the Inspector's findings that they failed to carry out adequate investigations due to not serving the enforcement notice on all those with an interest in the land as required by section 172(2) of the Town & country Planning Act 1990, as they did not consider that Mr & Mrs Flynn did not have sufficient interest in the land. However, if the Council felt that the Inspector's decision was flawed, it was open to them to challenge it in the High Court. As there is no evidence before for the Secretary of State of any successful challenge having been made, he has no option but to take the Inspector's findings to be correct and he has no jurisdiction to revisit them.

8. Therefore, on the evidence before him, the Secretary of State can only conclude that the Council failed to carry out adequate investigations before issuing the notice, which would have avoided the need for the appeals to be submitted. The result of the Council's actions was to cause the appellants to incur wasted expense in the appeal process. An award of costs will therefore be made.

9. As to the extent of the award, it is noted that a further notice for the same alleged breach was issued on 17 September 2025 and further appeals¹ against the notice have been submitted on the same grounds, save for ground (f). Therefore, the Secretary of State considers that a significant amount of the costs incurred in these appeals are re-useable in the new appeals. Consequently, an award of costs will be made, less any costs that are re-useable in relation to the new appeals.

FORMAL DECISION

10. For these reasons, the Secretary of State concludes that the Council acted unreasonably and caused the appellants to incur wasted or unnecessary expense as a result. A partial award of costs is therefore considered justified in the particular circumstances.

COSTS ORDER

11. Accordingly, the Secretary of State for Housing, Communities and Local Government in exercise of his powers under section 250(5) of the Local Government Act 1972, sections 195 and 322 of the Town and Country Planning Act 1990 and all other powers enabling him in that behalf, **HEREBY ORDERS** that Northumberland County Council shall pay to Ms Kathryn Shrimpton and Mr Paul Shrimpton their costs of the abortive appeal proceedings before the Secretary of State, limited to those costs that are not re-useable in relation to appeals APP/P2935/C/25/3374857 & 3374858; such costs to be assessed in the Senior Courts Costs Office if not agreed.

¹ APP/P2935/C/25/3374857 & 3374858.

12. The appellants are now invited to submit to Alex Campbell, Planning Enforcement Officer at Northumberland County Council, details of those costs with a view to reaching an agreement on the amount. A copy of this letter has been sent to him.

Yours faithfully

K McEntee

KEN McENTEE
Authorised by the Secretary of State
to sign in that behalf