



Costs Decision

Hearing held on 27 January 2026

Site visit made on 27 January 2026

by Thomas Shields DipURP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2026

Costs application in relation to Appeal Ref: APP/B9506/C/25/3374397 Kensington Lodge, Main Road, Dibden, Southampton, SO45 5TD

- 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 the New Forest National Park Authority for a full award of costs against Mr Wayne Griggs.
 - The appeal was against an enforcement notice alleging the making of a material change of use of land for the stationing of a caravan for residential purposes to provide a single gypsy / traveller pitch.
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Decision

1. The application for an award of costs is allowed partially 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 on substantive and/or procedural grounds and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The arguments advanced on behalf of both parties were set out in their written submissions. As such, I need not repeat them in any detail here. The applicant's case is made on substantive grounds

Appeal on ground (c)

4. In an appeal on ground (c) the onus is upon an appellant to show that the alleged development in an enforcement notice does not constitute a breach of planning control. In this regard no written or oral evidence or argument was made by the appellant or his agent acting on his behalf in respect of ground (c). The failure to provide evidence constitutes unreasonable behaviour.
5. As a result the National Park Authority (NPA) were put to wasted time and expense in preparing their case in terms of written submissions and orally at the Hearing itself. Consequently, I find that unreasonable behaviour resulting in unnecessary or wasted expense to the NPA has been demonstrated.

Appeal on ground (a)

6. I acknowledge the written submissions on behalf of the appellant prior to the Hearing (including amongst them a design and access statement and the appellants own brief statement) were limited, but they nonetheless did contain

considerations that were material to the overall appeal Decision. It is not the case that they were without any merit at all in respect of the appeal.

7. Additionally, while it is a matter for the appellant to establish his Gypsy status within the definition¹, it was not unreasonable at document submission stage for the appellant and his agent to assume the NPA had already accepted the appellant's Gypsy status given that the use alleged by the NPA in its Planning Contravention Notice, and in the subsequent enforcement notice itself, related specifically to use of the land as a single gypsy/traveller pitch.
8. I do not agree with the NPA's argument that the appeal on this ground had no reasonable prospect of success. As is clear from the associated appeal Decision there was some conflict with some of the Development Plan policies, however the overall decision was on a balanced basis requiring weight to be ascribed to the various relevant factors both against and in support of the appeal.
9. For these reasons I find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

Appeal on ground (g)

10. For the reasons set out in the associated appeal Decision the compliance period in the enforcement notice has been varied to 11 months, primarily based on the appellant family's social, welfare and educational circumstances, as articulated in the appellant's own written submission and at the Hearing. As such, the appeal on this ground did not amount to unreasonable behaviour.

Costs Order

11. 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 Mr Wayne Griggs shall pay to the New Forest National Park Authority the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in relation to the appeal on ground (c) only; such costs to be assessed in the Senior Courts Costs Office if not agreed. The applicant is now invited to submit to Mr Wayne Griggs, to whose agent a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Thomas Shields

INSPECTOR

¹ Annex 1 Planning Policy for Traveller Sites (2015) updated in 2024