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## Costs Decision

Site visit made on 5 February 2026

**by Paul Dignan MSc PhD**

an Inspector appointed by the Secretary of State

Decision date: 30 March 2026

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### **Costs application in relation to Appeal Ref: APP/T3725/C/18/3212295**

#### **Land at Meadow Cottage, Hill Wootton Road, Hill Wootton, Warwick, CV32 6QN**

- 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 Warwick District Council for a partial award of costs against Dr Martin Rooke.
  - The appeal was against an enforcement notice alleging the erection of a two storey building.
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### **Decision**

1. The application for an award of costs is allowed in part, 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. Claims of unreasonable behaviour can relate to substantial or procedural matters. In this case the costs claimed relate to a number of procedural matters.
4. Although I determined the appeal on the basis of the written representations, it was initially to proceed by the Public Inquiry procedure. An Inquiry was scheduled to open on 7 May 2024 and proofs of evidence were submitted 4 weeks beforehand by both parties in accordance with the timetable set out by the Planning Inspectorate. About 2 weeks before the opening the appellant advised the Council that he would be preparing rebuttal proofs on a few points, to be submitted by 1 May 2024. Rebuttal proofs were subsequently submitted shortly before close of business on 2 May, along with legal submissions. This was one working day before the Inquiry was to open.
5. Rebuttal proofs can be helpful to an Inquiry, as can advance notice of legal submissions, but in this case the rebuttal proofs included new evidence, the nature of which I considered required postponement of the Inquiry, in fairness to the Council, who would not have had adequate time to consider the new evidence. The appellant argues that the contents of the rebuttals could in any case have been adduced in evidence in chief, but I consider it more likely than not that had it been, it would have required adjournment such that the Inquiry would have had to be resumed at a later date. The evidence could have been critical to the claim of immunity from enforcement and hence needed careful consideration and further investigation by the Council.
6. I consider that the submission of new evidence of fact at such a late stage to have amounted to unreasonable behaviour. It resulted in the postponement of the Inquiry

at such short notice that costs would have been unnecessarily incurred. The conditions for an award of costs in respect of this matter are therefore met.

7. The Inquiry was then scheduled to open on 14 January 2025, but it was again postponed. I instead arranged a Case Management Conference (CMC) on that day by video call to discuss how the appeal would proceed, but was advised on the day before that the appellant's team would not be available. I do not accept, as the appellant has claimed, that they were unaware of the CMC due to staff changes at the appellant's solicitors, albeit the agenda was sent to the former contact. While a subsequent letter may have been addressed to a superseded contact, the correct solicitor contact was in contact with the Planning Inspectorate concerning the CMC arrangements. However, the CMC was arranged at very short notice so I do not consider the failure to have been so unreasonable as to justify a costs award.
8. The third event referred to by the Council was the rearranged Inquiry scheduled to open on 20 May 2025. There was considerable uncertainty about the potential participation of the appellant, who apparently had not instructed his legal representatives, but ultimately I cancelled that event due to a bereavement suffered by another participant. Hence any wasted costs were not directly due to unreasonable behaviour on the part of the appellant.
9. For these reasons I consider that the application should succeed in part, an award of costs being limited to the wasted costs incurred in terms of venue arrangements and representation for the May 2024 Inquiry. This does not include the costs of addressing the late evidence which would have been necessary in any event.

### **Costs Order**

10. 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 Dr Martin Rooke shall pay to Warwick District Council, the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in arranging a venue and representation for the Public Inquiry scheduled to open on 7 May 2024; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Dr Martin Rooke, 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.

*Paul Dignan*

INSPECTOR