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## Costs Decision

No site visit made

**by A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 10 April 2026**

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### **Costs application in relation to Appeal Ref: APP/J1915/C/24/3345777 The Bungalow, Edgewood Farm, Broxbourne Common, Broxbourne, Hertfordshire EN10 7QS**

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6 (“the 1990 Act”), and the Local Government Act 1972, section 250(5).
  - The application is made by Mrs Elizabeth Donoghue for an award of costs against East Hertfordshire District Council.
  - The appeal was against an enforcement notice (“EN”) alleging the failure to comply with Condition 6 of planning permission 3/11/1170/FP granted on 12 October 2011 which states: Within 3 months of first occupation of the new dwelling hereby approved, the existing dwelling shall be demolished and all rubble and debris removed from the site. The land shall be re-landscaped in accordance with details pursuant to Conditions 4 and 5 of this permission.
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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.
3. The applicant asserts that the EN was served incorrectly which amounts to unreasonable behaviour by the Council. They also requested the Council reserve issuing an EN on the applicant and instead allow the applicant a compliance period and an opportunity to regularise the development. However, they advise that the EN only gave the applicant 28 days to appeal, with no scope to regularise the development with the submission of a planning application. Furthermore, the applicant’s planning agent asked the Council to inform them prior to issuing an EN so they could prepare the applicant before it was issued, but this did not happen.
4. The Council has not responded to the applicant’s costs application.
5. I acknowledge that the applicant was not served a copy of the EN at their current address, even though it was included on a recent planning application submitted to the Council. However, even if the Council had served a copy of the EN to this address, there is nothing before me to suggest that the applicant would not have appealed. Therefore, this oversight did not amount to unnecessary or wasted expense in the appeal process.
6. It is not mandatory for a Council to follow a request to allow time for an applicant to regularise a development through the submission of a planning application,

especially if in their informal opinion the development is unlikely to be granted planning permission, or the time required to serve the EN is close to expiring.

7. The EN gave the appellant more than 28 days to appeal, which exceeds the minimum statutory timeframe imposed by s172(3)(a) and (b) of the 1990 Act. Furthermore, the applicant could have chosen to appeal under ground (a) – that planning permission ought to be granted for the alleged breach of planning control, which could have served to achieve the same objective as regularising the development via the submission of a planning application. However, the applicant chose not to appeal under ground (a). Consequently, the Council did not behave unreasonably in respect of this matter.
8. I appreciate the applicant's personal circumstances and the request from the planning agent to be informed prior to the Council issuing the EN. However, even if the Council had done as requested, there is nothing before me to suggest that the applicant would not have appealed. Consequently, it did not cause the applicant to incur unnecessary or wasted expense in the appeal process.

### **Conclusion**

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

*A Berry*

INSPECTOR