

Costs Decisions

Site visit made on 26 February 2026

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 March 2026

Costs applications relating to Appeals Refs: APP/D0515/C/23/3334234 & APP/D0515/C/23/3334235

Land at 10 Redmoor Lane, Wisbech, Cambridgeshire PE14 0RN

- The applications are made by David Barclay and by DOD Investments Ltd under the Town and Country Planning Act 1990, sections 174 and 322 and Schedule 6, and the Local Government Act 1972, section 250(5), for a full award of costs against Fenland District Council.
 - The appeals were against an enforcement notice alleging "Without planning permission, the Erection of one (1) x dog kennel block and associated hard standings".
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Costs decisions

1. The applications are refused.

Reasons for the costs decisions

2. The Government's planning practice guidance ("the Guidance") indicates that the parties to an appeal are expected to behave reasonably to support an efficient and timely process and that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, the party may be subject to an award of costs.
 3. The applicants maintain that the Council behaved unreasonably by issuing the enforcement notice at an early stage after they had refused a planning application contrary to officers' recommendations and at a time when they had information within their possession that addressed the reasons given for issuing the notice. They maintain that the Council should have first had discussions with the applicants about the submission of a revised planning application.
 4. In response, the Council maintain that there was important information missing from the applicants' Noise Impact Assessment that led the Planning Committee to conclude that there could be no confidence in the noise levels that had been given nor in the noise levels that had been extrapolated from those results. The Council consider that it was expedient to issue the notice promptly in order to protect nearby residents from unauthorised development having a seriously detrimental impact on their amenity due to noise.
 5. The Planning Committee's minutes show in detail that they considered the application thoroughly and reached a conclusion that they were justified in reaching on the information available to them. The Council's decision to take
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early enforcement action was a proportionate response to an evolving breach of planning control that was harmful to residential amenity. It was necessary to take early action in order to protect nearby residents and to maintain public confidence in the planning system.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated and that an award of costs is not justified.

D.A.Hainsworth

INSPECTOR