



Costs Decision

Site visit made on 10 March 2026

by R Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th April 2026

Costs application in relation to Appeal Ref: APP/W1850/X/25/3376739 Log Cabin at Redwood Orchard, St Michaels, Tenbury Wells, Herefordshire, WR15 8TL

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is made by Ms Brigid Eakins for a full award of costs against Herefordshire Council.
- The appeal was against the refusal of the Council to issue a certificate of lawful development (LDC) for works to the cabin to define it as falling within the definition of a caravan.

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 (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. The applicant claims that the Council's decision was incorrect and not well-founded, alleging that the Council failed to substantiate its conclusions on the proposed works to the building and that its decision was inconsistent with a previous appeal¹ finding (the 2015 appeal).
4. As set out in the PPG², it is the applicant who is responsible for providing sufficient information to support an application for an LDC. This equally applies at appeal.
5. The Council's concerns in relation to whether or not the proposed works would result in the structure falling within the statutory definitions of a 'caravan' and why a LDC was not issued are clearly set out in its Decision Notice.
6. That decision reflects the Council's concerns expressed during their consideration of the LDC application. According to the case officer's report, the Council had effectively put the applicant on notice of a refusal when it sought to canvass additional information with respect to demonstrating the resultant structural stability of the component parts necessary to retain the integrity of the cabin during any relocation. This approach was consistent with the advice in Paragraph: 006 of the PPG³ and was not unreasonable.
7. In response, the applicant relied on reference to the 2015 appeal suggesting that the only remaining test was the ability to divide the building into two parts.

¹ APP/W1850/X/15/3002415

² Paragraph: 006 Reference ID: 17c-006-20140306

³³ Reference ID: 17c-006-20140306

Notwithstanding that I have found that the proposed works would result in more than two parts, as was the Council's concern, that is not a correct interpretation of the 2015 appeal decision. Paragraphs 28-31 clearly refer to the requirement that the structure must be moveable to fall within the definition of a caravan. To do so would require a degree of structural robustness and integrity – discussed at paras.30/31 of that decision.

8. However, little precise and unambiguous structural information was provided in support of the application or the appeal. Moreover, in a s195 appeal where the burden of proof lies with the applicant, it is not for the Council to disprove a case where insufficient evidence has been presented. The applicant's assertion that the Council have not substantiated its reason for refusal is misplaced in that context.
9. I note the applicant's reference to a previous erroneous decision made by the Council in relation to the status of the subject building. However, whether or not that was a correct decision is not a matter in this appeal.
10. I also acknowledge that the applicant has informed that the cabin is to be removed in the manner suggested in the appeal plans. However, this has little relevance to the claim for costs.
11. For an application made under s192 of the Act, the appellants reference to reasons for refusing a planning application based on material considerations do not apply. The s192 procedure is a matter of interpretation of law only.
12. For the above reasons, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Hitchcock

INSPECTOR